



# **Hansard**

## **LEGISLATIVE ASSEMBLY**

### **60th Parliament**

**Wednesday 22 February 2023**



**Office-holders of the Legislative Assembly**

**60th Parliament**

**Speaker**

Maree Edwards

**Deputy Speaker**

Matt Fregon

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Juliana Addison, Christine Couzens, Jordan Crugnale, Paul Edbrooke, Bronwyn Halfpenny,  
Paul Hamer, Michaela Settle, Meng Heang Tak and Jackson Taylor

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Daniel Andrews

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

Jacinta Allan

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

John Pesutto

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

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**Leader of the Nationals**

Peter Walsh

**Deputy Leader of the Nationals**

Emma Kealy

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Mary-Anne Thomas

**Manager of Opposition Business**

James Newbury

**Members of the Legislative Assembly**  
**60th Parliament**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Addison, Juliana	Wendouree	ALP	Lambert, Nathan	Preston	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel	Mulgrave	ALP	McCurdy, Tim	Ovens Valley	Nat
Battin, Brad	Berwick	Lib	McGhie, Steve	Melton	ALP
Benham, Jade	Mildura	Nat	McLeish, Cindy	Eildon	Lib
Britnell, Roma	South-West Coast	Lib	Marchant, Alison	Bellarine	ALP
Brooks, Colin	Bundoora	ALP	Matthews-Ward, Kathleen	Broadmeadows	ALP
Bull, Josh	Sunbury	ALP	Mercurio, Paul	Hastings	ALP
Bull, Tim	Gippsland East	Nat	Mullahy, John	Glen Waverley	ALP
Cameron, Martin	Morwell	Nat	Newbury, James	Brighton	Lib
Carbines, Anthony	Ivanhoe	ALP	O'Brien, Danny	Gippsland South	Nat
Carroll, Ben	Niddrie	ALP	O'Brien, Michael	Malvern	Lib
Cheeseman, Darren	South Barwon	ALP	O'Keefe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim	Werribee	ALP
Cleland, Annabelle	Euroa	Nat	Pearson, Danny	Essendon	ALP
Connolly, Sarah	Laverton	ALP	Pesutto, John	Hawthorn	Lib
Couzens, Christine	Geelong	ALP	Read, Tim	Brunswick	Greens
Crewther, Chris	Mornington	Lib	Richards, Pauline	Cranbourne	ALP
Crugnale, Jordan	Bass	ALP	Richardson, Tim	Mordialloc	ALP
D'Ambrosio, Liliana	Mill Park	ALP	Riordan, Richard	Polwarth	Lib
De Martino, Daniela	Monbulk	ALP	Rowswell, Brad	Sandringham	Lib
de Vietri, Gabrielle	Richmond	Greens	Sandell, Ellen	Melbourne	Greens
Dimopoulos, Steve	Oakleigh	ALP	Settle, Michaela	Eureka	ALP
Edbrooke, Paul	Frankston	ALP	Smith, Ryan	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Fowles, Will	Ringwood	ALP	Spence, Ros	Kalkallo	ALP
Fregon, Matt	Ashwood	ALP	Staikos, Nick	Bentleigh	ALP
George, Ella	Lara	ALP	Suleyman, Natalie	St Albans	ALP
Grigorovitch, Luba	Kororoit	ALP	Tak, Meng Heang	Clarinda	ALP
Groth, Sam	Nepean	Lib	Taylor, Jackson	Bayswater	ALP
Guy, Matthew	Bulleen	Lib	Taylor, Nina	Albert Park	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Theophanous, Kat	Northcote	ALP
Hall, Katie	Footscray	ALP	Thomas, Mary-Anne	Macedon	ALP
Hamer, Paul	Box Hill	ALP	Tilley, Bill	Benambra	Lib
Haylett, Martha	Ripon	ALP	Vallence, Bridget	Evelyn	Lib
Hibbins, Sam	Prahran	Greens	Vulin, Emma	Pakenham	ALP
Hilakari, Mathew	Point Cook	ALP	Walsh, Peter	Murray Plains	Nat
Hodgett, David	Croydon	Lib	Walters, Iwan	Greenvale	ALP
Home, Melissa	Williamstown	ALP	Ward, Vicki	Eltham	ALP
Hutchins, Natalie	Sydenham	ALP	Wells, Kim	Rowville	Lib
Kathage, Lauren	Yan Yean	ALP	Wight, Dylan	Tarneit	ALP
Kealy, Emma	Lowan	Nat	Williams, Gabrielle	Dandenong	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Belinda	Narre Warren North	ALP
	Narracan		Wilson, Jess	Kew	Lib

**PARTY ABBREVIATIONS**

ALP – Australian Labor Party, Greens – Australian Greens,  
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

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**Wednesday 22 February 2023**

**The SPEAKER (Maree Edwards) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.**

*Condolences***Türkiye and Syria earthquakes**

**The SPEAKER (09:32):** Over the past week we have seen the confronting images coming out of Türkiye and Syria showing the destruction that has been caused by the earthquakes there. On behalf of the Victorian Legislative Assembly, I wish to offer our condolences to the people of Türkiye and Syria for the immense losses they have suffered and the devastation they have endured. I also offer our sympathies to the Turkish and Syrian communities here in Victoria, who have watched with sorrow and anguish the terrible situation faced by their families and friends. It is a time when we must come together to mourn those who have been lost and to support those who are in need. As a mark of respect, I ask members to rise in their places for a minute's silence.

**Members stood in their places.**

**The SPEAKER:** I advise that there will be a condolence book in the vestibule for MPs to sign.

**John PESUTTO (Hawthorn – Leader of the Opposition) (09:34):** *(By leave)* I thank the Leader of the House for this opportunity. Speaker, can I join with you in expressing our deep sorrow for the devastation that three earthquakes so far have visited upon the good people of Türkiye and Syria. I think I speak on behalf of the entire house here today in conveying our deepest condolences and in sending a clear message to the people of Türkiye and Syria that we in this chamber, all of us, stand united in sending not only our condolences but our strong material support for those people in this time of need.

**Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (09:35):** *(By leave)* We have all seen the terrible scenes from the 6 February earthquake. It has been for me personally a really traumatic and difficult time over the last fortnight, with family members who have been lost and friends who have been unaccounted for, but I am extremely honoured to be a Victorian and to see the show of solidarity and support across Victoria and across Australia with businesses, community groups and so many people uniting to show their support and send their love in many ways to Türkiye and Syria. I have been to many businesses, community groups, events and fundraisers, and it has been so heartening to see so many groups who are not Turkish or Syrian saying to me, 'What can we do to show our support to the Turkish and Syrian communities?'

Just recently, on Sunday, I was extremely moved by the generosity of the Vietnamese community. Within 4 hours they were able to raise \$80,000. And not just the Vietnamese and the Quang Minh Temple but, as I said, the whole business community, community groups, schools and just about everybody across Victoria have been showing their solidarity, including our governments, federal and state and across the nation. This is a time of great sorrow for the two communities – a time to heal, a time to mourn and a time to rebuild. On behalf of our government and I would say on behalf of the house – I would also like to thank my colleagues, who have shown great support for me in the last fortnight – I hope that there will be some peace for the two communities. I would like to say from the bottom of my heart: thank you, everybody, for your compassion and solidarity. Büyük geçmiş olsun, Türkiye. Yanındayız.

*Petitions***Castlemaine Primary School**

**Martha HAYLETT** (Ripon) presented a petition bearing 260 signatures:

*Castlemaine Primary School's playground includes a plastic modular area and a timber framed structure over pine bark – both in a state of disrepair and missing components that require replacement. Deterioration of the timber structure, in particular, is a safety concern, with a recent engineering audit identifying several OHS risks and hazards. In 2022 the playground was shut down for a number of months due to OHS concerns and now a number of components such as the slide have been removed. A significant number of student injuries have occurred on the playground equipment and, although the school has made modifications to improve its safety, the limit of engineering solutions has been exhausted.*

**The petitioners therefore request that the Legislative Assembly of Victoria**

*Calls on the Minister for Education to provide funding for replace of the playground.*

**Ordered that petition be considered tomorrow.**

*Documents***Documents**

**Incorporated list as follows:**

**DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** – The Clerk tabled:

Auditor General – Regulating Private Pool and Spa Safety Report – Ordered to be published

Independent Broad-based Anti-corruption Commission – Special report on Operation Clara – Ordered to be published

*Subordinate Legislation Act 1994* – Documents under s 15 in relation to Statutory Rules 7, 8, 9

*Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017:*

Burndap Birrarung Burndap Umarkoo Yarra Strategic Plan – Reporting on five months of implementation, from 24 February 2022

Report on the implementation of Burndap Birrarung Burndap Umarkoo – Yarra Strategic Plan 2022.

*Motions***Joint select committee**

**Brad ROWSWELL** (Sandringham) (09:40): I desire to move, by leave:

That:

- (1) A joint select committee be appointed to inquire into, consider and report to the Parliament by 30 November 2023 on the systemic sexual abuse of children in Victorian government schools, including:
  - a) the practices, policies and protocols in Victorian government schools for responding to allegations of sexual abuse of children, including measures put in place to respond to concerns about sexual abuse in those schools;
  - b) a proposal on how the government should provide an appropriate institutional response to the matters considered.
- (2) In undertaking the inquiry, the committee should not encroach upon the responsibilities of investigatory agencies or the courts in relation to particular cases, nor prejudice the conduct or outcome of investigations or court proceedings.
- (3) Such committee to consist of four members from the Legislative Assembly nominated by the Leader of the House and the Manager of Opposition Business and three members from the Legislative Council nominated by the Leader of the Government in the Legislative Council and the Leader of the Opposition in the Legislative Council; and that the overall composition of the committee should be not more than three government members, three opposition members, and one crossbench member.
- (4) The members to be appointed by lodgement of the names with the Speaker and President no later than 24 March 2023.
- (5) A message be sent to the Legislative Council requesting their agreement.

**Leave refused.**

**Brad ROWSWELL:** I request that the motion that I have just read be listed on the notice paper.

***Members statements*****Peter Parry**

**Tim PALLAS** (Werribee – Treasurer, Minister for Industrial Relations, Minister for Trade and Investment) (09:42): I acknowledge to the house the late Peter Parry, who was a CFA life member of Hoppers Crossing fire brigade in my electorate. Peter passed away just after Christmas following an illness. I express my condolences to his wife Carol and their extended family. Peter not only lived for his family, he was a passionate member of the CFA for 47 years, serving his community alongside other CFA members. He continued his service throughout his illness, spending time on light duties right up until November. There he sat on Saturdays or Sundays checking off the vehicles, ensuring that they were ready for the coming week. To have contributed so much of his life in a volunteer capacity is testament to Peter's character. It comes with the best hallmarks of courage, selflessness and integrity. Peter joined the Melton brigade in 1976 and then transferred to what was previously known as the Mossfiel brigade, now Hoppers Crossing, in 1981. Captain Paul DiMartino expressed the respect that was felt for Peter. Through his mentorship to many junior and senior members and his contribution to the CFA state competitions, Peter was recognised as a role model to many. The loss of Peter will be deeply felt across the CFA. His contribution and dedication will not be forgotten. On behalf of the Wyndham community, I express my thanks to Peter for his service and commitment to put the protection of others before himself.

**Camelot Castle**

**Cindy McLEISH** (Eildon) (09:43): Camelot Castle in Yellingbo recently came to life with a mediaeval village fair. It was just like the ads on TV, with sword fighting and displays of armour, with knights, jesters, priests, maidens and monsters all making an appearance. Community spirit was at an all-time high, being the first fair back since 2019 after COVID-19. The WHYLD Community Group, Woori Community House, Woori Yallock Bendigo Bank and local CFA brigades from Hoddles Creek and Yellingbo came together with Camelot Castle to put on the mediaeval fair. With 30 local market stalls from across the Upper Yarra and loads of activities for kids it was a great day out.

**Sir Andrew Grimwade CBE**

**Cindy McLEISH** (Eildon) (09:44): Sir Andrew Grimwade CBE was an extraordinary person who left his mark on life. Sometimes that mark was loud and bold but many times that mark was made quietly with minimal fuss. Andrew was admired as a chemical engineer, an Oxford-educated scientist, a businessman, an Angus cattle breeder and a philanthropist. He had an incredible intellect and a sharp mind and always had a twinkle in his eye. He was appointed a Commander of the Order of the British Empire for his services to arts and the community in 1997. Three years later he was knighted for services to industry and commerce. The National Gallery of Victoria and the Walter and Eliza Hall Institute of Medical Research benefited enormously from his decades of leadership, skill and experience. He chaired the Felton bequest committee. Retiring in Mansfield, he became active in the community and established the Beolite retirement village, serving as chair of the board. He was a patron of the Mansfield Musical and Dramatic Society and a man of action who will be greatly missed, and I send my condolences to Marsha and his son Angus and family.

**Türkiye and Syria earthquakes**

**Melissa HORNE** (Williamstown – Minister for Casino, Gaming and Liquor Regulation, Minister for Local Government, Minister for Ports and Freight, Minister for Roads and Road Safety) (09:45): I would like to express my heartfelt gratitude for the incredible support that our local community has provided to those affected by the natural disaster in Türkiye and Syria. On 12 February the Australian Islamic Centre in Newport was a hive of activity with its drive-through fundraiser for the victims, so

it was terrific to drive through, grab lunch for the family and support this initiative. Congratulations are really due, as they raised \$22,000. Then on 15 February I had the honour of attending the Newport Football Club at Langshaw Reserve for a community barbecue to also raise funds, with over \$16,000 being donated – and let me tell you, the family really enjoyed it.

The outpouring of support from our community has been overwhelming, and it has been heartening to see so many people come together in a time of crisis. The Australian Islamic Centre and the Newport Football Club fundraiser barbecues are more examples of communities across the Williamstown electorate and our great state of Victoria coming together to support a collective cause, one that is anchored in the values of social justice, fairness and equality. I am proud of the work that has occurred in our electorate, particularly the leadership of the Newport Football Club, who have brought our community together to help our friends and neighbours in Türkiye and Syria, and I congratulate them for their actions.

### **Rural and regional roads**

**Roma BRITNELL** (South-West Coast) (09:46): I rise today to raise the condition of regional Victoria's roads yet again. Our roads are not safe, and they are a legacy of the 18 of the past 23 years in which Labor has governed Victoria. When you leave metropolitan Melbourne it becomes very clear very quickly where Labor's priorities are. Potholes the size of small vehicles and corrugations and ridges are all part of the daily experience for regional Victorians. Countless members of the South-West Coast community have shown me photos of their blown tires and damaged rims. They have recounted their near misses and how they take lengthy alternatives to try and avoid the worst roads. It should not be like this.

Regional Victorian roads are dangerous. I encourage members to drive along the Woolsthorpe-Heywood Road as an example of how Labor does not govern for all Victorians. This road is just one example of a road no longer fit for purpose. I again invite the Premier to join me for a drive around South-West Coast to experience our roads firsthand. I have no doubt he will be shocked.

In October 2022 a \$165 million emergency road repair blitz was announced to find and fix potholes to get Victorians in flood-affected areas back on the road. This announcement served the purpose of making the government look like they were taking action. But as we see over and over again, the potholes are not fixed and the gravel put in the holes is gone – more waste by this government, which is the king of waste and king of spin. Victorians deserve better roads. Victorians deserve safe roads.

### **International Day of Women and Girls in Science**

**Steve DIMOPOULOS** (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:48): I joined our fantastic Minister for Education at John Monash Science School in Clayton to celebrate International Day of Women and Girls in Science. They were awesome. It is an amazing school with remarkable students – bright and very engaging. We enjoyed it very much. I want to thank Peter Corkill, the principal, and his team for showing us around and for the leadership. As we know, there is still a significant gender gap in all levels of science, technology, engineering and mathematics, as the minister said to the students on that day. On this side we are a government that recognises the importance of supporting full and equal access to science, and not just in schools.

### **Oakleigh Primary School and Kindergarten**

**Steve DIMOPOULOS** (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:48): The Minister for Education and I also attended the opening of the new buildings and basketball courts at Oakleigh Primary School. A major upgrade and refurbishment of this school was made possible by the \$13 million invested by our Labor government. Thanks to the architects and the builders who brought the vision to life, while retaining the hundred-year-old features in the old building. I also want to thank principal Michele Nolan and all her staff for the work they do and the very first-class education they provide. I also would like to make special mention of former

principal Jack Fisher, who advocated so strongly and was a fierce advocate and inspiration for the Oakleigh school community.

### **Victorian Heart Hospital**

**Steve DIMOPOULOS** (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:49): Finally, it was a special day on Sunday, the official opening of the Victorian Heart Hospital in Clayton with the Premier and the Minister for Health and colleagues. This is the first ever specialist standalone cardiac hospital in Australia, and it is in my electorate. I feel very, very lucky, as do my community. I have spoken about this many times, but this project is something that I am especially proud of and is close to my heart – no pun intended. It will do wonders for the community in health and research.

### **Heyfield Timber Festival**

**Danny O'BRIEN** (Gippsland South) (09:49): Thousands of people from across Gippsland flocked to Heyfield again on Saturday for the Heyfield Timber Festival. It was a great event and a credit to the organisers and a defiant wider industry. However, a cloud hangs over the entire sector. Labor government policy and court action have locked workers out of the bush, and supply has dried up so badly that even woodchop events across the state are under threat because they cannot get logs.

A deliberate Labor policy to end native timber harvesting, coupled with the failure to amend the timber code of practice to shut down green lawfare, has ground the industry to a halt. Harvest contractors are out of work, mills are closing or being forced to import timber, and last week 200 jobs were lost at Opal Australian Paper at Maryvale. If Labor wonders why it lost the seat of Morwell, it needs to look at its own policies.

It is no surprise the Greens are now seeking to bring forward the shutdown of the industry, producing one of the most spectacularly ignorant comments I have seen in recent times. Yesterday in the *Herald Sun* the member for Melbourne was quoted as saying:

Logging in native forests needs to end now – not in seven years when we have no forest left.

If the member for Melbourne truly thinks we are on the brink of having no forests left, I invite her to travel out to Healesville, face east and start walking. When she gets to Canberra and has not been out of a forest once, she will understand how sustainable this industry is after 150 years of operation. Timber is natural, sustainable and renewable and sequesters carbon while providing housing and jobs for regional people. Why the Greens and Labor do not support it is beyond me.

### **Türkiye and Syria earthquakes**

**Natalie SULEYMAN** (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (09:51): It is now over 14 days since the tragic events of the earthquakes that struck Türkiye and Syria. It is the worst natural disaster we have ever seen, and it is with our broken hearts and great sorrow but with a sense of great spirit that we see the Victorian community uniting in a show of solidarity. In particular I want to mention the generosity of the Quang Minh temple in my electorate and the Vietnamese community, the Senior Venerable Thich Phuoc Tan and respected leader Dr Phuc Nhan Pham and committee members from the Quang Minh temple, the chairperson Hakki Suleyman from the migrant resource centre and all the volunteers that have come forward to help during this time, working day and night to raise vital funds for Türkiye and Syria.

It is heartwarming to see the community spirit, in particular in the Quang Minh temple and in all small businesses, community groups, schools and sporting clubs and everyone across Victoria supporting and raising generous funds. This is truly an inspiring moment where Victoria has united. It is deeply moving, and from the bottom of my heart I thank everybody in Victoria for their compassion and support for the Turkish community.

### Nepean electorate schools

**Sam GROTH** (Nepean) (09:52): I rise today to congratulate the next generation of leaders on the Mornington Peninsula who I had the pleasure of meeting at recent school award ceremonies. At Rye Primary School I was proud to present the official badges to the school's incoming captains for 2023 Harvey Maule, Maxim Clabassi, Jacinta Tancredi and Marci Allen. These young leaders will work closely with school staff to develop an ever stronger and more positive school community. Rye Primary provide an impressive standard of education to our local families, and I am grateful for their continued work in developing the future of our young people. I would like to thank Lachie Featherston, principal of Rye Primary, for his great work building the leadership potential of his students.

At Red Hill Consolidated School I had the pleasure of meeting their future leaders for our ambitious and growing community. I was honoured to present new school captains Cleo Stuart, Tully Dynes, Nayte Katramados and Charlotte Quinlan with their leadership badges. These emerging community leaders, many taking on a role like this for the first time, give us all hope for the future of our engaged and active communities across the southern peninsula. The example these young people set for others in their cohort and wider school community is an important one. Our region is stronger when we are all engaged in advocating for our future and engaged with the youngest and oldest among us in developing meaningful solutions to the issues we face. That is something that will always be my focus as their representative in this place, and I will continue to be a passionate advocate for civic participation. I would like to thank Gus Wettenhall, principal of Red Hill Consolidated School, for his work in supporting the leadership potential of his students.

### Ashwood electorate schools

**Matt FREGON** (Ashwood) (09:54): The school year for 2023 is in full swing, and I have enjoyed dropping in to local schools in the Ashwood district to present prep bags, leadership badges and the Norm Gibbs Community Leadership Award. The first place our youngest Victorians will learn leadership is from their parents and guardians, who are their first role models, and as they grow older they will then see leadership in our early childhood educators. During this critical stage in their development it is so important our children have the support and resources they need to thrive, and so I am obviously, with my colleagues, proud to be part of a government that is supporting our young Victorians to achieve their best potential and become young leaders of free kinder and pre-prep, which started this year. When our preppies reach school age they meet new leaders: their teachers and leaders within our school community. Our teachers and school staff play a crucial role in supporting and educating the next generation of our leaders. The classroom is where many build up the confidence and necessary skills to excel later in life.

It is with great pleasure I give a shout-out to the newest Norm Gibbs Community Leadership Award recipients for 2022: Charlotte Wilkes from Mount Waverley Secondary College, Kiera McKindley from Essex Heights Primary School and Grace Andrews from Avila College. Also, our 2023 school captains Akshadi Saravanan and Aidan Lau from Pinewood Primary School, Riley Taing and Samika Krishan from Syndal South Primary and the fantastic school leadership team at Essex Heights Primary that I saw on Monday. These young Victorians model leadership within their schools and are the pride of the Ashwood community.

### Russia–Ukraine war

**Matthew GUY** (Bulleen) (09:55): This Friday Victoria's Ukrainian community will meet to mark a year of formal Russian invasion of the country. Although Ukrainians know that the invasion was in fact around nine years ago through Donetsk and Luhansk, this time Russia has taken quite a lot more land around Zaporizhzhia and Mariupol and of course in Crimea. Ukrainians, particularly those in Australia who have family in Ukraine like my own, know that those people – those 47 million Ukrainians – have seen the invasion of farms. They have seen civilian buildings and schools blown up and kids – children – murdered. This has come from nightly missile strikes, ground attacks and the Russian invasion that has taken place over the last year.

Ukraine has prevailed to date, and it has received much international support. Here in Australia I want to put on record the Ukrainian community's great support and indeed appreciation of now two federal governments, of most – not all but most – members of this Parliament and of many, many multicultural communities in this state who have been exceptionally supportive of the Ukrainian community in our time of need. It is a fight not between Ukraine and Russia. This is a fight between peace and tyranny, between tolerance and fascism, and it is one the civilised world cannot afford to lose. For all of those who have put so much into this effort to support Ukraine and to support those families back home: slava Ukraini.

#### **Bayswater electorate schools**

**Jackson TAYLOR** (Bayswater) (09:57): It is one of the best parts of my job, obviously, welcoming new student leaders. This year I want to congratulate all of the new school leaders for 2023 who will make their school communities proud. Over the past few days and couple of weeks I have been really proud to congratulate Oscar and Josh at St Luke's Primary School; Mitchell, Charlotte, Avril and Jackson at Boronia Heights Primary School; Megan, Anton, Abbie and Aaliyah at Regency Park Primary School and Dara and Will at Kent Park Primary School.

#### **Denise Budge**

**Jackson TAYLOR** (Bayswater) (09:57): I want to also acknowledge Denise Budge, an absolute legend and one of the most wonderful people I have met. After 37 years in the community sector, including nearly seven at Knox Infolink as manager, she has decided to enjoy a very well-deserved retirement. Denise is one of these people who does not hog the limelight, but I wanted to make sure she was recognised for her tireless work in supporting those who need it most.

Knox Infolink provides a wraparound service for those in Knox doing it tough, based on providing food relief, material aid, casework support, information and referrals along with advocacy. When Denise joined Infolink the future was quite uncertain, with drastic changes at the time meaning critical decisions with the dedicated team were made to sustain the service into the future. While manager Denise worked to refocus and grow the core business for food relief, expand the Share the Joy Christmas process project, step up support during COVID to support the community, begin the community breakfast program and continue their vital referral and advocacy services. Denise will be sorely missed by her team, who she cannot thank enough for their extraordinary work and support. She will be missed by the community and of course me.

#### **JW Manson Reserve, Wantirna**

**Jackson TAYLOR** (Bayswater) (09:58): I want to briefly acknowledge the fantastic work ongoing at the JW Manson Reserve pavilion in Wantirna. Construction is nearly complete.

#### **Duck hunting**

**Sam HIBBINS** (Pahran) (09:58): An overwhelming majority of Victorians want to see duck shooting outlawed.

**A member:** Boo.

**Sam HIBBINS:** That's right – boo to duck shooting; I concur with the member below me. More than two-thirds of Victorians agree that duck shooting should be banned. It is a practice that has no place in Victoria. It is cruel and results in the senseless slaughter of thousands of waterbirds every year. With climate change and drought conditions destroying habitat, waterbird numbers are already well below average and in long-term decline.

In Victoria the government continues to approve a new shooting season every year, ignoring the science, ignoring the community. The Premier has declared that this is a legitimate recreational activity. The wounding, the maiming and the killing of these birds has no place in our state. The Victorian Greens and I have been calling for an end to duck shooting for well over a decade. It is now time for the

government to do the right thing. Duck shooting has already been banned in New South Wales, Queensland and Western Australia, and I truly hope that finally this year Victoria will follow suit. It is a senseless and cruel practice. It belongs in the past. On behalf of Victorians and the members of the Prahran community who I know oppose this practice, I implore the government to make this happen.

#### **Ash Wednesday commemoration**

**Emma VULIN** (Pakenham) (10:00): Thursday 16 February marked 40 years since the devastating and tragic 1983 Ash Wednesday bushfires. An estimated 16,000 firefighters would find themselves battling over 180 fires in South Australia and Victoria. Of the 75 people who perished in those fires, 47 Victorians lost their lives that day, including 14 firefighters. I offer those firefighters who paid the ultimate sacrifice by performing so bravely in the line of duty my sincere thanks. May they rest in peace and never be forgotten. My brigade, the Upper Beaconsfield fire brigade, was fighting that day too. Tragically, 12 firefighters who came from the Narre Warren and Panton Hill brigades lost their lives on that day, along with nine residents from Upper Beaconsfield. 186 homes were also lost in the blaze. As a volunteer firefighter myself, I know the toll bushfires take on those fighting them, their families and the entire community.

On Saturday 12 February I attended the state commemorative service for the 40th anniversary at the Ash Wednesday Bushfire Education Centre in Cockatoo. Thank you to Graham Simpson and the CFA for arranging this event. The day was very difficult for many. It brought back the pain that so many still feel to this day.

On Thursday last week I attended a memorial service in Upper Beaconsfield and attended the firestorm exhibition at the Upper Beaconsfield community hall. The local brigade did an amazing job pulling together photos, artefacts and stories from our community that had not yet seen the light of day.

#### **Mildura electorate schools**

**Jade BENHAM** (Mildura) (10:01): I rise to acknowledge the school captains I have been lucky enough to present badges to in the last week at Tyrrell College, Sea Lake. Congratulations to Sophie McClelland and Lily McClelland and junior school captains Samantha McConnville and Aidan Smith. Also to those I could not present to at the same time at Ranfurly Primary School in Mildura – congratulations to Zach and Maddison as well as vice-captains Bailey and Bibb. Well done also to junior school council leaders Thomas and Nina. May you lead with integrity and poise.

Also, congratulations to a young lady who contacted me last week to tell me that my own election campaign last year had inspired her to campaign and run for class captain of grade 3 at Sacred Heart, Mildura. She made her own flyers, she campaigned hard and she won. Congratulations to Olivia Fraser.

#### **Rural and regional roads**

**Jade BENHAM** (Mildura) (10:02): Finally, on my 6-hour journey south on Monday it became apparent once again how the roads throughout regional Victoria have crumbled even further, and now with the busy harvest period in the north-west they are bound to get worse. Those large trucks have gained an extra trailer and families have gained even more hazards, and the danger for families is very real. I implore the government to make significant investments in our roads, including extending dual lanes on the Calder much further north, and to not scrap the country roads and bridges program. Much more investment is needed in roads in regional Victoria. Potholes need to be filled. Crumbling shoulders also need to be repaired.

#### **Pascoe Vale electorate**

**Anthony CIANFLONE** (Pascoe Vale) (10:03): In my first speech to Parliament I outlined my aspiration as the new member for Pascoe Vale to first and foremost serve the whole community as best I can. In this respect it gives me great pleasure to update the house on the fact that we have not wasted a day in helping the people of Pascoe Vale, Coburg and parts of Brunswick West.

Along with assisting dozens of constituents who have already contacted my electorate office, I am also delighted to have supported a number of local events and organisations. Straight after the declaration of the polls by the Victorian Electoral Commission on 9 December I raced straight over to Coburg High School for my first official event, to present their student leadership badges and to talk about Labor's record \$17.8 million commitment to building a new tech hub – a stark contrast to the Kennett Liberal government demolishing the original school when I was growing up. Over December, January and February I had the privilege to attend numerous other events, including helping welcome over 300 new local citizens at Merri-bek citizenship ceremonies and speaking at the Presentation of Our Lord Coburg Greek festival. I visited numerous local groups, including the Vizzini Social Club, the Licodia Eubea Social Club and the Victorian Arabic Social Services club.

Last week I stood with the Premier and Minister Suleyman and colleagues as we committed \$1 million for those impacted by the devastating earthquakes in Türkiye and Syria. I attended the official opening of the Islamic Community Milli Gorus grand Islamic mosque in Brunswick. I visited local sporting clubs, including Pascoe Vale soccer club, Brunswick Juventus, West Coburg Sports Club and the Nepalese football club Yeti FC.

On Friday 10 February I inspected the Merlynston station eastern car park to thank construction workers for their efforts and visit local residents impacted by the works, and last week I visited the Brentwood Kindergarten to donate a hamper in support of their fundraising drive. As the member for Pascoe Vale, I will remain committed to serving all residents.

#### **Ringwood electorate schools**

**Will FOWLES** (Ringwood) (10:04): The school year is off to a flying start in Ringwood. In the past week alone I have had the pleasure of meeting students and staff from five of our terrific schools, seeing firsthand the great education being delivered to our youngest Victorians. At Mullum Primary it was great to be given a tour of their \$5.17 million school upgrade by newly minted school captains Jai and Mavis and their principal Marie Beale.

A day later I was out at Eastwood Primary School and their outstanding deaf facility with principal Rukshana Verzijl, seeing the important support being provided to hearing-impaired students who come from across the Ringwood electorate to study at Eastwood Primary. The very next day I had the pleasure of visiting Whitehorse Primary School in Blackburn North and touring their great facilities with the aptly named Paul Tantram. It is a ripper of a local school with terrific academic results and a wonderful sense of community. But that is not all. Last week I joined the Blackburn Lake Primary School community to present the 2023 student leaders with their badges. A shout-out to this year's school captains: Sierra, Hannah P, Rose and Annie. I would like to take this opportunity to wish them all the very best in their roles.

I would like to also acknowledge the year 5s and 6s at Nunawading Christian College for welcoming me to their school on Monday of this week. Together we had great discussions about government, politics and the role of MPs in our democracy. Thanks to all of these schools for having me. I cannot wait to be back soon. In the meantime I am thrilled to be your voice inside the Andrews Labor government.

#### **Kororoit electorate distribution centre**

**Luba GRIGOROVITCH** (Kororoit) (10:06): I would like to take this opportunity to congratulate Jason Little and the team at Goodman for undertaking a build – the largest distribution centre in Australia – in my electorate, Kororoit, to service 4000 grocery stores and liquor outlets across all of Victoria. I recently attended the smoking ceremony and sod turn to mark the beginning of this construction, and I want to thank the Bunurong council traditional owners for the knowledge that they shared during the smoking ceremony and welcome to country.

This \$90 million investment by Metcash will help open employment opportunities and create 2400 jobs during the construction phase and provide employment for up to 1200 people once fully

operational. This will all be located in Melbourne's west, and I would hope that many of these positions will be filled by local talent in Melbourne's west living in close proximity. This site will be the size of seven MCGs. It will include state-of-the-art, highly energy efficient freezers, lighting and logistics equipment. With Goodman's sustainable approach to property development, this facility will also include 2.4 megawatts of solar, 35 electric vehicle charging bays and 200,000 litres of rainwater storage. This sustainable, future-forward, purpose-built facility is an innovative step forward for the logistics industry and will be an expansion on the four warehouses which are currently based in Laverton. And on that note I want to mention Sarah Connolly, the member for Laverton, who also attended the event.

### **Starward Distillery**

**Nina TAYLOR** (Albert Park) (10:07): Global demand for Victorian beverages is exploding, with local distilleries and drinks producers taking advantage of new trade opportunities with support from the Andrews Labor government. I had the great pleasure of accompanying the Minister for Trade and Investment Tim Pallas to a wonderful local distillery, Starward Distillery, in Fishermans Bend, where the company's expert distillers produce an award-winning range of whiskeys enjoyed around the world. On the one hand it is great to have a wonderful product, but how do you get it out to the world? The good news is that Global Victoria is helping exporters reach new markets through a packed schedule of trade missions, and we can see that Victoria is reaping the benefits of this incredible work. For instance, in 2021–22 the value of Victorian beverage exports grew by 36 per cent to \$137 million, with spirits a key to this growth. The value of spirits exports leapt by more than 60 per cent to \$34 million last financial year and has doubled in five years. Top markets are New Zealand, the US and Singapore.

Coming back to Starward Distillery, Starward now exports to 19 countries. This includes the company's key market, the United States, where products are available in 37 states and feature on the drinks list in four of out five Michelin-starred restaurants. Is that not brilliant? A great local company.

### **Ripon electorate community groups**

**Martha HAYLETT** (Ripon) (10:09): This week I will be tabling a petition in my name on behalf of the member for Bendigo West from the Castlemaine Primary School community calling for an upgrade to their playground facilities.

I want to take the opportunity today to acknowledge some of the amazing locals I have met across my electorate during the past fortnight. Last week I caught up with the super women behind the St Arnaud community kitchen, who feed delicious three-course lunches to so many locals in need every week. They have hearts of gold and won the Northern Grampians shire's Community Group of the Year award as a result. That day I also had the pleasure of catching up with Andrew, Russell, Greg and others from the St Arnaud Community Resource Centre, whose team of 10 volunteers provide food relief, homelessness support, digital literacy lessons and more to locals.

Last week I also caught up with Sue Horsley in Newbridge, who is helping coordinate the flood recovery efforts at the recreation reserve. She is also a much-loved teacher at Tarnagulla Primary School and won one of Loddon shire's 2023 community service awards.

Hannah Lanfranchi is another exceptional local. She won Central Goldfields shire's 2023 Young Citizen of the Year award and is school captain at Highview College. I had the pleasure of meeting Hannah recently at her Queen's Scout Award night, where her family were beaming with pride.

A special shout-out also to Wayne, Troy, Ben and Zach, who I met at Ballarat airport last week. They fight fires from the air using a Black Hawk helicopter, saving lives and helping protect so many across Ripon every fire season.

Lastly, I congratulate my friends at Ballarat Hindu Temple and Cultural Centre for hosting such a beautiful Maha Shivratri festival in Ballarat on Saturday night.

### Greenhills Primary School

**Vicki WARD** (Eltham) (10:10): Congratulations to Greenhills Primary School in Greensborough, who marked the beginning of their school year with a welcome to country smoking ceremony. Greenhills is doing important work with Indigenous reconciliation, education and respect. This is the second time they have begun the year with a smoking ceremony, this year led by Uncle Ringo, who was fantastic in engaging the students. Emma Thom, Sophie Mills, Grace Prat, Oakley Vipond, Broady D'Allmico and Ashton Croaker are terrific school leaders who helped with the ceremony. I also want to acknowledge the wonderful singing of the school choir with their song *Wominjeka*.

I also saw the students' new house T-shirts, which were a collaboration between Greenhills students and Indigenous artist Emma Bamblett. Emma is a proud Aboriginal woman with connections to the Wemba Wemba, Gunditjmarra, Ngadjonji and Taungurung peoples. Working with students from the 2022 Indigenous action team, Emma discussed her passion for her culture and sketched as the students brainstormed what connection to community and country means to them. The end result is dynamic new designs for Greenhills house T-shirts, which students wear on days when they have sport classes. The design features four animals: bunjil, eagle; waa, crow; buliyong, bat; and bulen-bulen, lyrebird. These are the names of the four house teams at the school. A big congratulations to the students in the 2022 Indigenous action team, artist Emma Bamblett, principal James Penson and assistant principal Janine Hough for their fantastic collaboration on this project.

### St Helena Secondary College and Glen Katherine Primary School

**Vicki WARD** (Eltham) (10:12): I would also like to recognise St Helena Secondary College and Glen Katherine Primary School for their combined smoking ceremony earlier this month. They welcomed Aunty Di to perform their ceremony, marking the beginning of the school year by acknowledging the Indigenous history of the country where the schools are located, and I congratulate the school captains involved. I am extremely proud of the work that schools in the electorate of Eltham are doing to educate students about our land's roots, traditional owners and the significance of First Nations people to our community.

### *Statements on parliamentary committee reports*

#### **Integrity and Oversight Committee**

##### *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*

**Kim WELLS** (Rowville) (10:12): I rise to talk about the Integrity and Oversight Committee report *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*. As I said last time we spoke on IOC committee reports, the only constant with this whole committee was that the deputy chair, the member for Sandringham, remained there for the entire four years, whereas the chair – I think we decided that we had five. The genesis of this report is so, so incredibly sad. The reason why it started was because of the suicide of Amanda Stapledon, a former mayor in Casey and a former Liberal candidate in 2014. I remember doorknocking for days with Amanda, and I always found her to be an incredible person. She was devoted to her son Pete and just devoted to her community. But that aside, she was one of a group that was being investigated by IBAC over dealings with developer John Woodman, who had a lot of property interests in that area.

The issue that the Integrity and Oversight Committee had to consider was when witness evidence should be heard in private or in public, and not everyone will agree with me in regard to my interpretation of this investigation that was being held by the IOC. There are very good reasons why IBAC should hold examinations in public – because it sends a very, very clear message to anyone in the public service, a local council or any government authority that you must do the right thing in all cases and that if you do not, there are very severe consequences. If you are brought before IBAC and you are questioned in public, it is very, very big news in this state, and we saw what happened with the Department of Education and Training.

The issue then moves on to who should be brought before a public examination, and the IBAC Commissioner will make that determination. Witness welfare must be considered in determining public or private examination – which one it should be. The Commissioner needs to decide, based on real evidence, who should be examined in public and who should be examined in private. The other obvious question is: how is it that Casey councillors are examined in public but on numerous occasions when Premier Andrews has been questioned by IBAC over numerous allegations of corruption it was all done in private? When you look at the ICAC in New South Wales, Gladys Berejiklian, the Premier at the time, was front and centre in a public examination. Yet in Victoria, if IBAC are going to ask the Premier questions, in every example he is examined in private, and that is a significant difference.

In a public hearing with the member for Sandringham, the then deputy chair of this committee, I directly asked the Commissioner why it was that Premier Andrews was only examined in private and never in public. The Commissioner gave a very clear indication that he wanted to answer the question; I think the member for Sandringham would agree. The Commissioner stated to the chair that he was prepared to answer that question about why Premier Andrews was only being questioned in private when the chair insisted that the feed be cut.

The chair relied on section 7(2) of the Parliamentary Committees Act 2003. The Commissioner was well aware of that section, very well aware of 7(2), and arrangements should have been made between the chair and the Commissioner on his ability to answer the question without breaching section 7(2). As a result, we never received an answer, so the question remains part of this report: why does the Premier of Victoria only have to give evidence to IBAC in private and never in public? I hope that the new IOC does further work in this area.

### **Integrity and Oversight Committee**

#### *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*

**Gary MAAS** (Narre Warren South) (10:17): I too rise to make a contribution on the committee report known as *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*. Ultimately it is a focus on witness welfare. It is about performance and outcomes of our integrity agencies. It is not about political outcomes, it is about using this incredible doctrine that holds our democracy together, known as the separation of powers, to enable oversight from the Parliament of Victoria of our integrity agencies to ensure that performance can be improved and to ensure that some unintended consequences – dire consequences, sad, tragic consequences – do not occur. It is certainly not about a political outcome that can be summarised in a couple of pages in a minority report.

For the body of work that has been put together by the Integrity and Oversight Committee, at this point I would like to commend the chair at the time, Ms Shing from the other place, who oversaw that body of work. About a year's worth of work went into this report. It included hearings and many, many submissions from various stakeholders, all to ensure the betterment of performance of our integrity agencies. I have no doubt that the recommendations that have been made in this report will go to improving the general performance of our four integrity agencies.

I reiterate: it is about the general performance, it is not about specific investigations that are taking place. And if specific investigations are going to be referred to, whether it is in a minority report or whether it is in a public hearing, well, that should not be the case. Again, if you want democracy to hold and you want that separation of powers to be clear, then you have to make it so. That does not mean that if you are the head of one of those integrity agencies, you cannot make comment. By all means make comment, but understand your position. Parliament remains supreme. Parliament makes the laws. Courts declare those laws, and lawyers – God bless the lawyers – will interpret those laws.

**Kim Wells:** How come the Premier's private office had to ring the journo?

**Gary MAAS:** Actually, I will pick up the interjection because here is another thing, member for Rowville: the amount of leaking which occurred from this committee, from I do not know where, is something which absolutely astounds me. If you cared so much about what the consequences were, then there would not have been the sort of leaking that occurred. Quite frankly, if you want to put in a minority report, turn up to work, and you should actually make the proper points that you wish to make about the performance of our integrity agencies and how we can improve that performance and not move into specific investigations. The leaking of confidential material from our Parliament and from our committees is an awful thing, and I would hope that that will not occur in the 60th Parliament's form of this committee. This is an excellent report, and I commend this report to the house.

**The DEPUTY SPEAKER:** I just remind members that using the word 'you' reflects on the Chair – probably not an ideal thing.

### **Integrity and Oversight Committee**

#### *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*

**Brad ROWSWELL** (Sandringham) (10:22): I also rise to address the *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare* Integrity and Oversight Committee report. Just another point for consideration: by one measure the member for Narre Warren South was casting aspersions on other members of this place, and it is unparliamentary to do so other than by substantive motion.

#### *Members interjecting.*

**Brad ROWSWELL:** The minister at the table, the Minister for Government Services, is getting a bit lippy. I suspect there is a reason for that.

During the course of this inquiry, as the member for Rowville, my colleague and a consistent member of the Integrity and Oversight Committee through the term of the last Parliament, pointed out, the reason why there was a specific focus on witness welfare was because of an acknowledgement of the tragic death of former mayor of Casey Amanda Stapleton. That is why there was a particular focus on witness welfare.

During the course of the inquiry there were a number of things that occurred which the member for Rowville and I thought were not right – things that we thought were unjust and things that we thought needed to be called out and needed to be articulated in a minority report. The member for Narre Warren South in his contribution suggested that the reasons for that were political reasons. The member could not be further from the truth. The reason why we submitted that minority report was not for political reasons; it was simply because we thought that an expectation had been set by the committee and by the then chair of the committee, Ms Shing in the other place, that this committee and that this inquiry would hear from witnesses – and guess what, they were not heard. That in itself is a disgrace. It is an absolute disgrace that they were not given the opportunity to put their case forward to be heard by this committee. In our minority report we made six recommendations. Recommendation 1:

When undertaking a call for submissions, this Committee should fully disclose how the submission could be received and treated. This should include information relating to a submission being received as public, confidential or partially confidential as well as advice about the possibility of presenting to the Committee in a public or private hearing.

The reason why we did this was because in the invitation for submissions Ms Shing in the other place said:

We invite submissions from the public to this important and timely review.

The statement goes on to say:

The committee is calling for submissions from the public addressing the following matters:

The experiences of witnesses and others involved in Victorian integrity agency investigations ...

So in the words of the chair, we invited witnesses to come and present to our committee. The next minute they are not welcome. They are not given the ability to be heard. That was all we were asking for, that was all witnesses were asking for. When we put in this minority report, and again I refer to the member for Narre Warren South's earlier comments, we did so not for a political reason but for a reason of –

**Kim Wells:** Decency.

**Brad ROWSWELL:** decency, truth and fairness in the process. There were a number of other recommendations that we made. Perhaps if there is an accusation of political interference in this process, it refers to the last recommendation that we made in this minority report. That recommendation is as follows:

Committee members must be required to disclose, at the earliest opportunity, any interference in Committee business that they become aware of – or are party to – by the PPO or any other politically aligned individual or body.

That is very important because, as the member for Narre Warren South mentioned, the separation of powers is darned important. It was the role of the committee as instigated by the Parliament to undertake this inquiry. It is not the role of the Premier's private office or any political apparatchik to insert themselves and to influence the outcomes of a parliamentary committee inquiry, and I cannot say with any certainty that that was not the case during the course of this committee report.

### **Integrity and Oversight Committee**

#### *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*

**Nina TAYLOR** (Albert Park) (10:27): I am pleased to speak to the Integrity and Oversight Committee's *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare* report. I will just perhaps draw the attention of the chamber to and perhaps echo some of the sentiments of my learned colleague the member for Narre Warren North that the IOC –

**A member** interjected.

**Nina TAYLOR:** South, pardon me. I am conflating, aren't I? I am very sorry about that. I had better get my norths and souths right. Anyway, the IOC is responsible for monitoring and reviewing the performance of the duties and functions of four of Victoria's leading integrity agencies. I think it is always important to adhere to the fundamental purpose and the premise for committees doing this very important and serious work and the rules and regulations that help ensure that the reports that are delivered are meeting the expectations of the Parliament. I would on that note like to, before turning further to the report, acknowledge the valuable contributions of the previous chairs of this committee Steve McGhie MP, the Honourable Jill Hennessy MP, the Honourable Harriet Shing MLC and Dustin Halse MP. In particular it should be recognised that much of the work –

*Members interjecting.*

**Nina TAYLOR:** Well, this is actually serious subject matter. If there are those members of the opposition that wish to be jocular in this situation, they can choose to do so, but I see it as serious subject matter. It should be recognised that much of the work upon which this report is based was completed during Harriet Shing's tenure. I should reiterate that the report reviews the performance of the agencies during 2020 and 2021, focusing on their management of the welfare of witnesses and others involved in their investigations. I note having looked into various matters that were considered that it was a very, very thorough process indeed in enabling the proper and appropriate compilation of this very detailed report. I commend all those who participated in contributing to the outcome of this report and also the very hard work of the secretariat.

**The DEPUTY SPEAKER:** I remind members to use correct titles for current members, please.

### Integrity and Oversight Committee

#### *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*

**Tim READ** (Brunswick) (10:30): I rise to speak on the report of the 59th Parliament's Integrity and Oversight Committee titled *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*. I will focus on just two issues: one relating to witness welfare in the IBAC's public hearings, and the second issue, which appears as an underlying subplot in the report, relating to the conduct of the Integrity and Oversight Committee members and its chairperson and how this demonstrates a problem in Parliament's joint investigatory committees.

First, I will talk about the IBAC and public hearings. Our integrity agencies are granted some extraordinary powers, including coercive powers such as witness summons and the ability to hold public hearings. Holding public hearings is, as the Western Australia Corruption and Crime Commission's Kirsten Nelson puts it, 'essential to restoring public trust and confidence in public institutions', but this does not mean that integrity agencies can be insensitive to the mental health of those subject to coercive public examination. Under section 117(1) of the Independent Broad-based Anti-corruption Commission Act 2011, a public hearing can only be held – and I paraphrase – where (a) there are exceptional circumstances; (b) it is in the public interest; (c) a public examination can be held without unreasonably damaging a person's reputation, safety or wellbeing; and (d) the conduct under investigation may constitute serious or systemic corrupt conduct. This is the highest threshold for holding public anti-corruption hearings in the nation, but the requirement for exceptional circumstances to hold a public hearing serves no benefit either to a witness or the public apart from imposing an artificial reason not to hold a public hearing. I think the general public would expect that public hearings should always be held when IBAC is investigating serious and systemic corruption and where it has been determined that it is in the public interest to do so.

Recommendation 2 in the Integrity and Oversight Committee's report is for the government to amend the IBAC act to require IBAC to develop guidelines and give reasons for holding public examinations under section 117(1). The Greens support this recommendation. But given the advantages of holding public hearings and the unjustifiable limitation on IBAC holding a public hearing via the exceptional circumstances threshold, we are also calling for the exceptional circumstances requirement to be repealed from the IBAC act.

I will now turn to the second issue in the report and minority report. The committee's report outlines how section 7(2) of the Parliamentary Committees Act 2003 justified a cautious approach to hearing evidence from witnesses that resulted in limited evidence being heard by the committee, particularly during public hearings. The report argued that it was bound by section 7(2), which prevents the committee investigating a matter before an integrity agency or reviewing a decision of an integrity agency or prejudicing criminal proceedings or investigations. After reading the report, these justifications for limiting evidence are flimsy and not proportionate to any risks. The report also does not explain why the committee did not attempt to manage such risks through means that were less compromising to the inquiry, which would have enabled all relevant evidence to be heard.

As an outsider looking in, it is certainly far easier to believe that this government-dominated committee acted in the way it did to protect the government, the executive and the Premier rather than to virtuously promote section 7(2) of the Parliamentary Committees Act. This is a problem even if this assessment is baseless, because the perceived independence of these committees is critically important for them to function.

There is a conflict of interest where members of investigatory committees scrutinising the government are expected to perform this duty impartially whilst remaining loyal to their political party and its leadership, and government chairs of these committees often go from chairing the committee that scrutinises the executive to being appointed as a member of the executive during the course of the inquiry. The same conflicts of interest apparent to existing government chairs of committees will apply to all future chairs of investigatory committees when they are also members of that government,

regardless of political colours. Where conflicts cannot be managed they must be avoided, and this is a case in point. Because parliamentary investigatory committees are impossibly compromised in their functions when dominated by government members, I call on the government to correct this failure by mandating that such committees are sufficiently independent of government control.

### **Integrity and Oversight Committee**

#### *The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*

**Michaela SETTLE** (Eureka) (10:35): I rise to speak on the Integrity and Oversight Committee's report *The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*. This is obviously an important report and is evidence of the absolutely important work that committees do in our Parliament. I am not sure that people in the outside world understand the significance of the work that goes on, but without question these form a very important part of our role here.

I would like to acknowledge the committee but in particular the chair, the member for Narre Warren South, who has done an extraordinary job on this committee and as chair. I thank him for his work. Not to diminish that, though, having been on committees myself, I am also very aware of the work that the secretariat put in. Whilst I think the member for Narre Warren South did an extraordinary job as chair, I am sure that was ably assisted by the secretariat. In closing, I would just like to acknowledge the hard work of committees in general but particularly this committee, the Integrity and Oversight Committee. I thank the chair for all of his hard work and acknowledge the secretariat.

### **Bills**

#### **Heritage Amendment Bill 2023**

##### *Statement of compatibility*

**Sonya KILKENNY** (Carrum – Minister for Planning, Minister for Outdoor Recreation) (10:37): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Heritage Amendment Bill 2023.

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

In my opinion, the Heritage Amendment Bill 2023 (**Bill**), as introduced to the Legislative Assembly, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

##### **Overview of the Bill**

The Bill will amend the *Heritage Act 2017* to:

- modernise requirements in relation to notices, the publication and inspection of documents and hearings under the Heritage Act;
- provide for the making of exclusion determinations; and
- make general amendments to improve the operation of the Heritage Act.

##### **Human Rights protected by the Charter that are relevant to the Bill**

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

- right to privacy and reputation (section 13);
- freedom of expression (section 15);
- cultural rights (section 19).

For the following reasons, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, those limitations are reasonable and demonstrably justified having regard to the factors in section 7(2) of the Charter.

**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) provides that a person has the right not to have their reputation unlawfully attacked. An interference with privacy 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. An interference with privacy will not be arbitrary provided it is reasonable in the particular circumstances.

*Information privacy*

The Bill inserts a new exclusion determination process into the Heritage Act, which requires applicants for exclusion determinations to provide information to the Executive Director of Heritage Victoria. To the extent that the information collected by the Executive Director includes personal information, the right to privacy will be engaged. However, the collection of information will be permitted by law and will be confined to information that is necessary for determining applications. Accordingly, I consider that any interference with a person's privacy resulting from the exclusion determination provisions will be lawful and not arbitrary.

The Bill also requires the publication of information in certain circumstances. Amendments to the Heritage Act provide that certain notices and registers may be made available online, which mean that any personal information they contain may be more easily accessible by a wider audience. However, the Bill specifies that personal information must not be disclosed without the applicant's consent, thereby reducing any potential interference with an individual's privacy. While the address of land the subject of a permit application may be published, that will not necessarily be personal information. To the extent it is, I consider that this interference is lawful and appropriately confined, as this information is necessary to understand the application being considered. In my view, having regard to the circumstances in which information is disclosed, these provisions are compatible with the right to privacy.

*Powers of entry*

The Bill amends section 201 of the Heritage Act to permit an inspector or authorised person, when exercising entry powers for the purposes of investigating the cultural heritage significance of a place or object or determining compliance with the Act, to enter an unoccupied residence without written consent provided two days' clear notice is given to the owner of the residence.

While the exercise of this power may interfere with the privacy of an individual in some cases, any such interference will be lawful and not arbitrary. The power must be exercised with clear notice, at a reasonable time and for specific purposes connected with the enforcement of the Heritage Act. Further, entry to an unoccupied residence is likely to constitute a lesser interference with privacy than a residence that is occupied. In cases in which a residence is occupied, an inspector or authorised person will not be permitted to enter the residence without the occupier's written consent. Accordingly, I consider that this provision is compatible with the right to privacy under the Charter.

I therefore consider that the amendments made by Part 7 of the Bill will be compatible with the Charter right to privacy because any limitation on the right is not arbitrary and is reasonable and justified.

**Freedom of expression**

Section 15(2) of the Charter provides that every person has the right to freedom of expression, which includes the freedom to seek, receive and impart information and ideas of all kinds.

*Access to information*

Clause 78 of the Bill inserts new section 254F in the Heritage Act, which provides that the Heritage Council or the Executive Director of Heritage Victoria is not required to make a document, the Heritage Register or the Heritage Inventory available on request if it is not reasonably practicable to do so as a result of an emergency or serious risk to public health in respect of which an emergency declaration has been made. While this amendment engages the right to freedom of expression, which includes the right to receive information, any interference will be minimal as many documents (including the Heritage Register and the Heritage Inventory) will continue to be accessible electronically. Further, I consider that the exception in section 15(3) of the Charter will apply to the provision, as a lawful restriction that is reasonably necessary to respect the rights of other persons and for the protection of public health.

*Access to hearings*

Section 248 of the Heritage Act provides that Heritage Council hearings, on whether a place or object is to be included in the Heritage Register, are to be conducted publicly. Clause 81 of the Bill amends this provision to enable the Heritage Council to close a hearing, or part of a hearing, to the public if a person making a submission objects to doing so publicly and the Heritage Council is satisfied that the submission is of a

confidential nature. By impeding a person's access to information, this provision engages the right to freedom of expression.

However, the right of a person to receive information is not absolute. These measures strike an appropriate balance between making submissions publicly available and ensuring that the Heritage Council has access to all relevant information on which to base its decision. Accordingly, I consider that clause 81 of the Bill is compatible with the right to freedom of expression under the Charter. I note that, to the extent that a hearing of the Heritage Council may be a civil proceeding under section 24 of the Charter, the right to a fair hearing will also be engaged. However, the right will not be limited because section 24(2) of the Charter provides that members of the public may be excluded from a hearing if permitted under legislation, as would be the case here.

Clause 81 of the Bill also inserts new section 248A in the Heritage Act to allow Heritage Council hearings to be conducted by audio link or audio visual link, as an alternative to in-person hearings. New section 248A provides that a hearing that is conducted in this manner must be made available to the public either while the hearing is being held or as soon as reasonably practicable afterwards. If a person or their representative do not attend the hearing, the Heritage Council may make a determination or recommendations without hearing from them. The purpose of this amendment is to provide the Heritage Council with greater flexibility in conducting proceedings and, in turn, better equip it to continue to perform its legislative functions and obligations. While these provisions have the potential to engage a number of rights under the Charter, including the rights to equality, freedom of expression, participation in public life and a fair hearing, any limitation on these rights will be reasonable and demonstrably justified. The option to conduct hearings by audio link or audio visual link provides an alternative mechanism to facilitate the hearing process; however under section 249 of the Heritage Act, the Heritage Council will still be bound by the rules of natural justice and required to consider all written submissions made pursuant to section 44 of the Heritage Act.

I therefore consider that the amendments made by Part 6 of the Bill will be compatible with the Charter right to freedom of expression because any limitation on that right is not arbitrary and is reasonable and justified.

#### **Cultural rights**

Section 19 of the Charter protects the cultural rights of all persons with a particular cultural, religious, racial or linguistic background, and acknowledges that Aboriginal persons hold distinct cultural rights that should be protected.

Part 7 of the Bill inserts new section 36A into the Heritage Act to enable a prescribed person or body to apply to the Executive Director of Heritage Victoria for an exclusion determination that a place or object, or part of a place or object, not be included in the Heritage Register. If the Executive Director makes an exclusion determination, it prohibits that place or object (or part thereof) from being considered for inclusion in the Heritage Register for five years following the determination.

To the extent that an exclusion determination prevents culturally significant places or objects from being protected by inclusion in the Heritage Register, cultural rights under the Charter will be engaged. However, under new section 36C, the Executive Director can only make an exclusion determination if satisfied that the place or object (or part thereof) has no reasonable prospect of inclusion in the Heritage Register. Further, a person who has a real and substantial interest in the place or object has the right to request a review of the decision by the Heritage Council. The provision does not alter the standard for inclusion of matters in the Heritage Register. It is a procedural provision to provide certainty about an outcome that would be the case in any event (e.g. if another person nominated a place during the course of a development).

For these reasons, I am satisfied that the making of an exclusion determination is compatible with cultural rights under the Charter because any limitation on those rights is not arbitrary and is reasonable and justified.

**The Hon Sonya Kilkenny MP**  
**Minister for Planning**

#### *Second reading*

**Sonya KILKENNY** (Carrum – Minister for Planning, Minister for Outdoor Recreation) (10:38):  
I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

The Victorian Government is committed to delivering an efficient, practical, and effective heritage system for Victoria.

**Legislative changes**

The Bill will amend the *Heritage Act 2017*. These legislative amendments will create the following reforms:

- Provide for online access to heritage documents and notices and Heritage Council hearings; and
- Allow for applications to exclude places and objects from the Victorian Heritage Register; and
- Clarify and improve the operation of the Heritage Act.

**Notices, publication and inspection of documents and hearings**

The Bill removes the requirement to make physical documents available on request in Department offices during an emergency or where there is serious risk to public health.

The Bill modernises the legislation and increases public visibility of Heritage Act processes by allowing online access to key documents and notices via the Heritage Victoria or Heritage Council websites.

Public access to Heritage Council hearings will also be enhanced by the new provisions outlining the process for hearings to be held using audio or visual links.

The amendments also require searchable versions of the Victorian Heritage Register and Heritage Inventory to be made available online.

**Amendments in relation to the exclusion of places and objects from the Victorian Heritage Register**

Government agencies tasked with delivering major transport projects in Victoria have sought greater certainty on their obligations under the Heritage Act. Agencies have sought a way of establishing the heritage significance of any place or object affected by a major project early in the planning stages. Under current legislation, there is a significant risk that major transport projects will be disrupted or delayed by the receipt of a new nomination from a third party after works have started.

The Bill will create greater certainty for these projects. This is achieved by allowing agencies to apply to the Executive Director of Heritage Victoria to exclude a place or object from the Victorian Heritage Register. Applications are likely to be made where there was some possibility that a place or object have some heritage value or where this remains unclear.

If the Executive Director is completely satisfied that the place or object does not and will not meet the threshold for inclusion in the Victorian Heritage Register, the exclusion application would be granted. If the place or object does have potential for inclusion, it would become a nomination for inclusion and be progressed accordingly. Either way, the process will allow the significance of the heritage place or object to be established and taken into account in the planning stages of a project.

If an exclusion is granted, new nominations for that place or object will not be considered for five years unless significant new information is provided. This gives agencies the certainty required to plan projects and to provide appropriately for any heritage that is identified before works on a major project begin.

The robustness of the decision-making process is supported by allowing the Heritage Council to receive requests to review any decision within the first 28 days.

**General Amendments to the *Heritage Act 2017***

The Bill will improve Heritage Act processes. Key changes relate to the processes for issuing heritage permits, consents for archaeological sites, and entering places and objects into the Victorian Register. The amendments:

- Allow the Executive Director of Heritage Victoria to initiate permit amendments with owner consent where this will result in a better heritage outcome.
- Allow applicants to make minor permit amendment requests without paying a fee.
- Allow permit exemptions to be revoked if they do not reflect best heritage practice.
- Require permits to be issued in 45 business days rather than 60 days, eliminating issue of decision-making timeframes including weekends and public holidays.
- Allow the Heritage Council to delegate power to the Executive Director to remove archaeological sites from the Heritage Inventory.
- Add a 20-day statutory timeframe for decisions on consents, and decisions on whether to include a site in the Victorian Heritage Inventory.

- Align consent process with existing permit provisions, including allowing applications for consent amendments, and consent exemptions.
- Reinstate a requirement to notify the Executive Director of Heritage Victoria of an intention to carry out an archaeological survey and the requirement to submit a survey report within 6 months.
- Ensure nominations to add land or objects integral to a place are subject to the same provisions as other nominations.
- Require the Heritage Council to provide reasons for decisions on whether to include a place or object in the Victorian Heritage Register.

The Bill also introduces several practical changes. These include:

- Ensuring the Heritage Council will be able to call on funds set aside as a security measure, for example a bank guarantee, to ensure compliance with permit conditions.
- Ensuring that, where places have multiple owners, only those directly affected by Heritage Act processes need to be involved.
- Preventing people from being guilty of an offence when acting in accordance with a notice or order served on them.

I commend the Bill to the house.

**Cindy McLEISH** (Eildon) (10:38): I move:

That this debate be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 8 March.**

**Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023**

*Statement of compatibility*

**Ros SPENCE** (Kalkallo – Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Suburban Development) (10:39): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023.

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 Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023.

In my opinion, the Children and Health Legislation Amendment (Statement of Recognition, Aboriginal Self-determination and Other Matters) Bill 2023, as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview of the Bill**

The Bill amends the *Children, Youth and Families Act 2005* (CYF Act), the *Child Wellbeing and Safety Act 2005* (CWS Act), the *Social Services Regulation Act 2021* (SSR Act), the *Commission for Children and Young People Act 2012* (CCYP Act), the *Health Services Act 1988* (HS Act), the *Public Health and Wellbeing Act 2008* (PHW Act) and other acts to:

- Amend the provisions of the CYF Act for protecting children and providing community services for children and families to advance Aboriginal self-determination;
- Amend the HS Act and the PHW Act to recognise and advance Aboriginal self-determination in Victoria's health and wellbeing services;
- Amend the CWS Act to expand the definition of 'employee' consistent with the intended scope of the Reportable Conduct Scheme, provide the Commission for Children and Young People (Commission) with an express power to commence proceedings for offences under the scheme, and powers to effectively enforce requirements relating to notifying the Commission about reportable allegations;
- Amend the SSR Act to provide for transitional provisions relating to the Suitability Panel and other consequential amendments;

- Amend the CYF Act to enable the Children's Court to make rules that delegate certain powers of a registrar or magistrate to a judicial registrar; and
- Amend the CCYP Act 2012 to enable the Commission to advocate on behalf of children and young people who have had contact with the child protection and out of home care systems.

#### **Human rights promoted by the Bill**

The Bill promotes the following rights under the Charter:

- Right to equality (s 8(2)–(3))
- Protection of children (s 17(2))
- Cultural rights (s 19(2))
- Fair hearing rights (s 24(1))

*Amendments to the Children, Youth and Families Act 2005, the Health Services Act 1988 and Public Health and Wellbeing Act 2008*

#### **Cultural rights**

Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, declare and practise their religion, and use their language. Section 19(2) of the Charter further provides specific protection for Aboriginal persons, providing that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

*Advancement of the self-determination of Aboriginal people in relation to child protection, community services and health and wellbeing services*

One of the main purposes of the Bill is to advance the self-determination of Aboriginal people in relation to the protection of children, the provision of community services and in the health system. Clause 4 of the Bill inserts new a Part 1.1A in the CYF Act, in which new section 7A contains a Statement of Recognition that acknowledges that Aboriginal people are the First Nations people of Australia, and acknowledges the role played by the child protection system in the policies that led to the dispossession, colonisation and assimilation of Aboriginal people. A new section 7B expressly acknowledges the treaty process in progress in Victoria and the aspirations of Aboriginal people to achieve increased autonomy and control of decision-making in relation to the administration of services for Aboriginal children and families.

Clause 4 then inserts new Part 1.1B into the CYF Act which sets out binding principles relating to the recognition of Aboriginal children in respect of child protection. The principles aim to guide decision making in relation to Aboriginal children and to ensure that the distinct cultural rights of Aboriginal children and families are recognised, respected and supported in the context of child protection and other services.

Similarly, clause 60 of the Bill inserts new Part 1A into the HS Act, to enshrine a Statement of Recognition and Statement of Recognition principles into the Act. Clause 61 of the Bill inserts new Part 1A and a Statement of Recognition and Statement of Recognition principles into the PHW Act. Although the Statement of Recognition principles do not expressly guide or aid in the interpretation of the HS or PHW Acts, these changes also embed the recognition of the cultural rights and self-determination of Aboriginal people in relation to the health system, and to ultimately improve health and wellbeing outcomes for Aboriginal people in Victoria.

The insertion of an Aboriginal Statement of Recognition and associated recognition principles in the CYF Act, the HS Act and the PHW Act seeks to promote the protection and maintenance of cultural rights of Aboriginal people, particularly children, in respect of child protection and the provision of community services and the health system. The right to self-determination of Indigenous peoples is recognised in international law, including under article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. The new provisions expressly recognise and promote the self-determination of Aboriginal people in respect of decision making in the child protection, community services and health and wellbeing contexts.

#### *Powers of Principal Officers*

Clause 7 substitutes section 18 of the CYF Act and inserts new sections 18AAA and 18AAB. New section 18 enables the Secretary of the Department of Families, Fairness and Housing (the Secretary) to authorise a principal officer of an Aboriginal agency to perform certain functions and exercise certain powers conferred on the Secretary as a protective intervenor or in relation to the making of a protection order or other relevant order, in respect of an Aboriginal child or class of Aboriginal children, or their non-Aboriginal siblings. New section 18 aims to empower principal officers to exercise the functions and powers of the Secretary with regard to the entire course of a child protection investigation: from the investigation of the first report until

the making of a protection or other order. The new provision also avoids the need for a principal officer to obtain authorisations at different stages of a case, for example at the commencement of a protective intervention investigation, and then again once a protection order is made.

Clause 7 also inserts new section 18AAB which provides that the principal officer of an Aboriginal agency must notify the Secretary if they consider an authorisation for them to exercise various powers to no longer be in the best interests of the particular child or children to whom it relates. In reaching this conclusion, the principal officer must have regard to any views expressed by the child or children and their parent if their views can be obtained. The Secretary must then revoke the authorisation under section 18 of the Act.

These changes are intended to streamline the authorisation process that empowers principal officers of Aboriginal agencies to exercise the functions and powers of the Secretary in relation to Aboriginal children and to ensure these children receive continued culturally safe services from the protective investigation stage through to the making of protection orders. The exercise of powers by principal officers of Aboriginal agencies will also only remain in place while they are in the child's best interests, and the views of the child and their family will be centred in the decision-making processes that affect them. Accordingly, new section 18 will ensure the effective functioning of the Aboriginal Children in Aboriginal Care program and in so doing, promote the cultural rights of Aboriginal people, in particular the right to self-determination.

Clause 5 creates further principles for placement of Aboriginal children. These provisions emphasise the importance of respecting and upholding the distinct cultural rights of Aboriginal children, families and communities.

The creation of further principles for placement of Aboriginal children in my opinion promotes and does not limit the right of Aboriginal persons who hold distinct cultural rights.

Accordingly, the amendments introduced by these provisions do not limit any right to enjoyment of culture under section 19 of the Charter.

*Amendments to the Children, Youth and Families Act 2005, Child Wellbeing and Safety Act 2005, Health Services Act 1988 and Public Health and Wellbeing Act 2008*

### ***Rights of Children***

#### *Statement of Recognition and associated principles*

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of them being a child.

The amendments to the CYF Act to include a Statement of Recognition and its associated binding principles in respect of child protection and the provision of community services promote the best interests of Aboriginal children, as the Statement of Recognition expressly recognises the right to self-determination of Aboriginal children. New section 7E(2) provides that when considering the views of Aboriginal children, decision-makers must uphold their cultural rights and sustain their connections to family, community, culture and Country. This promotes the best interests of Aboriginal children by seeking to ensure they are respected and that their treatment is culturally safe and appropriate.

#### *New functions of the Commission and enforcement of the Reportable Conduct Scheme*

The changes to the CWS Act and other consequential amendments that give the Commission new functions in respect of advocacy for protected children and young people, as well as the introduction of new reportable conduct authorised officers to investigate and enforce that scheme, all seek to promote the rights of children. The amendments aim to protect vulnerable children and young people by allowing the Commission to advocate for them in certain circumstances as well as ultimately seeking to prevent child abuse and neglect through stronger enforcement of reporting requirements and the investigation and prosecution of failures in this regard.

### ***Equality***

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

#### *Statement of Recognition and associated principles*

The inclusion of a Statement of Recognition and associated principles in the CYF Act, the HS Act and the PHW Act seeks to promote the right to equal protection of the law without discrimination and the right to equal and effective protection against discrimination. These aspects of the Bill aim to ensure that the specific and distinct cultural needs of Aboriginal adults and children are recognised, respected and protected, and act as a bulwark against discrimination in the context of child protection, community and health and wellbeing services.

*Children, Youth and Families Act 2005 – amendments relating to judicial registrars*

The Bill will:

- enable the Children’s Court to make rules authorising judicial registrars to exercise certain magistrates’ powers, namely the *in personam* powers of a magistrate to issue warrants related to the care and protection of a child, and
- clarify that judicial registrars can exercise any power of a registrar.

The amendments will allow the Court to delegate power to issue certain warrants to judicial registrars but will not change the substantive nature of the power. The warrants may engage the right to freedom of movement (section 12), the right to privacy and reputation (section 13), and Aboriginal cultural rights (section 19(2)(a)). However, allowing judicial registrars to issue the warrants will not affect the extent to which those rights are engaged, as the existing framework of safeguards will apply. These amendments promote the right to a fair hearing (section 24), and protection of families and children (section 17).

***Right to a fair hearing***

Section 24(1) of the Charter provides that criminal and civil proceedings be heard by a competent, independent and impartial court or tribunal after a fair and public hearing. The right generally encompasses the established common law right of each individual to unimpeded access to courts and an implied right to a reasonably expeditious hearing.

Allowing the Court to extend certain powers of magistrates and registrars – such as the power to issue warrants – to judicial registrars will promote the right to a fair hearing by allowing the Court to operate more independently, flexibly and efficiently.

These amendments promote the Court’s independence by giving the Court greater control over its internal procedures, including how matters are allocated. Allowing the Court to delegate warrant powers will support the timely resolution of warrant applications and ensure magistrates have capacity to hear more complex matters. This will better equip the Court to manage demand, including the sustained increase in warrant applications, by allocating its resources appropriately. Efficiencies created by the amendments will help the Court to ease COVID-19 related backlogs, which will improve access to the Court.

Judicial registrars possess the requisite competence, independence and impartiality to exercise the powers that may be delegated. Judicial registrars must demonstrate a level of experience and comply with ethical obligations set out in Part 7.6A of the Act. In addition, existing safeguards in the Act relating to judicial registrars will continue to apply – for example, a judicial registrar must refer a proceeding that they consider inappropriate for their determination to a magistrate (section 542J). The Act also sets out review and appeal processes for decisions of a judicial registrar (section 542K). For these reasons, the right to a fair hearing will not be limited by the amendments.

***Protection of families and children***

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Allowing the Court to delegate powers to issue warrants to judicial registrars will promote children’s rights to protection by ensuring vulnerable children are protected as soon as possible. As outlined with respect to the right to a fair hearing, the amendments will provide the Court with more flexibility in allocating matters, which will help to ease magistrates’ workloads. This will contribute to the protection of families and children by ensuring magistrates have capacity to hear more complex matters relating to child protection in a timely manner.

***Engagement of Rights***

The following rights are engaged by the Bill:

- Right to privacy (s 13(a))
- Rights of children (s 17(2))
- Property rights (s 20)
- Right to freedom of expression (s 15)
- Right to the presumption of innocence (s 25(1))
- Right against self-incrimination (s 25(1)(k))

*Amendment of the Children, Youth and Families Act 2005**Use and Disclosure of Information*

The CYF Act permits the Secretary to authorise the principal officer of an Aboriginal agency to perform certain functions and exercise certain powers in relation to the protection of specific Aboriginal children and young people or their non-Aboriginal siblings. To enable these principal officers and their agencies to operate effectively in carrying out these authorised functions, clause 9 of the Bill inserts new section 19E into the CYF Act that sets requirements for the use and disclosure of information from the Secretary to principal officers and vice versa.

Broadly, these new provisions allow for the use and disclosure of information between the Secretary and principal officers of Aboriginal agencies if the information is necessary for the performance of a function or the exercise of a power of the principal officer under authorisation from the Secretary. New section 19E(3) also allows a principal officer to disclose to any person any information obtained by them in the course of performing a function or exercising powers if they reasonably believe that the information is necessary for the performance of those functions or exercise of those powers. These provisions will allow for principal officers to have access to information recorded by child protection practitioners in DFFH regarding their work with Aboriginal children and their families.

Clause 11 then inserts new subsection 192(4) which authorises and protects the disclosure of certain information by or to a principal officer, where they are exercising the powers or carrying out the functions of the Secretary or a protective intervener (such as the Secretary or a police officer) under a relevant authorisation.

These provisions engage the right to privacy under section 13(a) of the Charter.

***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 new provisions will allow information regarding children and their families to flow between DFFH and Aboriginal agencies under the new provisions, and possibly to other entities where it is considered necessary for the exercise of a principal officer's powers and functions under authorisation from the Secretary. While this may interfere with the privacy rights of these children and their families, I am of the view that clauses 9 and 11 of the Bill do not limit the right to privacy, as any interference pursuant to these provisions is prescribed by legislation that is precise and accessible, and is non-arbitrary in that the provisions are reasonable and proportionate to achieving the legitimate aim of ensuring the proper functioning of the child protection system and the protection of children from abuse and neglect through the appropriate sharing of relevant information between agencies.

*Authorised Officers for the Reportable Conduct Scheme – amendments to the Child Wellbeing and Safety Act 2005*

In order to bolster the enforcement and compliance powers of the Commission in relation to the Reportable Conduct Scheme, clause 30 of the Bill inserts new Part 5B into the CWS Act. New section 16ZO provides for the appointment of reportable conduct authorised officers (authorised officers) by the Commission. The remaining provisions in new Part 5B relate to the powers of these authorised officers in investigating non-compliance with and potential contraventions of section 16M of the CWS Act, namely the requirement for the head of an entity to notify the Commission of a reportable allegation against an employee of the entity within the specified time frame.

New Part 5B of the CWS Act engages the right to privacy (s 13(a)), the rights of children (s 17(2)), the right to property (s 20), the right to freedom of expression (s 15), the right to the presumption of innocence (s 25(1)), and the right against self-incrimination (s 25(1)(k)). These rights are discussed below.

***Privacy***

As discussed above, 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.

*Powers of authorised officers*

Clause 30 inserts new sections 16ZR to 16ZZH into the CWS Act, which provide for a range of powers enabling authorised officers to enter and inspect premises and seize documents and items.

New section 16ZR provides that an authorised officer may enter and inspect any premises or place if they reasonably believe it is a premises or place from, or in which, an entity: (a) operates; or (b) exercises care, supervision or authority over children; or (c) provides support for an activity referred to in paragraph (a) or (b).

Authorised officers may enter such premises:

- If the authorised officer has provided notice to the occupier of the premises and they have consented to the entry for the purposes of the authorised officer monitoring compliance by the head of an entity with section 16M(1) of the CWS Act;
- pursuant to a warrant; or
- for premises that are not residential premises, without a warrant and without consent if the authorised officer reasonably believes that the head of the entity is not complying, or has not complied with the notification requirement in section 16M(1) of the CWS Act.

New section 16ZV provides that warrants can be issued by a Magistrate where there are reasonable grounds to believe that entry to the premises or place is necessary to investigate whether the head of an entity is not complying or has not complied with section 16M(1) or that documents relevant to the possible contravention of section 16M(4) may be, or within 72 hours may be, present at the premises.

Where an authorised officer enters a place or premises, they may exercise the powers specified in new sections 16ZT (in the case of entry authorised by consent), 16ZX (in the case of entry by warrant), and 16ZZ (in the case of entry without consent or warrant). These powers vary, depending on the basis on which a person's entry is authorised, but broadly include powers to search the premises or place, inspect or examine documents, make enquiries of persons at the premises or place, observe activities being conducted there, take photographs or make recordings or sketches, copy or take an extract from documents, use and operate materials at the premises or place, secure electronic equipment, request information from persons at the premises, take into or onto the premises or place any person, equipment or materials, and seize documents or things in certain circumstances.

Further, an authorised officer who has entered a place or premises by consent may request that persons at the premises or place provide reasonable assistance, to or comply with lawful directions of the authorised officer. Where the entry does not rely on consent, authorised officers have stronger powers, and may require a person to produce documents, disclose certain information, operate equipment, provide assistance or comply with lawful directions. Under new sections 16ZY and 16ZZB, it is an offence for a person to fail to provide assistance to an authorised officer without reasonable excuse, respectively in relation to entry to premises with a warrant, and entry to premises without consent or a warrant.

The powers enable significant interference with privacy, including information privacy and privacy of the home, as authorised officers may inspect both workplaces and, in limited circumstances, residences and accommodation. However, a number of safeguards apply to the exercise of such powers to ensure they are not exercised arbitrarily or unlawfully. In particular, authorised officers who enter a premises:

- must produce their identity card and inform the occupier of the purpose of the entry and their right to refuse to consent to entry or to the exercise of various powers, where the authorised officer is entering the premises by consent (new section 16ZS);
- must only enter a part of a premises in which there is accommodation or in which residential services are provided if the resident of that part of the premises consents, or if the resident is unable to consent, the resident's parent or guardian has provided consent, unless they are entering the premises under a warrant (new section 16ZR(3));
- must provide notice to a resident, parent or guardian of the purpose of entry and of the rights and the powers that the authorised officers may exercise, amongst other things, before authorised officers can enter a residential part of a premises (new section 16ZR(4));
- must only exercise powers of entry during normal business hours of the premises or during the entity's usual hours of operation (unless otherwise provided for under a warrant, or by consent) (new section 16ZR(8));
- must leave a premises or place if consent is withdrawn (unless the entry is by warrant or does not require consent) (new section 16ZR(9));
- may only exercise powers (other than under a warrant) if they reasonably believe it is necessary to do so to investigate whether a relevant entity is not complying or has not complied with section 16M(1) of the CWS Act (new ss 16ZT(3) and 16ZZ(6));
- must not secure electronic equipment for more than 24 hours (other than with consent or under a warrant, or with an extension granted by a magistrate) (new ss 16ZX and 16ZZ);

- when consent is required to exercise a power, must explain certain matters including the person's right to refuse to consent, and seek a signed acknowledgment of consent (new ss 16ZU and 16ZZA); and
- when exercising powers of entry under a warrant, must generally announce that they are authorised by warrant, give a person at the place or premises the opportunity to allow entry, and provide a copy of the warrant to the occupier (if present) (new section 16ZW).

Further, new section 16ZZR sets out a complaints process enabling a person to complain about the exercise of a power by an authorised officer under that Division or under a warrant issued under new section 16ZV to the Commission. The Commission must investigate the complaint and provide a written report to the complainant and the authorised officer, after giving the authorised officer the opportunity to comment on the proposed report.

Accordingly, a broad range of safeguards are incorporated into the Bill to ensure the powers of authorised officers may only be exercised in a reasonable and proportionate way that protects the privacy of individuals to the greatest extent possible. The powers serve the important purpose of enabling authorised officers to effectively investigate potential non-compliance with the notification requirements for heads of entities set out in section 16M of the CWS Act. This serves the broader purpose of ensuring that heads of entities are properly reporting potential child neglect or abuse, and thus promotes the safeguarding of children and their best interests more generally. This follows the Royal Commission into Institutional Responses to Child Sexual Abuse finding that sexual abuse of children had occurred in almost every type of institution, and that institutions had largely failed to report and respond to allegations of abuse over many years and decades.

The powers are appropriately tailored to reflect the source of the authority to enter premises and exercise associated powers, with the most significant powers requiring the issue of a warrant by a magistrate. Unless a person consents to entry of a residential premises or accommodation, or unless a warrant is issued, authorised officers are restricted to entry of commercial or public premises and places, at which there is generally a lesser expectation of privacy. Further, where a person considers that powers have been exercised inappropriately, the legislation sets out a complaints process.

Accordingly, I consider that, to the extent that the authorised officer powers authorise interference with privacy rights, that interference will be lawful and non-arbitrary. To the extent that it is relevant, I also consider that any limit on the right to privacy would be reasonable and justified in accordance with section 7(2) of the Charter.

#### *Notices to produce*

Clause 30 also inserts a new section 16ZZI into the CWS Act providing that the Commission may issue a 'notice to produce' if it reasonably believes that the head of an entity is not complying with section 16M(1) of the CWS Act, requiring production of a specified document or information by the head of the entity or any other person, within not less than 14 days.

Under new section 16ZZL of the CWS Act, inserted by clause 30, the Commission may apply to the Magistrates Court for a declaration that a person has failed to comply with a notice to produce, and an order requiring the person to pay a civil penalty. The Magistrates Court must be satisfied that the person has failed to comply with the notice to produce and that the failure was unreasonable.

The above provisions authorise an interference with privacy, as notices may be issued in relation to the documents or information of any person, which may involve personal information relevant to the compliance of the head of an entity with its notification requirements under section 16M(1).

In my view, any such interferences will not be arbitrary or unlawful. The power serves the important purpose of promoting compliance with the notification requirements for reportable allegations, which aims to reduce the risk of child abuse occurring, and enabling an effective response when it does occur. It is being provided for in the context of the Royal Commission's findings of widespread failure to report such conduct. It allows the Commission to better regulate the reportable conduct scheme in a more responsive manner. This is particularly important given the broad scope and diversity of organisations required to comply with the scheme.

Importantly, clause 30 of the Bill inserts new section 16ZZP into the CWS Act, and this allows a person to seek an internal review by the Commission of a decision to give a notice to produce. This internal review mechanism is a key safeguard in ensuring that any interference with privacy in the issuance by the Commission of a notice to produce is reasonable and proportionate.

In relation to non-compliance, the Bill provides for the Commission to apply to the Magistrates Court for a declaration that the person failed to comply with a notice to produce in new section 16ZZL. The Court must be satisfied that the person failed to comply and that the non-compliance was unreasonable. Further, in determining the amount of a civil penalty, the Court must consider the impact of the civil penalty on the person and whether the non-compliance with the notice to produce was wilful or serious. This ensures that civil penalties imposed for failure to produce are not unduly harsh and adequately take into account the individual circumstances of the person on which they are imposed.

In addition, the Commission, remains subject to a range of confidentiality and information sharing restrictions in the CWS Act, the CCYP Act and the Privacy and Data Protection Act 2014 in relation to how private information is collected, handled and disclosed. These requirements impose additional safeguards to ensure that personal information collected through the notice to produce is dealt with appropriately.

I therefore consider that the notice to produce provisions are compatible with the right to privacy. However, insofar as privacy rights may be limited, I am of the view that any such limit is reasonable and proportionate in accordance with section 7(2) of the Charter.

#### ***Rights of children***

As discussed above, section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right recognises the special vulnerability of children, and requires states to adopt social, cultural and economic measures to protect children to foster their development and education. The scope of the right is informed by the United Nations Convention on the Rights of the Child, which requires that in all actions concerning children, the best interests of the child shall be the primary consideration.

Overall, clause 30 of the Bill and new Part 5B of the CWS Act promotes this right by improving the enforcement of and compliance with the notification requirements of the reportable conduct scheme, in order to reduce the risk that children will be subject to neglect or abuse. However, certain provisions may limit the individual rights of particular children, as discussed below.

#### ***Disclosure of information***

It is possible that the new provisions requiring persons to provide documents or information to authorised officers (under one of the provisions discussed above) may identify a child and disclose sensitive information about them. However, in my view, because the amendments are for the purpose of protecting children from abuse, they are likely to be in every child's best interest overall. In addition, safeguards are contained in the CWS Act and the CCYP Act to limit the disclosure and use of protected and sensitive information.

Accordingly, I consider that the provisions requiring the production of documents or information to authorised officers are compatible with the right of the child to such protection as is in their best interests under section 17(2) of the Charter.

#### ***Power to interview children***

Pursuant to new section 16ZZD, an authorised officer is empowered to interview a child who is present on the premises when exercising powers of entry under the Bill. Before interviewing a child, the authorised officer must consider, and take all reasonable steps to mitigate, any negative effect that the interview may have on the child. The authorised officer must also consider whether the child's primary family carer should be present during the interview. However, in some circumstances, the exercise of this power may not be in the best interests of a particular child, and so may limit the rights of the child under section 17(2) of the Charter.

However, to the extent that the right may be limited by new section 16ZZD, I consider any such limit to be reasonable and proportionate for the important purpose of ensuring section 16M of the CWS Act is complied with and that reportable conduct relating to child abuse and neglect is properly notified to the Commission. While such an interview may have a negative effect on the child, the overall intention of the scheme (including the power to interview children) is to protect children from harm associated with non-compliance with section 16M. Further, the power is appropriately tailored to limit any negative effects on children, having regard to the requirements that the authorised officer consider steps to mitigate the negative effect of the interview on the child. I note that while a primary carer is not always required to be present for an interview, this is consistent with child empowerment principles, which may be undermined if there is a general requirement for a parent or independent person to be present regardless of the child's circumstances, ability, and support needs.

As information about the experience of children in relation to an entity will sometimes be essential to identifying whether the entity has complied with its statutory requirements, I consider that there is no less restrictive means reasonably available to achieve the purpose of effective regulation and enforcement in respect of the reportable conduct scheme. I therefore consider that the limit on rights is reasonable and justified in accordance with section 7(2) of the Charter.

#### ***Property rights***

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right is not limited where there is a law that authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct.

As set out above, the Bill enables authorised officers to seize documents and things in certain circumstances. Under the new CWS Act provisions, items may only be seized with a warrant or with consent. Where an item

is seized, new section 16ZZF provides a process by which the owner must be given a receipt for the seized items that identifies the documents seized, sets out the name of the authorised officer, and the method for contacting them as well as the reason for the seizure.

This new provision requires that the items must be returned to their owners once they are no longer required or not later than three months after seizure, or once consent to seizure is withdrawn by the owner. An authorised officer must not hold seized items for longer than three months unless they obtain an order from a magistrate extending the period during which the item may be held (for a total extension period of no more than 12 months), or if the owner provides consent, or if the proceedings or investigation for which the item was seized remains ongoing but not resolved. The magistrate can only grant such an extension if satisfied that the extension is necessary for the purposes of an investigation into a relevant entity's compliance with section 16M of the CWS Act. Under new section 16ZZG, seized items may only be destroyed where an authorised officer is not able to return them to the owner after taking reasonable steps to do so, with the permission of a magistrate who must consider the destruction appropriate.

These powers engage the right not to be unlawfully deprived of property under section 20 of the Charter. However, as any deprivation of property associated with these provisions will be governed by a clear and accessible process set out under the legislation, any interference with property rights will be lawful, and the right will therefore not be limited. To the extent that it is relevant, I also consider that any limit on the right would be reasonable and justifiable in accordance with section 7(2) of the Charter.

#### ***Freedom of expression***

Section 15 of the Charter provides that every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations, or for the protection of national security, public order, public health or public morality.

This right may be engaged by the new section 16ZZH which stipulates that it is an offence to obstruct or impersonate an authorised officer. These provisions may engage the right to freedom of expression by limiting the kind of information that a person may impart by preventing that person from misleadingly presenting themselves as an authorised officer. However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations to the right in section 15(3), as reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order. The restriction on impersonating an authorised officer enables protection of the right to privacy (by preventing people from purporting to exercise the powers of authorised officers where they are not authorised officers) and of the rights of the child (by promoting the effective monitoring and enforcement of section 16M of the CWS Act). They also protect public order by promoting the effective operation of the reportable conduct scheme. Accordingly, I consider these provisions to be compatible with the right to freedom of expression under section 15 of the Charter.

#### ***Presumption of innocence***

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. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

#### ***'Reasonable excuse' defence***

##### *Offence provisions for failure to provide assistance to an authorised officer*

The right to the presumption of innocence is engaged by various new sections 16ZY, 16ZZB of the CWS Act, inserted by clause 30 of the Bill, which provide that it is an offence to fail to provide assistance to an authorised officer 'without reasonable excuse'. As these offences are summary offences, section 72 of the Criminal Procedure Act 2009 will apply to require an accused who wishes to rely on the 'reasonable excuse' exception to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse.

By creating 'reasonable excuse' exceptions, the offences in the Bill may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence as to a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge (for example, why the accused failed or refused to assist an authorised officer), the burden shifts back to the prosecution who must prove the absence of a reasonable excuse beyond reasonable doubt. I note that case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidentiary onus falls short of imposing any burden of persuasion on an accused.

Accordingly, I am of the view that the right to be presumed innocent under section 25(1) of the Charter is not limited by these provisions.

*Compliance notices*

New sections 16ZZJ and 16ZZK may engage the right to presumption of innocence as the provisions provide for the Commission to give the head of an entity a notice to comply if the Commission suspects that that head is not complying with section 16M(1)(a) or (b) of the CWS Act, that is the notification requirements of the reportable conduct scheme. The notice must state the action that the person must take to address any issues identified in the notice and the date by which such action is required to be taken. It is an offence to fail to comply with a compliance notice, by failing to take the action specified in the notice by the specified date, without reasonable excuse.

As the prosecution of a failure to comply with a compliance notice does not require proof of the commission of the underlying contravention to which the notice was issued, this may engage the right to the presumption of innocence in the Charter (s 25(1)). Additionally, a proceeding for a non-compliance offence may also require a person to respond to matters relevant to the alleged contravention, engaging section 25(2)(k) of the Charter which provides that a person cannot be compelled to testify against themselves or confess guilt. The scope of both these rights have been interpreted as extending to protect a person to circumstances prior to the issuing of a criminal charge.

However, in my view, the provision attracts adequate safeguards so as to not constitute a limit on these rights. As a preliminary point, the compliance notice scheme serves an important objective of providing the Commission with a timely and targeted mechanism for compelling a head of an entity to take necessary remedial action in response to suspected contravention of the reportable conduct notification requirement. It facilitates the immediate and direct prevention or remediation of conduct which may be putting a child at risk and may be continuing, in a way that proceeding with a prosecution for an alleged contravention is not able to do.

The Bill provides for rights to seek internal review and review by VCAT in relation for review of a decision by the Commission to give the head of an entity a reportable conduct notice to comply, which provides a person with an avenue to contest the notice where it is disputed that any alleged contravention has been committed.

Accordingly, I am satisfied the compliance notice scheme provided for in the Bill is compatible with the Charter.

*Amendment of the Commission for Children and Young People Act 2012*

Clause 39 of the Bill inserts new Part 4A into the CCYP Act. New section 30B sets out the new functions of the Commission to advocate for the human rights of protected children, new section 30C allows the Commission to request information, documents or records from the Department of Families, Fairness and Housing or an alternative care service, and new section 30D provides for the Commission to liaise with other entities from whom the child or young person has sought assistance to avoid unnecessary duplication. These new provisions engage the right to privacy under section 13(a) of the Charter.

*Privacy*

As outlined above, section 13(a) of the Charter protects the right not to have a person's right to privacy unlawfully or arbitrarily interfered with.

*New functions of the Commission*

New section 30B sets out the new functions of the Commission which include seeking assistance from a government department or other organisation or making representations on behalf of the protected child or young person. This might engage the right to privacy through the disclosure of information about the child.

However, I am of the view that the new functions of the Commission would not limit the right to privacy, as any interference is prescribed by clear, precise legislation that is non-arbitrary in that it is a reasonable and proportionate measure to improve the advocacy for, and protection of, vulnerable children. Indeed, the new section 30B promotes the rights of children. Accordingly, I consider that new section 30B is compatible with the Charter.

*Request for information by the Commission*

The Commission may request the Secretary of the Department of Families, Fairness and Housing or an out of home care service to provide information, documents or records to it under new section 30C, if the same is reasonably required for the Commission's advocacy functions under new section 30B. The Secretary or out of home care service may then disclose the relevant material if it is reasonably necessary for the performance of the Commission's advocacy functions. The disclosure of information relating to a child engages the right to privacy.

Given the information sharing under section 30C is pursuant to properly prescribed and clear legislation that is non-arbitrary in that it is a reasonable and proportionate measure to ensure that the Commission can properly carry out its advocacy functions in respect of protected children and young people, and in so doing promote their rights, I am of the view that the right to privacy is not limited by new section 30C.

*Avoiding unnecessary duplication*

New section 30D provides that if the Commission becomes aware that a protected child or young person has sought assistance from another entity, the Commission must liaise with that other entity to avoid the unnecessary duplication of assistance to the protected child or young person and to facilitate coordination and expedition of that assistance. Given this would necessarily require the sharing of information relating to children by these entities, new section 30D engages the right to privacy.

However, I consider that any interference with privacy does not limit the right under the Charter, as the same would occur pursuant to precise and accessible legislation that is reasonable and proportionate to achieve the aim of avoiding duplication and wastage of public resources in respect of child protection, and ultimately the promotion of the rights of vulnerable children more broadly.

**The Hon Ros Spence MP**  
**Minister for Prevention of Family Violence**  
**Minister for Community Sport**  
**Minister for Suburban Development**

*Second reading*

**Ros SPENCE** (Kalkallo – Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Suburban Development) (10:40): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

The Bill reflects and acts on the Government's commitment to Aboriginal self-determination and progressing this through a range of mechanisms, including by legislative reform. The Bill proposes amendments to embed recognition of Aboriginal self-determination across child protection and health. It also makes technical amendments to improve the operation of four other key regulatory schemes.

Evidence given to the Yoorrook Justice Commission hearing in December 2022 brought into sharp focus the community's concerns about the over-representation of Aboriginal children in the child protection system and the extent of children being removed from the care of their family. In an immediate response to this evidence, the Premier made a public commitment to work with the Minister and First Nations communities to devise a new child protection system to address these issues.

This Bill includes proposals that represent very significant steps in progressing self-determination for Aboriginal communities. Steps that we can take now to improve the system as part of first stages of an overhaul to allow greater Aboriginal-led service delivery and improve outcomes for Aboriginal children, young people and communities, as we progress towards treaty.

Victoria is committed to meeting the National Agreement on Closing the Gap target to reduce the rate of over-representation of Aboriginal children in care by 45 per cent by 2031. This commitment is underpinned by the 2018 *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement* that established a landmark partnership between the Aboriginal community, government and the child and family services sector to achieve better outcomes for Aboriginal children and young people. At the heart of *Wungurilwil Gapgapduir* is a commitment to the reduction of the over-representation of Aboriginal children in child protection and alternative care. This will be achieved by enabling the advancement of Aboriginal models of care and transferring decision making for Aboriginal children to Aboriginal community-controlled organisations. This Bill is an essential part of achieving that vision.

This Bill also supports the Victorian Aboriginal Affairs Framework, through the Government working in partnership with Aboriginal people to meet the goal that Aboriginal children are raised by Aboriginal families. In particular, the Bill advances the objectives of:

- Eliminating the over-representation of Aboriginal children and young people in care,
- Increasing Aboriginal care, guardianship and management of Aboriginal children and young people in care, and
- Increasing family reunification for Aboriginal children and young people in care.

In the health sector, the Bill progresses a major priority of the Aboriginal Health and Wellbeing Partnership Forum by enshrining commitments to Aboriginal self-determination in our health legislation. This also progresses the Government's commitment to Aboriginal self-determination as set out in the *Victorian Government Self-Determination Reform Framework*.

Through the Bill, this Parliament will specifically acknowledge Victoria's Treaty process and our shared aspiration to achieve increased autonomy and Aboriginal decision-making. This includes greater control of planning, funding and administration of services, including through self-determined Aboriginal representative bodies established through Treaty. Through this, the Government will make clear our commitment to Treaty and the reform work currently underway.

To achieve these goals, the Bill focuses on the following key objectives:

- i. Embedding the Victorian Government's commitment to Aboriginal self-determination in the legislative framework for children and families services, and providing critical enablers to support Aboriginal-led models of care. This commitment is given effect through three sets of provisions in the *Children Youth and Families Act 2005*:
  - a. providing for an Aboriginal Statement of Recognition and an accompanying set of binding principles to guide decision making regarding Aboriginal children,
  - b. expressly including all five elements underpinning the intent of the Aboriginal Child Placement Principle, namely: prevention; participation; partnership; placement; and connection
  - c. strengthening provisions to enable the effective functioning of the Aboriginal Children in Aboriginal Care program, including enabling authorisation of Aboriginal-led organisations to undertake investigations, respond to Therapeutic Treatment Reports and access information through the department's client data base, and
  - d. removing outdated and offensive terminology from the Act.
- ii. Advancing Aboriginal self-determination to improve health outcomes and the delivery of health services, recognising the key role of the Aboriginal health sector in the delivery of Aboriginal health services, and supporting healing, acknowledging trauma and providing a foundation for future reform, and removing outdated terminology from the *Public Health and Wellbeing Act 2008*,
- iii. Ensuring the Commission for Children and Young People can advocate for children and young people and support them in understanding and exercising their right to raise issues of concern,
- iv. Amending the Reportable Conduct Scheme to address critical regulatory gaps impacting on the effectiveness of the scheme,
- v. Providing necessary transitional provisions to support the new Social Services Regulator and the Worker and Carer Exclusion Scheme, and
- vi. Enabling the Children's Court of Victoria to make rules that delegate certain powers of a registrar or magistrate to a Judicial Registrar.

As well as advancing these objectives, the Bill makes technical and clarifying amendments to make sure our laws operate as effectively as possible.

I will deal with each policy within the Bill in turn.

#### *Introducing an Aboriginal Statement of Recognition and accompanying binding principles*

The evidence is clear that the single biggest factor in improving health and social outcomes is self-determination. Self-determination and self-management for Aboriginal people must be progressed in order to achieve improved outcomes for children and families. We also need to strengthen provisions that uphold the importance of culture for the safety of all Aboriginal children. We recognise that Aboriginal people are best placed to lead and inform responses for Aboriginal children and families and that Aboriginal people have the strengths and the right to lead change for their children. Where an Aboriginal child and their family require additional support, their community will be best placed to identify and address their needs, and our systems need to enable this to occur at the earliest possible opportunity. All decisions regarding Aboriginal children and their families need to be guided by deep understanding of the centrality of culture, community and Country to health and wellbeing.

The Statement of Recognition and accompanying binding principles in the *Children, Youth and Families Act 2005* are a critical commitment to enacting self-determination for Aboriginal communities.

We know, through the impact of colonisation and its disconnect from Aboriginal culture, that Aboriginal children are 22 times more likely than non-Aboriginal children to be in out of home care. By guiding decision-makers through the Statement of Recognition principles, the Bill aims to support Aboriginal children and their families to maintain their culture, community connections and connection to Country, and break the intergenerational trauma that past policies have created and contributed to.

The journey to develop the Statement of Recognition included co-design with the Aboriginal children and families sector and prioritised acknowledgement of past wrongs. The intent of the Statement is to lead from the front by acknowledging the injustices of the past so we can collectively walk and work together towards a brighter future for all Aboriginal people, for all Aboriginal children and for all Victorians.

These binding principles are a critical part of transforming our system to be culturally responsive; trauma-informed, and one that supports and enables Aboriginal self-determination. It is only through rebalancing power, resources and responsibilities that we can work in partnership to decrease the over-representation of Aboriginal children in the child protection and care system.

Critically, the principles enact policy into practice and guide decision making by supporting all decision-makers to approach their decisions through an Aboriginal lens. This approach is essential to protect and connect Aboriginal children to culture, family and Country. I believe we all share this vision for strong Aboriginal children and families and a commitment to working together to achieve it.

The Government commits to work with key Aboriginal stakeholders, including those registered under the *Children, Youth and Families Act 2005* as well as legal stakeholders, in the implementation planning to develop policy and practice guidance to effectively implement the Statement of Recognition, binding recognition principles and the Aboriginal child placement principle into meaningful practice across the child protection system.

*Embedding all five elements of the Aboriginal Child Placement Principle*

Currently, section 13 of the *Children, Youth and Families Act 2005* describes matters to be considered when placing an Aboriginal child in care. This has the effect of placement being incorrectly considered as the sole, or most important, principle.

This Bill amends the Act to expressly include all five elements underpinning the intent of the Aboriginal Child Placement Principle, namely: prevention; participation; partnership; placement; and connection. This addition gives prominence to the Principle and clarifies that it is to be applied to all decision-making regarding Aboriginal children, not just in relation to a placement decision.

The five elements of these non-binding principles are intended to support decision makers to adopt an Aboriginal lens regarding the placement of an Aboriginal child in care. In this way, the principles are guiding in nature and do not purport to interfere with existing decision-making powers.

Importantly, the best interests of the child remain paramount as set out in the *Children, Youth and Families Act 2005*. The Aboriginal Child Placement Principle is therefore expressed to be subject to section 10 of the *Children, Youth and Families Act 2005*.

*Enabling the effective functioning of the Aboriginal Children in Aboriginal Care program, progress the investigations pilot, and improve information sharing*

We know that when Aboriginal people make decisions for their own people, they do better in life. For this reason, the Bill provides critical enabling functions that support the expansion of the nation-leading Aboriginal Children in Aboriginal Care program.

Through the Aboriginal Children in Aboriginal Care program, Aboriginal agencies are making decisions and providing culturally grounded support for Aboriginal families. This program is self-determination in action and is delivering better outcomes for those families.

The Bill broadens the authorisations for Aboriginal agencies under the Aboriginal Children in Aboriginal Care program, allowing agencies to be authorised for any specified child protection functions following receipt and classification of a report. This will allow Aboriginal agencies to undertake investigations of allegations of child abuse and neglect about Aboriginal children and young people, engaging those families and connecting them to the supports they need to address protective concerns. By providing an Aboriginal response to child protection reports, delivered by Aboriginal agencies, there is potential to reduce the need for further child protection intervention and reduce the number of Aboriginal children entering care.

The Bill also expands the circumstances where an authorisation may be made, to include where an Aboriginal child is subject to a therapeutic treatment order or therapeutic treatment placement order.

The Bill amends information sharing provisions for Aboriginal Children in Aboriginal Care, allowing the Secretary to disclose, and provide access to all child protection records and those currently held in the child protection Client Relationship Information System to Aboriginal agencies authorised under section 18 of the *Children, Youth and Families Act 2005*. This is consistent with child protection practice and addresses the risk of the emergence of a two-tiered child protection system should child protection practitioners employed by the department have greater access to information that may be relevant to a child's safety and wellbeing than an authorised agency. The key issue is that if someone is making decisions about the safety and wellbeing of a

child or young person, regardless of whether they are a public servant or an employee of an Aboriginal agency, they need access to all information recorded that is relevant to that child. This Bill provides that access.

*Removing outdated language from the Children, Youth and Families Act 2005*

The *Children, Youth and Families Act 2005* currently has a definition of ‘Aboriginal person’ which uses an outdated and offensive term in it. We have moved on from the time when this definition was drafted so the Bill replaces the term with ‘Aboriginal person’.

From a legislative perspective, this provision is a relatively simple change. However, the Government believes it is an important step in modernising our legislation.

*Introducing a Statement of Recognition and non-binding principles for the health sector*

The Bill amends the *Health Services Act 1988* and the *Public Health and Wellbeing Act 2008* to include a Statement of Recognition and accompanying non-binding principles.

The Statement of Recognition acknowledges past wrongs and mistreatment within the health system, the strength of Aboriginal people, culture, kinship and communities in the face of historic and ongoing injustices and the essential role of Aboriginal Community Controlled Health Organisations in meeting the health, wellbeing and care needs of Aboriginal people in Victoria.

The accompanying principles reinforce the Victorian Government’s commitment to Aboriginal self-determination in health and acknowledge the importance of culturally safe and appropriately resourced services to meet the health and wellbeing needs of Aboriginal people in Victoria.

Both the Statement of Recognition and principles have been developed in close partnership with the Aboriginal Health and Wellbeing Partnership Forum. The amendments ensure that, for the first time, the *Health Services Act 1988* and *Public Health and Wellbeing Act 2008* acknowledge the importance of Aboriginal self-determination in improving the health and wellbeing of Aboriginal Victorians. We are also seeking to action the Statement of Recognition and Principles in the implementation of the *Mental Health and Wellbeing Act 2022*.

These amendments closely align with the priorities of the Aboriginal Health and Wellbeing Partnership Forum and the guiding principles of both the Victorian Government Self-Determination Reform Framework and Closing the Gap Agreement.

Together, the Statement of Recognition and principles represent an important step in reforming the health system to strengthen Aboriginal self-determination and lay the foundation for future reforms which continue to embed Aboriginal self-determination across health and wellbeing services in Victoria.

Similar to amendments in the *Children, Youth and Families Act 2005*, the Bill also removes outdated and offensive terminology from the *Public Health and Wellbeing Act 2008*.

*Amendments to the Reportable Conduct Scheme*

Victoria’s Reportable Conduct Scheme was introduced in response to recommendations of the 2013 ‘Betrayal of Trust’ report from the Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.

The Scheme protects children from abuse and misconduct in entities that exercise care, supervision and authority over children. The Commission for Children and Young People (Commission) has oversight of the Scheme, which commenced in phases from 1 July 2017.

The intent of the Scheme is to require entities to respond to certain serious – reportable – allegations against its employees, including volunteers and contractors. The *Child Wellbeing and Safety Act 2005* includes a wide definition of employee to capture a person regardless of their employment status.

To ensure the Commission can fulfill its critical oversight role, the Act requires that the Commission is notified of every allegation of reportable conduct. Failing to notify the Commission is an offence.

This Bill introduces amendments to enable the Scheme to operate as intended and ensure the original policy intent is reflected.

The Bill proposes amendments to the definition of ‘employee’ for the purpose of the Scheme, to clarify that the Scheme also applies to labour hire arrangements, secondments and independent contractors.

This will mean that, for example, relief teachers, nurses and youth justice workers in custodial settings, that are contracted through labour hire or similar arrangements will be covered by the Scheme. It recognises that the risks to children are the same for non-labour hire staff, who are already captured by the Scheme.

The Bill includes an amendment to clarify that the Commission and Victoria Police can commence proceedings under the Act. It also includes amendments to enable the Commission to monitor and enforce compliance with the requirement for entities to notify the Commission about reportable allegations, including:

- Extending the timeframe to three years for commencing proceedings in relation to non-compliance with the requirement to notify the Commission about a reportable allegation, and
- Providing the Commission with a suite of contemporary powers to enable the Commission to monitor and enforce compliance with the requirement to notify the Commission about a reportable allegation.

The powers are modelled on similar provisions in the *Child Wellbeing and Safety Act 2005* for regulators to monitor and enforce compliance with the Child Safe Standards.

The amendments in the Bill will ensure that reportable conduct can be responded to regardless of a person's employment status, and that possible non-compliance with the requirement to notify the Commission about a reportable allegation can be appropriately investigated and enforced. The amendments will help to protect children from the risk of abuse and mistreatment, making organisations safer for children.

#### *Amendments to the Social Services regulatory scheme*

The *Social Services Regulation Act 2021* established a new Worker and Carer Exclusion Scheme to ensure that individuals who pose a serious risk of harm to children and young people are excluded from the social services sector. The scheme replaces and strengthens existing arrangements regulating workers and carers in out-of-home care, currently administered by the Suitability Panel.

The amendments in the Bill enable the Suitability Panel to continue to deal with transitional matters. That is, to make determinations about matters that are before it prior to the new scheme commencing, once the new scheme takes effect.

#### *Advocacy function for the Commission for Children and Young People*

Victorian children and young people in care do not currently have access to an independent, child and young person-friendly body that can act on their behalf and is responsive to their concerns, respectful, culturally inclusive, and trauma-informed.

The amendments in this Bill will empower the Commission for Children and Young People to advocate for children and young people in the child protection and out-of-home care systems, as well as those who were in those systems in the previous six months, to have their issues raised and resolved either directly with government agencies and non-government service providers or referred to a relevant complaints body where necessary. The amendments are intended to support another person, such as a parent, guardian or peer, to seek assistance and advocacy from the Commission on behalf of those children and young people unable to raise their issues themselves.

The Bill includes amendments to ensure adequate information sharing between the Commission for Children and Young People and government agencies and non-government service providers to allow the Commission to obtain information it needs for its advocacy function from the department and alternative care providers.

The proposed function will also enable the Commission for Children and Young People to advocate on behalf of young care leavers aged up to 21 years who are accessing services through the Home Stretch and Better Futures programs. This is consistent with the Government's commitment to these landmark programs and implementing policy, legislative and systems enablers that enable all young people transitioning from care to thrive.

#### *Enabling the Children's Court Rules to delegate powers to a Judicial Registrar*

Judicial registrars play a crucial role in the smooth and efficient running of the courts, helping the judiciary to manage their workload and performing key administrative and judicial tasks. In 2021, the Victorian Government's Justice Recovery Plan established four new judicial registrar positions in the Children's Court, to help the Court respond to the effects of the COVID-19 pandemic.

The amendments in this Bill will support those earlier reforms by:

- allowing the Children's Court to authorise judicial registrars to exercise the *in personam* powers of magistrates under the *Children, Youth and Families Act 2005* to issue search and protect orders or warrants, and
- clarify that a judicial registrar can exercise any powers of a registrar under the *Children, Youth and Families Act 2005*, or any other Act or the rules of court.

These reforms will help the Children's Court to manage applications for search warrants to locate children and place them in emergency care. The reforms will also provide greater flexibility for courts to manage administrative tasks, which will particularly assist in regional areas where administrative flexibility is required.

In summary, the Bill makes significant progress on embedding Aboriginal self-determination in the laws of our State. It also makes a number of changes to increase the effectiveness of Victoria's legislative system.

Most importantly, this Bill represents a very tangible step towards empowering and supporting Victoria's Aboriginal community to improve outcomes for children and families and improve the health of the community.

I commend the Bill to the house.

**Cindy McLEISH** (Eildon) (10:40): I move:

That this debate too be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 8 March.**

### **Health Legislation Amendment (Information Sharing) Bill 2023**

#### *Second reading*

**Debate resumed on motion of Mary-Anne Thomas:**

That this bill be now read a second time.

**Emma KEALY** (Lowan) (10:41): It is my honour today to rise to speak on the Health Legislation Amendment (Information Sharing) Bill 2023. It is somewhat a matter of déjà vu, because we debated very, very similar legislation in the last term of Parliament. In fact I had a look back through *Hansard* and I was very, very tempted to just simply table the lead speech that I offered in the last term of Parliament to perhaps move things along more promptly today. However, I will not give the entire Parliament that opportunity; they may go back to my previous *Hansard* contribution. There are a number of elements which have raised deep concern within the wider community. These are concerns that were raised during the last iteration of the bill in the previous Parliament, but as they were not addressed at that time – the bill was not passed by the upper house in the last term – I would again like to prosecute the reasons why these elements and weaknesses of the bill are of key concern to Victorians, whether in a professional capacity or in a personal capacity.

Of course we completely understand the importance of sharing health information in a timely and accurate way. As I have mentioned many times in this place, I have a background in health. I am a biomedical scientist by training. I have worked extensively in pathology, but I have also worked through administration of health services within the state and interstate as well. One of the key barriers to providing timely and appropriate care and where some errors can come into play is where information about a patient is not effectively and efficiently transferred between practitioners who are caring for an individual. There are some ways that in Victoria we have looked to work around that, and I would like to congratulate my former employer and one of the hospitals in my electorate, Western District Health Service, for their incredible work when it comes to taking the next step and leaping ahead and being a real leader when it comes to best practice in minimising risk for patients and also delivering high-quality care. Many, many years ago, over 10 years ago, they put in place a type of information sharing whereby the ambulance report could be automatically uploaded into the hospital's health information record electronically so that during that patient's hospital stay they could see how the patient was found by Ambulance Victoria, what treatment was provided and what their initial summary was of the health condition of that individual. In some ways health services have already been able to deliver in a small way towards providing intersections in sharing information about patients in an appropriate and timely way.

But there is much more that needs to be done. I was working within the health system when we had that horrible rollout, which took about a decade and then was scrapped, of HealthSMART. There was a grant announcement. There was millions of dollars tagged to it – I think it was \$437 million from memory – back in the 2000s. It was about just trying to get a single IT platform to be able to unify health information. But the government of the day did not consult with health services and as a result more and more and more money was poured into the system. Finally it was scrapped because it simply was not fit for purpose and was not what hospitals were looking for.

So while the legislative framework is absolutely essential when it comes to sharing health information, it is also essential that we have infrastructure that can support that, and at this point in time we still have no funding towards a unified health information system. We have no funding dedicated to creating a portal that would effectively share information – just grabbing some IT lingo from my past history – and would communicate information in health level 7 or a similar format, that would enable different IT systems to communicate in a way that does not put patient information at risk and the integrity of that information at risk.

There are elements of this bill which absolutely we strongly support, and we strongly support all health professionals being able to do their very best in their own communities. We know that at the moment there are critical issues across health services on every front in Victoria. I would like to put on record my thanks and appreciation for all health workers across the state. It does not matter whether you are one of the first responders, the paramedics – last year my little girl was in a critical accident, and the paramedics were absolutely fantastic in the support they were able to provide to my family, and I have reiterated my thanks to them personally on a number of occasions. But I know if anybody has ever had to call 000, they hope that it is answered in an appropriate time frame and an ambulance turns up on time. But when the staff are there, there is absolutely no doubt they care, they are very good at what they do and everybody is doing their very, very best under difficult circumstances.

We also have critical issues in health services across the state simply in delivering the services that the community expects them to deliver. Right at this very moment in time there is a very angry crowd outside Grampians Health in Stawell who have been locked out of a community meeting which was about a chat with the CEO. There are deep concerns in that community around the contract for a loved GP anaesthetist, Dr Adnan Rasheed. There has been a cost-cutting exercise put in place where the government are looking to change the contract for this GP anaesthetist – and we know GP anaesthetists are as rare as hen's teeth. They are looking at making significant changes to his contract which would not only impact how he operates and the hours that he does but would also critically impact the conditions that he would enjoy and has enjoyed for almost 15 years in that local community. It represents about a 50 per cent cut to his income. There will be some out there that say, 'Who cares? Doctors earn a lot of money.' Well, you know what: I care, and that community cares. They should not be locked out of a meeting. They should be heard, that local community. There is absolutely no reason why a contract which has been in place for 15-plus years should be cut when the GP is very, very good, when they service that community and when there is community support for them. And the only response that we get back is, 'Well, he's moving away for family reasons.' That is inherently incorrect. It is a lie that has been circulated.

I again urge the Minister for Health to step up in this contract negotiation and ensure that a beloved GP, when GPs are in such short supply, does not leave the community simply because of stubbornness from a public health service who are trying to cut funding. If there has been a change to the federal funding agreement, hold the federal Labor government to account. If there is a change locally about the funding that is provided to Grampians Health, and particularly to the Stawell campus, then be up-front and honest with the community and say, 'This Labor government is cutting funding to this hospital, and as a result you're not going to have this GP anaesthetist.' But be up-front with the community and meet with them and do not lock them out of community meetings.

There are two main elements of this legislation about which the Liberals and Nationals have significant concerns. One is specifically around the provision for all information to be uploaded to the system on a mandatory basis with there not being either an opt-in or an opt-out element. This includes either specific information which you might find sensitive if it was available to be accessed by everybody within the health sector in Victoria or a person's personal view that they do not want any of their health information uploaded into a whole-of-health information system. The second element that there is deep concern in the community around is that this legislation specifically exempts the Department of Health from an administrative perspective from being subjected to freedom-of-information requests.

These are really key issues. They were both raised during the last iteration of the bill in the 59th Parliament of Victoria. I do want to go into further detail around them, because in my view these are the key sticking points that will make the difference in Victoria getting the health information sharing system, the legislative framework, that it needs to be able to share information about patients in a timely way but also getting the balance right when it comes to respecting a patient's individual autonomy around the information that is shared very widely and then also ensuring there is a level of scrutiny available so that patients have got a level of security and transparency in understanding who is accessing their record, when they are accessing it and perhaps even why that person would be accessing it.

I would like to refer to a media release from the Law Institute of Victoria, because I think that they have articulated very neatly what the issues are around the specific elements of the bill. They are concerned specifically – and I will break it up into those two elements – about the autonomy that is expected for patients in sharing of their health information and of course, secondly, as I have referred to, the exemption of the department from the scheme being FOI-able. I refer to the Law Institute of Victoria media release which is dated 15 February 2023 and a quote that is in it, which is:

Patient autonomy must be front of mind in any health legislation being put forward by government to protect patients' rights. The implementation of an opt-out scheme would place choice back in the patients' hands about the healthcare they receive in the Victorian public health system.

Patients must have the right to say who can access their health information – even if this means their health information will not be shared under the scheme. Patient autonomy is a fundamental human right: it's the same principle that allows a patient to refuse medical treatment.

There are a number of examples that I would like to put on the record that would help to explain why there are wider concerns around this. It is not just the Law Institute of Victoria; I have had similar feedback from community health services and hospitals. I think if we all put ourselves in that position, knowing ourselves, our own history and our own records which are available in packages in different health services across the state but also our family members and other people who are close to us, we understand that some of that information is very generic. It is not that sensitive. It would not make a difference if people knew what that result was or not. But there is other information which is very sensitive to us for different reasons.

I specifically refer to examples around mental health. If at this point in time you have the courage – because it does take a level of courage – to say, 'I have got a mental health issue, something is not right. I know that I cannot do this alone any longer. I want to reach out and I want to receive some help', you go to a public health service and you know that there will be records retained so that next time you go there is a background and there is a history. There is a requirement to collect that information and document it in a certain way. However, you do not necessarily want the relationship that you have got with your psychiatrist, for example, or psychologist – that information – to be shared beyond that individual practitioner, with whom you have a personal relationship. There is a level of trust that is required between the patient and their practitioner that may be impeded if there is therefore a secondary understanding that 'This information may be shared beyond just me and my practitioner', and that is something that is enormously sensitive and something that should be relevant to each and every one of us when we consider we are in the midst of the Royal Commission into Victoria's Mental Health System recommendations around mental health being implemented at this point in time. I do not believe that as a government we should put any barriers in place in people having the confidence to be able to access mental health care if they have an underlying insecurity that that information may be utilised against them in the future. That is because this information would be available, through this legislation, to the entire health system. While you may seek some support from, as I said, mental health services, if you apply for a job in the health sector in the future, you may feel like this is going to be used against you. You may feel like this information could be accessed inappropriately and that you would not be eligible to get a job, and that may mean that somebody does not seek that mental health support because they are worried about who will access it.

This comes to the other element which I have raised about the concerns, which is that there is no way to FOI who has accessed your health information. As we know, under this legislation the past three years of health records will be uploaded into the information-sharing system. We cannot undo time, so there may be people who have sought assistance and support for a mental health issue who will be put under increasing pressure, which may cause anxiety or depression, because they think, ‘Oh, my gosh, I had what I thought was a confidential discussion between myself and my healthcare practitioner, and now my employer, my friends, my ex-husband, my sexual abuser may be able to access this information, with there being no way for me being able to understand when they accessed it, if they accessed it or other family members accessed it, and how that information may be used. Was it printed? Was it retained for another time?’

This is something that is of concern not just to the mental health sector but to so many other aspects of services that are provided by our health and community health sector. It may be information about an abortion that was sought by a woman and how that information may be shared widely and used against them. It may be information about a sexual assault that they experienced either as an adult or as a child and they do not want to be used against them in the future or even to be understood or known at a wider community level. It could be information that could be used against somebody in a legal perspective in terms of a divorce settlement where it is one of those very, very spiteful cases where children are involved and there may be discussion around who has got custody of a child. Then within the health system you could see that somebody has been treated for alcoholism, or, as community health centres are included in this legislation, that they have been using a medically supervised injecting room.

This is critical information, and I am hopeful that members of the government are able to see why there are concerns about this. This is a pragmatic approach, it is a constructive approach; it is not about obstructing the legislation in any way at all. We cannot have legislation in place that acts as a deterrent for people to access healthcare support. We cannot do that in the short term. We also cannot put a system in place that can very likely create deep anxiety, concern and even depression amongst individuals who have records already and who will now have this worry that this information may be accessible by the entire health network in Victoria.

I know, and I would like to reiterate, that our health professionals are so professional in many, many ways in how they deliver their work. This is not questioning the entire health sector. It would be inflammatory and entirely inaccurate to try to prosecute that case and try to say that health professionals share information willingly. We all know that is not the case. I have worked in the sector; I know that for the most part we have good eggs. However, there is the occasion, particularly in those high-intensity situations that are highly emotional where, if there is an opportunity for somebody to access or to check information – that they want to know out of curiosity or which may be advantageous to them for personal gain – unfortunately, as we are human, some people might seek to take that opportunity, particularly with the understanding that that inappropriate access to information would never ever come under scrutiny because it is not FOI-able.

I understand there is a level of scrutiny over this legislation. However, it is about the individual and their right to be able to see who has accessed their information. I therefore would like to reiterate the importance of this scheme being FOI-able, and that includes all those elements I have referred to. It includes the electronic tracking and understanding which logins have searched for specific patient records and at what time. This is a minimum human right that we all have in Victoria, to understand who is accessing our information, and no more so than when it comes to a health record – a community record, an ambulance record or of course, as is specifically included in this legislation, the Victorian Collaborative Centre for Mental Health and Wellbeing. It was actually confirmed by the government that community health services are in, which is where our concern for the medical supervised injecting room comes into play.

This is of course something that comes back to the heart of transparency within government. It has never been explained why this would be specifically exempted in the legislation and the administrative elements of the management of the scheme, the health information scheme, would not be FOI-able. So I move:

That all the words after 'That' be omitted and replaced with the words:

'this bill be withdrawn and redrafted to provide for an opt-out provision and for the Department of Health to be subject to freedom of information requests about the scheme'.

We are putting forward a reasoned amendment today. As I have stated, this is not about being obstructionist. It is about constructive improvements to the legislation that would ensure that there is confidence in Victoria's health system, that information is managed as it should be and that people have options to be able to select whether they will participate in the legislation with all of their information being uploaded. There may be an opportunity for specific elements of people's health information to be withheld from a whole of health information sharing scheme, which may include specific elements around accessing specific community healthcare or hospital care in relation to sexual assaults, reproductive health treatments, treatment for drug and alcohol support or something like utilising a public health service like an injecting room or other similar drug treatment programs like a methadone program or the like. We also of course would like to support that FOI-able element of the legislation and to ensure that there is a level of transparency around who can access that specific information, around when people can access it, who is accessing that information, how often they are accessing it and, where possible, whether they have printed, emailed or reproduced that in some way.

We also have concerns around of course other elements of the legislation. This is specifically around the risks for individuals in relation to all information being available on one database when there has been a history – and a relatively recent history – of increasing amounts of cyber attacks on and hacking into large-scale government systems and private systems as well and that information being published or utilised against individuals for personal gain. This is of great concern, and we know that there is a lot of work going into ensuring there is strong protection for people when it comes to inappropriately accessing private information. Unfortunately, we have seen on occasion within the Victorian government's own system that there have been cyber attacks and information that has been inappropriately accessed, published or utilised for financial gain or to apply pressure on individuals in a way that has caused an enormous amount of mental harm – and also in some ways financial harm where there have been hacks on the banking system. We have also of course seen hacks in the Medibank system recently. I understand some members of this place have also had their personal information exposed, so many of us have actually seen the impacts of having your personal data hacked. Having one large-scale system which contains all health information for the state does create a far greater risk for that information to be accessed on a widescale level and for much more information to be accessed as a one-stop shop.

As I said at the start of my contribution, there is not any additional financial allocation to the creation of additional cybersecurity around a whole-of-health information system. In the same way, there is also no financial investment in terms of the creation of portals and other communication software that will be required to be able to deliver this system. So that is of great concern.

The other aspect around this is that it does not include health services outside of the public health system. We know of other legislation which has come through this place which has had broader ranging powers than just control of public health services and has included parameters or legislative restrictions and obligations for the private health sector as well. And so while this is being sold as sort of a one-size-fits-all – everyone will have your health information and it will provide far greater medical support for individuals – you will not be able to access some of that really important history. Our GPs are a group of individuals who really have the core overview of our all-of-health histories. This information system will not be speaking with any of the GP platforms that are out there.

It is limited at this stage, and it is not really clear whether it will immediately integrate with My Health Record, the federal government scheme. I would like to refer back to that because we know My Health Record has had many, many stumbles along the way, and there were certainly similar parameters around whether it be an opt-in system, an opt-out system or a mandatory system. This was a debate that was had at a federal level over many years, and different iterations of the program have been put in place. In the end, what we have now is an opt-out system, and so for consistency I believe it would be appropriate that an opt-out system at a similar level of the federal My Health Record be applied to this Victorian health information sharing scheme.

The other concern around what is included and what is not is that it is only restricted to Victorian public health services. My electorate of Lowan abuts the South Australian border, and there are many individuals that seek medical care over in South Australia and, vice versa, a lot of South Australians that come across to Victoria for treatment. We do not see the imaginary line. However, there has not been any work put into the legislative framework and how this will operate in real time in terms of engaging with South Australia and New South Wales in particular, and this may put at risk the communication of health data for people who live close to the border. We know border communities are really overlooked so many times when it comes to design and decisions – which if you live in Melbourne you probably do not even realise is an issue – and it does have a massive impact if you live near a border and have a life and work balance which crosses over that border. I do not think that that has been emphasised more greatly than during the COVID pandemic, where we had border closures which would cut off individuals from their GP, from their chemotherapy. It cut off the funeral director who lived in Victoria from being able to deliver any funeral services in South Australia. It is something that we should be very much aware of, and I am very surprised that the government have not made those efforts to iron out those significant issues before bringing this legislation back before the Parliament.

There is a reason that this legislation stalled last time around. Back in 2021 – 13 October 2021 – I was the lead speaker on this bill in the 59th Parliament of Victoria. The legislation was debated in the upper house; however, when it became very likely that these exact concerns that I have raised today had not been addressed, it never went to a vote. It did not pass. I am very, very surprised that because of that stalling of the legislation in the Legislative Council last time the government have not taken heed that these are serious concerns. While the make-up of the Legislative Council and the Legislative Assembly changed after the election, there are still significant concerns that have not been addressed, which are specifically around opt-out provisions and around the scheme being FOI-able. That is not just the internal information but the external information and the administration of the system that cannot be FOI-able.

That is why today I have put forward a reasoned amendment that the bill be withdrawn and redrafted to provide for an opt-out provision and for the Department of Health to be subject to freedom of information requests about the scheme. I am hopeful that government members will consider some of the points that I have raised today, that you put yourself in that position – your family in that position – where you may have sensitive information you do not want the entirety of the health system to be able to access and that you lobby internally to ensure that between houses this legislation is reviewed and those elements about an opt-out provision and those elements about being able to FOI the scheme and who accesses the scheme are addressed, because if this is not addressed, I do not think that this legislation will pass, which would be not what the health sector want – they want an information-sharing scheme – but also it would take away some of the confidence that Victorians have in accessing public health and mental health services in Victoria.

**Vicki WARD** (Eltham) (11:11): Thank you, Acting Speaker Settle. It is great to see you in the chair this morning as we talk about the Health Legislation Amendment (Information Sharing) Bill 2023. I have to say – we are at, what, day 3002, I think it is – how terrific it is to be talking about real legislation and work and getting on with it rather than worrying about statues, which really is not the work of government. What is the work of government is making legislation and making decisions that enhance

the lives of Victorians, and that is exactly what this legislation will do. It is good to see that we as a government, even 3002 days on, are still creating important and necessary legislation that will continue to improve the lives of every Victorian.

This bill will support safe and high-quality care. It supports several recommendations from *Targeting Zero: Supporting the Victorian Hospital System to Eliminate Avoidable Harm and Strengthen the Quality of Care*. The bill specifically supports recommendation 4.13.2 that:

The department should adopt a goal of ensuring that, by –

2023 –

all major hospitals have a fully electronic health record that enables interchange of information with other hospitals.

There are a lot of important outcomes from this legislation. It includes the pathology information system, which means that three new public pathway networks will be created, establishing an authorising environment to enable public pathology services to securely share pathology reports between health services to improve clinical decision-making and improve the quality of care.

You might not think there had been extensive consultation given what the previous speaker said, but I will talk you through the extensive consultation that occurred over a number of months in 2020 on this. It was with hospitals and health services; the health complaints commissioner; the mental health complaints commissioner; the disability services commissioner; the Law Institute of Victoria, which included reference to elder law; and Victoria Legal Aid. It also included clinician and consumer representatives and professional associations and colleges, including the Australian Medical Association and the Australian Nursing and Midwifery Federation. It further included other representative bodies such as the Victorian Healthcare Association, the Australasian Institute of Digital Health and the Office of the Victorian Information Commissioner. That is pretty extensive consultation, I think.

The last few years have shown us how important information sharing needs to be, particularly in urgent situations. I think with COVID, people in this space can understand how if you have had COVID, it is important for whatever medical professional you are seeing to know that, because we know that long COVID is a thing and we still do not fully understand how having COVID can affect your body, affect your organs, affect how you move and affect a whole bunch of things. To be able to have that information at hand so you can start to incorporate that into your understanding of the symptoms that a patient is exhibiting is really important.

I will remind you of 2021 when my dad had to have a triple bypass. My parents live in regional Victoria. I know that those opposite like to pretend that those of us in Melbourne have no connection to the regions, but many of us do; in fact many of us represent regional regions, including the good member for Bass right here. I digress. Anyway, Dad was at Traralgon hospital and they were trying to work out what was going on with him. We only had Dad – Mum was in the waiting room because we had COVID restrictions. I can imagine the difficulty of working with Dad, trying to get from Dad what his medical history has been, going out to the waiting room and talking to Mum, finding out more about Dad's medical history, going backwards and forwards. Dad ended up getting transferred to Monash.

Again you have that system where you have got people relying on phone calls. They were relying on phone calls to Mum, because again Mum could not be in hospital with Dad because we were in restrictions to keep people safe from COVID. So there are all of these phone calls. There are faxes. I remember standing in this place when we were all losing our minds that the police were still using faxes eight years ago to talk about their information and what was going on. How are we still relying on faxes in our medical system to transmit information? It is interesting when you want to talk about privacy – faxes are not that private. Faxes are not private at all, and there is not a control necessarily on how you manage that privacy when you have a fax come through. So if they were able to just get onto a screen and see what a patient's medical history has been, they could have understood the

medical challenges that my dad had had prior to his bypass. My dad had had fits. My dad had had a whole bunch of things happen to him that were leading to this moment, and they were having to rely on phone calls, on faxes, on anecdotal stories of what my mum could remember, what my dad could remember, to help with his treatment. He received fantastic treatment at Monash, and we are very grateful for it. But it just highlights how important it is to have that access to that information right at your fingertips.

I will talk to you about my own personal experience a couple of weeks ago when I received a dog bite. I had to go to emergency, I thought to just get it cleaned and flushed out – but no, apparently you cut dog bites out, so that meant a night in emergency. I then went into surgery and had the bites taken out and spent another night in hospital. The amount of my own medical history that I had to be able to tell people at every point – and I recognise that there are security checks that you have got to do as you go through: ‘What is your date of birth? What is your name? Are you allergic to anything?’ And you are going to do that whether you have got this information or not. But sitting in emergency I was hearing what was going on around me: hearing the people coming in where English is not their first language, hearing people coming in who have got mental health issues and are not able to say what their condition is or what they need or what they have experienced in the past or what has happened to them. We had an older woman who was clearly in the early stages of dementia who was getting confused. She knew she was in a hospital, but she was confused. She was getting up; she was at risk of falling. She must have come from somewhere where a professional carer was helping and advocating for her very strongly. I give a huge shout-out to that carer, because he did a fantastic job supporting her and advocating for her. But he is not going to know her full medical history, and nor should he necessarily know her full medical history. Again, if you want to be talking about privacy and concerns, this person could have been a casual at wherever she was living. This person could have just been on the night shift and not needed to know her extensive medical history. So by having that resource electronically available to you as healthcare professionals, you can ensure that your patients are getting the right care, you can go through the medications that they have got and understand what is compatible with what – what could actually hurt somebody, what could not. Knowing that they have tried this drug in the past and it has not worked for them or that they have had an adverse reaction is really important.

I will give an example of the guy next to me in emergency, who also had a dog bite but had not come into hospital early enough, and his hand had become the size of a football. He had an allergy to penicillin. People were asking him that, and he was telling them. But then a new nurse came in and I was waiting for them, because you can hear through the curtains. He eventually told her that he had a reaction to penicillin, and they changed what they were doing. There was no near-death experience or anything – I am not trying to dramatise this – but you have got to have that information in real time. You have got to be able to check and check and check again.

This is really important legislation, and this is a good amendment that we are putting through. It is an important amendment to come through. I think it is unfortunate if there are people out there who want to undermine it through creating fear about circumstances that are not happening or are not real, because this is important legislation that will help with the care of people and will also help save lives. This will come into effect in February 2024. There are offences and penalties that relate to unauthorised access, and I think that this is a really important part of the legislation that we all need to understand and accept will help protect patients from the concerns that have been raised by the previous speaker.

People are moving between health services, particularly as bulk billing becomes rarer thanks to the mismanagement of the unfortunate previous Morrison government. I commend the Victorian Minister for Health and the Premier for the work that they are doing in helping to support the federal government to reform that and improve that, because it is ridiculous that we have so little bulk billing in this community that people are going from service to service to find the one that they can afford. To have that record electronically helping them with their health management, helping medical professionals

care for them, is vital, and I absolutely fully support this legislation because it is important and it is necessary. I commend the minister and her department for the work that they have done.

**David SOUTHWICK** (Caulfield) (11:21): I was elected to this Parliament in November 2010. On 8 May 2010, one day before Mother's Day, my mother passed away. She passed away from a failure in the health system, and from that day forward every single day when I come into this chamber I think about those failures and how we can improve them, because we must. I know people from all sides of this Parliament are very focused on trying to do that. I note certainly the previous speaker was talking about the importance of actually fixing the system, and I absolutely agreed with that.

To be able to have health records that follow the patient, to be able to understand what issues the history of the patient may have, is absolutely crucial. The fact that we have more information on our cars when we take them for a service than we do on our mums and dads and family members is a disgrace. You think of so many things that we have advanced as a country, as a state, but when it comes to health it seems like we have not come that far at all. I think about that 2010 moment. It was not long after that that the Auditor-General did an investigation into HealthSMART, which was meant to bring all of the hospitals together and have information shared. It all became too hard, and the government of the day just turned around and said, 'We're not going to invest any more', and a couple of hospitals just said, 'Well, we're not going to cooperate. We'll just go alone.'

**Emma Kealy** interjected.

**David SOUTHWICK**: It is just completely absurd the fact that, as the member for Lowan said, \$1 billion has been completely wasted and an opportunity has been lost, and we now are discussing some 13 years later how we go about fixing it.

I absolutely support the fact that we need to improve the health records. For that matter I will fight each and every day to ensure that people do not have the same situation that I went through. Without going into too much detail, my mother passed away from going from one hospital ward to another and not even having the information transferred from the emergency department to a ward. It was as basic as that. The previous member mentioned about faxes. Well, things were just filled out on a piece of paper, and again, that piece of paper did not transfer from the emergency department at the Alfred to a ward. It was a complete failure. My mother was left without oxygen, my mother was left without being monitored and my mother passed away as a result.

We need to fix it, and the proposal from the member for Lowan, which is a reasoned amendment, is a very important one. It is a fair one, it is a reasonable one, because what it does is it gives the rights and the responsibility to the patient to opt out if they want to opt out. I certainly would not be one of those that would opt out. I say that publicly now. I would certainly be one that would want to make sure that all that information is available for me and for any loved one, providing that that was their wish as well. But there are many exceptions to that, and there are many people who would want the ability to opt out. In fact if you look at this and you do not actually provide an opt-out, it actually provides potentially more harm than what the intention is in doing that.

We were having a discussion just before about drug and alcohol services. You look at the injecting room in Richmond – many people are using that injecting room. Each time they visit the injecting room that is going onto their record. Who might access those records? Do we want somebody to not access a health service because of the fear that that information could be recorded and used at a later time? We do not want that. We want people to use health services and access health services and drug and alcohol services if they have a problem and if they need help. That is why we need that opt-out.

The Law Institute of Victoria says that very eloquently. In fact LIV president Tania Wolff – I actually went to school with Tania's brother Alex – has said a scheme that involves sharing patient data within the public health system must be on an opt-out basis similar to the federal My Health Record scheme. One in 10 Australians have opted out of the federal health record scheme according to the Australian Digital Health Agency. They have done it federally. It is an opt-out system, and you have got one in

10 who have opted out; still nine out of 10 are using it. Who knows, down the track, you might find more people want to take it up, but there has got to be confidence in the system and you have got to give people choice. That is what this is all about. That is what our reasoned amendment is about – it is about giving people choice.

Of course we want to be able to support the patient. Of course we want to be able to use the data to treat the patient in the best way possible. We have to do all of that. But at the end of the day, for a whole range of people and for a whole range of reasons, we need safeguards. This includes people having issues around mental health, family violence, sexual assault, sexual history, termination of pregnancy and drug and alcohol use. These are all areas where you need to be able to give the individual the option when it comes to sensitive information to opt out.

There are two negative consequences of not giving them the opt-out. Firstly, for those who might have had an experience or a trauma in their past, it takes the control away from them. We have spoken a lot about family violence and sexual assault issues in the Parliament. The last thing that you want is to take away the control of an individual by having them effectively having to report and having to have that recorded. There are so many laws where that is voluntary and where there is the ability for a person to have that power, and this should be one of them.

We have spoken a lot in terms of changes to laws when it comes to groups like the LGBTIQ+ community. There are instances where members of the LGBTIQ+ community having their information shared without consent may undermine their identity and open them up to discrimination. There are examples from a whole range of individuals where without their consent, without the ability to opt out, this would not provide confidence for those individuals to take part in the system. For the system to work, for people to have confidence in that system, we need to have that opt-out option. We need to give the option for people to opt out. I know others are talking about opting in and all kinds of things – that is not going to work. We have seen a model that has worked very effectively in the federal system. We should follow that in the state system. This is very sensible.

Quite often people talk in Parliament about oppositions being critical, and I say to the government today: we are not being critical. We are providing a better way of being able to do this, a better option that would create more confidence in this system if we provided that opt-out method. I would implore the government to take up this reasoned amendment moved by the member for Lowan. It is a sensible, reasonable amendment. What it does is it creates more confidence in the system and allows more people to use it and more people to get treated. It would fix our health system, which quite frankly needs to be fixed. We have got to ensure we have better digital records and we have better flow of information. This is an important way to do it. I am very happy that we are discussing this today. I think it is a long time overdue, but let us get it right. Let us not have to come back to this Parliament in six months or 12 months time with an ‘I told you so’ and then have to add an opt-out because we have got all kinds of issues and lawsuits and everything else from individuals that have taken the government to court because their information is being used against their will and without their knowledge. We do not want that situation. We want a system that people have confidence in, a system that everyone can get involved in. On that basis, I commend the member for Lowan’s reasonable reasoned amendment, and I ask the government to support the reasoned amendment.

**Tim RICHARDSON** (Mordialloc) (11:30): It is a real privilege to rise on this bill, the Health Legislation Amendment (Information Sharing) Bill 2023, and to talk about the importance this has for my local community and all Victorians. I want to address some of the issues that have been put forward in the reasoned amendment and also clarify some of the things that the member for Caulfield has put forward.

As a whole we have in our health system an aging population, pressures on our mental health and wellbeing system and elective surgery wait times that we are working so hard to address as a government, and there is pressure on our health workers and on our system like never before. The impacts of a one-in-100-year pandemic have been felt in every corner and every jurisdiction across

Australia, and indeed in Victoria. So the ability to support and care for Victorians and have a more efficient and integrated health service and information sharing is a really critical feature. It makes sense to people that we would have that kind of approach and that care and that support.

There are a couple of things that are worth noting: there are currently no opt-out arrangements under existing legislation, and Victorian public health services share information for the purposes of treatment. The member for Caulfield talked of all these examples of lawsuits coming – the existing arrangements are in place now. Was the member for Caulfield alluding to things that are on foot in the County Court or the Magistrates Court or the Supreme Court now, or is this another example of some of the fear campaigning and discussion around opt-in arrangements that we saw so, so devastatingly put forward during the COVID-19 pandemic around vaccinations? I mean, I would not want to see that as a pathway that we take for arrangements that have been in place for many, many years – that there is to be an opt-out arrangement now. And the notion of all these lawyers and all these lawsuits coming – what on earth does that mean in the context of what is being put forward? The existing arrangements do not allow for an opt-out, and importantly, no other state has an opt-out system. So are the attorneys-general coming together in every state and territory? Would the Commonwealth now say that there is an avalanche of legal cases? I do not think so. So when you put forward a reasoned amendment and say that this is coming, let us think of where we are at the moment.

Let us also reflect on the debilitating issues and impacts of not having the information sharing. What is the greater good and the impact that is being felt by Victorians now? We know that this bill and this intervention will save lives, not for a lack of effort and a huge amount of sacrifice being put in by our health workers, our mental health workers and our clinicians across all of Victoria, who do an incredible job and have been pushed to the brink by the impacts of COVID and now some of the staffing challenges and shortages that we have at the moment. It is not through a lack of effort from our doctors and our health services across Victoria, but these are systemic challenges that are frustrated through bureaucratic channels and some antiquated systems. This is bringing this into the 21st century and making sure people are supported. But it goes further than that.

If you have got an issue about opt-out – and this should have been clarified in some of the contributions – there are the most stringent security controls on this platform, and there has not been a history of a breach with the department. So we go to that point again, and I reiterate it for the member for Lowan and the member for Caulfield: there has not been a breach in that setting. We have got the most stringent security controls, and then, if they bothered to read the second-reading speech, there will be a review within two years, so the accountability and the stringent protections are there to make sure that at all times we are thinking about the outcomes for and support of Victorians.

Bringing a reasoned amendment and delaying this legislation would impact again on the lives and outcomes of Victorians, who we are looking to support by making sure that administrative and bureaucratic impacts and health services do not risk lives. Do we delay that into inevitability? And then with those opt-outs, which are not in any other jurisdiction, state or territory, and the fact that we have not had that substantive breach there – what is the wrong that we are trying to correct here? What are we actually doing here? Or is this more about politics? Is this more about frustrating the bill and about frustrating the work of the house? I mean, that is the justification here.

When we cannot point to a breach, when we suggest that there is a mountain of legal challenges through the courts coming – even though the system is in place now and health services in their own jurisdictions support and share information and this is making it more effective for the future, a technological advancement rather than some of the antiquated systems we see – I am not quite clear on the approach and what they are actually trying to achieve here. But maybe those opposite in jumping on the bill will be able to allude to the avalanche of cases that are already before our jurisdictions at the moment. The proposed new structure is secure. It is sharing health information. It makes sense. We have seen it across other jurisdictions as well that establish that single point of complete and accurate patient information for clinicians.

If I take the example of mental health and wellbeing and the huge amount of work that is going into the Royal Commission into Victoria's Mental Health System recommendations to support the mental health and wellbeing journey of Victorians, we see people go through various health settings. They might move around and be transient during that time as well, and their experiences of their treatment and their journeys were played out in the royal commission – those impacts – and sometimes the lack of information on that journey of a patient impacts on their wellbeing as well. We saw that in the thousands of people that came forward to share their lived experience. If we can make their outcomes better, if the information is not restarted every single time someone fronts up for support – if you change your postcode then you have to change all of that work and effort; you have already fronted up, you have already been retraumatised, you have already gone through all of that impact – if we are able to have a better setting and a better outcome for Victorians then that just makes sense.

Some things were alluded to by the member for Caulfield as a risk to data and information. People are already accessing prevention of family violence services now and getting that support – that safe, confidential support – from a range of different service providers. Some of the things that were alluded to that were glancing touches were really concerning, because there did not seem to be an evidentiary basis to what was being alluded to at all. It was a glancing reference to this big risk of this change, where we are already seeing a lot of that support and that peripheral support being provided now, and then there were just mentions of various policy areas or headline health and wellbeing areas as if they are going to be a source of risk going forward. That is a big concern, and there is form to that kind of language and that narrative that we saw during the 59th Parliament.

I ask members opposite: is this going down that pathway around government control and all that nasty narrative that we saw in the 59th Parliament, or is this an advancement in intellectual debate and raising the standards in this Parliament? Because if it is going down that fear campaign path – that government has got control of your information – we saw some of the grandstanding that occurred on that out on the steps of Parliament when some of those far-right elements, those people, were standing up there and championing that, and that went really well for them coming into the 60th Parliament! When we hear the Leader of the Opposition talk about raising standards, hopefully this is an intellectual discussion rather than the lowest common denominator that suggests that people's records are all at risk when we have not had a breach, when there have not been those serious issues and when health services are sharing that information now and we have all those reviews in place.

This makes sense in a number of different areas and for people who might be experiencing chronic health issues across their journey and across their life as well. When we think of the huge complex bureaucracies that are dealing with aged care, the NDIS and mental health and wellbeing in health settings and in interactions with our GPs, this makes a lot of sense in a number of areas. I know my health services in the Mordialloc electorate have reflected that to us. Sometimes the inability to share that information is leading to poorer patient outcomes. We saw the change back in the 1990s with some of those health reforms of just the structures of health services and the ways that they operate. We need to do better, and that is an important outcome going forward as well.

I will just conclude on a couple of points in addition to that and just reiterate some of the data breach and safety controls and reiterate to the house that an independent oversight committee supported by a clinical advisory group will be established to provide that advice to the Secretary of the Department of Health, acknowledging that there have not been those breaches. That is important as well – there are safeguards on top that the minister outlined in her second-reading speech. These include establishing appropriate risk, control and compliance frameworks, and a primary management framework will be implemented prior to the commencement to limit access and provide for management of highly sensitive health information. It is what Victorians would expect. They would not expect this bill to be kicked down the road into the never-never, risking patient outcomes today. Let us get this done. Let us get it through the house, let us get it through the upper house and let us change the outcomes and support the health outcomes of Victorians and save lives. Let us not waste a moment based on the politics that we saw in the 59th Parliament.

**Richard RIORDAN** (Polwarth) (11:40): I find it vital that I respond to some of the comments made in the debate by the member for Mordialloc. As a big part of his contribution this morning he made reference to the fact that there is no evidence of data breaches and there is no foundation for any concerns that either the opposition or the community might have about an all-in system and the risk to patients. I refer him to – he should be aware of this because not only was he a member of the Public Accounts and Estimates Committee at the time, but I think he might have also had some assistant ministerial roles in health – May 2019, Barwon Health and the Auditor-General. I will quote quickly regarding the report from the Auditor-General:

In a scathing report, Auditor-General Andrew Greaves revealed his office had successfully accessed sensitive patient data at health services including Barwon Health ...

and others on the South West Alliance of Rural Health (SWARH) network. With all due respect to Auditor-General Andrew Greaves, I am putting him in the category of probably not the world's savviest hacker; if he could do it, probably any kid at school could do it. I am more worried about those organised crime gangs and others around the world that we have seen access Optus, Medibank and other large institutions that, I gather, would be far more sophisticated at protecting their data than the Victorian government. But our own Auditor-General pointed out very clearly you could drive a semitrailer through the security networks that this government has for its medical health records.

It is also important to understand that it has become evident in creating this legislation, as previous speakers on our side have pointed out, that there is the concept of having a readily accessible health record for all people across all our various health services and particularly for constituents in my electorate, a country electorate, where most people will journey through many hospitals and health services to meet their ultimate needs. You just do not easily access a major Melbourne hospital for a serious condition. You often go to your local GP and then to a regional health service. You often get moved on to Geelong and then on to Melbourne. That is a regular progression for many people in country areas, so it makes sense that those records can flow more easily with you.

However, what we also know in Victoria at the moment is that those various networks are completely fragmented. Going back to the example from the Auditor-General and the testing that they did on what is known as the SWARH system in south-west Victoria, including Geelong through to the border, for that health system most of the services were down for nearly six months. The government talk about, 'We have to rush this through; we have to have it all in and not step back and give confidence in the community,' and in so doing they have got to recall that in that six-month period in south-west Victoria surgeries were cancelled and vital healthcare and health records were locked and inaccessible to patients and to doctors. It is a real risk when this concept goes wrong, and there is no shortage of very, very critical examples.

We have seen the torment and heartache with, I think it was, the Medibank insurance customers who had sensitive medical data being sold to the highest bidder on the internet. These are real concerns. The key to the success of an all-in information sharing health service is the community having confidence in it and the community understanding that their details are safe and in good hands. This government has a real responsibility to be able to prove that, because the track record to date, despite some of the government's contribution to the contrary, is not brilliant. People have a reasonable concern with that. Once people have a concern about the safety of their records, they are not going to seek the health care that they need. They are going to steer clear. They may go elsewhere to seek services, and that is not what we want in a modern, progressive society.

The opposition has presented a reasonable solution to this problem: a reasoned amendment that says we need to be able to allow people who are concerned about these issues to opt out. What is really important – and this bends a little bit to the example that Auditor-General Greaves raised about the security – is FOI. If you have sensitive information in a system, it is your information. You have a right to know who has been looking at it, who has been sharing it and what progress it has had, because unfortunately – once again drawing on some examples I know of in my community – health services

are often, in smaller communities, the largest employer. Across the state as a whole they are a very, very large employer.

There are many thousands and thousands of people who will have access to the system, and currently we do not have a foolproof monitoring system for the information we have. For example, it is an unfortunate reality, but people can pry into the system and look. Health is one of those very sensitive information areas. We had a relatively recent example in my own electorate where the community knew very, very quickly about a particular person's particular health concerns. I do not wish to elaborate in detail here because it would only, in *Hansard*, further exacerbate the problem, but the reality was that more people found out more quickly than the family and other members in a small community about a person's particular health condition. Now, there is nothing in place that checks or monitors that, and in fact word of mouth, gossip and innuendo can travel more quickly around some communities than whatever the government's monitoring system does. I found out when following through on this that there is not a system that will alert hospital administrators and other information minds to who has been accessing information. They might do spot audits. They might randomly audit particular individuals. For example, why would someone in a finance department be looking at pathology reports and other reports? But in the smaller regional areas they certainly have access to that type of information.

The government has a lot of work to do and a lot of convincing of the general population that they have the necessary regulations and processes in place. With the way the world is going at the moment in terms of the value of getting this information and corrupting it, there are many, many smarter minds than this government at work wishing to undermine and devalue the benefits that this type of computerised, centralised, data-sharing information can deliver to the population as a whole.

The opposition believes in the concept of what the government wants to do but believes it is more important to make sure that the community can have a maximum amount of confidence so that it continues to use our health services in an open, honest and frank way but can also protect itself ultimately. We strongly urge the government, government members and those in the upper house in a future debate to consider some minor changes that could make this a better piece of legislation.

The final concern that some members and certainly community members have is that the government does not have a strong track record in getting information sharing, computerisation and up-to-date mechanisms in place in our healthcare system. For example – we talked about it and made much of it during the COVID epidemic – we are still heavily reliant on faxes in some areas of health care. We have still got situations where data and patient records and information are not readily available across wards and at the coalface for many smaller health services in particular.

There is not a guarantee with funding and equipment updates and the basic mechanics of running a data sharing network that the funds and resources exist right across the state out into our smaller regional communities and even our larger regional health services to keep them up to date. We often hear of a complete lack of resourcing into these areas. As a country MP, as someone who has 10 public health facilities across his electorate, these are important issues, because we cannot on the one hand sell the benefits that we are going to make healthcare quicker and more responsive and safer for the community if at the end of the day we are only going to be guaranteeing those benefits to some people and particularly to those who live in larger metro areas rather than to the people of Victoria across the state, across all health services and across all provision of health.

I look forward to the debate continuing, and I look forward to perhaps for once the government being prepared to take on a positive suggestion from the opposition in a reasoned amendment.

**Iwan WALTERS** (Greenvale) (11:50): It is a privilege to rise to speak in support of the Health Legislation Amendment (Information Sharing) Bill and particularly to follow up the contribution of my friend the member for Mordialloc, who I think provided a marvellous exposition about why this bill is necessary but also debunked some of the more scurrilous suggestions about how the framework

enabled by this bill could be used. I have listened very carefully to the debate this morning, and I am a bit confused about where members of the opposition really sit on this. The member for Lowan talked about her concern about the all-encompassing nature of the system that will be enabled by this bill but also wanted it to speak with GP systems. The member for Polwarth talked about his experience with a fragmented system, and I will also talk about my firsthand experience of that, where hospital systems do not speak to each other. Well, there is a good idea that this government has come up with to enable that, and it is enabled by this health information sharing legislation. The trust that the member talked about is undermined by scurrilous suggestions that there have been breaches of this exact type of system. I believe the Barwon Health breach was invoked. There has been no breach of a departmental system. This new system will have the strictest controls in order to prevent exactly that sort of thing and to learn from it.

I will discuss why this bill is not just an important reform to our health system. It will save lives and it will improve care. Of course it will improve information sharing across Victorian hospitals at the point of care and for the exclusive purpose of patient care. As I will turn to later on as well, the efficiency in care dividend that an integrated statewide system can deliver will be maximised if it is a light touch for clinicians and those who are using it, because of course the purpose of this bill is to support our wonderful clinicians working in Victorian hospitals to access important patient information to improve patient care and experiences, and vitally, while continuing to recognise patients' rights to confidentiality and privacy. I would also go so far as to say that this bill also represents a significant micro-economic reform that will improve the efficiency of our hospital system. It will free up the time of clinicians to provide the wonderful care that they do rather than wasting their time on the phone and sending faxes which, as the member for Mordialloc and the member for Eltham mentioned, is an incredibly significant point of vulnerability in the system if we are talking about the protection of data. We may as well be using carrier pigeons. In this day and age to be reliant upon antiquated technology when safeguards can be built into technological-based systems to make sure that data is safe, secure and centrally available I find staggering.

I just want to touch briefly on why the bill is needed. Health care is integral to Victorians' wellbeing and their quality of life. It is an important precondition for effective participation in society and the economy. Headline indicators of Australian health, whether it is life expectancy or preventable deaths before the age of 75, have improved enormously over the past 50 years, in large part because of reforms that Labor governments have implemented to Medicare, to the NDIS and to other forms of social security. But these indicators mask the growing prevalence of chronic disease and the underlying inequalities in health status among Australians. Chronic disease now accounts for 80 per cent of ill health, which does flow through to hospital presentations. Many patients attending Victorian hospitals will have been there before, often to receive treatment for the same or related conditions. Furthermore, most Victorian patients will visit more than one health service for health care and treatment. This is not just the case in regional and rural areas, as the member for South-West Coast would know, it also applies to members of the community in my constituency of Greenvale, who might be treated at the Royal Melbourne Hospital, then have follow-up treatment at Broadmeadows Hospital before subsequently presenting at the Northern Hospital. The availability of complete and accurate histories, diagnoses, pathology reports and other essential data saves lives and improves the quality of care.

There are real risks to the quality and safety of patient care when information is fragmented or missing across that journey. Under our present system patient health information is dispersed across a multitude of electronic medical records (EMRs) and even paper-based systems, none of which talk to each other. That fragmentation means that clinicians are often needlessly delayed by the need to manually gather patient information through those phone calls and faxes I talked about earlier.

I have had the privilege of moving around Victoria while accompanying and following my partner on her basic training and then advanced training as a doctor. I have had the privilege of living in wonderful parts of our state through that. Whether it has been in Sale or in Ballarat, I have often had to leave the room when she has been on call or responding to queries from the hospital, often in relation to incredibly

sensitive acute cases of children with cancer or trauma or requiring urgent surgery, so that she can have extensive but fundamentally duplicative conversations about a patient's history and other aspects of their care with treating clinicians at other hospitals. These are incredibly sensitive conversations. We talk about privacy and we talk about security of that data – if it were not for me leaving the room, I would be privy to those conversations. There are no safeguards to stop somebody else being a second-hand party to a conversation or seeing the paper that is sent across to different hospitals. I have seen the frustrations of doctors in regional centres who have acutely ill patients in their care and are left waiting on the phone to speak to specialists at other hospitals and waiting for that right person to be free or for faxes to be sent. It really is only one step up from the humble carrier pigeon for information to be sent and received, invariably after time-consuming searches for the correct paperwork. It is inconsistent with modern health information-sharing standards and the approach taken by other Australian jurisdictions.

**Paul Edbrooke:** Why don't you like pigeons?

**Iwan WALTERS:** I do like pigeons; I take up the interjection from the member for Frankston. But while pigeons serve an important purpose, I do not think it is in the administration of a modern healthcare system.

We have heard a lot about the fragmented communication that exists between hospitals. EMRs, or electronic medical records, are already used to tremendous effect within hospitals. More than 60 per cent of public beds in the Victorian system are supported by them. They support clinicians to prescribe medicines, order tests, record patient histories, develop and document care plans and more broadly treat patients in their care. This bill just offers the opportunity to systematise those benefits. In that sense it is a real micro-economic reform. To strengthen our Victorian health system as a whole and to harness the transformative value of digital health, there needs to be an enabling environment that facilitates and encourages the acceptance of digital health technologies. That is exactly what this bill is doing: providing the clear legislative and regulatory framework that Victorian hospitals, clinicians and patients need and that Victorian health services have told the government and the minister that they need and want.

I have been speaking with a lot of clinicians myself since this bill was tabled, and to realise all of the benefits that the legislation could facilitate for Victorians it is important that end users, both clinicians and patients, are taken into account. I want to thank the minister and her team for their deep engagement and consultation across the sector and with members of this place in developing this bill. The full value of health information sharing will only be realised if all stakeholders in the health system, especially clinicians, buy in. We have seen in the past that if digital health tools are deployed in ways that do not take those end users into account, they do run the risk of being sidelined or abandoned. The previous federal government's challenges with the My Health Record – a worthy vision which could have empowered patients and improved quality of care – highlight this. Digital solutions in health care work best, and I believe that this legislation will enable the creation of a system that does that: streamlines and automates hospitals' workflows while removing redundancies. Time is of the essence when it comes to health, and a seamless, well-integrated health system will do just that, all while saving lives.

I am delighted that the information-sharing system that will be developed by the Department of Health as a consequence of this bill will be light touch for clinicians. Those clinicians who I have spoken with are delighted that this legislation is before the Parliament. All they have asked is that the EMRs that they deal with on a day-to-day basis speak with that platform to avoid the dual entry of data, to make sure it is light touch and to make sure it is easy for patients and their clinicians and their treating doctors to use. Again, I thank the minister and her team for their consultation. I think it is important to recognise that this will be a new system with strong, stringent safeguards built in to protect patients' data and to ensure that this government can carry on saving lives and providing great care across Victoria.

**Annabelle CLEELAND** (Euroa) (12:00): I rise today to speak on the Health Legislation Amendment (Information Sharing) Bill 2023. Before getting too deep into the contents of the bill, I would like to take this opportunity to thank the amazing healthcare staff across my electorate and in fact the entire state. They do an incredible job, often under immense pressure in under-resourced environments. We have great local hospitals, from Kilmore, where I previously served as a community representative, to Seymour and Benalla. We also have Euroa Health, whose need for public funding I will continue to raise with the Minister for Health. Whether it be in a hospital, general practice, allied health or anything in between, everyone in our health system locally deserves a heartfelt thankyou for the work they have carried out through the pandemic and the work they continue to do every single day.

This bill is not one without controversy, but it is great to be able to speak on a bill that draws debate. As has already been mentioned, we will be seeking to amend this bill to provide an opt-out clause to Victorians – something in line with the standards set by My Health Record at a federal level. I do acknowledge the importance of streamlining communications and updating record keeping systems to provide better outcomes for Victorian patients. The main purpose of this bill is to amend the Health Services Act 1988 to establish a centralised electronic health information sharing system for participating health services to share certain health information, which consequently requires the authorisation to collect and disclose this information. The establishment of a centralised data-sharing system was a recommendation of the independent report commissioned by the government in 2015 following a series of seven avoidable baby deaths at Djerriwarrh Health Services at Bacchus Marsh hospital. My heart goes out to the families who continue to grieve the loss of these babies.

While I may be a relative newcomer in this chamber, the bill before us now is not. The original 2021 version of this bill lapsed in the last Parliament. The Law Institute of Victoria has again asked for this bill to be withdrawn, just like it did in 2021, for greater consultation to occur with industry over privacy concerns and the inability of patients to control their recorded medical history. The Law Institute of Victoria's objections to proposed legislation are nothing new to this government in the health sector, and I hope those that are sitting in the crossbench in the other place in the 60th Parliament have a stronger commitment to the transparency and accountability.

The bill nonetheless does aim to achieve something our health system desperately needs, and that is better outcomes for patients. Our health system simply is not working the way it should, and nowhere is this being felt more acutely than in regional Victoria. This government came to power in 2014 with a Premier who said he would save the minutes that save lives across our 000 system. I think they are actually 3 minutes later than they were when we were last in government. The average ambulance in a code 1 emergency now arrives more than 3 minutes slower than it did when the Nationals were last in government – some facts.

I want to make it very clear: we are certainly not opposed to creating a more fair and equitable health system for Victorians, particularly not while more than 80,000 Victorians are waiting for elective surgery – and that is a number the AMA suggests is a gross underestimate. Not only that, we are seeing one-quarter of patients not receiving the surgery they need on time and 10 per cent of patients waiting for more than a year. In our health system we certainly do need to be using technology to our advantage. This is especially true when our emergency departments see patients on time at a rate below the national average. Greater use of technology is crucial to ensure we are being as efficient as possible with the paltry resources provided. Outside of South Australia, we have the lowest number of full-time equivalent healthcare staff and public hospital beds in the nation.

There are several areas of concern with the bill and a number of key provisions I would like to outline. The bill provides power to the Secretary of the Department of Health to specify in the *Government Gazette* that health information must be given to the secretary to establish the patient health information sharing system. In the explanatory memorandum the scope of the information to be specified could include information such as medicines, allergies, alerts, admissions, discharge summaries, outpatient consults and laboratory and imaging results. In addition to this, the secretary can direct health services to provide prescribed information and disclose specified patient health

information for the purposes of the new system without requiring the consent of patients to whom the information relates. The bill also ensures that the collection of the patient data is continuous and ongoing and information must be provided within five days. Access to this electronic system will be provided to someone who is employed or engaged by a participating service and who is authorised by a health service to access the system, with penalties in place of up to two years imprisonment for unauthorised access to the system. Finally, the Freedom of Information Act 1982 does not apply to the electronic patient health system, with this decision stated as being due to the participating health service holding more detailed information and being the primary source for the specified health data.

As a newly elected MP, I have found the vast majority of constituents are not watching Parliament live or overly concerned by the inner workings of the house – instead they come here. However, on this bill I have received a much higher level of correspondence from the community than I would expect. Given the record this government has, its reputation for secrecy and sometimes questionable motives, I can certainly empathise with these concerns. There are some very genuine areas of concern with this bill, ones that have been identified by the Law Institute of Victoria and ones that have not been addressed by the latest instalment.

Like the previous bill, the sharing of patient information will not involve the consent or knowledge of patients, with no opt-out option available. While the aim of the bill is to strive to improve medical outcomes, this does need to be balanced with and give thought to patient autonomy. As we have heard earlier, one in 10 Australians opted out of My Health Record. There is no doubt a significant percentage of the population would prefer an opt-out option or believe in the concept of patient choice and autonomy. Given not all health services have to comply with these new regulations, it seems interesting patients do not have the option to opt out of sharing their personal information.

Concern around data security and safely storing deeply personal medical information is something we must take seriously. While there are penalties in place for unauthorised access to the system, I have concern over how these breaches will be identified and how we can design a system that is hack proof and secure to ensure information is kept in the hands of medical professionals who are authorised to access data to improve medical outcomes. As has also been raised earlier, there are some concerns around IT and cybersecurity. While there is a delay in the implementation of the bill to allow the department to put systems in place, I hope consideration is given to compatibility with interstate IT platforms. This is of particular concern in my electorate, where a significant percentage of residents in towns like Benalla access health care on both sides of the border. The lack of safeguards for the disclosure of sensitive information, such as mental health, family violence, sexual assault, sexual history, termination of pregnancy and drug use, is something that needs to be considered.

The exemption from the FOI act will place a large burden on existing health services. With no opt-out clause, it is only natural there will be an increase in individuals seeking to understand what level of information is being held by the government. Again, given this government's passion for secrecy and the continual decline in the rate of documents released through FOIs under its watch, it is understandable the people of Victoria are sceptical about any move to make a data system that holds their personal information FOI-proof.

The Nationals support amending this bill and ensuring it is reworked to provide individuals with the ability to opt out of this centralised health-sharing system. This is the first bill I have had the honour of debating in this chamber, and the amendment we are moving is one that could not illustrate more clearly the respective values of the Labor Party and the National-Liberal parties. I have come to this place as someone determined to fight for my community. While I have the freedom of choice to disagree with my party on principle, those opposite do not. I believe in the values of choice and personal responsibility. Sadly, those opposite must follow the leader and put their communities behind the party's wishes day after day.

I think Victorians should have the ability to have a choice when sharing their private health information, and I support amending this bill to provide that right. What I have stated above is why

we have moved a reasoned amendment in this place on the basis the government should redraft the bill with an opt-out clause.

**Juliana ADDISON** (Wendouree) (12:10): It is my pleasure to join the debate today. I would like to compliment the member for Euroa on her first contribution. Out of respect for that I bit my tongue and there was no calling out. I know it was your first contribution. But I want to say that I share the values of the Labor Party. There is no need for me to ever worry about things because we have a strong, vibrant Labor Party where we debate issues and I am very, very happy where I am.

I am very, very happy to stand up and support this bill. It is the Health Legislation Amendment (Information Sharing) Bill 2023, which proposes legislative amendments to implement a secure information-sharing platform for Victorian health services. I am pleased to follow on from the outstanding member for Eltham, who shared the experience of her family with her father receiving excellent care in Gippsland, followed by the member for Mordialloc, who gave a really great contribution addressing the opt-out matters and why that is not something that we are prepared to entertain, that is not an amendment that we are prepared to look at, because this is what other states do. We will not be doing that, because we believe that adequate protections are in place. And how about the new member for Greenvale – what a superstar, what a rockstar. It is hard to believe that he has only been in this place for such a short time after such an outstanding contribution. As someone who, whilst representing metropolitan Melbourne, has had so much experience in regional and rural Victoria, you are a real asset to the Labor Party, so I am so pleased to have you here.

It is members like those that I have listed and others who hold our nurses, our paramedics, our hospital cleaners and our allied health workers in the highest regard. We support them day in, day out. Once again I offer my sincere thanks and gratitude to our healthcare workers for all they do for the Ballarat community. The Minister for Health has had a very, very busy less than 12 months in the job, and I thank her for again bringing this bill to the house. There is a mountain of work that the Minister for Health has done to support our healthcare workers, building new hospitals, investing in world-leading health infrastructure and providing safe and quality care for patients, and for me that is what is really important: safe and quality care for patients.

Prior to being elected to this place I was chair of quality and safety at Ballarat Health Services, and it is an issue that is very important to me. That is why I was very, very eager to speak on this bill. The Minister for Health understands the importance of sharing records, because like me she is a regional MP who cares deeply about her community, and she wants to make sure that regional communities and regional patients get the same care as our metropolitan brothers and sisters. That is what this bill will ensure.

I welcome the support that this government is giving Grampians Health, in particular for our Ballarat Base Hospital redevelopment – a record \$541.8 million to redevelop the base. But we are also providing other infrastructure support, like \$3.5 million for a replacement radiotherapy linear accelerator, a LINAC, to treat cancer patients and reduce the need for Ballarat patients to travel to Melbourne for treatment. Another way we are supporting Ballarat patients is the introduction of robot-assisted surgery. The new robot at Ballarat is amazing. I got to scrub into theatre just last Monday. It was incredible watching this surgery, being in there and just thinking: whether you are in London, whether you are in New York, whether you are in Boston, no-one in the world has got access to better robotic surgery than we do right here in Ballarat, and I could not be prouder as someone who has worked so hard to get that.

I also want to recognise the extensive efforts of the ministerial office and the Department of Health, who have developed this legislation in consultation with relevant stakeholders. This is something this government does very well. We go out and we talk about legislation and we consult. From clinicians to consumers to hospitals and health services, several relevant commissioners and legal bodies, unions – including the great leadership of Lisa Fitzpatrick at the ANMF, great people at the Australian Nursing and Midwifery Federation – and professional associations including the AMA are among

those who have provided input. I welcome their contributions, and I thank the department for the extensive consultation that has been done to get this bill to this place.

The provision of quality health care is the cornerstone of our society. It impacts the mental and physical wellbeing not only of individuals but of entire populations. It also prevents the spread of infections and disease and promotes good health. We all know this to be the case, but our experience with COVID over the last few years has made it even more evident. In the ever-advancing field of medicine access to a patient's medical information is crucial. Delays in accessing health data can be critical to determining treatment plans and patient safety, so it is so important that the right people have the right information at the right time to make the right clinical calls. If not, there could be adverse health outcomes, contributing to disabling injury or illness, lowering the quality of life or even leading to a premature death. Access to accurate and up-to-date health records can prevent adverse outcomes, and that is what we all want.

While Victoria's public hospitals were split decades ago into separate networks, they are now more and more operating in concert as components of a single statewide system. However, this is yet to be extended to a standardised approach to sharing digital records. This needs to be addressed, as Victorians do not live their lives within the borders of a single health service. Indeed only this week as I drove to Parliament I went through various different health catchment areas. Victorians want to journey for work, for schooling, for family and friends and for recreation and sightseeing, and as a result if we find ourselves needing essential medical treatment, we may find it is some distance away from our home. For example, a Ballarat resident could be holidaying on the Surf Coast or at a Cats game at Kardinia Park or studying at Deakin's Geelong Waterfront and they could be involved in an accident or suffer a serious health emergency. They would be rushed by ambulance to Barwon Health. Timely access to the Ballarat patient's medical records from Grampians Health would be most beneficial for the treating clinicians and the patients to identify any medical procedures, medications administered, treatments received and adverse reactions or allergies to medicines. This is an example of why we need the Health Legislation Amendment (Information Sharing) Bill 2023. I do not want to see any patients suffering avoidable harm while they are receiving care in a Victorian health service, which could happen without timely access to health records – and I am pleased that the member for Geelong is happy about my Barwon reference and the Cats. Continuity of care is so important, and that is why it is at the heart of this legislation. We need to ensure that patients can receive, and professionals can practise, efficient and effective health care right throughout our state, which is dependent upon the availability of accurate, existing health information.

To this end, this bill proposes amendments to the Health Services Act 1998 as well as the Health Records Act 2001, which will build the legislative framework for an electronic patient health information sharing system to be used in a range of Victorian health services. This is a system that builds on the best practices of other jurisdictions, including New South Wales, Queensland, South Australia and the ACT, which have all implemented health information sharing at the point of care. Additionally, it reflects the very important *Targeting Zero* report – expert recommendations on the interchange of electronic information between hospitals. It has been mentioned but this important report, which was released in October 2016 after a review of hospital safety, focused on eliminating avoidable harm and strengthening the quality of care. This is the time for this bill, this is the time for patient safety, and I do not want to see it further delayed or stalled, like the opposition does. The bill proposes that the information sharing system will be established and maintained by the Department of Health and will provide in-scope services with essential summary information for the purposes of patient care. It is intended to include critical details such as allergies, medication, diagnoses, lab work and imaging results – information relating to a patient that is vital for ongoing care. Accessing the information can be crucial and time critical, but while health services can and do share information for the purposes of patient care, current communication methods have proven to be disjointed and cumbersome.

In closing, I would like to say that, as someone who has spent longer than any parent would want to in an ICU with their child in Melbourne, a long way from home, I support this bill, because regional Victorians when they bring their kids to metropolitan hospitals should be able to access their patient files.

**Roma BRITNELL** (South-West Coast) (12:20): I rise to speak on the Health Legislation Amendment (Information Sharing) Bill 2023, but before I begin I would like to start by saying a big thankyou to all the health staff in South-West Coast. Across the seven health services within my electorate there has been an extraordinary challenge for the health staff with COVID over the last few years and also as a result of the fact that the health services are just not getting the funding they require to support the health staff. I would like to put on record my thanks for the hard work. They take their responsibilities so incredibly seriously and take very personally the health of our community, and for that I am very grateful.

That brings me to the purpose of this bill, which is to establish a centralised electronic patient information sharing service which enables services to access information about patients and their previous treatments, medications, allergies, admissions, discharge summaries, outpatient consultations, laboratory imaging results and the like. On face value this is a good idea – a very good idea. As a clinician in the past I would have given anything to have had access to someone's information when they came in from a motor car accident and you needed to know details such as what their blood group is, rather than having to wait for a crossmatch et cetera. These are things that just make common sense, and this is something that we have been wanting for many, many years. In fact I was on the primary care partnership when they began back in I think the early 2000s. I was one of the first board members of the primary care partnership, or committee members or whatever it was then. It was set up to do exactly that – make sure that we could work out a way to stop patients having to tell their story over and over again.

Recently I met with a young girl by the name of Kristine Godfrey from Portland, who explained that she had a challenge with her child, who has a health issue. As a mum she found it extraordinary that she had to explain first to the speech therapist, then the paediatrician, then the occupational therapist and then the psychologist all the things that were going on – from one clinician to another. She said that as someone without a health background it just seemed extraordinary that it was her responsibility. What if she was not doing it well enough, not understanding the terminology? She is actually setting up her own application so that parents can communicate through this app with health professionals. But as a young girl with a young family, that should not be her responsibility. I wish her well on her venture, Carefully Planned, that she is developing. But these platforms should have been done within hospitals years ago.

However, whilst I agree with the sentiment of this, I have some very large concerns. The reason I have concerns is that this current government have been in power for 18 of the last 23 years, and they have got a long history of some really big stuff-ups, particularly when it comes to IT and managing data. Take out for a minute the privacy issues, which I will go to. Just the IT – this government have done a dreadful job, and there are examples. I will only have to bring up one to remind you about: the Victorian Registry of Births, Deaths and Marriages incident, where the IT system was implemented and six months later still people were not able to access death certificates. That period of losing a loved one and then getting on with closing bank accounts, paying bills or finalising the affairs is traumatic enough without not being able to do it because you cannot access a death certificate. There are many examples of this government having tried to improve IT systems fraught with dangers only to fail drastically.

Put that aside, but think about how the trust has been eroded with the community with those experiences, let alone this government in this bill not allowing an opt-out clause. As a human being in a free society, one of the things I think is really important is choice, and a government that takes away choice frightens me. What is their intention? Why do they need to take away people's rights constantly to have choice?

Here is another example of it. In our MyGov system you have the right to opt out. Ten per cent of Australians have done that, and that is their right. But this Victorian Labor government are refusing to consider an opt-out clause, taking away your right to choose. I think that is reflective of how controlling this government is and how dictatorial they are and how they do not want the community to have the freedoms that we have always known in this state. To me that it is what this is symbolic of. And it is not just me that says this; I am hearing this right across the board, but particularly when we look at the consultation done by my colleague in the other place Georgie Crozier. There is a quote from the Law Institute of Victoria, from the information that they put out as a result of this legislation, which was stalled in the last Parliament because of these very same concerns – the issue that we cannot opt out but also that there is no provision for being able to FOI your own data. It will be in the department for people to look at, for people to do whatever they want with. We are not even sure what the parameters around that are. Here is the information from the law institute, who say that of the concerns they have with the bill, the most significant is there is no opt-out to the sharing of an individual's health data and that the scheme is exempt from FOI requests.

Patient autonomy must be front of mind in any health legislation being put forward by government to protect patients' rights.

It goes on, but it talks about how they are very concerned about thought not being given to the rights of a patient.

Anything that does increase efficiency in hospital I do endorse, but there is a reasoned amendment on the table here. It is a helpful reasoned amendment, it improves the bill and I think it would be remiss of the government not to endorse this reasoned amendment. I thank the local hospital once again, and I look at what South West Healthcare are going through at the moment with their hospital being way too small and the issues around emergency and the operating theatres. We finally got this government to agree to an upgrade in 2020. It is supposed to be completed by 2026 and ready for patients in 2027. I was really pleased to have an update from hospital. I thank the staff and the management and the nurses and doctors, who obviously I know fairly well, having been in the sector for so long in my electorate, for the updates they continue to give me. It looks like a really exciting development, but we are going out for tender soon, once the government have approved everything. I just urge the government to prioritise this build. We saw in 2018 this government promised funding for 10 hospitals which have not begun yet. Our hospital was approved for funding in 2020, so I am very nervous about that being completed within four years, given the heart hospital that opened in Clayton last week was five years overdue. Efficiency is what this bill is about, and efficiency is what we need in our hospitals. My absolute urge to the government is to please prioritise the building of South West Healthcare and do not let it languish like you are the health services that you promised in 2018.

I also think that efficiency within this bill is highly important, but it does not take over from listening to the community. If you listened in Portland, you would hear that they are desperate for services that are being removed. They are desperate for the support they need to keep the clinicians there, such as their ophthalmologist, such as their anaesthetist and such as their surgeons. Whilst it is really important to have the information technology system robust and talking to each health service – I get that – please listen to the community as well.

Labor have a poor track record of listening to our community. They have got less funding in Victoria per person than any other state for health. They have got less resources for staff than any other state for the health sector. This is not indicative of a state government that really does care about their health system, a health system that I think surely in the last three years has been highlighted as one of the very important assets in our community. Once again I would like to say thank you to the people of the seven health services and the ancillary services like the GP clinics that are not included in this legislation, which to me is another massive flaw, because if you do not start off your journey by including your GP clinics, then you have really missed an opportunity to improve the efficiencies.

We have got a Labor government in the federal sphere. There is a MyGov system. This could be improved. Let us go from where you start, with your GP, right through to wherever the health journey ends, and let us make sure this is done properly. This current bill is flawed.

**Jackson TAYLOR** (Bayswater) (12:30): It is a great pleasure to rise and speak in support of this fantastic piece of legislation in the house today, the Health Legislation Amendment (Information Sharing) Bill 2023. Can I start by acknowledging the Minister for Health and her team for the fantastic work they have done in putting together this bill and, importantly, the departmental staff who, as always, did a lot of the legwork and worked across not just their team but multiple teams in the department and across departments to bring this piece of legislation to the house today.

It is important that in the second sitting week of the year we are debating such critically important legislation that goes to, I suppose, the heart of this government's commitment – in its third term now, the Andrews Labor government – to ensuring we are always improving the healthcare system, making it easier for healthcare providers, for our hospitals in the public system, to treat patients as seamlessly and easily as possible, giving them efficient and timely care as well, which in many critical situations in our healthcare settings are worth every single minute.

It is fantastic to be debating this legislation and speaking in support of it and acknowledging some of the previous speakers on our side. The member for Mordialloc – it is always an eloquent contribution from the member for Mordialloc – talked about the importance of this legislation to his community and pointed out some of the important values as to why this legislation is absolutely needed, particularly in the 21st century. It would seem odd to many that we have not yet done this, and of course other speakers have discussed in this place today how other states have implemented very similar legislation – in fact, almost identical – and now obviously Victoria is getting on with it.

To the member for Greenvale, it was noted that it was his first contribution in this place – and I tell you, that was one impressive contribution. It is very difficult to follow. Even though you were a good 20 or 30 minutes back, I still feel the pressure of your contribution bearing down on me. It was absolutely incredible to hear about your partner and some of the personal experiences you have had with this and your understanding of what this legislation will do not just for your partner but for other healthcare providers and clinicians.

**The DEPUTY SPEAKER:** Through the Chair.

**Jackson TAYLOR:** Of course, Deputy Speaker. It was wonderful to hear, so well done again to the member for Greenvale.

To the member for Wendouree, who always enters this place with such passion and gusto, some would say, and always gets in a few – not a few, quite a lot of – Ballarat references as well when we hear from her, I hope that when she scrubbed in for theatre she scrubbed straight back out, because that would have been a worry. I would not want to be in that theatre room.

**Juliana Addison** interjected.

**Jackson TAYLOR:** Certainly not if you were doing the actual work. Just briefly, at the table is the Minister for Tourism, Sport and Major Events and Minister for Creative Industries. I was having a chat to the good minister about some of the discussions that he and I have had with our constituents over the past week or two about the importance of this legislation.

**Steve Dimopoulos** interjected.

**Jackson TAYLOR:** Sorry?

**Steve Dimopoulos:** That's right.

**Jackson TAYLOR:** It was not even a good interjection – just ‘That’s right’. We were talking about some of the important conversations we have had with constituents in our respective electorates over the last couple of weeks who have approached us about this legislation.

As I have said right from the outset of my contribution, this is another way in which the Andrews Labor government is showing its commitment to health care. It is always seeking to improve it and is obviously getting on with providing the very best healthcare system in this country. I am so incredibly thankful, and it is at this point that I want to again acknowledge that I am very proud of the work of our healthcare workers and our staff in our healthcare settings across the state and, from my perspective, locally. They do an incredible job day in and day out. They continue to turn up and give people the care they need when they need it.

Talking about some of the important investments that this government makes, not just in the form of this legislation but in reforming the healthcare system to make it more efficient and make patient care even better, it is important to acknowledge that in last year’s budget we saw a \$12 billion boost to health care in Victoria. Of course since even more recently we know it is now free to study nursing and midwifery. I know the member for Frankston is extremely passionate about this reform. I do not think a day goes by where I do not see it mentioned on his social media, whether in a comment or a post. It just goes to show how incredibly important it is, and that is one of the many ways we are helping to recruit and train healthcare staff into our system to make sure that care is there for patients when they need it. We know that that means we are going to be helping to recruit and train some 24,000 nurses and midwives. We know across the state the \$12 billion investment will provide for better hospitals, more paramedics – over 400 extra last year on the road – and better care of course wherever you are. We will be delivering from that \$12 billion the 7000 more health care workers, of which 5000 are nurses, and nearly 400 extra 000 call takers.

We know that this investment is not a new thing. Labor has always backed in health every single step of the way while of course we know that others will cut at every opportunity. We know that since coming to government we have recruited hundreds more paramedics, more than 22,000 healthcare workers and 8500 more who joined the workforce during the pandemic. The Labor government and our healthcare heroes are continuing to respond to the issues that are associated with the COVID pandemic. Just to mention briefly the \$12 billion investment and what that will deliver, some of the work that is absolutely well and truly underway is \$1.5 billion in a COVID catch-up plan to increase elective surgery beyond prepandemic levels, new hospitals, more mental health nurses, more support for emergency departments to meet growing demand and more support for women’s health, safety and wellbeing.

All in all since coming to government the Andrews Labor government have invested over \$160 billion into our healthcare system. That is a profound investment – an investment that each and every single member on this side of the chamber should be proud of, and hopefully those opposite are proud too. It is a good investment. We should always be seeking to improve our healthcare system and invest every single dollar we can to make sure that patients get the best care and the staff are well and truly supported.

This legislation is another step forward to ensuring that providers can provide the best care armed with the necessary info in a timely manner. The legislation before the house today will enable the Department of Health to establish and maintain an electronic health information sharing platform – well canvassed by members in this place today. It will enable in-scope health services to access information about previous treatment received by Victorian patients from other public hospitals and in-scope health services for the purposes of providing effective treatment to patients in their care. It will amend the Health Services Act 1988 to require in-scope health services to disclose health information to the secretary for the purpose of the department establishing and maintaining an electronic health information sharing platform, and it will ensure the availability of up-to-date and accurate health information at the point of care to save lives and enable clinicians to provide the best care and treatment for patients in the Victorian public health system.

Improving these provisions for sharing information is critical to improving patient safety and continuity of care for Victorians. It is important legislation here in this house, an important investment by the Andrews Labor government over the last eight and a bit years, importantly not just in training and recruiting but in some of the profound local investments out my way in terms of infrastructure. I am sure, Deputy Speaker, there would be some in your community. I know you grew up in my patch out in Ferntree Gully. At the Angliss we are starting major construction this year – \$112 million. That is going to create over 300 construction jobs at the height of construction. Early works are underway now, and that is going to provide more beds, more capacity, so people can be seen quicker and have the best care possible. We have just delivered a new public aged care facility in Wantirna – 120 beds. This is what aged care should look like everywhere. Those of you who have not had an opportunity and who are passionate about this space should come down to Wantirna and go and look at the Wantirna public aged care facility. It is absolutely phenomenal. Each room is decked out with an ensuite and a beautiful open space. That is the kind of investment we need to continue to see in aged care, and of course this government made further commitments at the last election to upgrade even more aged care facilities.

We are also getting on and we are committed to and we are absolutely going to deliver a rebuild of the Maroondah Hospital, the new Queen Elizabeth II – rebuild it from the ground up – up to \$1.05 billion. It is going to be an absolutely fantastic facility. The Minister for Creative Industries has so many portfolios, I never know which one to address him by. It is going to be an incredible facility. Those local investments again show the kinds of investments we are making. Many members have spoken about some of their personal experiences, and we have probably all had a personal experience in the health setting, but just in a police setting in the times I was supporting people who needed care, as a police officer, in their time of need with critical mental health – acute mental health – issues, we were often calling around from place to place trying to find out information. This is going to help alleviate that issue. It is going to help people right across the sector. It is going to help our emergency services, and it will provide patients with even better care in the state of Victoria.

**Bill TILLEY** (Benambra) (12:40): I rise to make a brief contribution, or a pointed contribution, on the Health Legislation Amendment (Information Sharing) Bill 2023. Now, we know that last week there was an eleventh-hour briefing on what was to be no doubt – and we are hearing in this house – an aspirational bill seeking to do a lot of things. But while government members stand in their places and make a contribution from their talk sheets on what to say, for those with lived experiences in the country, particularly across border communities and right along the border of New South Wales and Victoria – every health service that is in category 1 which has obligations when and if this bill achieves royal assent and then becomes legislation – it is the consequential impacts that are going to occur on country and rural Victorians.

There were a lot of questions in that briefing, and I thank the minister for providing the briefing to the coalition, but I came back and looked at my notes after the briefing and saw this big, red ‘N-O’ on the middle of the page with all these spokes offshooting. What it did not answer, significantly: there is no idea of the total cost of this program, no chance for Victorians to opt out, no indication of the additional workload that this will create and particularly no clear idea of how this will work with cross-border communities. In addition to that, as legislators, the trade that we are in, there should not be a bill anywhere before the responsible minister has considered the consequential impacts or the collateral damage of bringing legislation into the Victorian Parliament and how it will affect country, rural and particularly cross-border communities. Every time you have brought a bill in here there has been an effect that really hurts cross-border communities. So, you know, I certainly think that is worth delivering in policy.

**Chris Couzens** interjected.

**Bill TILLEY:** And you can laugh along as much as you like. You are in Geelong, you know, but Jesus Christ. Anyway, moving on.

**Chris Couzens:** You can't answer the question.

**Bill TILLEY:** I didn't hear your question. I will pull the chain if I want to hear your question. Anyway, there is no way an individual can find out who has accessed their health data, even under FOI. There is no dollar figure on this. We do not know what it is going to cost. And why not? The minister in her second-reading speech spoke about the similar rollouts in New South Wales, Queensland, the ACT and South Australia. There is a simple answer. What did they cost? They have cost a bloody motza. It is not like this is anything new here. There is nothing new in this. You have had a good crack at the bill in previous parliaments. This is now, as we know, 2.0. We are having another go at this again and the unanswered questions still remain. With an implementation date of February next year, it seems totally implausible to me and many of the people in my electorate that you could plan a major rollout without a budget. I mean, give us something. Throw us a bone. Give us some sort of an idea of what is going on.

Now let us talk a little bit about consent particularly, and I will quote the exploratory memorandum:

New section 134ZL enables the participating health services and the Secretary to collect, use or disclose specified patient health information ... without the need to first obtain consent from the patients to whom the information relates.

You know, if that is not clear enough, you cannot just ignore these important issues with this legislation that as professional legislators we need to consider. The old saying is 'The proverbial flows downhill'. It is the consequential impact on the front line: the effect on our community, the effect on our doctors, nurses and all our clinicians. This is very clunky. As I said, it is aspirational, but you have got a lot more work to do on it.

We saw when the federal government brought in My Health Record that about 10 per cent of Victorians chose to opt out. If you say that quickly, it sounds all right, but in real terms that is 700,000 people.

**A member:** It is a lot of people, Bill.

**Bill TILLEY:** It is a hell of a lot of people that chose to opt out. It is certainly their right to opt out. When this goes through, heaven help me, this will be scaring the pants off people. I get the intent to improve health care, and that is important, but get it right.

Having health providers on the same page is fine. I do not want to make too much of my most recent visit, but I will give you a practical experience. Albury Wodonga Health has two campuses, one in Wodonga, one in Albury. The service plan is changing where acute services are going over the border to New South Wales. I can present myself at the ED in Wodonga, and then they say, 'No, no, we've got to step that up and send you across the river into New South Wales.' They have been trying to do this for eight years now and have not achieved it. They will not have a clue, if they put me in a meat truck – sorry, an ambulance – and send me over the border for urgent treatment, they will have no idea who I am, and vice versa. They have been trying to achieve this for many, many years, so good luck with this if you want to bring it into Victoria.

We have seen since December last year significant security breaches, with FRV, Medibank, our revenue office and the federal police all being hacked. There is no certainty or guarantee that you can buy your way to someone that is going to deliver the datasets and the information and be able to guarantee absolutely beyond any reasonable doubt that you can protect people's privacy or their clinical information. I understand and get that they are justifiably worried about their information.

As I said, cross-border – it is the only area in the nation – there are certainly some plans and some ongoing negotiations, and I hope that, with the local governments of Wodonga and Albury and surrounds, the government comes to the table and continues to make much better options for the clinical needs of our communities. We need more beds. Look at Ballarat – they have got 700 beds. We have only got about 300 beds but we are the same size. We have more output than Geelong does.

We have more response across the two borders, but the problem is that the bureaucracy of New South Wales and the bureaucracy of Victoria – the health bureaucracies – do not necessarily talk too well to each other. Heaven help if you want to turn around and bring this legislation in when you have the bureaucracies in the relevant jurisdictions. How in the hell are you going to do that within the state as well, because the nation is getting smaller and people are going to travel and there is this implementation with cross-border and all that sort of stuff. Heaven help if you want to travel and get crook interstate. That is not the intent of this bill, but as the nation gets smaller, we need to step it up and make sure that we have the best clinical outcomes for not only Victorians but Australians right throughout the country.

I get exactly what the bill is trying to circumvent. I get all of that, and the boffins, but you have not been able to do that. You have got a long history. You have got a rap sheet of a whole lot of failures in IT and other things. You have got to own this stuff. The thing is to do it with both sides of this house. We want to sit down and work with you, but no-one has a monopoly on the good ideas. And you can sit there and laugh with your shit-eating grin and all of that sort of stuff –

**The DEPUTY SPEAKER:** Order! Unparliamentary language!

**Bill TILLEY:** Mate, it does not cop it with me. We have got to be the grown-ups in the room, all of us, all right, and get this bloody right.

If you are transferred from Albury Wodonga Health, you will not be sent to St Vincent's or Royal North Shore in Sydney. If you are a New South Wales resident attending Albury Wodonga Health, you are likely to be sent to the Alfred or the Royal Children's or Monash or somewhere like that. There is no indication whatsoever in the facts or history that the contraindication with all of this is that it is just simply going to have an adverse effect on all of those things.

I could bump my gums for a bit longer and go on, but please listen to cross-border communities – listen to rural Victoria. We need better. You need to do better and address them, and no bill should come before the house unless the responsible minister, the minister of the Crown, has had a look at the consequential impacts of what it does to cross-border communities and regional and rural Victoria.

**Paul EDBROOKE** (Frankston) (12:50): Do not get me wrong, I love Mr Tilley getting up and bumping his gums, as he says. But I am going to speak on this bill, which is the Health Legislation Amendment (Information Sharing) Bill 2023. From the outset I would just like to make clear that I appreciate our health workers – our doctors, our nurses, our cleaners and our cooks – for everything they have done in a really, really difficult period, a very difficult period, for this state and this nation and also internationally. Can I also thank the Australian Nursing and Midwifery Federation. We are in the early stages of building a new hospital for those doctors and nurses that are part of that union. We have bought Frankston Private Hospital, or acquired Frankston Private Hospital, and it is now doing elective surgeries for people all over the south-east. I think we are up to 1500 elective surgeries, and that is a former private hospital now set up specifically to carry out elective surgeries to have an impact on that waiting list.

I would like to from the outset address some of the things I have heard while I have been sitting here in this chamber. The first and most egregious issue I have is members opposite talking about an alleged breach of information and data in the Victorian Registry of Births, Deaths and Marriages. Apparently someone has read that online – it might have been on Telegram, who knows – but I am not aware of any such breach. I would welcome anyone to come to this house with some evidence, because that is what we should be using to make our decisions – a foundation of evidence.

That takes me to the next issue I have got. We heard from those opposite that there was no consultation – or there was little consultation, to be fair. Well, the department conducted targeted consultation from October to December 2020, and I am sure it has been ongoing outside those dates as well. That was with hospitals and health services; the health complaints commissioner; the mental health complaints commissioner; the disability services commissioner; the Law Institute of Victoria, including elder law;

and Victoria Legal Aid. And we have heard a little bit about what the Victorian Law Institute's opinion is. I welcome different opinions on our legislation because it makes legislation better, but it does not always mean that we can side with everyone's opinion when we are creating legislation for Victorians. The department also conducted consultations with clinicians and consumer representatives; professional associations and colleges, including the Australian Medical Association and the Australian Nursing and Midwifery Federation; other representative bodies, such as the Victorian Healthcare Association and the Australasian Institute of Digital Health; and also the Office of the Victorian Information Commissioner. Further engagement will be ongoing with some of these stakeholders, and it is natural that they will have sometimes pointed opinions about where legislation should land. We do take into account the opinions of those stakeholders.

We heard a little bit about the Albury-Wodonga issue, which we have heard about in this house before. I would just like to clarify that there is actually a funding agreement in place to consolidate both campuses at Albury Wodonga Health. This will provide efficiency between both campuses. I think with respect to the healthcare workers, with respect to the people that work in those hospitals and with respect to the people that work in our department, we really should be sticking to that foundation of evidence that I have spoken about.

This bill also has been, I guess like many bills, taken to a controversial place by those opposite. That really is their job – they are in opposition; that is what they do. Whether they do it well I will leave to you. But it is wrong to say there has been little consultation, and it is wrong to say that there has been no consultation or that there was a breach in the births, deaths and marriages database. It is wrong also to ask, 'Why do GPs have no access to this system?' The answer is pretty easy. It is because GPs use My Health Record, and they will have access to this database as well. My Health Record really contains summary information on patients. However, it is not designed to be a comprehensive record of information relevant to a patient's day-to-day care in a hospital. The health sharing information system will complement My Health Record, and GPs will continue using My Health Record. I think that makes absolute, total sense.

We also heard from the member for Benambra about patients' FOI rights. If I heard that correctly – I apologise if I did not hear it correctly – the allegation was that patients cannot FOI their own health data, and that is just plain wrong. This bill does not change a patient's right to access their full medical records from their health service provider under FOI and privacy legislation. You can access and order records to see who saw your medical records as well. I mean, we hear about those in opposition going to briefings – maybe they should listen at the briefings or maybe they should ask more questions. There are some very, very smart people as advisers in our department that can actually answer those questions if those asking the questions are willing to listen.

I am not one to pretend that this is a simple problem – information sharing and data sharing has had its problems over the last decade at least – but comparing what we are talking about here to opting out of MyGov health is incongruent. What happened with MyGov health was a public confidence issue based around – whether they be facts or allegations, I am not sure whether they were proven – information being sold to Telstra based on databases; I think one was the cervical cancer database. Immediately over a million people decided that they did not want to be part of that database – and all power to them. You need, when you create these databases, to have public confidence.

For those opposite who still want us to be letting carrier pigeons with little notes on their legs carry our health information, I would just set the scene for what is happening right now. I had surgery last year, and I was glad that my records could be shared electronically. We are in an age where if you are concerned about information sharing you would be naive, because most people are on their phones, most people have signed up to apps, most people use e-scripts or telehealth – these are all electronic methods of communication that have risks, but you have got to mitigate those risks, and they have been done very well. People are on social media also. There are risks involved with that, but if you mitigate those risks the public have confidence.

But right now what is happening is if I go to a specialist and I have busted my leg, they might receive from a radiographer a fax of an X-ray. Now, that fax comes over onto a machine – and those opposite might laugh, but this is the case in some specialist offices. That fax will end up on that machine, and anyone – anyone, any number of people – can access that data, that information on someone. I ask those opposite: what is more risky – that or someone actually having an email or a database that they are the recipient of, something that is addressed to them that only they can access and their access is recorded and they can instantaneously get that information to help patients and save lives? What is more risky? What is more risk adverse? I would say if you think it is the fax, well, good luck to you. But certainly when I was in surgery not so long ago I was very happy – very happy – to have my details shared electronically, and I know this will take us into the future. I am sure there are some stakeholders that believe that they still can use their Nokia 3510, but we are not in there. We have got to embrace the future.

I would say too that COVID has pushed us into the future a long way. Everybody uses Teams. Everybody uses all the other platforms, and there is risk with that as well. There is risk with that, and there is risk with any data sharing, but it is about mitigating that, and the department have shown in those briefings and in the legislation that we can mitigate that risk. It is not comparable to anything federally based, and I definitely have the confidence in this to help people, especially in accidents, where information is timely and minutes count. I commend this bill to the house.

**Sitting suspended 1:00 pm until 2:02 pm.**

**Business interrupted under sessional orders.**

*Questions without notice and ministers statements*

**Member conduct**

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:02): My question is to the Assistant Treasurer. Was the Assistant Treasurer or his office ever present at or aware of discussions related to the Andrews government’s approval for Beach Energy to turn a testing well running under the Twelve Apostles into a production well?

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:02): I certainly was not aware of that – I am not the responsible minister – and I am not aware that my office would have been either.

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:02): Beach Energy’s share price rose around 50 per cent as a consequence of the Andrews government’s approval of the new production well. How can the Assistant Treasurer claim that it is not a breach of the ministerial code of conduct for him to have profited from being privy to this inside information?

**Mary-Anne Thomas**: On a point of order, Speaker, the Leader of the Opposition has made a giant leap in his questioning. The Assistant Treasurer has been very precise in his answer, and I ask that you rule the question out of order on the basis that it has already been answered and indeed that the minister has been very clear that he has had no responsibility in relation to this matter.

**Peter Walsh**: On the point of order, Speaker, the point of order that has been taken is the minister needs to answer the question because this –

*Members interjecting.*

**Peter Walsh**: I am putting a counterargument to the manager of government business. This is a clear question to the Assistant Treasurer about a breach of the code of conduct and the fact that he has profited –

*Members interjecting.*

**The SPEAKER**: Order!

**Peter Walsh:** a clear breach of the code of conduct that the Assistant Treasurer has profited from by an increase in share price around a government decision that he sat around the table for and would have either been aware of or been part of.

*Members interjecting.*

**The SPEAKER:** Order! I will not rule the question out of order. The minister did refer to the response in his first answer, but I invite the minister to respond.

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:04): I was not the responsible minister. I have always behaved appropriately at all times, and I have declared all my interests.

#### **Ministers statements: Victorian Heart Hospital**

**Daniel ANDREWS** (Mulgrave – Premier) (14:05): I am delighted to rise to update the house, including the Leader of the Opposition –

**John Pesutto** interjected.

**Daniel ANDREWS:** Can I get a word in? Very good. It is all about him, apparently. Well, no, it is not all about him, because on Sunday it was all about an Australian first: the only heart hospital of its kind in our nation, an absolutely amazing achievement. Congratulations and thanks to everybody who built it, everybody who was there designing it and of course all of those dedicated health professionals, clinician researchers, engineers and so many others who will work in this new Victorian Heart Hospital, a centre of teaching, training, research and treatment. This is a unique model of care and a unique partnership bringing together so many different disciplines and so many different professionals to look at not just the best treatment but also the gathering of the best evidence, the next big breakthrough, whether it be in implantable devices, therapeutics, other pharmaceutical interventions, surgical interventions or imaging technology, and very important work in relation to prevention. Of course this is all about changing lives and saving lives, and just as one example, a very real focus of this new Victorian Heart Hospital will be looking at the gendered nature of cardiac care, in that cardiovascular disease and cardiac disease present differently in men and women. There are enormous opportunities and, can I say, obligations for us to do more and do better in that space: 206 beds, 2150 cardiac surgeries, nearly 30,000 emergency presentations, nearly 110,000 consultations and outpatient appointments. And you know what, it is pretty good for jobs too, because it was built by Victorians and it will save lives across our state.

#### **Member conduct**

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:07): My question is to the Assistant Treasurer. Was the Assistant Treasurer or his office ever present or involved in discussions related to the Andrews government's decision to jointly fund an almost \$100 million incubator with CSL?

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:07): I was not present.

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:08): The Assistant Treasurer holds up to \$100,000 in CSL shares. Has the Assistant Treasurer ever absented himself from meetings or discussions related to the \$100 million deal between the Andrews government and CSL?

**Will Fowles:** On a point of order, Speaker –

*Members interjecting.*

**The SPEAKER:** Order! I would like to hear –

**Richard Riordan** interjected.

**The SPEAKER:** Order! Member for Polwarth! I would like to hear the point of order.

**Will Fowles:** On a point of order, Speaker, the sessional orders provide in relation to supplementary questions that they must elucidate or clarify the answer that has been given in the primary question, that they must:

... relate to or arise from the answer and must not be a separate question on the same topic.

This supplementary question has no relationship to the primary question and ought to be ruled out of order on that basis.

**John PESUTTO:** On the point of order, Speaker, the substantive question asked whether the Assistant Treasurer or his office had ever been present. We did not address that in any detail. The supplementary relates to whether the Assistant Treasurer ever absented himself from cabinet meetings or subcabinet meetings. That is what we are asking. There is a nexus between the substantive and the supplementary, and I ask you to rule the member's point of order out of order.

**The SPEAKER:** I will allow the question.

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:09): I have declared my interests and I have acted appropriately at all times, and I have answered the question.

#### **Ministers statements: mental health services**

**Gabrielle WILLIAMS** (Dandenong – Minister for Mental Health, Minister for Ambulance Services, Minister for Treaty and First Peoples) (14:09): I rise today to update the house on the Andrews Labor government's commitment to improving the mental health and wellbeing of all Victorians. Earlier this month I joined the Premier, the member for Mill Park and the member for Thomastown at the newly completed state-of-the-art 30-bed acute mental health facility at Northern Hospital.

This is one of nine new facilities being delivered across the state. This facility will provide care to more than 650 people a year, and the project created and sustained around 450 jobs during construction. But that is not all. The delivery of this new facility represents only a very small portion of the total investment we are making into our mental health system – about \$6 billion so far. As a part of that we are building 260 new public beds across nine infrastructure projects across the state, including of course the MacCallum mental health and wellbeing centre; Northern Hospital; Sunshine Hospital –

**Natalie Suleyman:** Hear, hear.

**Gabrielle WILLIAMS:** 'Hear, hear' from the member for St Albans; Royal Melbourne Hospital; Goulburn Valley hospital; Footscray Hospital – where is the member for Footscray; Melton hospital – over here; Frankston Hospital – somewhere behind me there; and Warrnambool hospital, so I expect the member for South-West Coast to be very excited about that.

**Daniel Andrews:** No, she'll be bagging it, don't worry.

**Gabrielle WILLIAMS:** That's right. That also includes 24 beds delivered across the state as part of our mental health Hospital in the Home program as well as 35 beds for public mental health patients in private mental health services. These investments will mean that we will deliver a total of 260 new public health beds. That is 25 more than the Royal Commission into Victoria's Mental Health System recommended. That means of course more mental health beds and more local construction for our hardworking Victorians, but more importantly – perhaps most importantly – thousands more Victorians accessing the mental health care and treatment they need closer to home.

#### **Operation Clara**

**Michael O'BRIEN** (Malvern) (14:11): My question is to the Treasurer. IBAC's special report into Operation Clara found that former Labor minister Theo Theophanous improperly sought to lobby the Treasurer to the benefit of the Australian Education City consortium. Did the Treasurer report this improper conduct of a Labor mate to the authorities? If not, why not?

**Tim PALLAS** (Werribee – Treasurer, Minister for Industrial Relations, Minister for Trade and Investment) (14:12): I thank the member for Malvern for his question, and to make this clear, I have always acted appropriately at all times with respect to these matters. Might I also draw to the member's attention, if he has not read the report – it makes it very clear in the report that no-one else, including me, is subject to adverse comment or opinion or inference of impropriety.

**Michael O'BRIEN** (Malvern) (14:13): In April 2019 Mr Theophanous promoted a Labor campaign event to the Australian Education City consortium as 'a unique opportunity to speak to the ... Treasurer directly'. Australian Education City was invoiced \$5000 in relation to this event. What was the Treasurer's involvement in what appears to be an attempt to bypass Victoria's fundraising laws to raise funds for the Labor Party from an overseas consortium at the request of a lobbyist subject to today's corruption report?

**Tim PALLAS** (Werribee – Treasurer, Minister for Industrial Relations, Minister for Trade and Investment) (14:13): I refer the member to my previous answer. The IBAC actually shaded a section of their report to make it clear that there was no adverse comment or opinion or inference of impropriety, and that I believe is the end of the matter.

### **Ministers statements: Big Housing Build**

**Colin BROOKS** (Bundoora – Minister for Housing, Minister for Multicultural Affairs) (14:14): It gives me great pleasure to update the house on the progress of the Andrews Labor government's Big Housing Build and how we are creating more social and affordable housing and delivering jobs for Victorians right across the state. We are investing \$5.3 billion to deliver more than 12 000 new social and affordable homes – the single biggest investment of any state or territory across the country and the biggest in this state's history. We are on track, with more than 7500 homes either complete or underway. This means more vulnerable Victorians will have access to the housing that they need.

Recently I joined the member for Footscray to kick off work at a great social housing development, with 49 new homes and over 200 jobs to be created. A couple of days before that I joined the member for Bentleigh to open 120 homes in Cheltenham, with more social housing and nearly 500 jobs – I think he is outside telling people about it now. And I joined the member for Point Cook announcing \$50 million for youth housing as part of the Big Housing Build right across the state from Werribee to Wodonga.

We know the former Liberal housing minister said that we should not build social housing in places like Brighton because kids from social housing would not have the right sneakers or iPhones. We rejected that sort of thinking, and we are delivering 299 dwellings right there in Brighton. The construction workers we speak to at these sites are on board because they know that the Big Housing Build is creating 10,000 jobs a year, with \$1.25 billion of this investment in regional Victoria creating 2500 jobs across our regions.

At the last election Victorians had a choice between a government that gets things done and unapologetically, unreservedly backs and delivers social and affordable housing and the jobs that it delivers. The alternative was a vote for those who run down social housing, who cut hundreds of millions of dollars from the housing budget and who have a record of opposing social and affordable housing. The Big Housing Build was on the ballot at the last election and the people voted for more social and affordable housing and the jobs that it delivers.

### **Member conduct**

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:16): My question is to the Assistant Treasurer. The Assistant Treasurer holds up to \$100,000 worth of Commonwealth Bank shares, \$10,000 in Bega Cheese shares, \$10,000 in Beach Energy shares, \$100,000 in CSL shares, \$10,000 in Computershare shares and \$10,000 in Telstra shares. Has the Assistant Treasurer traded shares in any of these companies since he came to Parliament?

**Mary-Anne Thomas:** On a point of order, Speaker, I fail to see how the opposition leader's question relates in any way to the minister's portfolio. The point of order is in relation to standing order 53, which makes it clear that all ministers can answer questions related to their portfolios. There is nothing in the question that relates to the minister's portfolio.

**John PESUTTO:** On the point of order, Speaker, on reflection I think –

*Members interjecting.*

**The SPEAKER:** Order!

**John PESUTTO:** Look, we had simply assumed that the Assistant Treasurer would tell the Victorian people what shares he traded in and out of. But we are happy –

*Members interjecting.*

**John PESUTTO:** I am not finished the point of order yet, Mary-Anne. I am happy to rephrase the question.

*Members interjecting.*

**The SPEAKER:** Order! The house will come to order. The member for Frankston can leave the chamber for 1 hour. Clearly you do not enjoy question time.

**Member for Frankston withdrew from chamber.**

**The SPEAKER:** The Leader of the Opposition has asked to rephrase the question. I am going to allow him that opportunity.

**John PESUTTO:** I will rephrase the question, Speaker. The Assistant Treasurer holds up to \$100,000 in Commonwealth Bank shares, \$10,000 in Bega Cheese shares, \$10,000 in Beach Energy shares, \$100,000 in CSL shares, \$10,000 in Computershare shares and \$10,000 in Telstra shares. Has the Assistant Treasurer traded shares in any of these companies since he became a minister?

*Members interjecting.*

**The SPEAKER:** Order! The house will pause. I would like to make a ruling on the opposition leader's rephrased question. The question has not directly been related to the minister's portfolio and his duties as minister. I will give you one more opportunity to rephrase the question.

*Members interjecting.*

**The SPEAKER:** Order! The house will come to order. The Premier will come to order. Members will be removed from the chamber without warning. Leader of the Opposition! Third time lucky, Leader of the Opposition.

**John PESUTTO:** Thank you, Speaker. My question is to the Assistant Treasurer. The Assistant Treasurer holds up to \$100,000 in Commonwealth Bank shares, \$10,000 in Bega Cheese shares, \$10,000 in Beach Energy shares, \$100,000 in CSL shares, \$10,000 in Computershare shares and \$10,000 in Telstra shares. Has the Assistant Treasurer breached the ministerial code of conduct by trading in any of these shares?

*Members interjecting.*

**The SPEAKER:** Order! The Deputy Premier will come to order. Leader of the Opposition!

**Mary-Anne Thomas:** On a point of order, Speaker, I think that at this stage it is fair to say that the Leader of the Opposition is actually reflecting on the Speaker by imputing that his question responds to the advice that you have given him. Clearly his question still does not relate to government administration. Standing order 53, by the way – let me refer you, if I may, to *Rulings from the Chair*, where it was in fact Speaker Delzoppo who made it quite clear that a question to a minister concerning

actions in relation to a request to purchase of stock that was not related to his government business, so I ask that you rule that third attempt at this question out of order.

**Peter Walsh:** On the point of order, Speaker, I ask you to rule the Leader of the House's point of order out of order. This clearly relates to the minister's issue around his propriety or impropriety as a minister in trading shares that create a conflict of interest. The question was very simple to the minister: did he have a conflict of interest in trading those shares? If he does not want to answer that, it proves he is guilty.

*Members interjecting.*

**The SPEAKER:** Order! The member for South Barwon can leave the chamber for 1 hour.

**Member for South Barwon withdrew from chamber.**

**The SPEAKER:** The question related to the ministerial code of conduct. I am going to allow this one. The Assistant Treasurer to respond.

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:24): I have always declared my interests, and I have always acted appropriately.

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:24): The Assistant Treasurer's register of interest shows that he has traded in shares. Will the Assistant Treasurer release itemised records of these share transactions, including their dates?

**John Pesutto** interjected.

**The SPEAKER:** Order! Leader of the Opposition! The question does not relate to the member's ministerial responsibilities. I am going to rule the question out of order. I will give you one opportunity to rephrase.

**John PESUTTO:** Can the Assistant Treasurer assure this house and the Victorian people that no transaction to either sell or buy shares during his time as Assistant Treasurer has breached the ministerial code of conduct?

**Mary-Anne Thomas:** On a point of order, Speaker, as you well know, the ministerial code of conduct is not the responsibility of the Assistant Treasurer. The Assistant Treasurer has complied at all times with his responsibilities in terms of updating his register of interests, and I ask that you rule the question out of order.

**James Newbury:** On the point of order, Speaker, a minister's adherence to the code of ministerial conduct is entirely within the remit of a ministerial responsibility. This argument put by the Leader of the House brings a whole new level to this government's lack of accountability.

**The SPEAKER:** Order! I allowed the first question in relation to code of conduct, and I allow this one.

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:27): Thank you, Speaker. I refer you to my earlier answer.

#### **Ministers statements: education funding**

**Natalie HUTCHINS** (Sydenham – Minister for Education, Minister for Women) (14:27): There is no denying that under this government Victoria is the Education State, and it is so true when you have a look at the investments we have made in our new schools – state-of-the-art new schools. I would like to advise the house that this was confirmed by the Australian Bureau of Statistics last week, which said that more new schools have been built in Victoria than in any other state in the past five years. Almost half of Australia's new schools were built here in Victoria. I know this is no surprise to

the members for Tarneit, Yan Yean, Pakenham, Melton, Thomastown, Cranbourne, Werribee and Kalkallo because they have all seen new schools open in their areas and they have all seen new jobs delivered locally through these builds. Schools like Karwan, Nearnung Primary School, Thornhill or Barrawang – these are all schools which have kinders either being built on site or next door. They are absolutely amazing investments. They are great schools filled with enthusiastic teachers and really eager kids.

This has been the single biggest building program in education in our state's history. In our previous two terms of government we spent \$12.8 billion on infrastructure, upgrading our schools, making sure that our schools are inclusive and making sure that we are upgrading all of our specialist schools. And this has supported the creation of 17,400 jobs, including so many new apprentices which I have had the pleasure of meeting. As a student in this state your postcode will not determine your education opportunities or your outcomes. I am so pleased that this government has committed to a hundred new schools by 2026.

#### Member conduct

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:29): My question is to the Assistant Treasurer. Given revelations over the past 24 hours, Victorians now have cause to be concerned about multiple conflicts of interest related to various private shareholdings owned by the Assistant Treasurer. Will the Assistant Treasurer publicly release his ministerial diary, including a full list of meetings he has attended and briefings he has received about matters concerning companies in which he has a shareholding?

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:30): Again, I have disclosed all my interests, and I have behaved appropriately at all times.

**John PESUTTO** (Hawthorn – Leader of the Opposition) (14:30): Noting the Assistant Treasurer's answer just then, if the Assistant Treasurer has nothing to hide, why won't he release this information?

**Danny PEARSON** (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:30): I reject the assumptions in the member's question.

#### Ministers statements: West Gate Tunnel

**Jacinta ALLAN** (Bendigo East – Minister for Transport and Infrastructure, Minister for the Suburban Rail Loop, Minister for Commonwealth Games Delivery) (14:30): This morning the fabulous member for Footscray and I witnessed a great moment in the West Gate Tunnel Project when we had the opportunity to see how Vida the tunnel-boring machine, one of the two biggest tunnel-boring machines operating in the Southern Hemisphere, broke through a 2.8-kilometre tunnel that makes up the heart of the West Gate Tunnel Project.

What was particularly special about the opportunity to be in the tunnel portal this morning with the member for Footscray was our opportunity to thank some of the 50,000 workers who work on the Andrews Labor government's Big Build. We got this morning to talk to the tunnellers who have been working 24 hours a day, seven days a week for the last nine months to achieve this tunnel breakthrough. As we talked to them with great pride about their skills and the contributions they have made to the Victorian community, they talked about their optimism for the pipeline of tunnelling projects that we have ahead of us, how they could see that there was a North East Link and there was a Suburban Rail Loop project that were part of the big and important pipeline of transport infrastructure projects that is only being backed in by the Andrews Labor government.

We have seen that for communities in the western suburbs – I know the member for Williamstown and the member for Footscray know this well – this is a project that will take thousands of trucks off local roads. It will slash travel times from Ballarat and from Geelong all the way into the city for people

coming in and out of the west. For the freight industry it will provide that much-needed connection to the Port of Melbourne, another big job generator for our city and state. Of course there are others. While they were getting their feathers fluffed down at the Southbank studio, supporting and cheering on the campaign to cut and audit our pipeline of projects, we stood firmly with those workers and the Victorian community to get these jobs done.

*Constituency questions*

**Caulfield electorate**

**David SOUTHWICK** (Caulfield) (14:33): (30) My question is to the Minister for Education. Prior to Christmas I raised with the minister deep-seated issues with the culture and leadership of Caulfield South Primary School, which are having a devastating impact on the school community. Since then 14 staff have come forward with allegations of systemic bullying over a number of years. No teacher should have to put up with an unsafe work environment. No parent should have their child at school put in turmoil. It is for this reason that I want to put politics aside and sit down with the minister and her colleagues and work together to fix this problem. Will the minister update my community as to what is currently being done to address and fix the cultural and behavioural issues at Caulfield South Primary School?

**Northcote electorate**

**Kat THEOPHANOUS** (Northcote) (14:34): (31) My question is to the Minister for Public Transport, and I ask for the latest information on the major public transport upgrades underway in the Northcote electorate. Last year I was proud to let my community know that the Andrews Labor government will invest in much-needed upgrades to both the Merri and Thornbury stations. We will deliver improvements like new boarding ramps, new tactile ground surface indicators and upgrades to the PA system and CCTV.

I was also thrilled to announce funding to begin critical planning work for more accessible tram stops along the 86 line on High Street, north of Separation Street. The dearth of accessible tram stops along this Northcote–Thornbury–Preston corridor is something I have raised in this chamber before on behalf of my community. There are currently around 20 consecutive stops with no level access, and it is having real impacts on the everyday lives of residents. Having an accessible and safe public transport network, particularly for people with mobility issues, young families, older residents or just those lugging their weekly shop, should be a given. My community would greatly benefit from an update on where these critical projects are up to and the next steps for seeing them completed.

**Morwell electorate**

**Martin CAMERON** (Morwell) (14:35): (32) My question is for the Minister for Emergency Services in the other place. The information I seek is on the progress, location and time line of the new Moe Fire Rescue Victoria fire station. On the eve of the November state election, the town of Moe was promised a new Fire Rescue Victoria fire station on the derelict old Baw Baw Hotel site, which has been an eyesore for many years and attracts antisocial behaviour, much to the dismay of the local community. Labor’s candidate for the seat of Morwell posted to Facebook the night before Victorians went to the polls:

A new fire station –  
for Moe –

is in the works, and is an investment in Moe’s future, for a Moe we’re all proud of.

Can the minister please provide this progress for the people of Moe?

**Eltham electorate**

**Vicki WARD** (Eltham) (14:36): (33) My question is for the Minister for Climate Action. Local resident 12-year-old Ollie has reached out to me expressing his concerns regarding climate change

and wanting to see strong action in response, as well as strong protections for our natural environment. Ollie is a passionate and articulate young advocate for climate action and is very concerned about the risk potential inaction will have on his generation. Ollie wrote to me with a number of suggestions to address climate change, such as strong emissions reductions targets, boosting electric vehicle usage and increasing solar power. As a young activist, Ollie asked me to pass these concerns on to you. Minister, please help me reassure Ollie that the Andrews government takes the threat of climate change very seriously and that we are taking strong action, and detail for him what the Andrews Labor government has put in place over our last two terms, as well as our ambitious climate change policies for Victoria's future.

#### **Berwick electorate**

**Brad BATTIN** (Berwick) (14:37): (34) My question is for the Minister for Transport and Infrastructure. Residents of Casey are stuck in traffic with the false promises of both the federal and state Labor governments. The member for Narre Warren South was all smiles on Facebook on 4 November, showing residents pretty graphics of major roads for a Clyde Road upgrade. The member boasted about the extra lanes and the intersections but failed to confirm the state's financial contribution if the federal government was still contributing the promised amount committed to by the previous Morrison Liberal government of \$50 million for the works. It seems on the government's major roads projects website that all the information shown is just an orange line, with no information, no time line, no funding declaration – just a lonely orange line. Minister, can you please provide information, including time lines, of the promised Clyde Road upgrade, which includes the Kangan Drive intersection and upgrades to the extra lanes of Clyde Road over the Monash overpass. Also please provide the federal funding and say what is happening with that federal funding – or is it another Albanese cut to my electorate?

#### **Sunbury electorate**

**Josh BULL** (Sunbury) (14:38): (35) Thanks very much, Speaker. It is always great to see you. My question is for the fantastic Minister for Education. Minister, what is the latest information on construction time lines for this government's outstanding upgrade at Sunbury West Primary School in my electorate? Tangible, significant, consistent and strong investment in teaching and learning is what this government is all about, and we are about creating the Education State. We know on this side of the house that within my local community, since coming to government, we have invested more than \$70 million in local schools within my electorate. Compare that to \$2 million under the former government over their four years when they had the opportunity to occupy the Treasury benches. We know that this investment in teaching and learning is critical to the development of students, not just in my electorate but right across the state. Again I take this opportunity to thank all of our teachers and all of our educators, who do a magnificent job right across the state.

#### **Kew electorate**

**Jess WILSON** (Kew) (14:39): (36) My question is for the Minister for Transport and Infrastructure. Will the minister meet with the local community group in my electorate, residents united against North East Link option A, RUANELA, to discuss their concerns about the design and impacts of the North East Link? This project will impact on many residents in the electorate of Kew, particularly those who live in Balwyn North near the proposed Bulleen Road interchange. Residents' concerns include: significant loss of public transport amenity; inadequate noise level controls; widening of the Eastern Freeway out to 24 lanes; no filtration in tunnel exhaust stacks and the pollution effects; impacts on Belle Vue Primary School, located directly next to the proposed southern interchange; and consequences on the traffic flow and congestion on local streets. With the North East Link expected to be one of the most expensive public transport projects built in Victoria's history, it is critical that the residents of Kew are properly consulted and their feedback is incorporated into the design and construction process. I ask the minister to meet with them and listen to their concerns.

**Bass electorate**

**Jordan CRUGNALE** (Bass) (14:40): (37) My question is for the Minister for Early Childhood and Pre-Prep. How is the Andrews Labor government supporting our littlest learners and families as they return to kindergartens in my electorate of Bass? Thanks to the government's Best Start, Best Life program, kinders in the Bass electorate will provide free three- and four-year-old kinder for up to 15 hours a week. As families are dealing with rising costs, free kinder will deliver savings and choices for local families. Many children in Bass have started kinder this year in a brand new and expanded kinder, and this includes a new kinder on site at Newhaven Primary School, with 66 places, an admin building, learning spaces and an outdoor play area, and also an expansion of Wonthaggi Primary School in Drysdale Street. I would appreciate any further information the minister can provide on how our government is supporting access to early childhood learning right across Bass and look forward to sharing that response with my community – and welcoming her any time to the electorate too.

**Shepparton electorate**

**Kim O'KEEFFE** (Shepparton) (14:41): (38) My question is to the Minister for Government Services, and I ask: when will critical flood relief payments be made to businesses and community members who have applied and qualified for the flood relief funding but have not yet received their payments? I am getting a constant flow of inquiries into my office, including from a local pharmacist and small business owner in Mooroopna who had suffered significant financial loss during the pandemic and now again is suffering significant financial loss from the devastating floods. He is still waiting months later for his application to be progressed. This is causing stress and anxiety and affecting people's mental health.

**Narre Warren South electorate**

**Gary MAAS** (Narre Warren South) (14:42): (39) My question is for the Minister for Suburban Development and concerns the Our Suburbs: Living Local Fund. Minister, how will the Our Suburbs: Living Local Fund support my constituents in Narre Warren South? The state government's Our Suburbs and Our Regions: Living Local initiative is designed to assist local communities with infrastructure and the equipment that they need to thrive. I was really pleased to hear that Oakgrove Community Centre in my electorate received support for audiovisual equipment which will modernise their space and help a range of community groups. The dedicated team at Oakgrove Community Centre is led by committee president David Haynes and manager Mary Amalraj. The centre delivers fantastic services for all ages and backgrounds, from computer skills and health and wellbeing to cultural and children's programs. I really would appreciate any further information that the minister can provide on the Our Suburbs: Living Local Fund and how this will benefit my electorate of Narre Warren South.

**Bills****Health Legislation Amendment (Information Sharing) Bill 2023***Second reading***Debate resumed.**

**Tim READ** (Brunswick) (14:43): I start by asking members to wonder: how could you know whether a pathology test result from 2022 might influence a treatment decision in, say, 2026? It is hard to predict our medical future. What you know about your medical past may be largely irrelevant to your medical future or it could make an enormous difference, and patients cannot know what information from their medical past will be critical to their medical future.

Victoria's public hospitals were divided years ago into autonomous networks – I think it was in the early 1990s – but are now operating as parts of a single system. Especially during COVID, patients were being shunted from hospital to hospital. Patients from Sunshine were hospitalised in Geelong. But their digital records are not normally shared. Patients are often transferred between hospitals

during an illness and their medical record then goes with them. But if a patient from my electorate is normally cared for at the Royal Melbourne Hospital but that is full and they wind up at St Vincent's just a few minutes walk away, their medical record from the Royal Melbourne Hospital is out of reach and at 3 am vital information may have to wait until the morning. Patients actually in my experience generally assume public hospital doctors already have access to the information from elsewhere in the public system, and they are surprised when we explain that we do not.

In fact, to their credit, several groups of hospitals are already sharing their digital records, and that is because of them being part of the same network. The Royal Children's, the Royal Women's, the Royal Melbourne and the Victorian Comprehensive Cancer Centre network, all in Parkville, all use a single digital record system, so a comma written in one hospital can be corrected or complained about in another hospital. That is as it should be, because there is often swift movement of patients between those four hospitals. The Alfred, Caulfield and Sandringham all use a single system. There is a statewide public mental health record system. So where those systems are shared, patients can be moved and doctors and nursing staff can look back at test results that were mundane and unimportant two years ago but have suddenly become critical: is that little spot on the chest X-ray old or new?

Patients often cared for at one hospital just assume that all of that information has followed them somehow when in fact it has not, and it requires phone calls, delays and sometimes faxes or emails to get that information across. The information is vital in many ways. Medications may interact. There are drug allergies. There are alerts on records, such as severe asthma. There are unusual alerts that you might not imagine – for example, this patient is prone to violent behaviour when sedated. I have seen these sorts of alerts. These things are not things that patients necessarily remember or would know to communicate. Past biopsy results – biopsies can be painful and expensive and difficult to interpret; diagnoses that took months to make – not all medical problems are solved in the first 15 minutes, and some diagnoses take a long time; results of tests and scans, some of them very expensive scans: all of this information sits in digital medical records.

With this bill we can make this information immediately available to clinicians who are working under pressure. Or we can make those doctors or nurses wait on the phone or next to a fax machine; we can make them work with one hand tied behind their back. Allowing hospitals caring for the same patient to share information will reduce the amount of time clinicians waste on the phone trying to find it, it will reduce the incidence of dangerous drug interactions or allergic reactions, it will reduce dangerous misdiagnoses and consequent delays in appropriate treatment and it will reduce the repetition of painful, risky or expensive tests. Wasted time, needless expense and delays in diagnosis are common consequences of a lack of information sharing, and at a time when we are trying to help our public health system cope with COVID, we should do all we can to help. We have all of us in this place heard from outpatients who have been waiting unreasonably long times for outpatient appointments, for scans and especially for surgery. Less commonly, deaths can even result from inadequate information, and this bill comes out of an investigation into the deaths of babies in Bacchus Marsh some years ago.

The Greens support the intent of this bill to enable public health services to run more efficiently, to reduce delays and to make care safer by reducing the risk of harmful medical errors, which can occasionally be catastrophic. However, there is always the risk that the wrong person may find and misuse sensitive health information. That risk already exists for the digital and paper records used in hospital networks, and there are already layers of deterrents in place, including a strong institutional and professional culture to respect patient confidentiality and the fear of dismissal and legal action. However, more could be done to reduce the risk of inappropriate access and disclosure, and this bill is an opportunity to discuss and strengthen this.

Patients who opt out of the whole system would be at risk of any of the above consequences when usually all they might want is to prevent their ex-husband who works at hospital A from seeing their positive chlamydia test or a reference to their past abortion or their drug-induced psychosis that they had years ago in hospital B. But they are perfectly happy for their chest MRI scan and their blood biochemistry to be accessible to the public health system. So rather than opting out of the whole

system, we should consider whether it could be feasible for patients to nominate either certain facts or information to be omitted from being uploaded to the shared platform or for their record to not be available at their request to the wider group of health agencies listed in the legislation and only to public hospitals where they are current inpatients.

We should look at whether further limits should be placed in this legislation on the secretary's powers to disclose information to other agencies, such as the police – other agencies, that is, that are not involved in directly caring for the patient. We would be interested to see a mechanism for patients to learn what agencies have accessed their information. I gather that the FOI exemption in this bill was intended to reassure Victorians that the Department of Health is not looking at or involved with their data, but that does not seem in the current environment to have been effective reassurance and so this exemption should be reconsidered. They can as it stands get their data from the hospitals. An FOI is costly and time consuming, so some mechanism for improving access other than by FOI would be welcome.

The Greens look forward to working with other parties in the Legislative Council to see what reassurances and improvements we can collectively achieve for this bill. That is why we will not support the reasoned amendment in the lower house, which is a rather blunt instrument, while we are willing to consider some aspects of it. So let us pass the bill this week to help our stressed public health system and take the opportunity to improve the bill in the other place and strengthen health privacy while we are at it.

**Steve McGHIE** (Melton) (14:51): I rise today to contribute to the Health Legislation Amendment (Information Sharing) Bill 2023. Firstly, I would like to acknowledge the work of the Minister for Health on this matter and her hardworking staff, especially with our pandemic response taking priority and unfortunately delaying these amendments. I would also like to acknowledge the member for Brunswick's contribution and of course his clear explanation as a doctor in experiencing the sharing of medical information between facilities and what it means to the patient care outcome of many, many patients. As he alluded to, not all patients relay their medical history or remember their medical history or remember the drugs that they take and things like that. In some cases they are not even in a situation where they can actually relay any information to the medicos – they could be in an unconscious state – so it is important. This bill is clearly about patient care and better patient outcomes, and I thank the member for Brunswick for his explanation. As I say, as a doctor he has been through those experiences before, where the information could have assisted him in dealing with his patients on different occasions. I appreciate what he has contributed.

I am also very proud to be part of the Victorian government, who continue to improve patient safety and provide continuity of care for all Victorians, making sure that our health clinicians and practitioners have at their fingertips the tools that they need when they need them. Again, we have had it raised in this chamber that patients can be moved from facility to facility subject to the circumstance of their situation, and it is important that medical information is forwarded and shared between those facilities so the receiving hospitals can, firstly, be prepared to be able to treat that patient, and secondly, be able to deliver the best possible patient care and outcomes.

Continuing to deliver on our election promises and the trust which the Melton electorate has given me, this is an issue that in my previous life as a paramedic I saw firsthand – the benefit that this proposed amendment to the health legislation will deliver. Ambulance Victoria have had their own electronic and digital system for many, many years. It is called VACIS, which is the Victorian Ambulance Clinical Information System, and it has been in place, as I say, for many years. This is an electronic patient care record. The purpose of introducing that system for the ambulance service was for paramedics to put in as many details and other details in regard to the situation of the patients that they are treating and transporting to hospital and to be able to send that information off to the hospital before they arrive so the hospital has some knowledge and are able to look up a patient's history if that patient has been at that hospital previously. That system has worked very, very well. There have been modifications to it for the ambulance service on a number of occasions to try and improve it, but it has worked very well. I dare say it is something that is still in place. I know that the hospitals receiving

that information are grateful to receive good, thorough electronic information prior to ambulances arriving, and it is important for patient outcomes.

In an emergency, when every minute counts, access to accurate and vital health records saves lives. It is obvious that patient electronic medical records, the EMRs, bring hospitals and health services into the 21st century, driving healthcare advances and improved treatment outcomes for patients around the state. I am excited that the new Melton hospital, when it opens its doors, is going to have access to this system. As well as having a 24-hour emergency department, it will have at least 274 beds. It will have an intensive care unit. It will have a maternity unit and a neonatal unit. It will have mental health services, radiology services, ambulatory care and, as I said before, mental health beds. It will be a full tertiary hospital. We hear a lot of background noise from people that are naysayers about this particular hospital. These are big infrastructure builds; they take time to build. I am pleased to say it will occur and building will start at the start of next year and be completed towards the end of 2028, early 29. And it will be a great asset for the western suburbs – not just Melton but the western suburbs – and it completes that corridor: western Footscray, western Sunshine, Joan Kirner hospital, western Melton, the Bacchus Marsh facility, and we also have a Melton medical facility right now that will be complemented by the new hospital. So for people to say that the western suburbs are being left behind – I do not know what planet they are living on. It is certainly not the same planet that I am living on, that is for sure. When the Melton hospital is operational, it will have the capacity to treat 130,000 patients each year, and it will also see 60,000 patients go through that emergency department. We are talking about the sharing of medical records, and we are talking about 60,000 patients – a lot of those patients that will go through that emergency department will already have a medical history at other facilities, and that will be shared now with the new Melton hospital when it is open so those patients can be treated with up-to-date information through the sharing of that information.

It is nigh on impossible to find a Victorian who has not visited more than one health service for care and treatment as a patient. Currently, as it exists, our personal health information exists in multiple silos across multiple health services, and this bill will improve on that situation by getting rid of the silos and being able to share that information right across the networks. Most Victorians will often be treated at different health services over their lifetimes, and patients cannot know what information from their medical past will be critical to their medical future. Of course, depending on the circumstances, patients may not be able to provide all or accurate medical history, and as I said before, there can be circumstances that lead to that, subject to the incident that the patient is involved in, whether it is a medical condition, whether it is an emergency situation, whether it is a traumatic situation, whether it is a drug overdose, whether it be a serious assault or things like that. You do not always get the relevant information from your patients. As I said, as a paramedic it is important to try and do provisional diagnosis and treat people, but to try to get all the information – it is not always forthcoming. I am sure you have all been through this when you have been to your doctor – do you tell your doctor everything that is going on? I do not think so. You tell them enough – what you feel you want to tell them – but you do not tell them everything. You do that for certain reasons, and that is an issue. Of course the medicos can only treat based on the information they gather and what is before them in regard to signs and symptoms and the information that the patients provide. So it is important to have a good medical history, it is important to share the information, and that will lead to better outcomes. But again, we all think that we are all honest when we go to the medicos and tell them everything about us, and we do not. We do that for various reasons. Some of it could be embarrassing for us. And I can tell you I have done that at my doctor's: 'No, I don't drink alcohol. I never drink alcohol' – and obviously people in this chamber would refute that. But my doctor thinks I am squeaky-clean, so that is great.

Over the last 20 years health and medicine have undergone a digital revolution, and as I alluded to before, the ambulance service introduced their VACIS system many, many years ago, and it has been such a success. Again, we have proved why Victoria is one of the most respected biomedical research precincts in the world, with cutting-edge research and discoveries, training some of the country's brightest minds as well as adding strong economic value to Victoria. All of this medical information

sharing will lead to better outcomes, because as I say, I know with the VACIS system in ambulances they collect a lot of data in regard to prehospital care.

I know the minister is at the table. It has been important data in regard to the types of incidents that they respond to, the types of treatments, the drugs that they may use and the numbers of resources that they might respond to a certain incident with. The way we deal with drug overdoses now is quite different to what happened in the 1970s, 80s and 90s. There is quite a different response, and the medications that they have are quite different in dealing with these patients. That sharing of information is really important.

As I say, if we can get a broad system right across the networks, right across the state, rather than be siloed into health networks in just the east or the south or the west, if we can broaden out right across the state with that sharing of information with the ambulance service and with other health agencies, then it can only lead to much better outcomes for patients. As I have said previously, this bill is about patient care. It is about better patient outcomes. It is about having enough information for the medicos to be able to treat people better. I commend this bill to the house, and I thank the minister for it.

**Jade BENHAM** (Mildura) (15:01): The Victorian health system in this state, we know, is in quite a state of disrepair, so any more we can do to help our frontline healthcare workers has got to be a positive, right? This bill in its concept initially is good, but it does have flaws. The simple answer is yes, obviously we want to help our frontline workers, but this bill is not that simple. The base concept of this bill would be great. Our healthcare workers – our ambos, our allied health professionals, our clinicians – would love to be able to get hold of all sorts of patient information in a snap, and that was pointed out by the member for South-West Coast earlier today. In my electorate of 35,500 square kilometres we have five different health services. They include Mildura Base Public Hospital, East Wimmera Health Service, Mallee Track Health and Community Service and Robinvale District Health Services, and they are supported a great deal by the Royal Flying Doctor Service.

In fact the Royal Flying Doctor Service are about to increase their service delivery to the Robinvale district. They held a round table there last week, which I attended, and it was fantastic. The robust discussion and debate and ideas to come out of an event like that were truly inspiring. It is a testament to what can actually occur when you bring everyone to the table with the freedom to tell the truth and work through some of the issues that we know occur, where the gaps are and how they can be filled and give people the freedom to speak freely. It is an exciting time, and I do congratulate Robinvale District Health Services; Dr Jane Neyland, our beloved doctor; and the Royal Flying Doctor Service on their collaboration efforts so far. We are truly very lucky in Robinvale. This is thinking outside of the box in terms of rural health care, and we need much more of it.

What we do not need is putting everyone inside the same box. This bill would help to streamline processes across rural health services, and I am sure having all of the multipurpose services and subregional health services able to share information would be very effective if an accident occurred on Ouyen Lake or on the Murray River, for example. I would like to offer my sincere condolences to the family and friends of the young man who was the victim of a fatal accident last weekend on the Murray River. It is something no-one ever wants to see occur obviously. It is an absolute tragedy, and my sincere and heartfelt condolences do go to his family and friends that were there with him at the time. Also, thank you to those first responders, the police divers and emergency workers who responded to this tragedy over the weekend. You do the work of angels, and words will never be enough, but thank you for your service.

Now is the busy harvest period. Safety standards exist and are better than they used to be, although there is still some work to do there as well – farm accidents are always possible, and they do occur, because most of the work is still done by humans. But if an accident occurred on a farm during harvest and the worker was from the city – actually, that probably does not happen, but you know what I mean. If they are coming in from other parts of the state, access to information from other health services would be very helpful. But what happens when these patients are from interstate, which for us is

literally 2 minutes away? The border in border communities is used more for recreation than it is for separation; we operate as one. Unfortunately that river does create two states, which is something that the member for Benambra pointed out earlier today. Will this database talk to the Far West Local Health District in New South Wales like we would need it to in the Mildura electorate? No, it will not. It is only mandated for some specific health services like the ones I have mentioned – the multipurpose services and the subregional health services – but not GPs. Wouldn't that also be very, very helpful? It is a decent concept, but these are the flaws that do not make sense. These are flaws and they are actually horrendous. If we are going to do this, we need to do it once and we need to do it well.

Over the last three years people of this state have been forced into things they did not wish to be; it is a fact. They are sick of it; it is a fact. People in my community who were locked down and mandated by the government are sick of being told what to do and being told that they do not have a choice, which is why we need an opt-out clause. This is fact, and I know this because I do in fact spend a lot of time talking to my community. In the last week I have done almost 2000 kilometres in the car talking to members of my community. I have received emails and phone calls to my office raising concerns about the lack of substantive amendments made to this bill since it lapsed in the last term of government. These are everyday people with a past who are not comfortable with the fact that this scheme is exempt from freedom of information requests. They are concerned that they cannot opt out. They are concerned that their medical past might come back to haunt them even though it might be well and truly in the past. It is a very real concern.

As the member for Lowan spoke about earlier today, those who may have been victims of sexual assault or may have been hospitalised for mental health issues et cetera in the past and sought treatment probably do not wish for their records to be available to someone in a health service who has been delegated to have access. If you have sought treatment for mental health, family planning or any of those things spoken about by the member for Lowan, you would like that to be protected. This is a valid concern for all of us, and we need to give Victorians back their freedom of choice. For some it is fine; there is no concern. The sharing of medical information in a government database is nothing for them to be concerned about, and that is fine, but there needs to be choice. There might not be anything sketchy in there – great – half your luck if you have got nothing sketchy in your past. It is not that way for all of us.

**Danny O'Brien** interjected.

**Jade BENHAM:** Yes. A very medical term, thank you, member for Gippsland South.

There is also the threat of cybersecurity breaches, which we have seen. Health databases are a target. We have seen it with Medibank. We have seen it with all sorts of cybersecurity. Cybersecurity is one of those things that does personally scare me – it is a major concern – and for others it is the principle and the fact that they are just sick and tired of being told what to do and of the government overreach.

Going back to the hackers, health information, like I said, is something they target. If you get health records with Medicare numbers and all of that in there – current addresses – that is enough to steal your identity. You only need to hack one database and you have got enough to steal the identity of hundreds of thousands or millions of people. We need the choice to opt out. Until we can get an absolute guarantee, which we cannot at the moment – no database can guarantee 100 per cent safety, particularly one that has not even been budgeted for – we need to do this properly. It could cost hundreds of millions of dollars, which could build a brand new Mildura hospital that could replace the one we have outgrown and that we so desperately need. Granted, we do not know how much that will cost because we are still waiting on the master plan. There is still work to be done here. There is a lot of work to still be done here, and the best place to start is giving Victorians their choice to opt out, not to be mandated in, and for it to be included in FOI requests. That may not create perfection, but it is a good place to start and a way for us to all work together and be constructive on something that actually could be very good here. Whilst the concept of this bill I agree is good, it is not perfect. The inability to consider each clause in detail means that it is not as good as it could be. Until the government agrees

to listen to all Victorians and allow it to be debated clause by clause it will not be as good as it could be. I will say it again: if we are going to do this, we should do it once and do it well.

**Michaela SETTLE** (Eureka) (15:10): I rise to speak on the Health Legislation Amendment (Information Sharing) Bill 2023. Look, I am very pleased to stand to speak on this bill. It is obviously a very important bill. One of the things I really admire on this side of the house is that we have people with real lived experience, so you get opinions and you get people that really understand the issues. Of course I would say that of my good friend, who has now left the chamber, the member for Melton. It was fantastic to hear his contribution because he is someone who has worked at the coalface and really understands the importance of that information and having that immediately. To a lesser degree, as the mother of two boys I have done my fair share of visits to the emergency department, and I know how important it is, how time-critical things basically are, when you are in an emergency situation.

Before I go any further I really want to acknowledge healthcare workers across Victoria. This government has really stood with our healthcare workers and all those people engaged in the healthcare system. I think it is really clear and has always been very clear that they understand the support this government has given them. It was very, very clear in the election period at any sort of medical announcement which side of the house had healthcare workers standing with them, because they know that we are there, we have their back, and indeed leading up to the election they had ours.

This bill is an incredibly important one. It is about bringing our health system up to date. It is something that already goes on, the sharing of information, and it has to, but it goes on in archaic forms. It is funny that we talk about the fax machine. I can remember the fax machine coming in way back in the 1980s, and it is certainly an old piece of technology now. That information sharing is happening now, but it is happening using old transmission routes, if you like. One of the things throughout this debate that I have sort of battled with listening to the other side is that their arguments around this bill seem to be pretty higgledy-piggledy. On the one hand they completely support the notion of shared information, but then there is this idea around security of that information. What I find interesting when I listen to that is really it is just them continuing to denigrate our fantastic health workers. You know, there is some suggestion over there that people are going to illegally access information and documentation. Let us be clear about this: they are talking about people who have committed to professional standards already. They are suggesting that those people are going to throw aside all of that professionalism and suddenly start sharing and leaking information. So, as I say yet again, those on the other side do nothing but denigrate the fine, fine workers of the healthcare system.

There also is this sort of bizarre argument here around it not going far enough, that we should be including GPs, we should be including across the border – but we should not be doing it at all. So it is the flip-flop that we are absolutely used to from those on the other side. I do not know whether the member for Euroa wants us to share with New South Wales or not share with New South Wales. On the one hand you are telling us that we should not be putting this system in place at all and in fact should be making all steps to hold it back. The member for Euroa suggested that this was something around the way our government operates. What I would say is that perhaps the member for Euroa does not understand the notion of consensus.

**Danny O'Brien:** Mildura.

**Michaela SETTLE:** No, I am talking about the member for Euroa – yes, earlier – who suggested that we were forced to make these decisions on this side of the house.

Indeed what we do on this side of the house is come to a consensus and work together, and I do understand that the member for Euroa is fairly new and coming to terms with what is an absolutely frayed coalition on the other side. I mean, that they can even call themselves a coalition at this stage is pretty interesting. But look, really, around this bill, I think the idea that patients will not have FOI-able rights is just rubbish; all of the FOI that you normally have, all of those rights, will stay and remain.

There is a lot of security that will go around this. We are absolutely committed to protecting patient data. I think there was a great contribution from the member for Mordialloc, who talked about the fearmongering from the other side, as usual, when they talk about some tsunami of court cases that are going to come from having this system in place. As the member for Mordialloc quite rightly pointed out, this already exists in jurisdictions across Australia – in New South Wales, South Australia, ACT – and we have not seen a tsunami of breaches and a tsunami of court cases. But of course it just sits with the kind of modus operandi of those on the other side, who will just scaremonger to get political advantage. It is a great shame that they have so little respect for the people of Victoria that they would do that. We also hear these sorts of suggestions about the information and not having a choice. The fact of the matter is that information is shared now. The member for South-West Coast made some line about this being this government taking away choice. We are not taking away any choice. At the moment sharing exists. All that this bill hopes to do is to systemise, to make that easier, to make it quicker, to the advantage of all Victorians that are in need. So there is no taking away of rights. There is no change here. That sharing of information exists right now.

I think that most Victorians would be very, very happy to know that this government continues to try and improve the health system at every turn. We have the most extraordinary Minister for Health, and she and all of her staff work daily to find ways to improve the system. This is another one of those ways. Information sharing is absolutely fundamental. Information sharing exists now. But let us make sure that we share that information in the most efficient way, using modern technology. Those on the other side are known as conservatives; perhaps they would rather see us continue with facsimile technology. They do not like to see progress in any form or fashion, and I can only assume that is why they are objecting to this bill, because as we have said, the sharing of information already exists, so what we are talking about here is just upgrading the system. But they are blocking it. They are blocking it, because this is what they eternally do, because basically they have got no idea about progress. They do not want to see any progress. I cannot make this clearer – I do not know which bit they do not understand: this system already exists. It already exists. Your information right now can be shared. It already exists.

There is some notion that we are taking away some civil right, and I might add that there is no opt-out clause in any of the jurisdictions anywhere else where this is conducted. But as I say, quite extraordinarily, the fact of the matter is that this exists now. We are trying to make it better, more efficient. We are trying to stand by health workers instead of denigrating them by suggesting that they cannot be trusted with people's information. Denigrating health workers – that is all those on the other side have ever done, and you can see that. What happened in the election? How many healthcare workers stood with people on that side of the house? Zero. I never saw a photo with a healthcare worker standing with the opposition, because they know who has got their backs, and it is people on this side of the house that have got their backs. I commend this bill because it is another sign of the Andrews Labor government supporting health.

**Josh BULL** (Sunbury) (15:20): I am always pleased to contribute to debate, particularly on this very important piece of legislation, and to follow on from the outstanding member and her contribution. She is someone who knows and understands her local community, somebody who for the last four years, in serving her first term in this house, always stood up for healthcare workers. She has always been a champion of her local community when it comes to health and is a fantastic member in this house.

As I said, I am delighted to have the opportunity this afternoon to contribute to the Health Legislation Amendment (Information Sharing) Bill 2023. Both as a local member and as a former Parliamentary Secretary for Health I have had the opportunity to work incredibly closely with our healthcare workers, which the former member touched on, but also I have had the privilege and the pleasure of working with healthcare workers right across the state – in the city, in the suburbs, in the regions, across the country. This government knows and understands the importance of the contribution, the hard work and the sacrifice of each and every one of those healthcare workers.

In my contribution this afternoon I do want to get to the specifics of why this particular piece of legislation is so important for our healthcare system and our healthcare workers and of course patients within the healthcare system. What we know is that all of our healthcare workers work incredibly hard each and every day to service the needs of our community. We know that health within this state was turned on its head in January 2020. We know, during the course of the pandemic, what our healthcare workers had to endure: the sacrifice, the commitment, the incredible workload and the incredible demand that was placed on our healthcare workers after COVID arrived on our shores, as I said, in January 2020. We know and understand the immense pressure and the extraordinary job that was done in saving lives, in helping keep people safe and in supporting our entire state. What we know is that this Andrews Labor government is a government that will continue to take our responsibility to work with our healthcare workforce incredibly seriously. We know that it is our role, it is our responsibility, to ensure that we make the job of our healthcare workers just that bit easier, because in doing that not only are we supporting that workforce, but we get better patient outcomes.

Acting Speaker, you know within your local community, I know as a local member and all members in this house should know and understand the value and the service and the sacrifice of our healthcare workforce, and this bill is all about ensuring that both those workers and, critically, the patients that they treat each and every day are supported. This is a bill about sharing information, about building a better system and about creating a stronger and more dynamic system for all Victorians.

We know that this government is a government that is committed to improving safety and continuity of care for Victorians. That also means ensuring our health services and clinicians have the appropriate tools and information at their disposal. We know that the proposed new secure healthcare system sharing platform will lead to establishing a single point of complete and accurate patient information for clinicians to provide safe and timely care. We know also that Victoria's public hospitals were divided through the 1990s to have separate – fragmented if you like – operating systems that, simply put, just did not communicate with each other.

I have heard some great contributions from other members of the house during the debate. I think it may have been the member for Eltham who spoke about the fax machine and many of the outdated systems that are in place for information sharing. You do not find too many people throughout the course of your travels, Acting Speaker, and our travels through our local communities as local members, that do not have access to smartphones and do not have various devices at home – laptops, iPads, a whole range of different communication tools – that are used throughout our daily lives.

So the question really is about using technology for those purposes: using technology to ensure that we are sharing information across platforms and we are using that technology to the best of its ability to enhance the job – the incredible job – of our healthcare workforce. Therefore, putting patients at the centre of this is critical. We know that most Victorian patients will often be treated at different health services over their lifetime. We know that patients can move from community to community and what information is shared at that point is critical. We know that currently in Victoria our critical health information is spread across multiple services, as I have said, and this fragmentation of patient health information means that clinicians are often needlessly delayed by having to manually gather patient information, as I mentioned, through faxes or phone calls, and this can be of particular risk.

I was not going to go here, but I do just want to tell a short story of a very close friend of mine who had cerebral palsy. He was treated for many years at the Royal Children's Hospital, and he needed at one point in time to be moved to another hospital. The challenges and the stress and the strain on both him and his family when it came to information sharing and the complexity of his particular circumstance placed enormous pressure on him and his family, and tragically he is not with us anymore. But what we know is that the system in that instance was a system that just was not up to scratch. It was a system that just did not support him. That takes us back to the fundamental principle about patient care, about patient support, about making sure that this government, the Andrews Labor government, introduces legislation, initiatives and projects that are at the forefront of using technology but also, most importantly, provide care and value and compassion and support. They are the things that we need to

be embedding within legislation. We need to be supporting both the Department of Health – our senior officials, our bureaucratic agencies – and of course our healthcare workforce. Knowing that there is an opportunity to improve the outcome – that friend of mine and his experience and that of his family – knowing that there are better methods, that there is a way through this is fundamentally important and one of the reasons why this government is introducing this legislation today.

The access to health information platform changes will apply to specific entities. Those include public hospitals, multipurpose services, denominational hospitals, metropolitan hospitals, prescribed health services, registered community health centres, the ambulance service, the Victorian Institute of Forensic Mental Health and the Victorian Collaborative Centre for Mental Health and Wellbeing. We know, and others have mentioned in their fine contributions this afternoon, that many other jurisdictions across our great country have systems and legislative initiatives that are in place to provide many of the provisions that we are speaking about today. In New South Wales the scheme was implemented to establish a secure and statewide clinical portal which shares summary-level patient and clinical information across health services. The Queensland government have implemented The Viewer, which collates data from multiple Queensland health systems, enabling healthcare professionals to access patients' information quickly without having to log on to different systems. There are other provisions within other states.

We know that when it comes to supporting healthcare workers within this state and when it comes to supporting patients, this government has a strong and proud record of doing exactly that. I stood in this exact place through the course of the pandemic, as other members of this house did, and we saw an undermining in many instances of our incredible healthcare workforce. We saw a scare campaign. Frankly, the people of Victoria had an opportunity to go to the ballot box and make their decision, their view, clear, and that is exactly what they did in returning this government for another term.

This bill strengthens our healthcare system. It supports the needs of patients. It supports the needs of their families. This bill is about caring for Victorians and about caring for families. We are a government that stands for best practice and a government that stands for science and stands for the best in patient care – for supporting nurses, for supporting ambos and for supporting every single patient to get the best of that care. That is why members of this team, through the Minister for Health, the Premier, the Treasurer, the entire front bench and all members on this side of the house, know and understand the importance of this piece of legislation. That is why I am very proud to have the opportunity to contribute to debate today and very proud to commend the bill to the house.

**Chris COUZENS (Geelong) (15:30):** I am pleased to rise to contribute to the Health Legislation Amendment (Information Sharing) Bill 2023. Can I begin by thanking the minister for all her hard work – and her team – to have this bill before the house. It really is a government priority to continue to improve our health system, bring it into the modern age and move it away from old systems that are inadequate and do not work. We need our healthcare providers to have access to good tools, things that work. It is really important. This information sharing already exists now, and we have had some great contributions from this side of the house. The other side of the house seem to have missed the point that we already share information. It is already there, but it is being shared in inadequate systems, by phones and fax machines, as we have heard from this side of the house. We want to improve that system as we want to improve all our systems in Victoria.

Victoria has one of the best health systems in the world. We have been challenged by COVID; there is no doubt about that.

**A member** interjected.

**Chris COUZENS:** Well, look at other parts of the world and then tell me what the difference is. There is a huge difference in places like Victoria. We are providing an outstanding health system, and our healthcare providers and all the staff and the backup people – our paramedics, nurses, doctors, everyone, particularly over the last couple of years – deserve to be congratulated for what they have done.

We have identified where we need to improve things, and this is a government that acts on that. I personally think that this is a fantastic bill around modernising that information sharing for the very reason that during COVID my father started in a community hospital, was transferred to a regional hospital, was then transferred to a major hospital in Melbourne, then back again to the regional hospital and back again to the community hospital. The communication by phone was a horrendous situation, with faxes coming through that had dirty great red lines through them. It was such an archaic system. We are now going to have a system that is improved, a digital system that is going to ensure that that information that is shared will be accurate and safe information that will be given to those medical practitioners that are looking after people – like my father at the time. I am sure there are many people in the community who can tell very similar stories, and we have heard that today on this side of the house from members who have had those experiences and are fully supporting this bill because they know it needs to happen.

As I mentioned, this government is about improving our systems. We identify and acknowledge and accept when something goes wrong and we make those changes. We commit to our community of Victoria that we are going to make the changes needed. In my electorate I know people will support this bill. I note the comments from the member for Brunswick when he said that people already assume that medical practitioners have their information in front of them on their computer. We know that that is not the case. We know that we have to improve the system. I have not had anyone come to me and say that they are not happy with this legislation or this bill. They are saying they support it because they can see the importance of it. They have had experiences like I had, where there are constant phone calls. I did not at the time know my father's medical details that he had with his GP. I knew he had medical conditions, but I did not know what medication he was taking. By the time he got to the Melbourne hospital he was already not conscious, and they were ringing me in the middle of the night saying, 'What medications is your dad on? What are his conditions, because we can't get hold of his GP to send through the fax?' I mean, we do not need a system like that. What we need to do is improve the system as best we can to ensure that those medical practitioners are getting the information that they need.

We identify what needs to change and we work on it as a government, and we see that in communities like mine. The health infrastructure funding that has been put into Geelong has been extraordinary. We are now starting the construction of the new women's and children's hospital, because we heard from my community the need for that. We heard from the experts, we heard from the paediatricians that we need this. As the population grows, there is more demand. Families have to go to Melbourne, to the Royal Children's Hospital –

**Sam Groth:** For maternity.

**Chris COUZENS:** that is absolute rubbish – to get their children treated by the fantastic people at the Royal Children's. They will not have to do that once this hospital is completed. They will be able to do that in Geelong. So I think there are great services that we offer in our regional communities, and we are identifying those and creating them, building them. The early parenting centre in Geelong – my community had indicated for a long time that they needed that. It is now under construction, about halfway through construction actually, and it will not be long before it is completed, which is really exciting for my community. It is exciting for I know the member for the Lara's community, for the member for Bellarine and for the member for South Barwon. All the Geelong region communities will be able to use those facilities, even as far as Barwon south-west. These are really important infrastructure projects that were identified by our community, and we will be able to deliver those along with things like improving that health information, and that is important when we have new facilities like that – the women's and children's hospital, the early parenting centre, the drug and alcohol community hub which is about to open in Geelong, the acute mental health beds that we have just opened and the youth mental health beds that are going to open.

We need to ensure that we are doing what we can to ensure that those services are provided in our community, but we also need to be mindful that there are multicultural communities, people with

disabilities and Aboriginal communities that rely on their practitioner or whoever is treating them at the time to know what is best for them. If they do not have the information in front of them, how do they do that without having to get on a phone and wait for hours to get results – you know, faxes that have dirty great red lines through them or are barely readable? These are the issues that need to be addressed, and we are addressing them through this piece of legislation that is before us today.

We heard about the heart hospital. The Premier talked about that in question time today. That is another significant opportunity for the Victorian community. This is about identifying what our community needs and delivering that, and I know my community in Geelong are very excited about the fact that there is now a specialised heart hospital in Melbourne that will be particularly addressing research around women's heart health, which we have not seen. Again, that is about identifying an issue and dealing with it, and that is exactly what this government has done. For my community to have access to that specialised heart hospital is huge, because we have a cardiac unit at Geelong which does an absolutely incredible job – and I know that from my partner's three heart attacks that he has had. The dedication that that cardiac ward provides is extraordinary. So again, it is about, yes, knowing and acknowledging when there are issues – and we have been challenged by COVID, there is no doubt about that. But what this government has done is it has not said, 'Oh, no, there's not a problem, there's nothing to deal with.' We have actually got on and made a difference in our community.

So I support this legislation. I think it is really significant for communities like mine and I am sure every other community across Victoria. It is about bringing us into the modern age. It is about digitising that information rather than having to rely on lots of phone calls and lots of faxes. We know it is happening in New South Wales and other states across this country. There is no reason why we should not be doing it. I commend the bill to the house.

**Will FOWLES** (Ringwood) (15:40): Thank you very much, Acting Speaker Hamer. It is nice to see you in the chair. It is my absolute pleasure to be speaking on the Health Legislation Amendment (Information Sharing) Bill 2023. In fact any opportunity we get as members on this side of the chamber to talk about Labor's record investment in our health system is welcomed with open arms. I was particularly pleased over the course of the recent state election to make a commitment in my electorate, for my community, of \$1.05 billion to rebuild the Maroondah Hospital from the ground up. It is a very, very large commitment, it is a very important commitment and it is going to make a real difference to the lived experience with the health system in my electorate of Ringwood.

Of course that is not the only investment we have been making. We are about to bring online that urgent care treatment option in Box Hill – in your electorate, Acting Speaker. Urgent care is available around the clock for the things that might not need the full lights-and-sirens response. Broken bones, wounds that are not about to cause you to lose consciousness or anything – those sorts of things can be dealt with without the lights and sirens. This will keep people out of the emergency departments, because what we have seen over the course of the pandemic is a set of structural challenges that have made it really, really difficult to keep EDs functioning at maximum efficiency. Those structural challenges have come about on both the demand side and the supply side. On the supply side we have had many staff furloughed because of COVID or possible COVID infections or family members being infected, and that has made it extremely difficult to staff EDs to their optimum levels. That is a challenge that we are experiencing right across the system, and not just in Victoria, despite the protestations of some in this place. Those challenges are being experienced in New South Wales and elsewhere across Australia and indeed right around the globe.

In the context of those challenges, what we have also seen is a bit of behavioural change that relates to seeking GP treatment and seeking it early enough to make sure that your health issues are addressed without needing to present to an ED. We are seeing some ED presentations – because public EDs do not charge – for relatively minor matters, which is putting enormous strain on the system. We are also seeing people presenting at an ED with matters that may well have been addressed had they seen a GP or another health professional earlier in the life of whatever ailment it is that they are presenting with. What we are

seeing now is a concerted effort on behalf of the Premier and other state premiers to work with the federal government – because we have got a partner in Canberra now – to make sure that we have –

**Danny O'Brien:** On a point of order, Acting Speaker, I have given the member a lot of leeway. He has been speaking for 3 minutes now and has not mentioned the title of the bill, let alone referred to it, at all. Speaking on a bill on health legislation amendment is not just an opportunity for the member to talk about health in general. He needs to come back to the bill.

**The ACTING SPEAKER (Paul Hamer):** The debate has been wideranging, and the member was coming to the bill.

**Will FOWLES:** Thank you –

**Danny O'Brien:** Oh, he was!

**Will FOWLES:** Of course I was, and I did mention it right in my very opening comment. If the member for Gippsland South was not listening, that is entirely a matter for him.

The point I was making about system-wide challenges – the important bit here that gets me to the specific provisions of this bill – is that when you have got these system-wide challenges it is important that as a government you respond to those system-wide challenges by making sure you do everything in your power to make it easier for health professionals to do their jobs, to make it easier for GPs and other clinicians to get the information they need to help the diagnostic process, to help the treatment process.

I heard the member for Brunswick earlier make reference to us not knowing what our future health needs are going to be, and he is absolutely right. It is the case that we cannot necessarily accurately anticipate what it is that we are going to need in future, but better information at the hands of clinicians means better decisions, and that is exactly what this Health Legislation Amendment (Information Sharing) Bill sets out to achieve.

In the context of record investment in the health system and some difficulties with the relationships that patients are having with GPs at the moment and that GPs are having with the rest of the health system, it is so important for us to have a partner in Canberra, and the Andrews government is working very closely with the federal government to make sure that we have a primary care system that dovetails neatly with the secondary and tertiary care options that are available to Victorians. You can only do that when you have got a government that is committed to the fundamental principles of a public health system. The federal government, the Albanese Labor government, is one such government, and we are delighted to be able to work with them on the necessary improvements to make sure that our post-pandemic health system reforms and improves in order to be the very best it can be in order to deliver the quality health care that we know Victorians quite reasonably expect.

Part of that is that commitment to improving patient safety and continuity of care. Those two separate matters are important, continuity of care and patient safety. They are interrelated, undoubtedly, but they are actually separate matters that are both served by better information sharing. Better information sharing means that the risk of providing a treatment that is harmful to the patient is lowered, and it also means that the treatment program for a patient is maintained and is orderly and is understood in the context of all the treatment they have received in the past, even for things like historical injuries. It is difficult for me as a non-medical practitioner to speculate on what things might impact any patient presenting for condition X. It may well be that a prior broken bone is irrelevant when presenting with a respiratory difficulty, but it might be entirely relevant that they had a course of treatment for a peptic ulcer or something and they are now presenting for a respiratory illness. And of course not all patients are going to be conscious at the time they enter the public health system. Not all patients, even if they are conscious, are able to necessarily recall with great detail the totality of their medical history. In that context we ought always to be supporting clinicians with the very best information they can access in order to provide the very best of care.

The structure of the public health system in Victoria is to have these autonomous networks. In my part of the world it is Eastern Health. So whilst that is the appropriate, I think, management model and governance model and resource allocation model, we do know that people are portable, that people will transfer between different parts of Melbourne, and what we need to make sure is that they are able to get that continuity of care irrespective of which part of the public health system they access and indeed even whether they are accessing privately funded GP care, for example. Most patients – all patients – will interact with more than one health service over the course of their lifetime, and you simply cannot anticipate from what has happened to you in the past what is going to be relevant for your future care.

With all that critical health information spread across different health services we get this very fragmented approach, and in order to defragment – I know that the member for Ashwood is very familiar with defragmentation from his days as an IT consultant – the system you need to make sure that there is a single source of truth. That is ultimately what this boils down to: that you have got a dataset that is as complete as it can be and gives clinicians the very best information in order for them to provide the very best of care. Other jurisdictions all, to various degrees, have health information sharing standards, and the model we have had opted for here is opt-out. The bill is not about whether we should actually have that information sharing, it is about establishing the best platform and methodologies, the best rules, for that clinical information to be shared safely, of course being mindful of patient privacy as well as patient safety.

The opt-out model that has been suggested by others, I should say, is a step backwards, and the model we are proposing here is absolutely a step forwards. It will be a step forward in patient care, it will be a step forward in continuity of care and ultimately it will result in a better health system.

**Dylan WIGHT** (Tarneit) (15:50): Thank you, Acting Speaker Hamer, and may I say how fantastic it is to see you in the chair. I also rise to speak on the bill, and it is an absolute pleasure to do so on behalf of my electorate of Tarneit. Firstly, I would like to thank the minister and her department for the exhaustive consultation with industry and with our healthcare professionals. Also I would like to acknowledge and thank her department for providing a brief to the opposition. On that point, I am still somewhat trying to reconcile the contribution from the member for Benambra just before lunch. As I said, the minister and her department provided an extensive brief. It would appear that the member for Benambra perhaps logged on to that Teams meeting from the front bar of the Benambra Hotel. I would also like –

**Danny O'Brien**: Benambra is actually in Gippsland East.

**Dylan WIGHT**: What was that, sorry?

**Danny O'Brien**: Do a bit of research if you are going to sledge someone. He lives in Wodonga.

**Dylan WIGHT**: I would also like to acknowledge the contribution from the member for Eureka. The member for Eureka is a staunch supporter and advocate for all workers, but especially those healthcare workers in her fantastic electorate.

The details of this bill and the reason for it could not be clearer. There are a few reasons for it. As the member for Ringwood touched on, we are at the moment at times working with a bit of an archaic data-sharing system through our health services. Obviously the Victorian government is and always has been committed to improving patient safety and continuity of care for all Victorians, and that is exactly what this bill does. It ensures our health services and our clinicians have the appropriate tools and information at their disposal. That (a) improves health care for patients and (b) makes the job of our fantastic healthcare workers, our fantastic nurses, doctors and other healthcare professionals easier.

May I say that those on this side of the house and this government have been working day in, day out to support our healthcare professionals. You just have to go to some of the announcements made prior to the election last November about upgrades to hospitals, new hospitals – a brand new hospital in the

city of Melbourne – but also waiving the HECS fees for 10,000 future nurses. That is how you support healthcare professionals and that is how you support our healthcare system; it is not by dog whistling, as we see from some of those on the other side of the chamber.

As has been previously spoken about in this debate, this bill brings Victoria into line with many other jurisdictions in this country, and that is a good thing. We see the same sort of data-sharing services across New South Wales, where HealthNet has been implemented to secure a statewide clinic portal which shares summary-level patient and clinical information across New South Wales health services. We have seen the same thing in Queensland, where the government has implemented the Viewer, which collates data from multiple Queensland health systems. We have also seen the same in the ACT, where Digital Health Record was implemented, which stores health information for patients who use any of the ACT's public health services.

What this bill does not do is change a patient's access to their complete medical records. It does not change their right or rights in regard to FOIs. Patients have the right to access their full medical records from their health provider under FOI and privacy legislation.

**Danny O'Brien** interjected.

**Dylan WIGHT:** Yeah, no dramas. To ensure efficiency and timely care the information that will be included on the proposed platform is the most relevant clinical data for their treatment and not their medical history. There are also significant security and data controls associated with this bill. An independent oversight committee supported by an advisory group will be established. A primary management framework will be implemented prior to the commencement for limited access to and management of highly sensitive health information, and protections for vulnerable groups like victims of domestic violence will also exist.

For a community like my own, a community with a high multicultural population but also a community that is highly mobile, this bill will be absolutely amazing. I know the constituents that I have spoken to across Tarneit and Hoppers Crossing are wholeheartedly supportive of this bill. As I said, Tarneit is an incredibly highly mobile community. In fact if we go back to COVID, it was the residents of Tarneit who for the most part were deemed as essential workers and who were getting up each morning to travel to work, whether that was in manufacturing industries, logistics, warehousing or anything else. So you see we have a situation with the people of Tarneit. They are leaving their community, so they are leaving where they might ordinarily get their healthcare services from, whether that be at the Werribee Mercy Hospital or somewhere else in Wyndham. They are moving around to go to work and they are moving around to see family. They are moving around our great state for a whole number of reasons. As they move around our great state, if there is an accident, if there is an emergency or if they need to seek medical assistance for some reason outside of where they normally would, this legislation will allow the healthcare professionals that are dealing with my constituents of Tarneit to have their medical history and their medical records – to know if they are allergic to any medications and to know how to provide that care to the best of their ability. Our healthcare workers, I think, provide the best care of any healthcare workers anywhere in Australia.

As I said, the health system, health care, health workers and nurses are something that our side of the chamber take very, very seriously – very, very seriously indeed. In my electorate of Tarneit and in our City of Wyndham the Andrews Labor government, as part of a budget commitment prior to the last election, committed just over \$100 million to double the capacity in the emergency department of the Werribee Mercy Hospital – an amazing commitment, and I commend the Treasurer on making it. Werribee Mercy Hospital obviously falls within his electorate, but it is just another demonstration of how seriously we take health care, our health system and our fantastic health workers on this side of the chamber.

I do not have a lot of time left, but obviously there has been a little bit of commentary throughout this debate about the fact that this bill had been introduced to this house previously and is being

reintroduced. At times it seems incredibly convenient, and those on the other side seem to forget that there was a global pandemic.

### **Business interrupted under sessional orders.**

#### *Grievance debate*

**The SPEAKER:** The question is:

That grievances be noted.

#### **Government integrity**

**John PESUTTO** (Hawthorn – Leader of the Opposition) (16:01): I rise today to grieve for Victorians, all Victorians, and the state of integrity in Victoria – a state which once upon a time boasted a reputation for governments that championed probity, governance and proper standards consistent with the expectations of the Victorian people. But what do we have today – a government coloured by hubris, a government so chuffed with itself it is ignoring the decay at the very foundations of its ministry, and I will come to that in a moment.

We begin with a backdrop of outstanding IBAC reports – from Sandon, Richmond and today Clara. What else is yet to come? IBAC reports galore? We do not even know the full extent of it. We do not even know how many IBAC investigations the Premier and his ministers have appeared before. All we know is that there are a lot – more than any other previous government in terms of IBAC reports. We know as part of that backdrop that the Victorian Ombudsman is conducting an unprecedented investigation into the politicisation of Victoria's public service. And it is a testament to the broad concerns right across the political spectrum, excluding those opposite, that it took a coalition of disparate parties in the other place to put together a motion for the Ombudsman to conduct that investigation into the public service and the efforts of this government, under this Premier, to interfere with a very important institution in our government – the idea of a public service that is functionally independent and provides frank and fearless advice to the government of the day. But not so now. Now we have a situation where it has become necessary for the Ombudsman to deploy resources to look into the way the systems of independent public service functioning and advice have been corrupted by the appointment of political mates who interfere in proper processes and do not give Victorians the good government and the good governance they deserve.

Look at the Parliamentary Budget Office, another part of our integrity framework – ignored by the very government that set it up. Recently the PBO issued a report, and its complaint was that this government ignored it, did not cooperate with it. Well, we did. We cooperated with it, but this government did not.

Infrastructure Victoria, a body that was set up to give non-political advice on infrastructure – what did they do? They ignored it, like everything else they set up. It is a media release, it is a grab, it is posturing, and then it is ignoring – ignoring the institutions that have been set up to give Victorians good government.

But this week we have seen the culmination of that decay I talked about a few moments ago. We have a senior member of the government caught up in a conflict of interest scandal that should concern every member of this house, that should concern every Victorian, because it is about trust and confidence in the people elected to this place to put the interests of the public before their own pecuniary interests. That is not happening this week, and I will come to that in a moment.

But let us ask the question: who is Danny Pearson, the Assistant Treasurer?

**The SPEAKER:** Order! Members will call members by their correct titles.

**John PESUTTO:** Okay. Thank you, Speaker. Who is the Assistant Treasurer, the Minister for Government Services, the Minister for Consumer Affairs, the Minister for WorkSafe and the TAC? Well, I think it is fitting to note that he is a former lobbyist – a former lobbyist for Hawker Britton, a

Labor-aligned lobbying firm. And the Assistant Treasurer is an expert. The Assistant Treasurer, I can tell you what he does –

*Members interjecting.*

**The SPEAKER:** Order! The member for Eureka is warned.

**John PESUTTO:** I can tell you, the Assistant Treasurer, the former corporate lobbyist – do you know what he does? He slides through the corridors of power, a chancer on the make looking for what he can make, a chancer who puts his share portfolio before his ministerial portfolio.

Let us just look at some of the examples. The Commonwealth Bank: the Assistant Treasurer has had shares in the Commonwealth Bank, \$100,000 worth – that we know about. A hundred thousand dollars worth of shares in the Commonwealth Bank – well, wouldn't every Victorian love that? When he became the minister, shortly afterwards the government let the contract for Victorian government banking services, and guess what? His Commonwealth Bank, which he has a ton of money with, was appointed to that panel, but he says he had no active part. Like a true lobbyist, he knows how to spin. He had no active part, but he received seven briefings. Well, I tell you, if that is what you get for doing nothing, I would hate to see how much work you would have to do if you were doing something.

Seven briefs – let us just look at them. On 31 July 2020 the Assistant Treasurer received a brief from the Department of Treasury and Finance (DTF) on the banking and financial services state purchase contract request for tender – okay; on 5 August 2020, mandating that all Victorian government agencies use the new banking and financial services state purchase contract – it is getting better if you are a shareholder in Commonwealth Bank of Australia; again on 5 August 2020, cash and banking state purchase contract, deed of variation; on 12 October 2020, cash and banking state purchase contract; on 16 April 2021, cash and banking state purchase contract; on 30 June 2021, banking and financial services state purchase contract, request for tender – that is the second RFT, by the way; and on 9 July 2021, the Assistant Treasurer received the seventh of those briefings, the banking and financial services state purchase contract implementation and data inclusions brief. So for a guy who was doing nothing, he was getting a lot of material from his own department. He says, 'What – no active part.' He was just noting. Then why the briefs? Why the briefs?

It brings us to a more important question: when this \$120 million banking services contract was let in 2021, the minister has told this house – the minister has told the Victorian people – that he did not execute it. But he has not told any of us and any of the Victorians watching, who depend on this government to act in their interests and their interests alone, who authorised it. He did not tell them who authorised the contract.

*Members interjecting.*

**John PESUTTO:** Anybody who has worked in government – and I doubt the honourable member across will ever serve as a minister; if so, we are in trouble – if a contract of that magnitude is let, I can tell you, and I can bet you London to a brick that a minister – and if not the minister, the entire cabinet – has had to approve it. You tell me: what \$120 million contract can be signed by a public servant with delegated authority from a minister? Tell me anywhere in Australia where a public servant has delegated authority to that extent – a \$120 million contract. The truth is the DTF told us the truth. In its own public material it says to this day that the Assistant Treasurer approved that contract appointing the Commonwealth Bank to that banking services panel when he had \$100,000 worth of shares in the Commonwealth Bank. Outrageous!

**Emma Kealy** interjected.

**The SPEAKER:** The member for Lowan is warned.

**John PESUTTO:** Damien Tudehope in New South Wales resigned simply because his superannuation fund contained shares in Transurban. This minister, this Assistant Treasurer, makes

Damien Tudehope look like a jaywalker. Let me tell you: this guy does it on an industrial scale. And it does not just stop with that. What is perhaps even worse is that the minister – the Assistant Treasurer – says that he is going to fix the problem. He is going to fix it by setting up a blind trust. He knows exactly what he is putting into it, but it is a blind trust so it is okay. It is a blind trust. Victorians, do you know what? The minister who apologised unreservedly yesterday for breaching the code of conduct is going to continue to earn profits on those very shares. How good is that? The Assistant Treasurer, Mr Pearson, shows that you can make it in this state government if only you invest hard. The Assistant Treasurer's apology is hollow. It means nothing. Like everything else, whether it is IBAC, the Ombudsman, the PBO, Infrastructure Victoria – it is all just air. It does not matter.

That is just the Commonwealth Bank. What about the \$10,000 in Bega Cheese shares which the minister owns and has done nothing about? When the state government announced a \$31 million package, the Business Recovery Energy Efficiency Fund, it helped Bega Cheese, but did the minister recuse himself? We asked him plenty of times. The media has asked him plenty of times if he recused himself and he refuses to answer. He does not say yes or no, like a good lobbyist, a lobbyist who understands what you need to do to slide through the corridors of power and gently avoid accountability and responsibility. He knows what to do, he knows what to say, he knows what to avoid.

In the same month that this government approved Beach Energy to turn a testing well beneath Port Campbell National Park, running under the Twelve Apostles, into a production well, Mr Pearson owned \$10,000 in Beach Energy shares. He owns \$100,000 worth of shares in CSL. At the very time when the government announced a \$95 million jointly funded incubator with CSL he owned those shares. He has another \$10,000 parcel in Computershare shares. The Assistant Treasurer knows what he is doing. He owned the shares in Computershare at the same time the government announced that Computershare would benefit from a \$5000 per intern wage subsidy. And he has \$10,000 in Telstra shares because he wants to support a great company like Telstra. It is a great company, and he is doing his bit for himself, owning \$10,000 in Telstra shares when the government announced a \$250 million plan to deliver over 1100 infrastructure projects in partnership with telecommunications companies, including Telstra.

Here we have a minister who continues to own the very shares that are the source of the problem, and he will do nothing about it. The question I have and the question I ask on behalf of all Victorians is: is this what it has come to in this state? A minister can invest and a minister can sit at the cabinet table and he thinks it is okay as long as he does not say anything. He folds his arms and he sits at the cabinet table. Is it okay in Victoria to get briefs from your department telling you that you are going to make money out of the very things you are being asked to sign off on as a minister? If that is the state of affairs in Victoria, then God knows what we are going to do to get this state out of the predicament it is in.

We look at other states. Ministers resign or are dismissed for so much less than what this minister is guilty of. He has had ample opportunities just to tell the truth, to fess up. Because of his apology we know that he knows he is in breach of the code of conduct, and yet he parses his words. He looked like a frightened child today when he was asked very simple questions that he could easily have answered.

*Members interjecting.*

**The SPEAKER:** Order! Members who are not in their allocated seats will not yell out across the chamber.

**John PESUTTO:** Do not think that this minister is not savvy when it comes to these shares. There is no naivety here. Speaking in 2017, the Assistant Treasurer said this in the course of a speech on the Land Legislation Amendment Bill 2017:

A case in point would be, for example, if you look at CSL. It was floated at a price of \$.80 and it is now \$135 a share.

What do I say to that? On behalf of the Victorian people, ka-ching ka-ching for the Assistant Treasurer. I grieve on behalf of Victorians for a better government.

### Opposition performance

**Vicki WARD** (Eltham) (16:16): I do hope that I receive a bit more enthusiasm from my colleagues than the previous speaker had from his. I certainly will not be relying on canned laughter, canned applause or canned cheering, because I know on this side of the house we are united and working together towards the common goals and good work of our state.

There are a few things that I grieve for, and I will get to that, but I tell you one of the first things that I do not grieve for and that is being in government for 3002 days. It is wonderful to be in government, and it is fantastic to be in a government that is in its third term, continuing to do amazing things for this state. We are building on the wonderful things that we have done. We have got ambitions for this state, and we want to build and we want to create things. We want to create and build things that are actually a part of this state – that are not out there for private investment to capitalise on and to milk the pockets of Victorians. We want to bring down the cost of living and we want to bring down the cost of energy, and we will do it through many different mechanisms, including the State Electricity Commission.

What I do grieve for is a Liberal Party that continues to be wedded to privatisation. I have said this before in this place: they are so consumed with old ideologies, they are so bogged down with ideas of the 1970s and the 80s that we have seen do not work. They just do not work. I have said it before: it is just such a shame, and I do grieve for this lack of imagination, this lack of ambition that those opposite have for this state. Because there is nothing that they have promised this state in the last eight years that has engaged this state, that this state has wanted to vote for. Instead they are wedded to the sugar hit of instant cash that has cost Victorians year after year after year – privatisation that lines the pockets of the 1 per cent and takes from the pockets of average Victorians.

*Members interjecting.*

**The SPEAKER:** Member for Gippsland South! Member for Gippsland South, you are not in your allocated seat.

**Vicki WARD:** Kennett sold the SEC in 1994 after putting it in front of the privatisation hit squad during the 1992 election. The spin at the time claimed that it was laden with debt and needed to be sold – it was dragging the state down. The sale would mean better and cheaper energy for Victorians. There will be some of my generation who will remember, ‘It’ll be competitive. The markets will compete against each other. Your prices will go down. You will never have cheaper energy. It will be fantastic. It’ll be such a boon.’ And it was rubbish. It was yet another thing that Jeff Kennett got wrong, because here we are with energy bills that are bigger than ever.

Let us note the true state of affairs, because never let the facts get in the way of storytelling or a story to the camera, wherever that might be. Let us not talk to the Speaker and let us not talk to the people around you – let us talk to ‘the people’. Let us note the truth, however, about the state of the SEC. In the last year of its operation it paid \$995 million in interest and a \$191 million dividend to the state government and it had a profit of \$207 million. Yet we flogged it off. He flogged it off.

Since then prices have increased, workers have been sacked, energy companies have made huge profits and power bills have skyrocketed. I know those of us on this side of the chamber, who have actually gone to our communities and helped them with the power saving bonus, know how much that has meant to them, because we know how difficult energy prices are in communities. It is absolutely shocking.

Another thing that has come with privatisation of course has been the erosion of workers rights. People do not have the same job security in energy companies that they had with the SEC. They do not have the same channel of training, of apprenticeships. They do not have that security that the SEC gave them beforehand to know that every day there was going to be a job. They knew when they were working. They knew what they could count on. They knew how to plan their future, because they knew they had a good job.

Private multinationals have charged Victorians \$23 billion for energy – \$23 billion, far more than what Kennett flogged it off for when it was sold. That is \$23 billion that should have been invested in energy infrastructure, and we know that has not happened. We know the investment has not happened, and it is a continual game of catch-up. We have got coal stations being sold because they are so badly managed. The deterioration of this asset is so bad that they are going. We have to step in. We have to intervene. We have to do something about it to give us energy security as well as cheaper energy, and this is what we will be doing with the SEC.

So I grieve that the Liberals have not learned since this disastrous experiment brought about from Jeff Kennett's ego and his hubris. They continue to want to privatise – for example, that amazing idea that they came up with last year to privatise our waste management systems. How good was that? What a great policy. The jokes that came from that waste management policy gave us a lot of fun on polling booths in the lead-up to election day and on election day. A lot of comments were made about –

**Pauline Richards** interjected.

**Vicki WARD:** It was a sweet gift, absolutely, member for Cranbourne. 'Sell, sell, sell' – that is their mantra. It is not about improving services, it is not about improving infrastructure, it is not about creating opportunities for Victorians, for average Victorians. They are not about people, and I grieve for that, because that is why we are here. We are here to be for people. They are not ready to be in government, something the people of this state clearly recognised last November and in November 2018 and in November 2014.

**Pauline Richards** interjected.

**Vicki WARD:** 3002 days, member for Cranbourne. They voted for a party that believes in creating opportunities for the people of this state, not cutting them down, not selling them off. They voted for a party that will bring back the SEC, that will revive government-owned energy, and they voted for a Labor government again. People like it; they like it when government owns things. They like being a part of that. They like the pride that it gives them knowing that what they are paying for is owned by the people of this state, and this is one of the reasons why they embraced what we wanted to do so much. I cannot tell you how many positive comments I had in pre-poll and on polling day, as I know everybody on this side of the chamber did. They loved the idea of an SEC coming back, because they do want to have that pride.

I will talk about Garry, who spent most of his long working life with the SEC. He lives in Greensborough. Garry said that the SEC meant:

A job for life. Something you don't see nowadays.

Garry talks with such fondness about working for the SEC, about what it meant for him, his family and their stability, but also about what it meant to be a part of a workforce that was working for the people of this state, not for the profits of a private company. It was something that gave those workers real pride to know that they were working for the benefit of Victorians.

The SEC meant a family and it meant community, and the wider community knew this. It gave working-class communities stability rather than relying on the gig economy or an exploitative employer. The SEC will be 100 per cent renewable, and it will create 4.5 gigawatts of renewable energy projects. And we have got a plan. We have got a plan to create 59,000 jobs, including 6000 opportunities for apprentices and trainees, and we will drive down power bills through our world-leading energy targets. The SEC is a critical part of this plan, and it continues our strong record of delivery in driving down cost-of-living pressures for Victorian families, all the while making us the nation leader when it comes to renewable energy.

This is something to be very proud of. This is something I am proud of and I do not grieve for, but I grieve for those opposite, who do not have the imagination, who do not have the ambition for this state to see these things realised and to understand the potential of what we have got here. It means

thousands of new jobs for the next generation, work for electricians, engineers, mechanics, maintenance workers, welders and geoscientists, and like those opposite, we want to make sure that it is Victorian kids who are first in line, not the first to have their futures flogged off. The SEC will help deliver this government's nation-leading renewable energy and emissions targets, hitting 95 per cent renewable energy by 2035 –

**Danny O'Brien** interjected.

**The SPEAKER:** Member for Gippsland South, you have been warned.

**Vicki WARD:** and net zero by 2045, creating these jobs and increasing our gross state product by about \$9.5 billion. To do that we are delivering a \$424 million energy and training package which will help workers upskill and give workers the skills that they need – again, us investing in people because that is what Labor governments do. Since Victoria's energy was privatised we have experienced a chronic shortage of workers in trades. There is not one person in this place who has not experienced this. There is not one person in this place who does not know that there is a skills shortage and how much this affects the economy of our state. Highly qualified, highly paid workers working not for profit but for people. To train these new workers we will establish an SEC centre of training excellence to coordinate and accredit courses in clean energy, connecting with our TAFEs, registered training organisations, unions and the industry as well as adding clean energy to our VCE vocational major. How good is that.

We know what the future looks like. We know how we can help our kids grab that future. We are empowering our kids to do it because that is what we care about. It is not about flogging things off and taking opportunities away from our kids; it is about giving it to them, absolutely taking it to them. We are creating cleaner energy as well as more jobs. We are not selling Victorians out. We want our kids to have opportunities, and part of these opportunities will of course be our new tech schools. This is why we are investing \$116 million to open six new cutting-edge tech schools, giving students a head start in a hands-on profession.

**Pauline Richards:** What a contrast.

**Vicki WARD:** What a contrast, member for Cranbourne. Our tech schools are a vital part of the pathway for young Victorians from school right through to a rewarding career, offering taster classes to years 7 to 10 and helping students decide what they want to do next, helping these kids articulate to their parents what these jobs of the future are actually going to look like, because their parents do not know – we do not know – but our tech schools help them have that conversation and help them understand the exciting possibilities that are ahead of them. Again, something I grieve that those opposite just do not understand, they do not engage with – they are not there to help kids to give them that hand up, to show them what can be, to show them the possibilities. They just want to flog it off because, you know what, flogging stuff off makes your bottom line look good, and it also makes your job easier, because you do not actually have to deal with those problems, you do not have to manage those problems, you do not have to govern – because of course the party that believes in small government really does not want to govern. They do not believe in government. They want to flog it off.

The six new tech schools that Labor is delivering will support around 62,000 students across the state, preparing local kids for the future with skills in science, technology, engineering and maths. Our tech school program offers specialist programs to all secondary schools, and we are encouraging under-represented groups such as girls and regional, rural and Aboriginal students to pursue the highly qualified and highly paid jobs of the future. Our tech schools are an important part of this work. We are building on the tech schools that we have already built. They are in Ballarat, Bendigo, Casey, Geelong, Latrobe Valley, Monash, Whittlesea, Wyndham and the Yarra Ranges, and of course I have got one in my community, as do you, member for Yan Yean. We love Greensborough. We love the tech school at Greensborough. And where is the tech school at Greensborough built? The tech school at Greensborough is built on the TAFE college that they closed. They wanted to sell it off. So look at

that: we have got a TAFE that has reopened, and there is a tech school on it that is creating amazing opportunities for our kids. Fantastic teachers there are engaging with kids and getting them to do these amazing workshops. They do out-of-school programs, they have makers markets. They are doing stuff that is showing kids how to monetise their ideas, how to monetise their ambitions and see the possibilities of what their brains and imaginations can create. Of course that is something that those opposite cannot engage with, because there is no imagination.

There is no imagination, and that is the greatest of tragedies. To not have an imagination for what this state can be, what your kids can be, is devastating. The people of this state know that, and that is why we were elected. We were elected because they know that we have this imagination. They know we have this ambition. They know how much we care about our kids, how much we care about their future, and they voted for us for this very reason.

Students at local schools can continue to dive into topics like robotics, advanced manufacturing and coding through the prism of solving real problems. They have been able to meet with employers and talk to them and with businesses and understand what these businesses need, what their problems are, because, unsurprisingly, 16-year-olds are pretty smart and they can solve some of the problems that you do not know how to fix. They have amazing minds that are open to all possibilities, and our tech schools grasp those. They help those kids explore their open minds and the things that pop into their heads that they know that they can create, and that they know they can do something amazing with. This is a beautiful part of the SEC story. These kids will be able to feed into this. They will be trained in ways that we will not even understand to be able to create these opportunities. *(Time expired)*

#### Government integrity

**Peter WALSH** (Murray Plains) (16:31): I grieve for the integrity of Victoria and its public service, but before I do that I would encourage the member for Eltham to go and read the member for Narracan's inaugural speech. Instead of just spouting the talking lines that have been given about the SEC, read a speech from someone who was an apprentice, who actually lost his job when Joan Kirner started privatising the SEC. Instead of just speaking the lines she has been given and parroting them out, go and read something from someone that understands firsthand what went on with those issues. We see this all the time from the other side of the house. They have got their talking points, will be a parrot, will stand up, will talk about what they have been told to talk about, will sit down, will get a pat on the head: 'We're going to be good people. We'll get promoted one day. We might even become Assistant Treasurer and become the wolf of Spring Street.' So please, member for Eltham, go and read the member for Narracan's inaugural speech and actually understand who started privatising the SEC. Do not have this rewriting of history that somehow the Andrews government is going to save people from themselves. They will end up coming for people's super. They will end up costing Victorians a lot of money with the SEC –

*Members interjecting.*

**Peter WALSH:** They will. The backbench scoffs. You have got your talking points. You can laugh, but just wait and see.

**The SPEAKER:** Order! Leader of the Nationals, I ask you to direct your comments through the Chair and not use the word 'you'.

**Peter WALSH:** Speaker, those on the back bench on the other side may laugh. They will have their talking points. They can rubbish other people. But ultimately the truth will come out, and that is where I want to start this.

If you think about it, in five years or 10 years time the history of the Andrews government will be written. If you think back to Queensland and the Fitzgerald inquiry and the corruption that was in Queensland, if you think back to New South Wales and the ICAC there and what they wheedled out of the system 15 years ago after Neville Wran, after the corruption of Labor governments in New

South Wales, we will have exactly the same circumstances here in Victoria. Those that sit on the back bench might think their ministers and their leader are heroes. They might be embroiled in the great part of being government, but one day the history will be written. One day there will be someone that will lift the lid on the stench that is the Victorian system of government here and the fact that ministerial responsibility has been lost and the public sector has been politicised beyond how it should work. There are lots of people in authority that are saying the public sector is so politicised now it is not working correctly. The history will be written and the truth will come out, but the ones that will actually suffer out of that the most are ordinary Victorians, if you think about the debt of this state, if you think about the hubris, the inaction in getting things done other than the government's pet projects, which constantly blow out, constantly do not deliver what was promised.

I talk a lot about the issue of country roads, and you would be well aware of this too, Speaker, with your electorate – \$28 billion in cost overruns on Melbourne projects. That would effectively fix every country road in Victoria if it was there. We have a government where hubris, where nepotism, where mates have taken over proper decision-making.

Robert Redlich, the retiring IBAC Commissioner, has lamented the challenges he had as the IBAC Commissioner in getting to the bottom of issues of corruption and nepotism here in Victoria – how his budget was cut, how his powers were reduced by the Andrews government – and lifting that lid on that corruption that I am talking about. Corruption is not just about money, it is not just about a brown paper bag that goes somewhere; it is about turning a blind eye, it is about nepotism, it is about how you reward your mates for doing the right thing without being seen to do it.

As I understand it, there are 35 corruption investigations being carried out by the IBAC at the moment. Some of those have been sitting there ready to be tabled for a number of years, particularly if I talk about Operation Sandon. Sandon, as I understand it, is still tied up in the Supreme Court because Mr Woodman is using very, very expensive lawyers to make sure that report does not get released. What comes out with Sandon will be very, very interesting. We have heard a lot of stories about that. We have heard a lot about the dumplings at the Flower Drum. It will be interesting how much those dumplings actually cost Victorians at the end of the whole system. Robert Redlich, as the IBAC Commissioner, tried to do his job. He had a report to be tabled, particularly had a report that should have been out before the state election so that the people of Victoria could make informed decisions when they voted, but that got tied up in the Supreme Court here in Victoria. Whether it is just Mr Woodman or whether there is some help from the government to keep it in the courts, no-one knows at this moment, but no doubt that will come out in the future.

If you talk about Operation Richmond, Operation Richmond has been around for quite a while – Peter Marshall, the CFA. Those on this side of the house who are country members of Parliament and some of the suburban members of Parliament that have CFA stations understand what was done to the CFA, how one of the great, proud organisations of this state was destroyed by Peter Marshall and his union mates. That is what Richmond is about. It is about lifting the lid on what went on between Peter Marshall and the Andrews government. What were the deals done back before the 2014 election that encouraged all those union officials to turn up in bogus CFA uniforms to man booths? Peter Marshall brags about the fact that over 700 of his members turned out to man booths for Labor to form government at that time. We want to see what comes out with Richmond. The sad part is it will be Victorians that pay again, because the CFA is a shadow of its former self. There are just so many volunteers that have left. There are so many good people that have given up because they are sick of it. There are career CFA staff who have left because they were sick of the bullying, sick of the intimidation, by those union officials who were put in to be the management of the CFA once Fire Rescue Victoria took over its control.

We have seen the issue with the Daintree investigation by the Independent Broad-based Anti-corruption Commission about sweetheart deals with a health union. Several million dollars were put across to the health union to deliver training, but it was just a sweetheart deal to keep a union happy which then puts money into the ALP coffers to fight elections. Everyone talks about it, and there was

no conclusion to it. It probably all started with the red shirts, going back to the 2014 election: hand in the till using taxpayers money to employ electorate staff to do electioneering. Yes, they got caught eventually, yes, they paid the money back, but no-one has been held to account for those particular decisions. On and on it goes. They finally get caught on some of the issues, and an apology seems to clear the slate: 'I am sorry, I am sorry, and then I can keep on going and doing what I was doing.'

We saw that yesterday and today with the Assistant Treasurer. There is no doubt in my mind, there is no doubt in probably every thinking Victorian's mind, that the Assistant Treasurer has done something wrong. But because he has apologised and said, 'I know nothing –

**A member:** Unreservedly.

**Peter WALSH:** Unreservedly apologised, which is even stronger. To be fair, that is stronger. An unreserved apology has to be stronger than a normal apology.

You cannot apologise away actually breaking the ministerial code of conduct. We have seen in other states and other western democracies – other Westminster democracies – people resigning for a lot less than what we have seen with the Assistant Treasurer over the last few days. The Premier of New South Wales was given a bottle of Grange, forgot he had been given it, categorically said he had not been given it and it was pointed out to him that he had been given it. A Premier resigned over a \$3000 bottle of wine – not \$100,000 worth of CSL shares, not some Beach petroleum shares but one bottle of wine. If we want to get back to looking at the Westminster system of government, at actually having accountability in this state, we need ministers to take responsibility for their actions. We need ministers to take responsibility for what their department does. That is the system of government we live under. It is about executive government running the state and Parliament holding them to account, not executive government saying, 'Well, hang on, that was a bureaucrat. The bureaucrats did that, I didn't do it'. Someone has to sign the brief that authorises the spending of money. They may not sign the contract, but they have to sign the brief.

We saw the classic example of that was the COVID-19 hotel quarantine contract. It cost \$80-something million to set up the quarantine system in hotels – \$80 million. Somehow \$80 million was spent and the system was set up. Tragically 800 people lost their lives out of that system, but somehow the decisions were made by a creeping assumption that somehow we moved through this issue of needing hotel quarantine. Hotels were leased and engaged, staff were employed – private security rather than health professionals, which is a separate issue again – but \$80 million was spent on a creeping assumption. I just do not get this. I do not get how governments can get away with this. And then we had the Premier going to the Coate inquiry around these particular issues and from memory –

**James Newbury:** Twenty-nine.

**Peter WALSH:** I thought it was 27. Twenty-seven, 29 times – whatever the number was – the Premier said, 'I do not recall'. I give the credit due to the Premier: I actually think he has got a very good memory. He is a very astute politician. But to sit there and say to Justice Coate 'I don't recall' 27 times is an insult to Victorians. It is an absolute insult to the 800 people that lost their lives. It is an insult to the intelligence of all of us that somehow a creeping assumption can spend \$80 million, cost 800 lives and no-one in government recalls and no-one in government is accountable for those decisions. It is an absolute disgrace in this state.

As I said, when the history is written, when the lid is lifted on the stench of corruption in this state, we will find we are worse than Queensland ever was, we will find we are worse than New South Wales ever was. One of the things – as a member of this place and someone who actually truly believes in the Westminster system of government – I always thought Victoria was better than Queensland and New South Wales. We know New South Wales were all convicts and have stayed that way ever since. We know Queensland had their issues – and Joh Bjelke-Petersen was a Country Party/National Party Premier, but we know the problems that happened there. We know what Fitzgerald found about

corruption when they lifted the lid on Queensland. That same thing will happen here in Victoria. When the lid is lifted and the history is written we will see what has gone wrong in this particular state.

I do really seriously grieve for that coming back so that Victorians are properly governed and actually have a public service that believes in serving the public. People used to want to work in the public sector. They wanted to serve the public of Victoria. The people that are still left there now – and a lot of good people have left – are very, very frustrated that they do not get to serve the public. I am told that middle-level department people constantly put advice up and it is constantly sent back. If it is not the advice a minister's office wants, they do not get that advice to go through.

It is so sad that we have good people in this state that want to do good things but are held back by the nepotism and the control of the Andrews government in this place. I really genuinely want to see us returning to a system of the Parliament holding executive government to account and executive government actually trying to deliver for Victoria rather than delivering for themselves and working out how to stay in government rather than doing the job better for Victorians.

Tragically all those things I have talked about – those 35 IBAC inquiries, all the investigations – were kept secret from Victorians at the last election. I have no doubt that if those reports had been released and people actually understood what was really going on in this state, there may have been a different response in the election. There has not been, there was not, but it is our job to hold the government to account every single day, like we have for the last two days, so that when ministers rot the system, whether deliberately or by just not acknowledging anything, they will be held to account and they will be called out. I say to the Premier of Victoria: we are not going anywhere. We will be here for the next four years making sure people are held to account.

### Opposition performance

**Dylan WIGHT** (Tarneit) (16:46): It is a pleasure to rise to contribute to this grievance debate, and there is a fair bit to grieve about. I mean, how could we not grieve from this side of the house looking over the chamber at that ragtag bunch of misfits? We have got the Leader of the Opposition here who cannot even ask a question during question time that is in order. Have no doubt he will be put out of his misery soon enough. They are already doing the numbers against him. The member for Brighton was looking quite longingly over at that chair across the table. God help us if that ever comes to fruition.

What I would also like to grieve on, just to get back to the point a little bit more – what I think it is also incredibly important that we grieve on – is this opposition and the parties –

**A member** interjected.

**Dylan WIGHT**: The member for Wimbledon wants to have a go. I have not seen you on your feet much yet, mate.

*Members interjecting.*

**The SPEAKER**: Order! The member for Tarneit will direct his comments through the Chair and will not use the word 'you'.

**Dylan WIGHT**: Indeed I will. I am very sorry, Speaker. But to get back to the point, I am here to grieve about this opposition – and not just this opposition but this party's absolute obsession with privatisation.

*Members interjecting.*

**Dylan WIGHT**: I have not seen you on your feet yet. They have not put much trust in you yet, have they?

**The SPEAKER**: Order! I have warned the member for Tarneit once. I will sit you down and you will not continue with your comments if you continue to disobey my rulings.

**Emma Kealy:** On a point of order, Speaker, the member for Tarneit is making reflections upon the Speaker, and I ask him to refer to people by their correct titles.

**The SPEAKER:** I have already warned the member for Tarneit twice.

**Dylan WIGHT:** Indeed. So as I have said, I am here to grieve about the opposition's obsession with privatisation. To go through this grievance I think it is incredibly important that we take a little trip down memory lane. So in 1994 the Kennett Liberal government privatised this state's energy supply. Indeed he privatised the SEC. Now, it was Kennett that did that. In my household –

**Tim Bull** interjected.

**The SPEAKER:** Order! The member for Gippsland East is out of order and not in his allocated seat. You are warned.

**Dylan WIGHT:** They get very touchy, don't they? As I said, former Premier Jeff Kennett under a Liberal government privatised Victoria's energy supply and indeed privatised the SEC. Now, I will refer to former Premier Kennett by his correct title, but in my household he was referred to as something very different, and I will not use that language in this house. He privatised – or the Liberal government privatised – the SEC.

The SEC for some time – decades and decades and decades – had provided Victoria with safe and secure jobs, indeed jobs for life. If you were a kid that came out of school near my electorate of Tarneit where there was a large SEC depot or you came out of school in Werribee or Wyndham and you got a job at the SEC, it was like striking gold. It was absolutely fantastic. They provided good, secure, well-paid, unionised employment, and they also engaged their employees in significant training – a really important part of it. What have we seen since the SEC was privatised? What have we seen? Since the privatisation of Victoria's power supply by the Liberals we have seen power prices increase year after year after year. We have seen less secure employment, and we have seen a less trained workforce.

Those opposite bang on and they bang on and they bang on and they try and hammer us on the cost of living. They try and talk to us about the cost of living, but how about we have another history lesson here, guys? Between 2010 and 2014 Victoria's energy prices increased by 34 per cent. Where were you on the cost of living there? Nowhere. You were hiding. You were absolutely hiding.

**The SPEAKER:** Order! The member for Tarneit is warned again. Through the Chair! You do not use the word 'you'.

**Dylan WIGHT:** I am very sorry, Speaker. I am not meaning it. I am still getting used to the rules and the customs of this house. This is my first grievance debate as well.

The fact is clear that privatisation hurts people. The privatisation of our energy system in Victoria has done nothing more than hurt people. It has made their power prices go through the roof. It has meant less secure work for those working in the industry. It has been bad all around.

*Members interjecting.*

**The SPEAKER:** Order! The member for Eureka is warned. The member for Narracan is warned.

**Dylan WIGHT:** It has been bad for Victorians all around. What is our solution to it? The Andrews Labor government, prior to the last election, said, 'Do you know what? Enough is enough – enough of profits going to private energy companies, going to accounts offshore. We will bring back the SEC. We will bring back government-owned energy and we will drive down power prices in the process and increase Victoria's renewable energy.' It seems like a bit of a no-brainer to me, but what has the response been?

**Richard Riordan** interjected.

**The SPEAKER:** Member for Polwarth, you are out of order; you are not in your allocated seat.

**Dylan WIGHT:** What has the response been by those opposite? Indeed the response has been that they are going to tear it down. The opposition leader has already said that if elected – and let me say it is a very big if – he will tear down the SEC. It is a new opposition leader, but it is the same old privatisation agenda. As I said, privatisation hurts people, and it most certainly has hurt people in our energy sector.

The Leader of the Opposition admits that the private sector companies do not want greater competition in the sector. They do not want greater competition from the SEC. They do not want an abundance of renewable energy in the system driving power prices down, because it is pretty simple stuff. I am no economist, but if there is more energy in the system, prices will be lower. That is why we are getting on with it. In fact I have got a quote from the Leader of the Opposition:

Business and potential leaders in renewables are not crying out for government competition ...

I wonder why.

**A member** interjected.

**Dylan WIGHT:** That is right. And privatisation is all about making money. It is not about the people of Victoria.

One of the amazing components of this policy from this side of the house and from the Andrews Labor government is the increase that we will have in Victoria in renewable energy. It has been clear for some time – and I think even most of the climate change deniers on the other side have come around, and I will get to that soon – that renewable energy is Victoria's future. What the SEC will do is increase our renewable energy target significantly, and we will be powering our state, the vast majority of it, with renewable energy. On this side of the house we are on the right side of that argument, and we always have been.

**A member** interjected.

**Dylan WIGHT:** That is right. We have always understood that renewable energy is the future, whilst we have had some on the other side of this house saying that we should ban wind farms – I am looking at the member for Polwarth. It is an incredibly important part of this policy.

We might go to a little bit of what has been said by those opposite about renewable energy. How about we do that. We had better not miss that. The member for Caulfield seems to have finally woken up over the last four years to the demographic shift in his seat and is now a champion of everything that is progressive – he is a champion of everything that is progressive and he is a champion of renewable energy – but in 2018 through his Twitter account the member for Caulfield said:

Greens v Labor <boxing glove> over renewable energy target to battle for inner city seats – The loser is Victorian households with higher power prices. <up arrow> target <up arrow> Prices <down arrow> Reliability #springst

He has changed his tune now and he is all for it. I think he has finally woken up. *Hansard* is also a beautiful thing. The member for Caulfield, indeed the Deputy Leader of the Liberal Party, claimed that solar rebates for Victorians were government intervention and red tape and that market intervention, not energy companies, was responsible for energy price increases:

We have seen energy prices triple under the Andrews Labor government, and it has largely been because of government intervention. It is because the government have gotten involved where they should not have and pushed the price of energy up.

'The market will fix everything. We don't need government intervention in anything.' I mean, they want government to be so small, I am surprised that they run. I am surprised that they rock up here every day – indeed I would note that the member for Bulleen has not been doing so very often. They want government to be so small, I am surprised that they even turn up.

The member for Eltham made an amazing contribution prior to me, and I have touched on the fact that so much of what the SEC provided was good, secure jobs but also a pipeline of training. There have been announcements made in the last couple of weeks, and that is exactly what the future SEC will be able to do as well. It will provide apprenticeships, traineeships and highly paid, highly skilled jobs for school leavers, university leavers and Victorian workers. With our free TAFE system, with the TAFE system that we rebuilt after the Liberal government closed campuses all over Victoria, that is exactly what we will do. The creation of the SEC will create a pipeline of tens of thousands of highly skilled jobs in this state, and we will train them at our fantastic TAFE colleges in Victoria that we had to reopen. We have had to reopen them over the last eight years because you closed them.

**A member:** You closed it a year ago.

**Dylan WIGHT:** Pardon?

**The SPEAKER:** Order! Through the Chair.

**James Newbury:** On a point of order, Speaker, as much as it pains me to stop Chris Brayne here, who we thought had left the chamber, the member for Tarneit has repeatedly ignored your ruling in relation to standing order 108 in terms of referring to people by their correct titles, and it is making it highly difficult for the house to maintain order with his constant references to 'you' and his poor behaviour.

**The SPEAKER:** Order! I have not heard him repeat that warning but –

**James Newbury** interjected.

**The SPEAKER:** Order! I did say to the member for Tarneit to direct his comments through the Chair as you were standing up to make your point of order.

**Dylan WIGHT:** Indeed, thank you very much. As I was saying, the creation of the SEC, just as it did all those years ago before the Liberal Party privatised it, will create an enormous pipeline of tens of thousands of well-paid jobs that school leavers, that university leavers, that young people in Victoria can look forward to.

### **Housing affordability**

**Tim READ (Brunswick) (17:01):** Today I rise to grieve for those Victorians struggling to find a secure, affordable home to rent. We are in the midst of a rental crisis like nothing I have seen in my lifetime. Finding a place to rent has never been harder or more expensive. We are hearing stories of a hundred or more people queueing at rental inspections, while landlords and agents are using the opportunity of low vacancy rates to push rents to record highs. I recently heard from one uni student wanting to leave home. Seeing families with children queueing up at inspections makes him feel guilty about applying for the same place. One constituent, Joseph, has been looking for a place to rent since November. He has not had any responses to his applications. He got in touch with me because he is not seeing any urgent government action.

Another constituent, Thea, was given notice to vacate her Brunswick share house in August last year. Thea is in her 20s, studying law at uni and working part-time. After she was given notice from her Brunswick place she searched for a secure lease but was forced out of her house before she could find another place to live long term. She did manage to find a six-month sublet in another share house in Fitzroy North, but that sublet runs out this month. With the semester starting soon and time running out on her sublet, she is working hard to find a secure, affordable place. For the last two months she has been applying for an average of two places a day, but so far from dozens of applications she has had just five interviews, and from that she has had one offer – but again, this was just a short-term spot in a share house. The other residents told her that the owners would be selling soon, so she has declined that one. Thea has to be out of her current room in just a couple of weeks and does not know where

she will go. As semester starts she expects to be sleeping on friends' couches and continuing the search for a secure and affordable place.

But the numbers show her prospects are not great. Vacancy rates have plummeted to record lows, down to 2 or even 1 per cent in some reports, and with such low vacancy and high demand, landlords have taken the opportunity to bump up rents, squeezing people for as much as they can get. In just the last year median Melbourne rents have increased by anywhere from 8 per cent to 25 per cent, depending on which survey you read. Thea says she is expecting to pay 30 per cent more now than she was in her last place, but as a student relying on youth allowance and part-time work, there is only so much she can afford.

Real estate agents have reported receiving 20 times the usual amount of people applying for some properties, and they are leasing properties within days of listing them. This high demand is giving landlords and agents cover to raise rents. We know some estate agents have been coaching landlords on how to best maximise rents, and we have heard that Consumer Affairs Victoria has received ongoing reports of illegal rent bidding, where agents are advising desperate applicants to offer more rent than the listed price.

It is even worse in regional Victoria. Anglicare last year found that on a given day two out of three regional towns had no rentals listed whatsoever. These communities do not have enough rental housing for local families as well as essential workers who want to move in to work in local businesses.

Small business is suffering, services are understaffed and people are struggling with rising housing and living costs. Some 2021 census data shows that almost 31 per cent of Victorian renter households were in rental stress, and since then rents have only increased. With rent up and inflation still sitting at 7.8 per cent, the costs for the essentials – food, transport and bills – all high and rising, unemployment increasing with interest rate hikes and wages not nearly keeping pace, more and more Victorians are being pushed towards poverty and homelessness.

The Council to Homeless Persons recently reported a spike in people accessing homelessness services. There have been particularly severe increases in demand and particularly in the number of First Nations people, young people and older women seeking help. Crucially here, many people now accessing homelessness services are employed. This is a new class of working poor that is being created by government inaction on cost of living and the housing crisis. Similarly, Foodbank has been struggling to keep up with rising demand for food aid. There are already over 120,000 people on the public housing waiting list in Victoria, and that number is climbing. So how can governments sit by and watch this happen? Why aren't we seeing serious and urgent action to address the rental crisis? And what does the government plan to do to help people like Thea and the thousands of other Victorians who cannot find a place to live right now? I asked Thea this, and she said she did not think this government was doing anything meaningful that would help her and other people in the short term. She has only seen things get worse over the last couple of years. The Greens have been calling for caps on rent increases, and while this would protect renters from poverty and homelessness in the short term, I am not here to discuss that today.

I know the government likes to talk about housing supply as a solution to rental costs, so let us look at how we could quickly increase the supply of available rentals in Victoria. While I recognise the government is doing some work in this area, the 12,000 homes in the much-touted Big Housing Build pipeline that are part of this project will not come close to meeting demand for new housing. We need to do more, and fast. This week the Greens have been calling on the government to address the shocking fact that in the midst of historic rental shortages there are tens of thousands of properties around the state which could be used to house people that are sitting empty or are being used as short-stay holiday properties through platforms like Airbnb. Recently research from Prosper revealed that there are almost 70,000 vacant properties around Victoria. Their owners have chosen to land bank these houses rather than rent them out or sell them on. Sitting empty, these properties have no productive use beyond enriching their owners, who are simply watching the capital gains pile up while

ignoring the responsibility they have as property investors towards the hundreds of thousands of people who are looking for a secure place to live. Indeed these empty houses could house 185,000 people. To have that much housing sitting empty while so many people are seeking a home is an egregious policy failure, but it is what we get from decades of poor policy that has prioritised housing as a money-making venture rather than as a basic necessity. On this, we need to fix Victoria's vacancy tax to more strongly encourage property owners to lease or sell their properties rather than keep them vacant.

I will get to the vacancy tax in a moment, but first I want to talk about short-stay properties. There are almost 20,000 Airbnb properties across Victoria. Most of them are entire houses or apartments rather than just someone's room, and many are offered as holiday rentals for the majority of the year. Entire properties are removed from the private rental market and put onto the holiday market instead. There is big money to be made in Airbnb, and it is having a big impact on the private rental market, decreasing the number of long-term rentals available and in turn pushing rents up. For instance, in the suburb of Brunswick right now there are 73 properties listed for long-term rent on Domain and there are over 300 listed for tourists on Airbnb – that is just Brunswick, 3056. The balance is completely out. The impact of Airbnb and other short-stay providers is particularly disruptive in the regions. In popular holiday destinations in regional Victoria rents are at record levels while the number of available rental properties has plummeted. In Apollo Bay right now there are over 500 Airbnbs available to rent and only two properties up for lease long term. Those arguing to allow Airbnb to continue unregulated may claim that these are mum-and-dad investors occasionally leasing out a spare room or a granny flat or the holiday house while they are not there just to help make ends meet. That may be true for some operators, but the reality is that the short-stay sector without decent regulation has become big business. Some operators are running dozens, even hundreds of properties, unchecked. If these properties were not being run as unregulated mini hotels for holiday-makers, they could be offered as long-term homes for people like Thea or Joseph.

That is why this week the Greens have called for strong regulation of this industry and strong incentives for landlords to list houses as long-term rentals rather than short-stay holiday properties. In cities around the world – Amsterdam, London, New York, Berlin, San Francisco, Tokyo, Singapore, New Orleans – the short-stay industry is regulated. In these places good regulation has allowed small-time Airbnb operators to continue supplementing their income through Airbnb while also reining in the big operators, returning their properties to the long-term rental market and addressing runaway rents.

Under the Greens plan we want to see three things. First, a 90-day cap on how many nights a year you can rent out a second property as a short stay. This will not affect your own home. This will change the balance. It will encourage those who have created big businesses around Airbnb to move out of the short-stay market and instead offer their properties as long-term rentals, which will become a more attractive money-making method when Airbnb is capped. The cap will still allow those who have got a spare room, a holiday house or are away from home for a while to continue drawing on some supplementary income by offering short-stay accommodation. Second, we are calling for rules to allow owners corporations to regulate short stays for properties that are not a host's principal residence in their buildings. The short-stay industry has seen residential apartment buildings become multi-storey party venues for tourists and backpackers where permanent residents have to put up with constant noise and mess. We should be allowing owners corporations to manage and reduce the impacts of short-stay accommodation in residential buildings. Third, we want a new mandatory public register of short-stay operators, which will increase transparency for communities, create more clarity around the impact that Airbnb is having on our neighbourhoods and make it easier to hold dodgy providers accountable.

As I mentioned before, beyond the short-stay sector there are more properties, tens of thousands more, sitting completely vacant and unused, and there are hundreds of thousands of people looking for places to live. Wouldn't it be good if we could put the two together? Wouldn't it be good if some simple policy change such as the one we describe could liberate tens of thousands of houses in a short space

of time? In 2017 the government attempted to address the problem by introducing the vacant residential property tax. Its purpose was to penalise property-hoarding investors who leave houses empty, happy to set and forget while capital gains pile up, rather than renting them out or selling them to people who want to live in them. When the government introduced the vacancy tax in 2017, the Premier said:

... I would be pleased if that measure raised not one dollar, and if people, instead of having properties dormant, having them vacant, having them performing no meaningful or productive function, made those properties available.

Not a bad idea, and indeed part of the Premier's projection came true. The tax has raised a pittance since it was introduced – a little over \$6 million on record – when if it had been implemented correctly, it would have raised up to \$500 million. That is why this week the Greens have called for strong regulation of this industry and strong incentives for landlords to list houses as long-term rentals rather than short-stay holiday properties. We should strengthen the enforcement of the vacant properties tax and not rely on people to just self-report that their property is vacant.

In places like Amsterdam, London, New York and so on with a regulated short-stay industry small-time Airbnb operators can continue to supplement their income and they would not be affected by this. The idea of combining that with a properly enforced residential vacancy tax would mean that we could have even the majority of those 70,000 vacant properties liberated for people who are looking for a place to rent.

If we talk more about the tax, between 2017 and 2019, after the tax was introduced, the number of vacant properties did not drop – it actually increased by over 13 per cent – and the number of properties available for short-term rent fell. The vacancy tax is a good idea, and I urge the government to revisit it but to introduce better enforcement and also a higher rate of tax. We should incentivise property owners to start allowing people to live inside the houses that they have been hoarding.

Dealing with the vacancy problem is something we can do in the near term to increase the availability of rental properties, but we need to do much more much more quickly to address the broader housing crisis. For far too long governments made housing policy to cater for investors, treating housing as a commodity to be hoarded, traded and gambled on for the purposes of wealth accumulation. We need to remember that having an investment property is a luxury, while having a place to live is a basic necessity.

### Opposition performance

**Tim RICHARDSON** (Mordialloc) (17:15): Thank you, Deputy Speaker, and it is good to see you in the chair. Here we go, we will lift it up a bit. The member for Brunswick had some important points, but goodness me, it was just a bit of a dulcet tone. I have got to bring a bit of life back in, and here we go. I grieve for the Victorian people if the Victorian coalition ever got their hands on energy policy in this state again. I was there doing a few meetings online back in the office, and I saw they were a bit revved up about the member for Tarneit calling out some of the privatisation elements in the past. Someone is giving me a prank call there; you can wait. It was very noisy from those opposite. It was very noisy from the coalition because it is a sensitive area, a very sensitive area. I mean, privatisation is a bit in their DNA. It was a crappy policy that they took to the last election – the puns are going on there, 'crappy' being sewerage related. It is a factual thing, member for Lowan.

**Emma Kealy:** On a point of order, Deputy Speaker, the use of unparliamentary language is not appropriate for this chamber, and I ask you to ask the member to withdraw.

**The DEPUTY SPEAKER:** I was listening to the member. I did not hear any unparliamentary language, so there is no point of order.

**Tim RICHARDSON:** Poo, sewerage.

**Emma Kealy:** On a point of order, Deputy Speaker, given that you were not aware of that, I clearly heard unparliamentary language. I ask you to review the tapes and counsel the member should that be found to be inappropriate for this chamber.

**The DEPUTY SPEAKER:** I have answered the point of order. There is no point of order.

**Tim RICHARDSON:** There we go. The shadow cabinet brought forward a sewerage privatisation policy, which is scraping the barrel of all kinds of things. That was the level of policy depth that was put forward, but at least it is an evolution from where we were.

There was a former Frankston Liberal candidate who forgot whether privatisation – free markets, as the member for Kew eloquently described, leaving all matters to free markets in the state of Victoria. ‘What is the point of government intervention or involvement? Where market failure happens, just step back.’ But the Liberal candidate for Frankston at the time, as we know, talked about whether coal-fired power stations would be built. It was a 2018 policy by the then opposition leader. They were going to build new coal-fired power stations, new gas-fired power stations. And then, after an interesting exchange for what seemed like hours with David Speers on Sky News, they admitted that that policy could only stack up with an intervention of a government policy and substantial subsidisations of such an intervention. So the free marketeers on that side, then, support that intervention into the coal space. Now, that must stand at significant odds with some of the new trendsetters that have come into the Parliament.

**James Newbury:** Here we go.

**Tim RICHARDSON:** The member for Brighton recently – lots of tickets. He is up and about. I do not know why the member for Brighton is not on this. I do not know why, but he has always got something to grieve about or go on about. This would be the thing to get on – knock off one of the backbenchers who is having a crack on the fall spot and say, ‘I want to talk about renewable energy’ and ‘I want to cross the floor.’ I saw on the camera the tension between the Leader of the Nationals and the member for Brighton. My team, we were looking on the camera, and we were seeing that. If you see the footage – if the member for Lowan wants to look back at the footage, just rewind maybe an extra half an hour – you see the tension there, the policy tension there. You have got the renewable energy target that the member for Brighton wants to enshrine. I do not think that is a coalition policy. I am not sure if he does a bit of freelancing.

**James Newbury:** What do you think of it, mate?

**Tim RICHARDSON:** Well, we support a 95 per cent target into the future, and that is the ambitious policy, not – and I have got it in my notes here, I will run through it – some of this stuff. I mean, you were not in, member for Brighton, at the time, but there was the Climate Change Bill 2016 – Deputy Speaker, you might have seen or been following that at the time, and the Renewable Energy (Jobs and Investment) Bill 2017 – there was another iteration of that in 2019. They were all opposed. In 2020 there was the energy legislation amendment, there was the Energy Legislation Amendment (Energy Fairness) Bill 2021 – no, it could not even get a pulse from those opposite.

But then what was it? What was it? It was not the science of the issue. It never was for the then federal Liberals at the time, where we saw the carbon tax campaign so viciously play out at the expense of renewable energy and climate change policy for a decade. I think, for those opposite who might acknowledge some of those very troubling situations and where we get to at the moment in the policy space – are the Victorian Liberals and Nationals different to the others? We could go on for a full grievance on that on its own.

Right. But we have got a situation now where the current coalition, and particularly the Liberals, have not come to the point of renewable energy reform because of the science, because of the merit of the issue, because it is the right thing to do for Victorians, no. Why was it? Because a bunch of teals went swaying through their federal seats. That was the only time that we saw a pulse out of the coalition,

because up until 2021 even, and March 2022, they were still refusing to support the net zero emissions targets – and to promise to build a new coal-fired power station – so it was not until their political expediency was put forward.

It has never been about acting in Victoria's interest. It has always been, 'Can I survive another term with the diminishing base that we have' because they have moved away from sensible centre-of-the-road policies in Victoria. You cannot fatten the pig up before market. You cannot come to the edge and then take a selfie down at Brighton Beach with a bit of water in the background and say, 'Oh, I care about climate change now.' You need to take the whole community with you. The member for Brighton and others and the member for Nepean – the inland sea inundation impact of climate change in the future across the bayside area and peninsula regions and then in the Bellarine and through the west is substantial. Those inland sea inundation issues are something that you should be calling out on behalf of your communities. But you have got to win that argument in your party room. I know you are a minority grouping in that group and you have got a few ways to go, but you cannot come to Victorians at the last minute, having opposed these really transformational policies, and suddenly say you are in support.

So this is the challenge to the coalition: will you support the SEC, which was resoundingly endorsed by Victorians at the last state election? That is question number one. Will you agree to enshrine it in the constitution and make sure that fairer outcomes for Victorians, investment in renewable energy and the jobs engine room of the nation are right here in Victoria? Half of the nation's jobs are created here in Victoria. We are the engine room of the nation's economy. Everyone wants a piece of Victoria. Will you get on board with the tens of thousands of jobs that will be created in the renewable energy sector? That is the key challenge – to have bipartisan support for this policy and both private sector and government investment that will be made into the future to shore up the future of renewable energy and the SEC.

There is a chance to walk it back. It is early on in the term. We are three years and eight months out. They have had a poll out; it is a bit jittery on that side. The member for Tarneit got under a few skins. The member for Malvern comes in; he is an outside chance still. He has still got some institutional muscle. He had some good results there. He might have always been in support of renewable energy – who knows? We would not know in those shadow policy discussions. The member for Tarneit got under the skin of a few, calling out some of the policy tension points on that. But let us lift the standards and have bipartisan support for investment in renewable energy. Support the SEC that was resoundingly endorsed and voted for by Victorians, because they get it. They get that privatisation has not worked. Ask anyone whether the privatisation of energy assets that was so championed by Mr 11 per cent over here –

**Michael O'Brien** interjected.

**Tim RICHARDSON:** He is having a crack. The member for Malvern has got a pulse. Mr 11 per cent popularity has come off a short run-up. Come forward and say that a privatisation energy policy was in the best interests of Victorians. I mean, go and stand on a street stall anywhere in Victoria and say, 'I reckon that's a good deal. I reckon you're getting a good deal with those private energy providers.' That is the amazing thing that is put forward.

**A member** interjected.

**Tim RICHARDSON:** I have got a big tribe, mate. There are more in my factional crew than on all of your side on that side, aren't there? We have got about 56 on that and all of our sub-parts as well. So the member for Malvern might be one of three, but we have got a crew big on this side, and it bats deep. You have just seen that from some of the contributions from the class of 2022 coming in. We know that privatisation and its impact have not worked for Victorians.

The campaign launch was amazing. I think it was in the member for Cranbourne's seat. Goodness me, I got the goosebumps going with the SEC, the Electrical Trades Union, the workers and then the jobs

number of the renewable energy target. Think that 59,000 jobs could be created over that time – tens of thousands. We could be the engine room for renewable energy going forward for our nation. So let us lean in. Let us lift the standard of debate. Let us put it to one side. Let us get it done. The consultation is underway and the expert panel has been appointed with some of the most eminent people that will lead this discussion.

There is a chance to come to the sensible centre, not to chase some of the far-right policies on climate change that we have seen dog the national policy debate for a decade. We lost so much momentum. We could have been first movers in that space. We saw emissions tumbling at that stage, and then all of those emissions reduction targets were walked back. It does show, though, that you can have a moment – see the light, come towards the light – because of the contrast between the coalition’s policy under Baillieu and Napthine to then 2018, when it was to build coal-fired power stations that were subsidised by the taxpayer. The reason the private sector has not been building them? Why? It is because they are not viable into the future. It is why we need to invest heavily in renewables.

We need to increase storage and the baseload power impact into the future. That is what it is all about. We are on that transition together, and there will be opportunities in the future that we have not even envisaged in technological advancement. I remember meeting with solar industry experts that said it is like dog years – one year in solar and battery storage is like seven years. You make that advancement, the technological gains. It is an exciting policy space, and we need to lean in.

So that is the challenge with the coalition. Commitments like 59,000 jobs for the Victorian renewable energy target. Do they support that? Do they support the SEC in the constitution – enshrining that and the outcomes that we will see? Do they support the skills and investment and pipeline of jobs and skills into the future? Do they support that as a policy? Because Victorians want to know the relevance of the coalition going forward. Do they stand for those policies? Will they keep opposing it? Who knows. I mean, the member for Brighton, he might have –

*Members interjecting.*

**Tim RICHARDSON:** The Leader of the Opposition has come in. He took on some teals, didn’t he? He had a crack. It was 1.75 –

**John Pesutto** interjected.

**Tim RICHARDSON:** So it was 1.75 and he is up and about. They are just looking towards the cameras when he has a crack at the Assistant Treasurer. There is a little look sideways, ‘Is everyone ready for my go? It is time to play.’ Well, Leader of the Opposition, it is your time now. Step up. Where do you base yourself on renewable energy policy? Are you with those constituents that you doorknocked and looked in the eye and said, ‘I’m a different type of Liberal. I am not one of those from Canberra.’

That whole little report that Greg Mirabella did, the little –

*Members interjecting.*

**Tim RICHARDSON:** Was that on three pages? I am not sure how long that report was, but you all read it.

**James Newbury** interjected.

**Tim RICHARDSON:** ‘One,’ the member for Brighton says. That probably gives you a sense of some of the challenges there. That has thrown me a bit – that he was that honest. But legitimately lift the standards and say –

*Members interjecting.*

**Tim RICHARDSON:** Come on, you are knocking Chelsea, mate. I will probably not put it into the *Hansard*. Come down to Chelsea, because we support investment in renewable energy, we support

the SEC into the future – and that is the challenge. So when you are fronting up and discussing what you stand for and how much of the policy that Matthew Guy, the member for Bulleen, has put forward, what do you accept from 2018 as you evolve into the future? Will you meet the Premier on this journey of renewable energy investment, lift the standard of debate, or will you be governed by the conservative elements in your party, conservative Liberals who have taken you to the right? Will you be a freethinking leader that lifts the standards of the debate? We have got the policy will here. It is up to you. We will do it anyway because it is what Victorians voted for us to do. That is the key.

**John Pesutto** interjected.

**Tim RICHARDSON:** Of course I will support the Assistant Treasurer. What a legend he is. What a legend the Assistant Treasurer is. I tell you what: I do not know if you know, mate, but while you were out of this place he has done a power of work in housing, in Treasury. He is an absolutely wonderful member of Parliament and a great mentor for a –

*Members interjecting.*

**Tim RICHARDSON:** He is a great member of Parliament. The Leader of the Opposition can chip away. They get a bit funny when you talk about the conservative elements and renewable energy policy. They get a bit funny when you ask, reach metres across the table and put that forward. But he cannot –

**John Pesutto** interjected.

**Tim RICHARDSON:** Definitely not. I will take up that interjection. The member for Hawthorn and Leader of the Opposition says I am good looking. If Lozzie is tuning in today, thank you very much for that compliment. I am saying that you are diverting from what is truly an important topic. There is a chance for you to knock off whoever is next on the speaking list. It might be the member for Kew. I do not know if any of you know.

**A member** interjected.

**Tim RICHARDSON:** No? It might be your chance to jump up.

**A member** interjected.

**Tim RICHARDSON:** Sandringham. The doppelganger for me. Jump up, Brad. Jump up, member for Sandringham. Jump up there, and in your dulcet tones, the baritone, put forward what you stand for for the constituents of Sandringham. We have seen your mate up the road in Brighton go out on a bit of a policy folly. That is not coalition policy to support some of these, enshrining it into legislation. We might welcome some of these ambitious targets. If only his party supported that as well.

But the Leader of the Opposition has come in here and clearly has a moment to join us on that policy journey. Do you support 59,000 more jobs in renewable energy? Do you support a renewable energy target at 95 per cent, or do you support some of the troglodyte policies of building new coal-fired power stations subsidised by the taxpayer into the future? Lift up. When you eyeballed those constituents in Hawthorn and said you would be a new type of Liberal, that is the challenge going forward. Victorians voted for this policy. Do not let them down in this Parliament. The member for Hawthorn and Leader of the Opposition said he would lift the standards. Here is the chance to back in the Premier's ambitious and bold policy that is leading the nation in renewable energy and has got Victorians excited and really is leading the nation in that policy discussion.

That is the opportunity that comes forward. We have got ambitious plans, and I congratulate the Premier and the Minister for the State Electricity Commission and Minister for Climate Action. It is an exciting agenda that we have got ahead, and there will be many more conversations that we have in that space. If only we had more partners. But if not, we will do it alone and we will go it alone, because Victorians voted resoundingly with an increased majority to get this done, and that is what we do. We will get this done.

### Government integrity

**Michael O'BRIEN** (Malvern) (17:30): What an extraordinary contribution by the member for Mordialloc. He did everything except stamp his feet, but given the findings of Operation Watts, he is a bit careful around stamps, is old Tim.

I grieve for the people of Victoria who are suffering from a government that lacks even the most basic skerrick of integrity. Our state has to endure being governed by an Andrews Labor government that is more like a gang than a government – a bunch of bandits enriching themselves at the expense of Victorians and enriching their Labor mates at the expense of Victorians.

As the Leader of the Nationals said, one day this will all come out – the cronyism, the corruption, the conflation of the ALP's interests for the public interest – and when it does, it will make Bjelke-Petersen's, Neville Wran's and Eddie Obeid's efforts look like *Play School*. And we are here to make sure it comes out, because Victorians deserve a clean government. Victorians deserve a government with integrity that is effective and efficient and puts their interest first and is not lining the pockets of ministers.

A quick recap on this week's scandal: we saw the Minister for Government Services, the Assistant Treasurer, exposed as having a mountain of shares which he chose not to divest himself of. He chose not to divest himself of them even when he took on ministerial office. He could have made the decision then to sell those shares. He could have made the decision to put them into a blind trust. He chose to do none of those things. He kept an active interest in shareholdings, and he refused to answer today whether he had acted as a day trader. For goodness sake, you could have a minister there, an Assistant Treasurer, day trading – day trading – when he should be acting in the public interest, working hard for Victorians. How can this government accept that that is an appropriate level of ministerial conduct? That tells you all you need to know about this government. So owning shares that he should not have, conflict of interest, an unreserved apology – but again, he thinks that is it, that is all that matters: 'I've said sorry, I move on'; it is not the way it works – and then a breach of the ministerial code of conduct.

In today's question time it was very, very instructive. The Assistant Treasurer would not answer if his staff, if his office, were present in meetings that dealt with issues concerning companies in which he had a direct financial interest. He said, 'I haven't.' But the question was 'Have you or your staff?' – 'Have you or your office been involved in any meeting', any meeting, 'that involves a company in which you have a direct financial interest?' He deliberately chose to only say 'I have not been in such meetings.' What does that tell you?

This is a man who, for those of us who have been here for quite some time know, is not short of a word. Loquacious does not even begin to describe him – more front than Myer, always thinks he is the smartest person in the room, no matter how big the room is – and there is no way that the Assistant Treasurer missed that question. He listened very, very carefully, and he chose to only answer half of it? Why?

**A member:** Spin.

**Michael O'BRIEN:** Why? Scripted by the Premier's private office or just a guilty conscience, who knows? But we will be finding out.

Today we saw tabled in this place *Operation Clara*, a special report from the Independent Broad-based Anti-corruption Commission. Just on IBAC, as somebody who first entered this place in 2006, I saw four years of the Labor government then, the Bracks-Brumby governments, refusing to implement and institute an anti-corruption commission in this state, and they had been in for close to 12 years. They refused to have an IBAC. Why? Because they did not want anybody looking over their shoulder. That is why. What did they have to hide? Everything. It took a Liberal-Nationals government to give this state an independent, broad-based anti-corruption commission, and that is part of our legacy of four years in government.

We instituted IBAC to clean up corruption in this state, and that is not something which this government can take any pride in, because in fact what did this government do with IBAC? It gutted the powers and it cut the budget. This government does not want an anti-corruption watchdog, it wants a lapdog, and it is going to cut the budget and cut the powers until it gets it. Well, I say well done to former commissioner Robert Redlich. He did a very, very good job as IBAC Commissioner, despite the budget cuts, despite the legislative cuts to his powers and functions and despite the cutting of the feed by Ms Shing in the other place, who actually had the audacity to gag the IBAC Commissioner in a parliamentary hearing. That is the sort of thing you would expect in a banana republic. Ms Shing may as well have been in there with a uniform with epaulettes on and a cocked hat, because that is the sort of banana republic behaviour you would not expect to see in a democracy or in a Westminster system of government and certainly not in my state of Victoria.

In Operation Clara today we found that a former Labor minister and former Labor MP, Mr Theo Theophanous, was found by IBAC to have engaged in improper conduct. He misused his position on a state government board for his own lobbying purposes, he failed to declare conflicts of interest and he engaged in improper lobbying conduct with ministers and departmental officials. This is a person who is Labor royalty – absolute Labor royalty. And what is the government's response? They have kept him on State Trustees. Theo knew what was coming. He resigned from the Victorian Planning Authority last week, but he is still on the board of State Trustees.

**John Pesutto** interjected.

**Michael O'BRIEN:** A state corporation, as the Leader of the Opposition points out – a state corporation designed to look after and take care of people who cannot look after themselves and entrusted with the use of others' assets. Here is somebody who has been found by IBAC to have engaged in inappropriate conduct, conflicts of interest and misusing his own public position for his private benefit, and this government kept him on the board.

This then led to me having a look at the board of State Trustees. I am not going to go through them all, but this is a board which has been, like many boards in this state, stacked out with people who have got strong affiliations with the Labor Party. There is Theo Theophanous, who certainly as recently as lunchtime today is a member of the board and a member of the Labor Party. There is Tony Clark, a multiple-time Labor Party candidate. And there is Julie Ligeti, currently chief of staff to the federal Minister for Skills and Training, formerly, I think, chief of staff possibly to Rob Hulls when he was Attorney-General and a lifetime Labor staffer. These people may well have skills that allow them to contribute, but when you see Labor name after Labor name after Labor name you have got to say that something is rotten in the state of Victoria, and it is the politicisation and the corruption of the public sector. That is why this side of the house is very keenly looking forward to the Victorian Ombudsman's report on politicisation of the Victorian public service and why members opposite are not looking forward to it, I guarantee you that. The only trouble will be, with the Opal paper mill closing down thanks to this government, where are they going to find enough paper to print the report?

Then we see the Treasurer. The Treasurer is no stranger to these sorts of issues. Of course you see in Operation Clara it is reported that Mr Theophanous referred to the Treasurer as his very good friend, and yes, he spoke to him about the Australian Education City consortium, but apparently he just did it as a private citizen, just because he is keen on the project. The fact that Theo Theophanous was then at the same time grabbing money for his daughter's political campaign is completely separate and has nothing to do with it apparently – nothing to do with it at all. It was found by IBAC that Mr Theophanous had engaged in improper conduct in lobbying the Treasurer. What did the Treasurer do? When somebody was acting improperly, did the Treasurer say, 'I'm going to report this to the authorities. I will blow the whistle. I will do the right thing and uphold public standards' or did he sweep it under the carpet? Did he cover it up? Did he look after a Labor mate?

**Tim Richardson** interjected.

**Michael O'BRIEN:** Well, let me tell you, member for Mordialloc, the Treasurer had the opportunity today in question time to set the record straight. I asked him the question, 'Did you report it?' and he refused to answer. What a gutless effort. What a gutless effort on the Treasurer's part.

Of course, the Treasurer is no stranger to ideas of conflict of interest. I quote from an article in the *Australian* newspaper from 29 May 2019, headed "'Transurban Tim' Pallas divests shares'. I would never call him that in here, but this is simply quoting an article in the newspaper. Of course, we found the scandal that the Treasurer had personally invested money in a fund which invested in Transurban at the same time he was doing a deal with Transurban – personally doing a deal with Transurban – that led to Transurban getting the benefit of \$37 billion in new tolls from Victorian motorists for paying \$4 billion. Now, I know a good deal when I see one: pay \$37 billion and get \$4 billion back. Bad deal for Victorian motorists – Victorian motorists are being ripped off by this government, because they did a bad deal, a dodgy deal, with Transurban. We are paying higher tolls for a West Gate Tunnel that is not even built. On what planet do you say it is fair that Victorians should have to pay more to go to work, pay more to get home from work and pay more to take the kids to sport or to ballet, every single day, to drive on a road that does not even exist? It is outrageous, and this Treasurer personally financially benefited from a deal he did with Transurban because he had a financial interest in the success of Transurban. This is what this government is all about. They are all about lining their pockets and looking after themselves. That is it.

**A member:** Danny learned from it.

**Michael O'BRIEN:** Danny did learn from it. I do recall the member for Essendon, in his former life as a lobbyist, appearing before an upper house inquiry into the issuing of gaming licences where, I have to say, the arrogance in his refusal to answer questions was off the planet, absolutely off the planet. The sort of disrespect he showed for democracy, for transparency and for accountability when he was a compelled witness before an upper house inquiry into the issuing of gaming licences by a former Labor government is exactly the same attitude he has shown here.

We know the sort of dodgy behaviour we have seen here. We have seen breaches of the ministerial codes of conduct by the Treasurer. We have seen it by the Assistant Treasurer. We have seen it by other ministers. What does it take to get sacked as a minister by this Premier? Well, not incompetence, because there is plenty of incompetence sitting on the front bench there. Not corruption, because we have certainly seen some of that in our time, and those ministers are still there. There is only one thing it takes to get sacked by this Premier, and that is to stand up to him. That is all it takes to get sacked by the Premier, and it is about the only thing that it takes to get sacked by the Premier.

Jane Garrett, may she rest in peace, had the courage of her convictions. She was the Minister for Emergency Services. She cared deeply about the CFA, about protecting Victoria and supporting volunteers. And when faced with a choice of bending to the will of this Premier and Peter Marshall, the head of the United Firefighters Union, she chose Victorian safety and the service of volunteers, and she lost her job for it. She lost her ministerial position, and she never got it back. That is what it takes to get sacked by this Premier in this government: to stand up for Victorians, to stand up for volunteers, to stand up for principle.

Who else lost their jobs? Well, we saw: Mr Somyurek, still in the other place; Robin Scott, the former member for Preston; and Luke Donnellan, the former member for Narre Warren North. They lost their jobs –

**A member:** Marlene.

**Michael O'BRIEN:** And Marlene Kairouz, the former member for Kororoit. They lost their jobs because their faction had grown a little bit too powerful for the Premier. The member for Mordialloc has gone very quiet now – very quiet at this point; very, very quiet. He knows when he is beaten, and he was prepared to salute the new flag –

**A member:** The red flag.

**Michael O'BRIEN:** Yes, to salute the red flag, to go from the right to the left, to look after himself. But the point is: there is really only one way you get sacked in this government. You stand up to this Premier in a factional sense, as did Marlene Kairouz, Mr Somyurek, Robin Scott and Luke Donnellan – and he made them pay a price – or you stand up for volunteers, you stand up for the CFA, you stand up for Victorians and Victorians' safety.

This is a government with no standards, with no integrity, with absolutely no honesty and no focus on the fact that they should be there for Victorians. I can tell you when I had the honour to serve as a minister and as a treasurer I did not own a single share. I was not day trading. I was there to work for Victorians. My job was to put money in their pockets, not to put it in my own. This is a government that has run out of steam, run out of ethics and run out of integrity.

### State Electricity Commission

**Nina TAYLOR (Albert Park) (17:45):** My grievance tonight – I think many have shared in this grievance over and over and over again – is that Kennett sold the SEC in 1994. And let me tell you it is not only my colleagues, fair and square. When I went doorknocking through the election, door after door after door, they were so relieved that we are bringing back the SEC – over and over again. The electorate wanted it, and that is why they voted us back. This is a big part of why we are back in. So the electorate knows; it is a pity those opposite have not got the gist. They have not read the room yet. It is about time they did. Knock, knock – the electorate have spoken. They have fully endorsed the SEC, so you might want to consider coming on board. But if you do not, we will do it anyway because we know it is the right thing to do – it is absolutely the right thing to do.

I am just going to express a little further that grievance, that very strong element to do with Kennett selling off the SEC. Since then prices increased, workers were sacked, energy companies made huge profits and power bills skyrocketed. So what did that deliver the electorate? It delivered them a lemon. That is what they did: they delivered a lemon. So it is right and proper and timely that we restore the faith of the Victorian community and we bring back the SEC. But as I say, even if those opposite are not prepared to read the room and are not prepared to move with the times and go with the electorate and what they voted for, we will do it – guaranteed – because we deliver. We make promises and we deliver. So they might want to learn a thing or two. I am just putting it out there – just something to consider.

We know that privatisation of the SEC started a flow-on effect that drove up power prices and energy vulnerability in this state. Retail electricity prices increased by 34.1 per cent under the previous Liberal government – quarter 4 2010 versus quarter 3 2014. That is not good. Privatisation hurt people. And I do not know about you, but time and time again I have heard the stories of those who lost their jobs. There are people in this chamber who had parents who lost their jobs as well – dreadful. And did it deliver us greater efficiency, greater service and all the things that we might have been sold when they were talking about this wonderful proposition of privatisation, this beautifully creative lateral solution? What did it deliver? At the end of the day, it delivered a lemon. We know that it is right and proper and it is time for Labor to restore the faith of the Victorian people and bring back the SEC.

Now, you will note I am repeating this element a little bit, but it is because I am so excited about this proposition. In fact when the announcement was made I shed a tear because I knew what it meant for the Victorian people. I know what it also means in terms of securing our future, making sure that we put downward pressure on power prices and also helping support the best possible outcomes for our environment. We do have good form when it comes to reform of environmental measures, because we have been cutting emissions well ahead of this transformation, and this is just an extra support along the way in terms of cutting emissions and the beautiful transition to clean energy for Victoria. Actually it is a renewable revolution. It is a renewable revolution, and it is what the people want.

Victoria is unequivocally the country's leader in climate action, and I am very proud about that. But those opposite know that Victorians love a clean energy transition – this is what the people want – so

now again they kind of pretend. They pretend that they also could deliver on that, but in their hearts, when push comes to shove, they do not have the ticker for it. So it is up to us to deliver on this. I do not know about you, but I remember many, many years ago when the Libs were last in they absolutely crippled the wind industry. Do you remember that?

**A member:** Oh, yes. It was shocking.

**Nina TAYLOR:** It was shocking. And I was thinking, ‘How could they allow this to happen?’ It was absolutely appalling.

Well, thankfully when Labor got back in they fixed the problem, because we knew better. We know what Victorians want: they want clean energy. We know that it is cheaper as well. It makes good economic sense. And that is the other thing that I do not understand with the opposition: not only why they do not have the same passion and the same desire to back clean energy but also why they do not recognise the economic benefits of the transition. I mean, why don’t they? I cannot work it out myself. I am staggered. Anyway, never mind. I do not know. You can ponder and ponder, but we might never get there. But we are not ones to just ponder – we do things, we deliver. So that is all good. There is no need to labour that point, but I am just putting it out there in any case.

So what do we have in Victoria? Well, we have world-leading emissions reduction targets of 75 to 85 per cent by 2035 – this is absolutely fantastic – and we are bringing net zero to 2045 and leading the world, aligning Victoria to the Paris goal of limiting global warming to 1.5 degrees Celsius. This is the right thing to do, we know, for the children and their future as well. So we are not thinking only about this generation and ourselves, we are thinking about subsequent generations. Don’t you find when you go to primary schools et cetera that the kids are all over this? They know it. It is just a pity the opposition do not; I do not know why. The kids have got it, their teachers have got it, and they take it on board. They want a beautiful, clean energy future. So come with us on the journey. I know you want to. Well, I do not know, because –

**Tim Richardson:** The member for Brighton does.

**Nina TAYLOR:** Well, he might. He might; I do not know – maybe. But they have had a dubious record when it comes to fracking, haven’t they? They have had all sorts of positions on that. How many positions have they had on that? I do not know. It is pretty ordinary. We again, left to Labor, have enshrined it in the constitution, because that was the right thing to do.

**Alison Marchant** interjected.

**Nina TAYLOR:** Yes, absolutely. Yes. But it is good for not only people in the city but also people in regional and rural areas, because we know how damaging fracking can be for agricultural land and for the groundwater. So the other part of this conversation that I just do not understand is why anyone would want to back in fracking if they also claim to support the farmers.

**A member:** It is a step backwards.

**Nina TAYLOR:** Yes, it is a step backwards. The two do not go together. So it really is baffling. But in any case, not to worry, because Labor came to the rescue. As I said, we enshrined a ban on fracking in the constitution. It was the right and proper thing to do. It is what Victorians wanted. It is what they still want. You know, we backed it in, and at the election they voted accordingly – happy days. It always comes back to Labor to be able to move forward, to innovate and to do the right thing when it comes to not only the environment but putting downward pressure on power prices and cutting emissions, and this is absolutely going to be a ripper for Victoria.

I should say, with the targets that we have Victoria’s economy will be decarbonising at one of the fastest rates anywhere in the world – anywhere in the world. That is mind blowing. But that is who we are, that is who Victorians are – we are ahead of the game. I was going to swear there, but I am not going to do that. It is magnificent. I managed to avert that calamity, so I am very happy about that.

And we will deliver 59,000 jobs along the way, because this is the other thing with Labor – it is always a holistic approach. It is not just cutting emissions, it is not just bringing back the SEC, we also deliver jobs, because we understand that to drive a good economy people have to have jobs in order to be able to afford to buy things. Is that not true? Yes, that is right. It is a cycle, so we need to support the whole process, and that is what Labor does. It is just simply who we are.

I should say another thing I am really, really proud of, and I am sure my colleagues will share this as well, is that we have the strongest climate change legislation in the country. I am not sure that it is always recognised just how significantly advanced we are in this space, hence all the more reason to talk about it today, because I think the community should be really proud of these advancements. They voted for it; they are part of this story. Victorians voted overwhelmingly for the next steps in our ambitious agenda. We are united, are we not?

I should say, talking about where we are at – because that is really important too; it is all good and well to talk about the future, but where are we at now? – we have cut emissions by 29.8 per cent since 2005. Yes, it is true. And since 2014 we have cut emissions by – get this – more than any other state, absolutely kicking goals. Again, Victorians should be proud because they are part of the solution. They are coming along with it. What about the Solar Homes program? They bought into that. They absolutely are part of that journey and part of that story, and I am so proud of them getting on board.

**James Newbury** interjected.

**Nina TAYLOR:** He is trying hard. A little bit of poetic licence over there – that is nice, that is okay. Yes, you can try. And I should say we have delivered the largest annual increase in renewable generation of any state – again kicking goals; that is Victorians; fantastic – ever, with renewable generation growing by, get this, 3.6 terawatt hours in 2021. I am so proud of that.

**A member:** It's a lot.

**Nina TAYLOR:** It is enormous, isn't it. It is huge. Terawatt – I mean, that is huge in anyone's language. It is magnificent. This is something we should be really proud of. And we are unequivocal; this is the other point. We do not waver. We do not have multiple positions when it comes to transitioning to a cleaner energy economy. That is right – a cleaner energy economy. That is true. Yes, absolutely. I do not know what I was thinking there, but anyway. Yes, we should be really proud of it. Unequivocal in our commitment to action on climate change – that is right. We do not waver for a second. We move forward steadily, and you can see the incremental benefit for our state and ultimately benefits that will flow on for the country as well.

But the difference is with Labor we do not just talk about it, do we. We take it seriously, and we are delivering, because you can talk and talk and talk and say all sorts of things and pretend you are one thing for an election, hoping to get some votes over there and here – no, we actually have to deliver, and we do. Our targets are delivering the most rapid reduction of emissions in Australia, unlocking billions of dollars – get this, again the economic benefits; oh my goodness, so wonderful – of investment and creating thousands of jobs. So you can see that thing; we are coming back to that holistic approach of a Labor government.

And get this, I am going to drill down a bit further. It is so good, and Victorians deserve to know about it: we are investing almost \$2 billion in programs to reduce emissions. Yes, not just talk, we are walking it. We are investing \$1 billion to bring back the SEC and build 4.5 gigawatts – again, gigawatts; huge – of new renewable capacity. We have set a nation-leading offshore wind target. Oh, I am so excited about offshore wind. Is that not exciting? I mean, again we are innovating. We do not just sit on our laurels and hope and pray that maybe the emissions will go down; we actually do something about it. So we have set a nation-leading offshore wind target that will produce 2 gigawatts of offshore wind, and that will come online by 2032, 4 gigawatts by 2035 and 9 gigawatts by 2040. You might say, 'Oh, that's thinking a long way into the future' – exactly. You have to do the work now if you are going to get there, and that is exactly what we are doing. The transition is happening as

we speak, but we cannot just wait till 2040 and hope; we have actually got to deliver. So this will ensure that Victoria is – get this – the home of offshore wind, which has the potential to create thousands of jobs and drive billions of dollars of investment.

If that is not a carrot for the opposition to consider the changes that we are making – and we will make them with or without those opposite, let us be clear; I have already stated that today, but it is important to reiterate that. They can come on this journey, reducing emissions, putting downward pressure on power prices, bringing back the SEC, or not read the room. Two choices – either way, as you see fit. And I should say at the end of last year Australia's first offshore wind zone was declared off the coast of Gippsland. Yay! We are really moving forward.

And I think I have got just enough time to say that we have announced six new solar projects that will help us power 100 per cent of government operations on renewable energy, from police stations to hospitals, metro trains to trams. That is sensational, is it not? I am excited! It does not take a lot – you mention any reduction in emissions and I am there, but these are really significant. We are really moving forward. I am really proud of Victorians. We continue on this journey together. Happy days.

**Question agreed to.**

**The DEPUTY SPEAKER:** Before I call the Clerk, I would like to acknowledge in the gallery the former member for Footscray and former minister, Marsha Thomson; former Mordialloc member Janice Munt; we have the federal member for Macnamara, Josh Burns; the federal member for Hawke, Sam Rae; the former minister and member for Southern Metropolitan, Philip Dalidakis; and former minister and member for Lara, John Eren – welcome back. Former Senator Conroy as well, my apologies.

***Bills***

**Health Legislation Amendment (Information Sharing) Bill 2023**

*Second reading*

**Debate resumed.**

**Sonya KILKENNY** (Carrum – Minister for Planning, Minister for Outdoor Recreation) (18:01): I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

***Address to Parliament***

**Governor's speech**

*Address-in-reply*

**Debate resumed on motion of Martha Haylett:**

That the following address, in reply to the speech of the Governor to both houses of Parliament, be agreed to by this house.

Governor:

We, the Legislative Assembly of Victoria assembled in Parliament, wish to express our loyalty to our Sovereign and to thank you for the speech which you have made to the Parliament.

**Ella GEORGE** (Lara) (18:01): I begin by acknowledging the traditional owners of this land, the Wurundjeri Woi Wurrung people of the Kulin nation. I pay my respects to their elders past, present and future. I acknowledge the Wathaurong of the Kulin nation on whose land I live and work. I thank them for their thousands of years of care for this country, its lands and water. Aboriginal land was never ceded. Sovereignty was never ceded. For too long we have ignored our past and the trauma experienced by First Nations people. We must acknowledge it and as a government take real steps to

repair the damage that has been done. I acknowledge the First Peoples' Assembly of Victoria and their co-chairs, Aunty Geraldine Atkinson and Marcus Stewart. I thank them for the work they are leading on voice, treaty and truth in this state.

Speaker, may I take this opportunity to congratulate you on your re-election and reappointment to your role. I congratulate the Premier and the Labor caucus on a resounding election victory.

It is the honour of my life to stand in this place, and it is an honour to be the first woman representing Geelong's north in the Legislative Assembly. I pay tribute to John Eren, a giant of our Labor movement and one of Geelong's most impressive leaders in recent decades. John's achievements are many. If I were to list them all, I would be here all day. Beyond his achievements, what I think is most remarkable about John is the way he went about his work: he approached politics with empathy, he listened to people and he truly cared. Thank you, John, for your dedicated service to the Lara electorate and the Victorian community. I am so lucky to call you and Geraldine friends, and I wish you all the best for a very happy retirement.

My story, like so many others here, starts with the values that my parents and grandparents taught me. Growing up, my mum Marian was a primary school teacher, and my dad Tim was a ships engineer before changing careers and starting his own catering business. My parents were both proud union members – my mum a member of the Australian Education Union for almost 40 years and my dad a member of the Australian Institute of Marine and Power Engineers. I learned from an early age just how important education is and the role that schools can play as not just a place to learn to read and write but a place for children to grow and thrive, a place for children to be nurtured and encouraged to reach their full potential. From my mum I also heard about children who were less fortunate, kids who did not have the right uniform or who did not bring any lunch to school. I asked my mum why she became a teacher. She told me it was because when she finished school she had a choice: become a teacher or become a nurse, and she picked teaching. I was recently asked by some grade 5 and 6 students what I wanted to be when I grew up when I was their age. I told them that I wanted to be a teacher, not because I only had two choices but because I saw the example my mum set – an incredible teacher who cared so much about the children she taught, who went above and beyond for all of her students. My mum's passion for public education is something I will bring with me into this job, because every kid, no matter where they grow up, should get a great education. I am so proud to be a part of a Labor government that is committed to education, whether it be kinder, investing in public schools or making TAFE free.

I have fond memories of spending a lot of time with my grandparents as a child while my parents were at work – with my mother's parents, my nan Margaret and my grandad Harry; and my father's parents, my grandmother Meg, my grandad Doug and his partner Tess. I learned much from my grandparents, but there is one thing that has really stuck, and that is social justice. Their definition of it was 'If you can help other people, then you should.' That sense of purpose was drummed into me by the time I was five years old, and now 30 years on it is a sense of purpose that I take with me every day.

When I first joined the Labor Party I found out that my grandmother Meg had once been a member of the very same branch and had been a Labor Party activist just like me. I was told about how she once danced around a room with a cardboard cut-out of Bob Hawke when he won the federal election. I heard about her community work, establishing an action group on local aged care services and helping vulnerable children.

I also heard from my mother stories about my nan Margaret, including when she in the 1970s voted for Gough Whitlam and Labor. It was not an easy thing to do. Her husband Harry, my grandfather, was a dedicated Liberal Party member and always encouraged her to vote Liberal. But she voted for Gough Whitlam because her values were Labor values. An honest woman, she felt she needed to tell her husband. I like to think she took some pleasure in this confession. When he heard this my grandad moved out of the bedroom for a week. It was the first time my nan had had a bedroom to herself in her whole life, and I am not sure she minded. These strong, selfless and caring women – my mum and my

grandmothers – have shaped me. They are women who care deeply for their families and their communities. I will bring the example they set into this role.

Over the past year many people have asked me why I wanted to run for Parliament. I have spent the past few years working in family violence reform in Victoria's court system. There I saw firsthand the impact that a government can make in an incredibly challenging area of reform. I want to be part of a government doing this important work. For the first time in this state's history there has been real action on family violence – not just words, but real funding and a real commitment. I commend the Premier for his leadership in this space and commitment to ending violence against women and children. It was an honour to be part of a team implementing Victoria's first specialist family violence courts. This work has given me an insight into Victoria's criminal justice system.

I bring a passion for reforming our criminal justice system to this place. I have seen how therapeutic courts – problem-solving courts – can offer a more supported experience of the criminal justice system, support families better and change lives for the better. Labor has demonstrated an immense commitment to therapeutic courts. It is so important that these courts are embedded and expanded across the state so that more people have access to the programs and services that they offer. It is time for bail reform and for our bail laws to differentiate between violent and non-violent offenders, and it is time to raise the age of criminal responsibility. Real reform is challenging. It means accepting truths that are hard to hear. It means listening to people with lived experience, and it means making a commitment to do better. I am proud to be part of a Labor team considering these crucial reforms.

The district of Lara is a beautiful place. The land stretches around the coast from the northern parts of Corio Bay, taking in Limeburners Lagoon, creeks, wetlands and coastal reserves as you head north. Inland, the peaceful Brisbane Ranges are home to Victoria's richest wildflower habitat. The peaks of Wurdi Youang, which means big hills in Wadawurrung language, puncture the skyline. From the top are endless views over bush, farmland, the suburbs of Geelong and Corio Bay.

Even more spectacular than the country is the community. There is a real sense of community in the north – neighbours who look after one another and care deeply for their towns and neighbourhoods, like the Northshore Sports Club, who will throw their clubroom doors open for anyone; like Northern Futures, a team deeply committed to supporting long-term jobseekers into employment; like the Hazara community, fierce advocates for their friends and family living in Afghanistan; like members of Anakie Community House, ensuring the voices of their small town and tightknit community are heard; and like the school leaders at North Geelong Secondary College, who are so proud of their school community and their classmates' achievements.

There is deep pride in the communities of the north. It has long been the economic powerhouse of Geelong, with a seaport and an airport, and was once home to one of Australia's largest car manufacturers. When Ford closed its doors, others thought the north of Geelong would crumble. It did not. Instead, the north has embraced new industries and has huge potential to be a leader in advanced manufacturing in Australia, and this is where the power of a Labor government comes in, with a commitment to investing in the skills, training and jobs of the future.

There are many people who have helped me along the way on my journey to this place. I thank my colleagues, the Deputy Premier and Minister Carroll, for their support during my campaign. I thank the Geelong Labor team; the member for Geelong, Christine Couzens; the member for Bellarine, Alison Marchant; the member for South Barwon, Darren Cheeseman; and a member for Western Victoria in the other place, Gayle Tierney. It is a great team. To Deputy Prime Minister and federal member for Corio Richard Marles, thank you for your friendship and unwavering support. I have learned so much from you over the years, and I look forward to working with you for many years to come in Geelong's north.

I thank the many volunteers and the Lara branch members for their tireless efforts doorknocking at pre-poll and on election day. I thank my incredible campaign manager, Kelly Toyne and her family,

Carey, Saria, Mason and Avery. I thank my wonderful electorate office team James McDonald, Catherine De Luca and Rachael Hynds. I thank the brilliant women who volunteered on my campaign – Sybilla George, Ruth Navidinejad and Bella Conroy – you have the brightest futures ahead of you.

I thank Victorian Labor state secretary Chris Ford, and his team and commend them on a stunning campaign. I thank my wonderful friends – Sam Rae; Noah Carroll; Ashlea Gilmore; Ben Fourniotis, Jett Fogarty; the member for Ripon, Martha Haylett; Zoe Edwards; Sam Lynch; Bassel Tallal; Stephen Conroy; Philip Dalidakis; the member for Narre Warren North, Belinda Wilson; a member for Western Victoria, Jacinta Ermacora; the member for Pascoe Vale, Anthony Cianflone; Jason Chai; Nick Douros; Nathalie Rosales-Cheng; Dean Sherr; Millie Boag; Katherine Munt; Dimity Paul; Sacha Fenton; and Lucien Wells. I thank my old friend Peter Zigouras – a constant source of encouragement.

To my friends at the mighty Transport Workers Union – former secretary and now member for Southern Metropolitan, John Berger; secretary Mike McNess; and my old friend, assistant secretary Mem Suleyman – thank you for your support. Victorian transport workers and all road users are safer because of the work you do.

I thank all the Labor women who have come before me and made this possible for future generations, and in particular I thank Janice Munt, Jenny Lindell and Marsha Thomson.

I want to take this opportunity to acknowledge two people who are no longer with us. Clara Jordan Baird lit up every room she walked into. Her passion was infectious and so was her smile. Clara, every time I see a wattle tree I think of you. Know that you have inspired so many of your friends to do more and to do better. My dear friend Senator Mehmet Tillem left us far too soon. I thought long and hard about what I want to say about Mehmet. The truth is it is hard to capture his spirit. Mehmet was a trailblazer, a leader in his community, someone you wanted on your team because he always had your back. He was the greatest friend you could ask for – intelligent, witty and always with a smile on his face. Mehmet constantly reminded us of why we are all here: to build a better, fairer society for every single Victorian. Mehmet also opened my eyes to an important issue: organ donation. Organ donation can change and save lives, but too few people are registered organ donors. In Mehmet's memory I will pursue this issue. A passionate man, he loved his city, Melbourne, the Richmond Tigers and the Labor Party. Most of all he loved his family, and he was so proud of his son Mikhail. To his wife Ferda and son Mikhail: thank you for sharing your husband and your dad with us.

I am fortunate to have a wonderful family. I have many aunts, uncles and cousins here today, and I thank them for being here. I thank my partner Alby for his love and belief in me. To my dad Tim: you are my role model in everything in life – our family problem solver. I get my work ethic from you, but you have also taught me the importance of balance. Your kindness and generosity are second to none. To my mum Marian: your wit, humour and love for us all bind us together as a family. I think you are the bravest person I know. You taught me what it means to be a feminist and how to be strong by myself. Thank you for all that you sacrificed for my sister and me. To my sister Maya: you are my best friend. You are the smartest person I know. Thank you for pushing me to be my best day in and day out. You are my moral compass.

As I mentioned earlier, many people asked me why I wanted to run for Parliament. I ran for Parliament to build a stronger, fairer and more inclusive state. I visited St Francis Xavier primary school in Corio recently, where I met a grade 6 student, Dyson, who told me he wanted to be a school leader so he could be the eyes, ears and voice for those in need. I do not think I can put it better myself. To the people in the Lara district: you will always come first. I thank you for trusting in me to represent your voices in Spring Street, and I will work hard every day I am your member of Parliament to deliver for our community.

*Members applauded.*

**Paul HAMER** (Box Hill) (18:22): It is a real privilege to come back and return for a second time and deliver an address-in-reply. I must say, just looking around at the audience today, I think I might have had even more distinguished guests arrive this time than for my speech four years ago.

I do want to start with the thankyou because I do want to make sure that I do get through the thankyou and leave plenty of time for our next inaugural speaker. I firstly want to just start by thanking the electors of Box Hill for putting their faith in me for another four years. It is an honour and a privilege for any of us in Parliament to serve our communities. I did not think I would be here the first time, in 2018. I possibly had a little bit more confidence going into 2022, but it is certainly a huge privilege, and I will continue to work every day for the next four years to serve my community with pride.

I want to start my thankyou by thanking my family. None of us can be here without the support of our families. They sacrifice an enormous amount to allow us to serve in this place. To my wife Roslyn: she has achieved enormous amounts in her own career at the same time as raising our two boys. Many times, many nights like this evening, she will be the one who is responsible for putting them to bed and making sure that they have done all their homework, had their dinner and their showers – it is still sometimes a battle when they are only six and nine to make sure that everyone does what they are required to do. She is just an amazing woman. It is amazing what she has been able to achieve; if only I could achieve half as much as she has achieved in her life it would be an amazing success.

To my two beautiful sons: I love every day that I spend with you. Every hour that I am out on the campaign that I do not get to spend with you is time that I miss. It is just wonderful being able to have this time after the election to spend more time cooking with you, going to the cricket matches with you and just playing around and being Dad. It is the most rewarding experience.

To my electorate office staff – my office manager is Antony Kenney. I know many on my side know Antony very well. He is the best office manager that anyone could wish to have. His knowledge of the political system, of campaigns, of strategy, is just second to none. He is just a wonderful, wonderful asset to have in the office. To my other staff Kaeli Zavalianos, Monika Galovic and Jie Fan – what a breadth of experience you bring to our office, each offering a range of special skills that make our office really click together. If you do not have a functional office, it is really difficult to get through a Parliament week and to get through the tasks that are required to service the electorate. In electorates of 50,000 people you need to have fantastic staff and reliable and loyal staff, and all of those fit that bill absolutely.

Can I thank my campaign team. We had a really magnificent campaign team that would not stop. At any hour of the day that we asked them to complete a task, they would do it. You could just delegate a task to them. They would get other people to do it as well. They would bring other volunteers. So my thanks go to Peter Chandler, Kieran Simpson, Melissa Birch, Chris Devers, Oskar Beadell, Ning Yan, Julia Donovan, Maddie Bradford and Jennifer Yang – just a really fantastic team. They know the east like the back of their hand and worked tirelessly, like I said, day and night – it did not matter, really, what hour it was – to make sure that we got the result that we needed.

There are just a few other thankyou. I want to pay tribute to and thank the current member for Chisholm Carina Garland for all her support during the campaign and also the wonderful former member for Chisholm Anna Burke. Anna is a fantastic individual, and no task is too small for her. Notwithstanding her previous role as Speaker of the House of Representatives, if it was a couple of hours – Anna came down on, I think, one of the worst days of weather on the pre-poll. She had a raincoat – she did not have an umbrella – and she was standing there out in the rain, handing out her pamphlets. It did not matter, as I said, that she had 20 years in the federal Parliament. It did not matter. She was there to support her local member, which is just a wonderful tribute to Anna's commitment to the Labor cause.

Can I also thank all the Box Hill branch ALP members and the Canterbury branch ALP members. Our campaign, as in 2018, was a real grassroots campaign. It drew heavily on our local volunteers, and it

was really the work that they did which helped us get over the line. Can I pay special thanks also to the La Trobe Labor Left club. I know how many hours you put in on doorknocking and phone calling into the Box Hill electorate, understanding the issues that really matter to the people of Box Hill. Thanks for all the support that came from the Premier's office, the Premier in particular and many ministers. I know the minister at the table, Minister D'Ambrosio, came out and helped launch my campaign. She came out a number of times to help support me, and many other ministers did as well. I really thank them for the support I got from the team.

As I said, I do not want to spend too long on my contribution tonight because there are other inaugural speeches here, but I do want to just touch briefly on the conduct of the election. I do want to thank all candidates who put up their name for the election and for nomination. It is a part of our democracy that anyone can put up their name for election, and I thank them for it. Unfortunately we did witness some unsavoury moments during the campaign, particularly at pre-poll. There was quite a lot of hateful and spiteful language that was used, and I want to call out a couple of incidents. At one point in time one of our campaign workers was physically threatened by another campaign worker. There was also a candidate who put out a post on his social media. It was a photo of a poster that I had had at a sporting ground which had been defaced with the word 'traitor' and a black mark was scribbled just underneath the nose. He posted that photo and said 'Accurate'. The real shame is that this person was preference number two on the Liberal how-to-vote ticket.

I think that we need to really consider going forward that while everyone is entitled to stand and voice their opinion, we do need to be thinking about what these candidates stand for and who we should be preferring. It is all very well to say 'Put Labor last', but we do need to be considering what these individuals are standing for. So there are many things that I think I would like to contribute, particularly when the Electoral Matters Committee meets and discusses how future elections might be able to be run, but in the interests of time and the crowd that has gathered I will leave my comments there.

*Members applauded.*

**Belinda WILSON** (Narre Warren North) (18:32): I would like to start by acknowledging the traditional owners of the land where we meet today, the Wurundjeri people, and the traditional owners of my electorate Narre Warren North, the Bunurong people, and pay my respects to their elders past and present. In a few months time we will be given the chance to vote for an Indigenous voice to the Commonwealth Parliament, a history-making vote. As Senator Jana Stewart said a few weeks ago in Canberra, this is an incredible opportunity to unify our country, so why wouldn't we do this? Victoria is well ahead, and I am proud to be part of a government which is working towards treaty.

I stand before the house today delighted to be the first female member for Narre Warren North. I acknowledge the work of former member for Narre Warren North the Honourable Luke Donnellan and his 20 years of service. I wish him well for the future. I am honoured to stand in this chamber with my Labor colleagues and be part of a Labor caucus which has 30 female members out of 71.

Although I am a new member, this place is not new to me. This was my grandfather's workplace for 15 years. Bill Fogarty was the Labor member for Sunshine from 1973 to 1988 and a proud Labor member for over 50 years. He was also a lifelong trade unionist as the federal secretary for the Cold Storage and Meat Preserving Employees Union. Before he was a politician Grandpa was a signalman in the navy, and his ship was one of the first to arrive in Japan when peace was declared at the end of World War II. He would tell us many stories. One of his favourites was when the ship arrived in Japan to bring the prisoners home. All they wanted to know was who was winning the footy.

He met my grandmother Olive McIntosh, a member of the army, in Sydney, and the rest is history. They were a sight for sore eyes, both in uniform – a photo that is shared often in our family on Anzac and Remembrance days.

Grandpa was one of the lost generations of Labor members who served here during the 27 years that we were in opposition. Narre Warren was then a new and distant outer suburb which would not have

dreamed of electing a Labor member. Today the south-east suburbs are the new Labor heartland, and the member for Mulgrave is the first Labor Premier to hold a south-eastern suburbs seat.

**A member:** Six times.

**Belinda WILSON:** Six times. My generation of Labor members have the good fortune to serve in a progressive, reforming government, the Andrews Labor government, now in our third term. We follow in the footsteps of great Labor premiers in Cain, Kirner, Bracks and Brumby, and this is not an opportunity that I intend to waste.

My family have deep roots in Victoria. They arrived at various times in Australia on a ship from Ireland and Scotland. They all had unique stories as to why they made their journey – many carpenters and many farmers. My favourite story was of my grandmother's great-grandfather, who was sent to Australia because he stole a pig to feed his family. My paternal grandmother, Ellen Sheehy, was born and bred in Beulah in the Mallee. She was one of six sisters. They were strong women who all taught me to stand up for myself and for what I believe in, and I am so happy to have known each of them.

My mum and dad will celebrate their 50th wedding anniversary this September. The girl from the west and the boy from the south-east. When Mum was looking for a house she asked the real estate agent to find her a house as far away from Dad's footy club as possible. They have both done everything to give my brother Brent and I the best life. My Dad started his business with \$300 and a dream to succeed. I have always been taught to work hard, to dream big and to believe that anything is possible if you put your mind to it. I know that my mum and dad have sacrificed many things for Brent and me, and for that I will always be grateful. Dad worked long hours, and Mum always did all the running around to make sure that we did not miss out.

My friends who are not involved in politics have asked me, 'Why on earth are you wanting to be in that place at 48?' The answer is very, very simple: I am here to make a difference, to be the voice of my electorate and those that do not have a voice, to be part of policy and advocacy and to continue to get things done – progressively practical things that will improve the lives of the people who sent me here.

I always say that I did not find politics, politics found me. While I could have been involved in politics much earlier in my life due to my family history, it was not until I had kids that I realised the true work of a Labor government. I am a mother of three, I am a wife, and I am a community activist, a former small business operator, a fourth-generation Doggies supporter and, apparently, a feminist. Many years ago my son Ned asked me if I was a feminist, and you may be surprised that I actually answered with a no. My daughter then chimed up and said, 'Um, I think that you are.' At the time I did not really understand what feminism was. I thought that a feminist was someone holding a placard and protesting in the streets, which I did not really identify with, but what I have learned is that feminism comes in lots of shapes and sizes. The definition of 'feminism' is about all genders having equal rights and opportunities, and it is about respecting diverse women's experiences, identities, knowledge and strengths and striving to empower all women to realise their full rights. I have come to realise that I am a feminist, and I am really proud of it, and I am thrilled to be in this place to be part of one of the country's most progressive governments, which is representing all of Victoria.

I have always been a little bit different. From a really early age I was a performer. I have sung, I have danced and I have acted most of my life. I was constantly told as a child to talk less and to stop asking so many questions. Well, I certainly will not be doing that. My curiosity is one of my greatest assets. I try to stand up for what is right, and I will never, ever apologise for that.

When my kids started at the local primary school I took over as the Parents and Friends Association president, and I was on school council for eight years. Our school desperately needed work, and I lobbied both the Liberal and Labor governments to fund our master plan. It was during this process that I met the Honourable Philip Dalidakis, who is here with us today. On my youngest son's last day at school I received a phone call from Philip to say that Labor was funding our project to the tune of \$7.8 million, because Labor gets things done.

I was fortunate enough five years ago to start working in Philip's electorate office, which for me was life changing. I had found my place, and I had found my people. I met like-minded people who wanted to make change and to advocate, just like me. Philip saw something in me that I did not see myself, and I thank him for giving me my first political job. He was a hard taskmaster, and I had no choice but to learn the ropes very quickly. After a year in state politics I moved on to manage the office of Josh Burns, the federal member for Macnamara, and what a three years we had. We navigated federal politics together in opposition, which is not nearly as fun. We all worked hard, and Josh was re-elected in May last year. I acknowledge Josh in the gallery today.

This is how I came to be here, and what am I here to do? I am here to work for my constituents of Narre Warren North, to speak for them and to deliver for them. As I mentioned earlier, Narre Warren North is not a traditional Labor area, and it really only began to grow in the 1970s. Nestled in the heart of the south-east growth corridor, my electorate includes Hallam, Narre Warren, Narre Warren North, Endeavour Hills and parts of Lysterfield South and Berwick. My electorate has welcomed new residents from many parts of the world, notably Afghanistan, Sri Lanka and India. We are one of the most diverse electorates in the state, something we celebrate. Throughout the campaign I spoke to hundreds, maybe thousands, of people who have chosen to call my electorate home, and I heard so many words of great hardship and courage and a want for a better life for their family and their communities. I was inspired by so many of these stories. They illustrate to me what Labor governments stand for.

I would really like to share one of those stories with you today. I met Qamaria at a local barbecue in Hallam, and she shared with me her incredible journey to Australia with her family. Qamaria studied law in Kabul and is fluent in six languages. Her husband Hameed was a public servant in Afghanistan. They were both civil rights and peace activists when Kabul fell, as well as raising their five daughters. Qamaria's family became targets of the Taliban and were attacked twice, with Hameed's car being blown up by an IED.

Since arriving in Australia nearly a year ago Qamaria has dedicated herself to our community. Her self-described love of Australia has driven her to volunteer her time in local women's refuges and welfare organisations. She has also helped to develop vocational pathway strategies for women from diverse backgrounds in the south-east, has become a motivational speaker and is working with her husband to create a multicultural climate dialogue. Qamaria and Hameed stood up for what they believe at the risk of their own lives and now use their time to give back to our community in so many ways. I am proud to be part of our democratically elected Labor government and to represent such incredible, hardworking, diverse communities, full of amazing stories just like this one. Our government celebrates and prioritises our cultural diversity and has a track record of investing in our communities. I thank Qamaria and Hameed and their daughters for being in the gallery this evening.

None of us find ourselves in this place because of luck. We are here because we want to make a difference to our communities and to our state. We want to be part of policy and advocacy. I have never been prouder than to stand in this chamber with my colleagues and be part of the Labor movement, because we get things done. I would like to acknowledge the Premier and thank him for his support during my campaign. I am honoured to be part of your team, and I am grateful for the opportunities that you have given me so far.

Just before my grandfather passed away he wrote his life story. I have really enjoyed reading recently about my family and his life. He wrote how one of the proudest days was when I was married, but I am sure this moment may just top that. Mama and he are having a sherry up above to celebrate.

I am very big on gratitude, and I am so thankful to so many people. First of all, to my parents Frank and Di and my brother Brent for your constant support through the good and the tough times, I hope today you are proud of what I have achieved. To my husband Willow, thank you for jumping on this crazy life ride with me 27 years ago. Life has not always been easy, with three kids, four dogs and the roller-coaster of life. Without your support I could not do what I do. To Bridie, Kane and Ned, my

amazing three kids and my three greatest achievements, I am so proud of each of you. Being your mum is the greatest gift I have ever been given. Live your best life to the fullest. Keep being your authentic selves. Follow your dreams. Life is only just beginning for the three of you.

To Philip, Debra, Asha, Zoe and Benjamin, thank you for your support and encouragement. To Josh Burns and Sam Rae, thank you for the opportunity, for backing me in and for your support. To Stephen Conroy, Deputy Prime Minister Richard Marles, Mem Suleyman, Michael Donovan, Ari Suss, Julian Hill, Janice Munt, Lee Tarlamis, Ben Carroll, Melissa Horne, Gary Maas, Jo Ryan, Rob Mitchell, Pauline Richards and Michael Galea, thank you. To Chris Ford, Nicola Castleman, Cam Petrie, Lissie Ratcliffe, Matt McDonald and Declan McGonigle, thank you for an outstanding campaign. To Luke Hilakari and the incredible team at Trades Hall for your support through the campaign, thank you. To Dean Sherr, my first political friend, thank you for your guidance, your friendship and always being my teacher. To Millie Boag, thank you for being by my side and solving the world's problems. To Bassel Tallal, thank you for always cheering me on and believing in me. To Micky Fisher and Jett Fogarty, thank you for being by my side every step of the way. To Henry Fox, Josh Pelach, James McDonald, Sam Lynch, Ella George, Gab Dawson, Adam Carr and Stephen Morey, thank you.

To my branch members, who worked so hard – to Fergus, Rumaan, Moz, George, Mick, Rahimi, Jack, Hector, Taylah, Jawad, Nisar, Dur Ashna and anyone I have forgotten – thank you. To my campaign team, Matthew Clarke, who arrived from Perth and brought an energy to the campaign when we needed to bring the last few weeks home; to Tara and Brendan from the field team; to Abby Pinski, Raph Mengem, Micha Bergmoser, Aidan Chu, Ben Chaney and Ben Fourniotis for all your encouragement, support and hard work, thank you. To my campaign manager, Millie Page: what an incredible young woman you are. Your work and commitment to me and to Labor are exceptional, and I could not be here without you.

Finally, to the people of Narre Warren North, thank you for believing in me and knowing that Labor does what matters. This will never change. We will continue to build better schools, better health care and better roads, and we will continue to embrace our multicultural community. I thank the house for giving me this indulgence.

*Members applauded.*

**Natalie SULEYMAN** (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (18:53): Thank you, Deputy Speaker. Today I rise to speak on the address-in-reply. First of all, I would like to take this opportunity to congratulate you in your role as Deputy Speaker, and I wish you all the very best in this term.

It is fantastic and an absolute honour to be here again in 2023 for the 60th Parliament. I congratulate the Premier and of course my parliamentary colleagues for their very successful election. It is also fantastic to see the new faces and welcome them to this place. We have just heard from the member for Lara and of course the member for Narre Warren South, and it was fantastic to hear their first speeches. I look forward to continuing to work with my colleagues to deliver the best outcomes for the St Albans community and for my electorate – and what an agenda we have for the next four years. It is a great opportunity also to thank the people of St Albans, a place that I call home. I was born and raised in the west, and I am very proud of St Albans and to be part of, as I said, the Andrews Labor government.

I want to thank the many, many volunteers that assisted me along my journey, in particular during the election period, from the pre-poll to election day, and the many organisations, community groups and supporters throughout the electorate. Whether it was rain, hail or shine, they were there to support me and the re-election of the Andrews Labor government.

As I said, as a lifelong local I am humbled to be re-elected to this place and most of all to deliver for the St Albans electorate. From the moment that I was elected in 2014, we have not wasted a moment. The first election commitment that we had, and one that is very dear to my heart, was the removal of

the dangerous level crossing at Main Road in St Albans. I can tell you that one of the first tasks that we did was to remove that level crossing and also the Furlong Road level crossing. The reason why I speak about the Main Road level crossing is because we saw 16 terrible fatalities at that level crossing. Since our government has removed that level crossing we have seen a community come together, connected. The business community in St Albans is growing and prospering each day, from strength to strength. Today we see a community that is united, is safer and is less congested and, quite frankly, a St Albans that is united as one.

That was one of our most important commitments for the electorate of St Albans, but another was to build the Joan Kirner Women's and Children's Hospital. We have absolutely been committed to delivering in education, health, public transport, roads and jobs. I have just talked about the build of the Joan Kirner Women's and Children's Hospital, and it has changed the community not only in St Albans but also across the west to actually have the first women's and children's hospital placed in St Albans, providing that valuable service but also creating the jobs. Now that particular area has become a health and wellbeing and education precinct. We have seen the building of the Joan Kirner Women's and Children's Hospital, and I am looking forward to the next couple of weeks when I will be part of opening the Sunshine Private Hospital, and there is our commitment to investment in Victoria University's St Albans campus. What we have done in the last eight years when it comes to free TAFE and bringing those programs and courses to the doorsteps of the St Albans community has really opened up and provided opportunities that as I say has really created a buzz in St Albans.

There are many other achievements. Every single special school, from Jackson School to Furlong Park School for Deaf Children, has been funded by our government. These are two important schools that are very special and dear to our hearts, and it is great to see that we are able to provide that rebuild – that important rebuild – for our community.

We have seen every school receive funding. The introduction of the school breakfast program has led to holiday school programs as well, and this has been very popular for families across my electorate of St Albans. It is so important that we provide assistance and support for our families. It could be for whatever reason, but to know that every child will be able to learn without an empty stomach is so important to me. We have also seen our investment in Best Start, Best Life, delivering and investing in kindergarten and childcare programs. This is so important because in March last year the Joan Kirner had its busiest month. We had over 621 babies born and thousands over the year. It gives you an idea of the demand and the growth that we have in the west, and in particular in St Albans.

#### **Business interrupted under sessional orders.**

#### *Adjournment*

**The DEPUTY SPEAKER:** The question is:

That the house now adjourns.

#### **Canterbury Primary School**

**John PESUTTO** (Hawthorn – Leader of the Opposition) (19:00): (51) The action I seek tonight is that the Minister for Education join me in visiting Canterbury Primary School to inspect their works and listen to their concerns about the need for capital upgrades. Canterbury Primary School is a school I have had the pleasure of working with over many years. It is a school, as the name suggests, located in Canterbury. It is a school which has a strong community and active community around it and a school which is very proud of the programs it delivers, in particular the parliamentary and civics program that it delivers. I would like before I get onto some of the details just to acknowledge the great work of the teachers and parents who conduct that program and the students of course.

The challenges that Canterbury Primary School encounter relate largely to the fact that it has been neglected for many years. In fact it has been over 25 years, I am advised by the school in my recent meetings with them, since they have received capital funding of any significant amount. This is not

money for a lick of paint; this is money that the school desperately needs for things like asbestos, mould, ventilation, lighting, pests, roof leaks and structural corrosion, which jeopardise the health and safety of the students, staff and community which rely on these buildings. Let us remember that it is not just the school community which uses these buildings but also the wider community which uses them. I had the pleasure of having a number of meetings with them last year, and on one occasion I remember asking a couple of students why they did not want to study in one of the particular portables. They said, in front of a large group of people I was taking through the school, that they did not like it because it was too cold in winter and too hot in summer.

Since being elected back into this place I have had contact from the school and in particular Mr Stephen Pickles, the vice-president of the Canterbury Primary School council, who whilst acknowledging the commitment my colleagues and I made of \$7.8 million towards the school's master plan – a commitment that was not matched by the government, certainly at the time – are asking for my help as their local member to see if I can persuade the government to match that commitment. I think in fairness to the school it has missed out for a quarter of a century, and like any other school to which parents send their kids, particularly this being a government school, they are entitled to the basic necessities that a school in 2023 should boast. So I hope and trust that the Minister for Education will take up my request to visit the school with me.

#### **Delacombe development**

**Juliana ADDISON** (Wendouree) (19:03): (52) My adjournment matter is for the Minister for Housing, and the action that I seek is that the minister come to my electorate of Wendouree to see how we are progressing the Delacombe master plan and the Big Housing Build construction. In 2018 I welcomed the announcement that \$10 million would be invested into a neighbourhood in Delacombe as part of the regional estate revitalisation project. Then in 2021 the Big Housing Build announced a budget increase totalling \$50.3 million to the Delacombe project to deliver more than 150 new homes for my community. This investment will be transformative for the Delacombe neighbourhood. The redevelopment will include a range of dwellings, including one-, two- and three-bedroom homes, responding to the changing needs of households in Ballarat and across Victoria.

I welcome that a minimum of 5 per cent of the new social housing homes will have easy access for Victorians with a disability. This will improve the quality of life for people living with disability, with accessible kitchens, bathrooms and storage as well as drop-off areas, paths and car parking. The new homes will have a minimum silver rating from Livable Housing Australia. The design of the homes will be environmentally efficient, making them less expensive to heat and cool, carrying a 5-star Green Star rating and a 7-star NatHERS average rating. This is a project that will deliver new social, affordable rental and private homes for my community. I am very excited about what we are doing in Delacombe and what it will mean to individuals and families who will make these new builds their homes. I look forward to the minister's response and welcoming him to Delacombe to see this important project.

#### **Clegg Road–Wellington Road intersection, Wandin North**

**Bridget VALLENCE** (Evelyn) (19:05): (53) How many more deaths before this Labor government takes seriously the need to upgrade known dangerous roads in the Yarra Valley. Clegg Road, Wandin North, at the Wellington Road intersection is notoriously bad – so bad in fact that on average there has been an accident there every six weeks for the past five years. Tragically, there was another death as a result of an accident at this intersection just over a week ago, an accident that my young son and I saw after getting to this intersection minutes after the crash and just before the emergency services workers arrived. I have already highlighted the dangers of Clegg Road at Wellington Road here in Parliament back in 2021, but there is still no action from this Labor government, so I am here raising it again. We have had another death, and I hope this will be enough for the government to listen this time.

In just two weeks in Parliament this year I have had to speak of road trauma and deaths on Yarra Valley roads twice already – twice in two weeks. We have had three deaths in the past five weeks on

roads in Wandin. So today the matter I raise is for the Minister for Roads and Road Safety, and the action I seek is for her to urgently authorise the Department of Transport and Planning to undertake major structural safety upgrades at Clegg and Wellington roads in Wandin North without delay, ensuring sufficient funding is allocated to fulfil this action to fix this black spot.

I refer to the constituency question I raised in 2021. I asked: when will the government allocate funds to fix Clegg Road at the dangerous intersection of Wellington Road in Wandin North? Interestingly, the minister's response on 17 January 2022 to my request states:

All requests are considered and evaluated ... with consideration given to factors ...

including

the historical safety record of the site ...

and

the impact that treating the intersections would have on the safety and performance of the surrounding road network.

The roads minister at the time expressly stated that upgrading this intersection would be based on the historical safety record of the site. Given we as a community know that there have been nearly 50 accidents here in five years, including fatalities, there surely is sufficient historical record at the Clegg and Wellington roads intersection in Wandin North for the Andrews government to take this action and fix this deadly state road.

Again I pay tribute to the emergency first responders, including Wandin CFA fire brigade volunteers and Yarra Ranges police, who attended this accident and did everything that they could to save the life of the man who subsequently died from his injuries. Emergency services workers are pleading for at least flashing lights and signs to alert motorists in the short term, but really what we need is significant major upgrades for this intersection.

#### **Thornhill Park, Rockbank**

**Steve McGHIE** (Melton) (19:08): (54) My adjournment matter is directed to the Minister for Water in the other place regarding the wetlands at Thornhill Park in Rockbank, and the action that I seek is an update from the minister on when works will be completed. Locals in Thornhill Park have contacted me as they are concerned regarding the amenity of the wetlands and the retarding basin, and these concerns have included things like weeds, discolouration of the water, rubbish and long grass, which they are worried will attract snakes. They have also told me of the footpaths around the facility that are currently incomplete, making it particularly difficult for those families with young children and for the older residents to move around. I have been talking with residents of Thornhill Park about this issue, and they are keen to get an update on when the works at the wetlands and the retarding basin will be completed. Over the last four years this wetland has flooded – not to the point that it has driven residents out of their homes and put them at risk. Will the minister provide an update from Melbourne Water on when these important works will be completed for my electorate and the residents of Thornhill Park?

#### **Mallacoota abalone industry**

**Tim BULL** (Gippsland East) (19:09): (55) My adjournment is to the Minister for Outdoor Recreation, which is somewhat of a misnomer, because my adjournment relates to the commercial fishing sector, and that is certainly not outdoor recreation. But regardless, the action that I am seeking is for the minister to take action, both short and long term, to protect the Mallacoota abalone industry from the threat of sea urchin invasion. These urchins are growing in number as they make their way down south, and they are increasingly destroying abalone grounds at quite an alarming rate.

The government has been aware of this issue for quite some time and would also be aware that the abalone industry workers have expended an enormous amount of time and effort already at their own expense to try to combat this invasion, but it has become quite overwhelming for them, and they are

at the stage now where they need support, because they are losing this fight. The industry is the biggest employer in the town, and I am sure a lot of members in this chamber would know what an important export industry the abalone sector provides in this state.

So I call on the minister to develop a long-term master plan, but in the interim while that is being developed, because it will take some time, to also give some thought to what short-term actions can be put in place. When these urchins take over they develop things called barrens. There is absolutely nothing there on the rocks, and they remove the habitat that the abalone need to survive. In Tasmania the government introduced a subsidy to assist with the control of urchins, because they have realised the threat to their industry. We simply need to stop this incursion onto new grounds, and I ask the minister to please take action, both short and long term, to assist this industry that is absolutely critical to my electorate of East Gippsland but more importantly to the community of Mallacoota.

### **Melbourne Water pipe reserve**

**Will FOWLES** (Ringwood) (19:11): (56) My adjournment matter is directed to Minister for Water in the other place, and the action I seek is for the minister to please arrange a briefing for my office on the current water main upgrades in Mitcham and the additional community amenities being installed in the Mitcham pipe track reserve at the conclusion of these works. I know firsthand how important green space is to my community and how it is treasured by locals right across the Ringwood electorate. Whether it is the beautiful Blackburn Lake Sanctuary, the legendary playground at Halliday Park, the Yarran Dheran Nature Reserve, Antonio Park and Schwerkolt Cottage, Simpson Park or Ringwood Lake, we are so lucky to have quality green spaces right across our community. It makes a world of difference for the local area, and it is one of the reasons why the Ringwood electorate is amongst our most livable.

That said, we can always do more, and the pipe track reserve in my electorate represents an opportunity to do just that. This green open space stretches from Heatherdale through Mitcham and right down to Forest Hill and beyond into the district of Glen Waverley. As I address this place, Melbourne Water are hard at work, because this strip of land is not just open space, it also serves as a key corridor for one of eastern Melbourne's water mains, supplying communities across our city with high-quality drinking water. The two water mains under the pipe track reserve are reaching the end of their service life, having been installed in the 1910s and 20s. As such, Melbourne Water are hard at work replacing these mains with new state-of-the-art pipes to serve our community for decades and perhaps centuries to come. As we backfill the trench and unlock the pipe track reserve for community use once again, there will be new and exciting opportunities to restore and improve the open space for the community, which is just great news. In fact as part as their work so far Melbourne Water have identified the opportunity to install additional amenities along that reserve beyond what was in place prior to the works commencing, and that is exciting news because it means that residents from Heatherdale to Mitcham and Forest Hill will have improved public amenities on their doorstep.

I look forward to receiving a briefing arranged by the minister to hear firsthand about the exciting plans for the pipe track reserve in the near future and how Labor is doing what matters for Ringwood.

### **Dromana Secondary College**

**Sam GROTH** (Nepean) (19:13): (57) I rise today with an urgent matter for the Minister for Education regarding the government's contravention of their own education placement policy and complete disregard for the Education and Training Reform Act 2006. Dromana college is currently being forced by the minister and her department to deny students an education and mislead the community around its capacity to accept enrolments. Under the Education and Training Reform Act:

Every Victorian student has a legislated right to enrol at their designated neighbourhood school (section 2.2.13) and may be enrolled at another school subject to sufficient accommodation (section 2.2.14).

In addition to this the Department of Education's placement policy makes clear that where there is sufficient accommodation and the request for enrolment aligns with the school's enrolment

management plan, if they have one, the enrolment should be accepted and the student accommodated at that school. That is the government's policy; however, Dromana college has been instructed by this government to close enrolments to prospective pupils outside the zone and mislead the community by falsely stating that it cannot accommodate these students. On Friday 18 November the college was directed to replace all website enrolment information text with the following:

Students residing in our school zone are guaranteed a place at our school, which is determined on the basis of your permanent residential address. Our school does not have sufficient accommodation to offer entry to students residing outside of our zone, unless directed to do so by the Regional Director, South-Eastern Victoria Region on compassionate grounds as per the Enrolment: Placement Policy.

This is despite repeated communication to the minister from college leadership, including the school council president, clearly stating they do have requisite accommodation to accept outside students and indeed would like to accept these students into their school community. Dromana college has sufficient accommodation, as determined by the principal in consultation with the south-east Victoria regional office, and this reflects current and future in-zone demand. Dromana college does not have an enrolment management plan, so this would also not justify the minister's actions.

My community is stronger when all students, regardless of their arbitrary zoning, are afforded a quality education in the school of their choosing. This government should be ashamed of the position they are putting parents, students, teachers and school leadership in by forcing the closure of enrolments to deserving children outside the catchment zone. The action I seek is simple – for the minister to follow her own government's policy and reopen enrolments to Dromana college from outside the school zone.

#### **Education policy**

**Katie HALL** (Footscray) (19:16): (58) My adjournment matter is directed to the Minister for Education. The action I seek is for the minister to provide an update on the Andrews Labor government's financial support for Victorian school students and their families. I know from speaking to families in my electorate that cost of living is a significant challenge in my community, and I know that this can be an even bigger challenge for parents with kids in school. Everything from books, uniforms, camps and parental contributions can place an additional financial burden on families already doing it tough. I note the recent media reports that highlighted how this issue is impacting families across Australia. It is vital that students and their families in my electorate and across Victoria get the support they need for education. I look forward to hearing from the minister about what the government is doing in this important area.

#### **Kilmore bypass**

**Annabelle CLEELAND** (Euroa) (19:17): (59) My adjournment is for the Minister for Roads and Road Safety, and the action I seek is that the minister take a trip up the Hume to Kilmore to meet with me, community members and businesses impacted by the government's failure to progress the Kilmore bypass. Despite the project being well on the way in 2014, the past eight years have been plagued by delay after delay on the bypass, with just two blocks of land acquired in that time. Last year's budget saw the expected completion of land acquisition blow out by another year, with the previous minister using the excuse of 'planning work' for this lengthy delay. Quite frankly the Kilmore community is sick of the excuses. How can the West Gate Tunnel, a project expected to cost well over \$10 billion, take just two years to plan while a simple yet essential piece of regional infrastructure takes eight years to buy just two plots of land? Today I received official correspondence from the minister which was dismissive of the community's urgency for this project and an avoidance of detail. The minister stated:

I am informed that the Department of Transport and Planning is working to identify the appropriate planning pathway to reserve land for stage 1. I am further informed the next step would be the preparation of a business case for the project ...

Eight years and we are chasing a business case. How can this be the situation after eight years? Kilmore is not a suburb of Melbourne, nor does anyone who lives there want to make it one. People live in a

town like Kilmore because they want to escape Melbourne and enjoy the lifestyle in regional Victoria. They should not have to crawl through the gridlock of Sydney Street every single day because the Andrews government has sat on their hands for the past eight years. The Nationals committed to delivering this project if elected to government, and now the Kilmore community faces four more years of delay at a time when the government pours billions into metro infrastructure.

Kilmore is one of the state's most historically significant towns, but it is bursting at the seams and this inaction is having a considerable impact on the livability of the town. With so much growth in the region, trucks constantly roaring down Sydney Road and congestion unimaginable for a country town, Kilmore residents are fatigued and have all but given up on progress under this government. The town centre smells of exhaust fumes, buildings are crumbling, shops are for lease and the local economy has been strangled by the traffic flow. Rightly so, there is genuine concern in the community for pedestrian safety, with trucks in town on a narrow main road that is unfit for purpose and unsafe for our community. The failure to progress this project is not anything to do with complex planning requirements or an onerous land acquisition process; this bypass has not been built purely because of a lack of government willpower. There is genuine distrust within the community that this government is capable of delivering the Kilmore bypass.

### **Epping Road duplication**

**Bronwyn HALFPENNY** (Thomastown) (19:20): (60) My adjournment matter is for the Minister for Transport and Infrastructure regarding the Epping Road duplication, which is part of our Andrews Labor government's Big Build project and the outer suburban rail project. Major works commenced in January this year, and we will see the duplication of Epping Road between Memorial Avenue and Craigieburn Road East as well as install new traffic lights at Park Street, upgrade intersections and build better walking and cycling connections. The action that I seek from the minister is that she attend the site with me to at least celebrate one of the many milestones that will mark this project. Residents are so happy to see this project underway and starting to form so that they can see exactly what is going on. The Epping Road duplication will drastically improve livability for residents in Epping and Wollert. The duplication of the road and the intersections and cycling pathways for other alternative transport routes will also ensure that people can actually access the area, whether it is for health reasons and medical infrastructure, whether it is for shopping, whether it is for sports or whether it is for schools. It such an exciting time to be living in the electorate of Thomastown and celebrating the milestones of this road that is very much on the way to being built and helping all of the residents in their movement around the area.

### **Responses**

**Ros SPENCE** (Kalkallo – Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Suburban Development) (19:22): The members for Hawthorn, Nepean and Footscray raised matters for the Minister for Education. The member for Hawthorn sought an action for the minister to visit Canterbury Primary School to see their programs and any works that may be needed, and I note that the member is no longer in the chamber. The member for Nepean's action was for the minister to reopen enrolments from outside the designated school zone for Dromana College, and I note that the member is no longer in the chamber. The member for Footscray sought an action for an update on the government's financial support for Victorian school students and their families.

The member for Wendouree raised a matter for the Minister for Housing seeking for the minister to visit the electorate of Wendouree to see how the Delacombe master plan and the Big Housing Build construction are progressing.

The members for Evelyn and Euroa both raised matters for the Minister for Roads and Road Safety. The member for Evelyn raised that the minister urgently authorise major structural upgrades to address safety issues at the Clegg Road and Wellington Road intersection in Wandin North. The member for Euroa raised that the minister visit her electorate to meet with the member and residents to discuss the Kilmore bypass.

The members for Melton and Ringwood both raised matters for the Minister for Water. The member for Melton sought an action for an update on when works would be completed at the Thornhill Park wetlands in Rockbank. The member for Ringwood sought an action, being a briefing on the current water mains upgrades in Mitcham and the community amenities being installed in the Mitcham pipe track reserve at the conclusion of those works.

The member for Gippsland East sought an action from the Minister for Outdoor Recreation, and that action was for the minister to develop plans, both short and long term, to protect abalone grounds from urchins. I note that the member is not in the chamber.

The member for Thomastown raised a matter for the Minister for Transport and Infrastructure for the minister to visit the Epping Road upgrade site to mark one of the project's first milestones. I will refer all of those matters to the appropriate ministers for action.

**The DEPUTY SPEAKER:** The house now stands adjourned until tomorrow.

**House adjourned 7:25 pm.**