



Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Thursday 16 November 2023

Office-holders of the Legislative Assembly
60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

Acting Speakers

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

Leader of the Parliamentary Labor Party and Premier

Jacinta Allan

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Ben Carroll

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

David Southwick

Leader of the Nationals

Peter Walsh

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

James Newbury

Members of the Legislative Assembly
60th Parliament

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lambert, Nathan	Preston	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel ²	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'Keeffe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim	Werribee	ALP
Cleeland, 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 ³	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Fowles, Will ¹	Ringwood	Ind	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
Horne, Melissa	Williamstown	ALP	Ward, Vicki	Eltham	ALP
Hutchins, Natalie	Sydenham	ALP	Wells, Kim	Rowville	Lib
Kathage, Lauren	Yan Yean	ALP	Werner, Nicole ⁴	Warrandyte	Lib
Kealy, Emma	Lowan	Nat	Wight, Dylan	Tameit	ALP
Kilkenny, Sonya	Carrum	ALP	Williams, Gabrielle	Dandenong	ALP
Wayne Farnham	Narracan	Lib	Wilson, Belinda	Narre Warren North	ALP
			Wilson, Jess	Kew	Lib

¹ ALP until 5 August 2023

² Resigned 27 September 2023

³ Resigned 7 July 2023

⁴ Elected 3 October 2023

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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Thursday 16 November 2023

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

Rulings from the Chair

Member and visitor conduct

The SPEAKER (09:33): The Deputy Speaker referred a point of order to me after adjournment last night. The Manager of Opposition Business took a point of order drawing the Chair's attention to the fact that the Council had adjourned early due to disorder in the galleries. The Manager of Opposition Business suggested that an Assembly member may have been involved in that disorder. Respecting the independence of the houses, this house should leave it to the Council to determine whether any of its rights have been infringed. If there are any findings of relevance to the Assembly, the Council will communicate that to the Assembly in the usual way, and that is by message. Out of respect for the Council's processes, I rule the Manager of Opposition Business's point of order out of order.

However, I wish to make some comments about conduct in the galleries, as this house has twice been suspended this week due to disorder in the galleries. That members with different perspectives on issues representing a wide array of opinions held by constituents can meet together safely to debate policies and create laws is a right that all members of this house cherish. Any action that threatens our ability to meet as a house on behalf of our constituents can be a contempt of Parliament. I am alarmed by the behaviour in the galleries this week and will discuss possible ways forward with the Serjeant-at-Arms, our security team and the President. In the meantime I regretfully advise that the public galleries are closed to all but passholders and their guests for the rest of this week and the final sitting week.

James Newbury: On a point of order, Speaker, may I put on record the coalition's deep concern about the matter. The coalition is willing to work with the government. It is clear that a member has behaved after being suspended in a way that should concern us all, and I do want to put on record our willingness to work with the government because my view is that clearly the penalty has not worked.

The SPEAKER: That is a matter for the house.

Petitions

Regional police stations

Tim McCURDY (Ovens Valley) presented a petition bearing 713 signatures:

This petition of residents in Victoria draws to the attention of the Legislative Assembly the alarming reports of the closure of one-person police stations in regional and rural Victoria which would result in negative outcomes for these communities, noting in particular the impact this would have on the towns of Katamatite, Tungamah, Glenrowan, Moyhu, Whitfield, and Dederang.

The petitioners therefore request that the Legislative Assembly calls on the Andrews Labor Government to immediately rule out any cut to one-person police stations, including providing additional support to Victoria Police to ensure these stations remain open, and further calls on the Andrews Labor Government to secure the future of these police stations in regional and rural communities.

Ordered that petition be considered next day.

Committees

Privileges Committee

Person Referred to in the Legislative Assembly: Professor David Lindenmayer AO

Person Referred to in the Legislative Assembly: Theo Theophanous

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:36): I have the honour to present to the house two

reports from the Privileges Committee: *Person Referred to in the Legislative Assembly: Professor David Lindenmayer AO*, together with appendices, and *Person Referred to in the Legislative Assembly: Theo Theophanous*, together with appendices.

Ordered to be published.

Documents

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

Albury Wodonga Health – Report 2022–23

Auditor-General – Reducing the Illegal Disposal of Asbestos – Ordered to be published

Australian Grand Prix Corporation – Report 2022–23

Central Gippsland Health Service – Report 2022–23

Cladding Safety Victoria – Report 2022–23

Climate Change Act 2017 – Victorian Greenhouse Gas Emissions Report 2021

Commission for Children and Young People – Let us learn: Systemic inquiry into the educational experiences of children and young people in out-of-home care

Country Fire Authority (CFA) – Report 2022–23

Education and Care Services National Law Act 2010 – Education and Care Services National Further Amendment Regulations 2023 under s 303

Financial Management Act 1994:

Report from the Minister for Environment that he had received the Report 2022–23 of the Commissioner for Environmental Sustainability, together with an explanation for the delay

Report from the Minister for Planning that she had received the Report 2022–23 of the Architects Registration Board of Victoria

Gippsland Southern Health Service – Report 2022–23

Great Ocean Road Coast and Parks Authority – Report 2022–23

Great Ocean Road Health – Report 2022–23

Kerang District Health – Report 2022–23

Northeast Health Wangaratta – Report 2022–23

Omeo District Health – Report 2022–23

Portland District Health – Report 2022–23

Robinvale District Health Services – Report 2022–23

Rural Northwest Health – Report 2022–23

Subordinate Legislation Act 1994 – Documents under s 15 in relation to statutory rules 117

Swan Hill District Health – Report 2022–23

VicForests – Report 2022–23

Victorian Building Authority – Report 2022–23

Victorian Institute of Forensic Mental Health (FORENSICARE) – Report 2022–23

Victorian Planning Authority – Report 2022–23

Victorian Responsible Gambling Foundation – Report 2022–23

Workplace Incidents Consultative Committee – Report 2022–23.

*Bills***Corrections Amendment (Parole Reform) Bill 2023***Override statement*

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (09:39): I rise to make a statement under section 31 of the Charter of Human Rights and Responsibilities Act 2006 explaining the exceptional circumstances that justify the inclusion of the override declaration in clauses 7, 8 and 9 of the Corrections Amendment (Parole Reform) Bill 2023.

New section 74AC: the bill introduces a new section 74AC to the corrections act which will prevent Mr Denyer from being released on parole unless he is in imminent danger of death or seriously incapacitated and as a result lacks the capacity to harm anyone. This mirrors the restrictions on parole for Julian Knight and Craig Minogue contained in sections 74AA and 74AB of the act.

Mr Denyer's crimes were particularly heinous, and the bill will ensure the community is protected and that both the community and the families of Mr Denyer's victims can have confidence that he will never be released until he can do no harm. The government accepts that this provision may be incompatible with Mr Denyer's charter rights. New section 74AC therefore includes subsections providing that the Charter of Human Rights and Responsibilities Act 2006 does not apply to this provision and that those override declarations do not need to be re-enacted every five years, as is ordinarily required under section 31(7) of the charter. Consequently, the charter will have no application to this provision. In this exceptional case the charter is being overridden to ensure the community is protected from Mr Denyer and the significant risk he poses to community safety. This is consistent with the existing provisions that apply to Mr Knight and Mr Minogue, which include charter overrides.

In the bill new sections 74AAD and 74AAG also include subsections providing that the Charter of Human Rights and Responsibilities Act 2006 does not apply to either provision and that those override declarations do not need to be re-enacted every five years, as is ordinarily required under section 31(7) of the charter. Consequently, the charter will have no application to these provisions. The government accepts that in some limited scenarios these provisions may have consequences that are incompatible with the charter.

In this exceptional case the charter is being overridden to prevent victims of the most abhorrent crime from being retraumatised as part of the parole process and to minimise the additional stress inflicted upon them by the person who caused their ongoing suffering. Overriding the charter for these provisions is consistent with the approach previously taken to override the charter for existing provisions in the act that limit parole in relation to Mr Knight, Mr Minogue and people who have murdered police officers.

*Business of the house***Adjournment**

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:42): I move:

That the house, at its rising, adjourns until Tuesday 28 November 2023.

Motion agreed to.

*Members statements***Niddrie electorate church anniversaries**

Ben CARROLL (Niddrie – Minister for Education, Minister for Medical Research) (09:42): I rise today to congratulate both St Andrew's Anglican parish in Aberfeldie and St Martin De Porres parish, Avondale Heights, on their recent milestones and achievements. They have had wonderful

celebrations of people of faith in my community. These institutions have been longstanding in my electorate and have continued to provide quality service to the community for many years.

I had the privilege of attending the feast day mass for the 60th anniversary of the establishment of St Martin De Porres parish recently. It was wonderful to be there with Archbishop Peter Comensoli as well as past and present parishioners and priests, including Fr Nhan Le, Fr Thomas Toretciu, Fr Terry Kean and Fr Brian Cosgriff as well as Fr Gerard Dowling.

St Andrew's parish in Aberfeldie also recently celebrated a milestone, celebrating their 100th anniversary. It was also a privilege to attend there. The service was a testament to the ongoing works of the parish in the community and the important role it plays in bringing people together. For more than 60 years St Andrew's has operated a kindergarten service to the community. In fact I once attended there. It has been a capstone of the community for longer than I have been alive, and I have an inkling it will be still around long after I am here.

I commend both St Andrew's and St Martin De Porres for their contributions to the community and look forward to the many milestones ahead. In particular I do want to thank Reverend Michael Danaher for his long history and involvement with the community at St Martin De Porres. I do want to commemorate priest Fr Nhan Le and all the people that were involved in the Marian garden, which we had the pleasure of blessing when we were there.

Auburn High School

John PESUTTO (Hawthorn – Leader of the Opposition) (09:44): I am delighted this morning to acknowledge some recent achievements by Auburn High School in my electorate. As you know, Speaker, I have spoken on this terrific school before, and it has been on an upward trajectory in its academic results, its enrolments – which continue to grow – and the general quality of the programs that it delivers for its students.

I was advised last week that in its 2023 school performance report the school has been buoyed by some great ratings that it has received across a range of criteria, the culmination of which is that Auburn High School is clearly an influencer in our education system. It received the highest rating in six out of seven criteria, and these criteria cover numeracy, school climate, student attitude, engagement, participation and secondary school influence across the system. What this means is that Auburn High School is an influence school. It provides an example of a school that builds the capacity of the education system across our state. As the principal Ross Pritchard, who came to the role relatively recently but has made a great start, has advised, he is receiving inquiries from a number of schools looking to Auburn High School for how they can improve their own performance. Can I acknowledge Ross Pritchard's performance as principal and that of his staff and students.

Frank Argondizzo

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:45): I rise today to speak about the late Frank Argondizzo, a fighter in the union and labour movements. Frank was born on 7 July 1948 in Mongrassano, Cosenza, Italy. In his early life he was dedicated to working hard to become a qualified mechanic. He was often referred to as Big Frank to be distinguished from his younger brother Little Frank. At the age of 19 Frank migrated to Australia on his own and lived with his uncle Roger and aunty Richetta. A year later his mother and father, younger brother Francesco and younger sister Lidia joined him in Australia. Frank's industrious nature saw him immediately start work in a mechanical workshop in Coburg, until 1970, when he decided to take a job on the assembly line at Ford Motor Company in Broadmeadows. This was the place where Frank really made his mark and excelled at helping others in the workforce. He fought relentlessly for better conditions and pay for the workforce at Ford. As a leader in the vehicle builders union, he was heavily involved in the 1973 and later as shop steward in the 1981 Ford Broadmeadows strikes. These strikes were crucial to winning substantial pay increases and forced management to treat Ford workers, predominantly migrant

workers, with basic respect. Frank was not just a staunch unionist and supporter of those in need but an excellent cook as well, being well known for his excellent pastas and pizzas. To his family, his loved ones and his friends I offer my deepest condolences. Vale, Frank Argondizzo.

Remembrance Day

Jess WILSON (Kew) (09:47): At 11 am on 11 November 1918 World War I came to an end after four years of horrific fighting. Sixty thousand Australian soldiers made the ultimate sacrifice for our country. Last Saturday, 105 years to the day, I joined the Kew RSL and our local community at the cenotaph in Kew Junction to commemorate our fallen soldiers. It was wonderful to have our local schools represented, with students laying wreaths. To all the schools – Carey Baptist Grammar, Genazzano college, Kew East Primary School, Kew Primary School, Methodist Ladies' College, Ruyton Girls' School and Trinity Grammar – thank you for paying tribute to the Australian service men and women who made the ultimate sacrifice for our country. A special mention to Kew High School, where the students made the wreath from foliage and flowers from the school grounds as a mark of their respect. The current unrest around the world serves as a great reminder to cherish our liberal democracy and acknowledge the great sacrifices of those who have made it possible. At the 11th hour of the 11th day of the 11th month we will remember them.

Methodist Ladies' College

Jess WILSON (Kew) (09:48): I was delighted to meet with the grade 5 students at Methodist Ladies' College in Kew last week and talk about our system of government. We spoke about the issues affecting our local area, including the lack of pedestrian crossings on Barkers Road outside the school and the role of local representatives in advocating for change on the issues that matter to them. The grade 5s were incredibly inquisitive, and I enjoyed answering their many, many questions. I have no doubt they have bright futures ahead of them. Thank you to MLC for inviting me to speak and to the teaching team for their tremendous work in educating the girls to such a high standard.

Daylesford road accident

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:48): I rise on behalf of the people of my electorate to grieve and honour the lives of those lost in Daylesford on 5 November. In this devastating incident in the heart of Daylesford, five lives were lost. They were Pratibha Sharma, her daughter Anvi and her partner Jatin Chugh. They were Vivek Bhatia and his son Vihaan. We mourn their passing and send love and support to their families and their communities. Many others were injured or significantly impacted, and we hope for their continuing recovery.

I pay heartfelt tribute to first responders, to our CFA and SES volunteers, to our local police and paramedics and to the many locals who were on the scene and did what they could. Thank you also to paramedics and police from further afield, including Air Ambulance Victoria. As always, thank you to clinicians at Ballarat, the Alfred, Royal Melbourne and the Royal Children's for your extraordinary efforts. The days following 5 November have been so sad for our community, but moving vigils and remembrances have brought comfort amidst the devastation. Hepburn shire and Central Highlands Rural Health have played a critical support role in our community, and I thank them so much for their work. Across our community so many have come together to support all of those impacted. The community of Daylesford is a special one, and I know that this community will rally and support each other in the time ahead.

Croydon electorate roads

David HODGETT (Croydon) (09:50): I rise today to speak on how the Department of Transport and Planning could minimise the impact on residents when a major arterial road is temporarily closed for works by considering more flexible solutions to ease congestion and improve traffic movement. Presently in Croydon Melbourne Water are undertaking a major project, replacing 100-year-old water mains along a 4.5-kilometre pipe track. These works are essential due to recent flooding events.

However, part of Dorset Road has had to be closed for a week, meaning that drivers are diverting onto local roads, congesting them so greatly that it is taking some residents up to half an hour to exit their estate. With the current closure of this part of Dorset Road, there are approximately 7000 vehicles diverting onto local streets attempting to avoid the major traffic redirections. These cars are speeding along the back streets, posing a danger to the many families that live there.

The department should work with Melbourne Water to find better solutions. For example, it has been suggested that a change to the timing of lights at the Dorset Road–Mount Dandenong Road, Croydon, intersection could allow for the traffic flow on Mount Dandenong Road to be stopped for several extra seconds, allowing for cars banked up on local streets like Norton Road to enter the stream of traffic and allow for faster clearance of backlogged cars. Temporary lights could have been considered at Norton Road to allow for this same clearance of cars trapped within the estate. However, I understand that VicRoads would not permit this. As a result, my office is receiving many complaints from residents who are being greatly affected by the situation. Melbourne Water are working to complete these works as quickly as they can. The department should be taking action to improve traffic management during this time.

Cr Tom Melican

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (09:52): I do rise to congratulate Cr Tom Melican, who has been elected mayor of the City of Banyule for effectively the 2024 year. He has been a long-serving councillor for some 20 years at Banyule. He has a very strong understanding of some of the key priorities in the Banyule community, in particular climate change and renewables. He understands about active transport and the work that we are doing to improve facilities and services in the community.

I was fortunate enough to serve on Banyule City Council with Cr Melican between 2005 and 2010, just as the member for Bundoora also served on Banyule City Council with Cr Melican. It has been great to have his leadership in the work that we have been able to do, including the new Ivanhoe Library, jointly funded by Banyule City Council and the Allan Labor government. We are about to start construction of the new Rosanna Library with a \$1.5 million contribution from our government but also from a contribution from Banyule City Council.

Tom Melican is a life member at Macleod Football Club, where he played over 300 games, and we are both strong supporters of Macleod. I look forward to seeing him at games next year. I want to congratulate him on his ongoing leadership, and I know that the members for Eltham and Bundoora and I look forward to working with him in the Banyule community over the coming 12-month term in which he will be leading the city.

Malahang Community Festival

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (09:53): Congratulations to everyone in West Heidelberg for a great Malahang festival.

Portsea Golf Club

Sam GROTH (Nepean) (09:53): I was pleased recently to head down to Portsea Golf Club and hear that the Portsea Celebrity Pro-Am for 2023 had been awarded the Victorian PGA pro-am of the year. I have to say just how welcoming all the club members were and how welcoming the committee members were, and as we move towards the pro-am for 2024 – it will be held on 3 January – I am sure members of this chamber will be more than welcome to come along, support the club and support the players in that event for 2024. It is on 3 January. I am more than happy to help everyone get along if they would like to attend.

Remembrance Day

Sam GROTH (Nepean) (09:54): On 11 November I attended the Rye Cemetery and Memorial Gardens as a guest of the Rye Cemetery Trust and unveiled a plaque for the unmarked and unregarded

graves on that site. I was also joined by the school captains from Rye Primary, who helped lay 250 flags on the graves of those who have served this country. I think now it is more important than ever that we recognise the Australians who gave their lives in service to protect this country.

I also want to take this moment to condemn the complete disregard shown by the member for Richmond at a Remembrance Day service over the weekend. Remembrance Day is about remembering those soldiers who have fallen in protecting this country, and the member should be ashamed that such an important day was used to push her own political agenda. It is a disgrace.

Williamstown Primary School

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) (09:55): A few weeks ago I rose to speak about the 150th anniversary of Williamstown Primary School, and the celebrations are not over yet, because in just over a week Willy Primary will be hosting their biggest event of the year, the seaside fair. There will be plenty to do. There is a cup-and-saucer ride, there is a petting zoo and there is a white elephant stall. There are also some great items that are listed for an online silent auction – Bathtub Gin vouchers, which is distilled right in the heart of Williamstown; Gem Pier Seafood vouchers; lessons at Williamstown Bayside Tennis; and some of the 2023 AFL game day balls, which might pique some interest of some people in here. I could not be prouder to be one of the sponsors of this magnificent event and cannot wait to see everyone down there for a great day.

Newport Lakes Native Nursery

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) (09:55): But I also want to talk about Newport Lakes Native Nursery, which is at risk of closure. This is a fantastic organisation that preserves and protects many of the indigenous plants to the western suburbs. Unfortunately, although they are a for-profit business, council is jacking up their rent to the point where this will not be a sustainable business. They contribute so greatly to many of the tree plantings. They hold free community events to teach people about how to use those native plants, how to plant them, how to propagate them and how to look after them, so I would urge council to reconsider their decision. There is a change.org petition, and I commend Cindy Grubits for collecting almost 2000 signatures.

Middle East conflict

Sam HIBBINS (Pahran) (09:56): Quite rightly, people are passionate and have very strong views about the awful conflict in the Middle East, but in doing so we should honour the democracy that we are part of. It is not a licence to engage in violence, intimidation, hatred or bigotry, nor should it be used as cover for these acts or hateful views. There is deep concern in both Islamic and Jewish communities about their safety and about their ability to carry out their lives without fear of being subject to Islamophobia or antisemitism. Our tolerant, democratic, multicultural values must be upheld. But it is also not a time to silence legitimate, valid concerns about the war and the humanitarian disaster, particularly from those who have affected family or community. People need to be heard. Our leaders need to be clear that the Israeli government is bombing hospitals, refugee camps and civilian infrastructure and cutting off food, water, fuel and health care. Civilians and children are dying at a horrendous rate because of this. There needs to be a ceasefire. Our leaders should be calling for it. We should be calling clearly for hostages to be unconditionally returned after Hamas's act of terror, and we need to be clear in calling for a genuine attempt at long-lasting peace, one that ends the occupation of Palestine and where all Palestinians and Israeli people can live in peace and security and their human rights are respected.

Alice Hu

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (09:58): I would like to take this opportunity to congratulate Alice Hu at Elevation Secondary College for being a recipient of the Victorian Education Excellence Awards in the Outstanding Early Career Secondary Teacher category. Alice has applied her expertise in the field of mathematics and created a learning environment focused on high achievement by developing an individualised experience for students of all abilities depending on their specific needs. Her teaching style in delivering a fully differentiated learning environment for each individual has improved the overall results for students in the field of mathematics. Before coming to Elevation Secondary College, Alice was focused on improving women's access to STEM, particularly mathematics, and she brought this passion with her to Craigieburn. Engaging the mathematics department at the University of Melbourne to run workshops at the school, Alice worked with teachers to identify mathematics potential in female students. Over 40 students attended these voluntary workshops, with years 7 to 9 girls now demonstrating higher mastery levels in maths. These education excellence awards recognise the inspirational work of teachers in our government schools who have gone above and beyond to help their students achieve their very best. Elevation Secondary is an outstanding school in Craigieburn, opened by this government in 2020, and teachers like Alice ensure that is the case. Congratulations again to Alice for all the work she has done to inspire students and to improve students' mathematical skills at Elevation Secondary College. You have certainly done an outstanding job in demonstrating why Victoria is the Education State.

Aunty Pam Pedersen

Kim O'KEEFFE (Shepparton) (09:59): I rise to acknowledge and congratulate my friend Yorta Yorta elder Aunty Pam Pedersen. Last Saturday Aunty Pam won the national Aboriginal sports award at the National Aboriginal and Torres Strait Islander Sports Awards 2023 held at the MCG. Aunty Pam is 80 years of age and runs every day, has entered numerous marathons and is currently training for the Royal Children's Hospital 14-kilometre run early next year.

At the age of 50, Aunty Pam started looking after her health and Aboriginal people who suffer diabetes and heart problems. She began her fitness journey by walking daily to improve her health and hoping that she would be a role model to others. She has inspired many others, significantly improving the health of many in the community and continues to be an inspiration to many. Congratulations, Aunty Pam.

Lee Webb OAM

Colin BROOKS (Bundoora – Minister for Development Victoria, Minister for Precincts, Minister for Creative Industries) (10:00): I wish to place on record the gratitude of my community to Mr Lee Webb, who recently stepped down as president of Greensborough RSL. Lee served in the Australian Army from 1968 to 1988 and served our nation in Vietnam. In 1992 he joined the Greensborough RSL sub-branch of the RSL, and became president in 1996. He has held that position for nearly the entirety of that time, overseeing the growth of the RSL in Greensborough, supporting veteran welfare and building strong connections and understanding in the broader community about the service and sacrifice of our veterans. He also served on the board of the Victorian RSL from 2010, including a stint as senior vice-president from 2017 to 2021. Lee was a founding member of the Diamond Valley and districts Vietnam veterans sub-branch and the Vietnam Veterans Association of Australia, affectionately and locally known as the DViets. In 2020 Lee was awarded the Order of Australia for services to veterans and their families. He was also a founding member of the Diamond Valley men's shed, and he was passionate about the role that the shed played in breaking down barriers of social isolation for many people. Few have served their country, their state and their local community with such dedication, and even fewer with such humility. On behalf of my local community, I wish Lee and his wife Linda well in the next chapter of their lives close to family and warmer weather.

Payroll tax

Annabelle CLEELAND (Euroa) (10:01): After listening to the concerns of GPs in my region, I know many believe they will have to close as a result of this Labor government's newly introduced payroll tax. GP clinics in both Kilmore and Broadford have said that this health tax will force them to shut their doors. With these facilities offering free appointments to war veterans and the elderly as well as servicing an ageing community, their value to our region is obvious to see, despite how this government might act. Kilmore Medical Centre's practice manager Ram said:

We're struggling to keep our head above water and the only hand this government has given us is one that will drown us ...

Broadford Medical Clinic owner Dr Geetha has said:

If you're going to change things and make it difficult for us, we might have to one day close and I don't want to see that day.

There is large concern that patients will put off seeking medical care until their condition has significantly deteriorated, turning small health problems into dangerous conditions. Maureen Sanders, an 82-year-old patient at Broadford Medical Clinic for more than 20 years, said the clinic provided a better quality of care than hospitals due to patient-doctor relationships. She said:

I love coming here. It fills all my needs and I don't feel like I'm a number ...

Already some days I've rang up and been told the clinic isn't open because they've got no doctors. This is going to be the future if nothing gets done.

I am appalled the Minister for Health has dismissed the concerns of GPs in my community and told them to get over it. The minister has a responsibility to protect GP clinics, yet she does not.

Mount Egerton Primary School

Michaela SETTLE (Eureka) (10:03): I rise to share some of the fabulous community events that I have attended in the last few weeks. Last Friday I visited beautiful Mount Egerton where I attended the official opening of the brand new Mount Egerton Primary School toilet block. It is a beautiful little school with 16 students and an excellent principal in Ms Tegan Bell. The old toilet block had critters crawling under it from the nearby bushland, and now our students and staff have modern and safe facilities. Seeing the excitement on the kids' faces was wonderful, and little things can make a big difference.

Mount Clear Primary School

Michaela SETTLE (Eureka) (10:03): I also attended the Mount Clear Primary School wearable art fashion parade. It was a runway to rival Milan. The outfits were extraordinary as the students creatively expressed the challenges they would like to see us face in the world. It was heartening to see our future generation of leaders champion issues like climate change, world peace, LGBTQI+ rights and even the promise to protect our future robot friends. Congratulations to Ann Clark, Hayley Quach, Cameron Landry and the Mount Clear students on organising such an excellent event.

Bunjil's Lookout community gathering

Michaela SETTLE (Eureka) (10:04): My wonderful week finished at Maude, a small country town in the Golden Plains shire with 250 people. It was a perfect day for the Bunjil's Lookout community gathering, and the Maude CFA cook up a delicious egg and bacon sandwich.

Wattle Park

Paul HAMER (Box Hill) (10:04): Parks Victoria recently hosted a community day to celebrate the new and improved Wattle Park, improvements that were made possible thanks to a \$4.3 million investment from the Andrews and Allan government's \$315 million suburban parks program. The upgrades include a 3.5-kilometre walking and running track for all fitness lovers to get their heart rate up; a revamped picnic area that maintains the natural bush and park area while offering new shelters,

picnic tables and new barbecues to enjoy countless snags with friends and family; and a new playground structure offering a double-storey tram fort, play domes, swings, spinners, slides and a cool sensory play area, which is wheelchair accessible. This new playscape has received great reviews as it gives children an exciting new way to get active and embrace natural landscapes. The Allan government has delivered what the community has needed in Wattle Park.

It was great to see the local community enjoy the day with a snag and sweet tunes from the Melbourne Tramways Band. The day would not have been possible without Parks Victoria, and I want to thank all of the team from Parks Victoria for their hard work in setting up and putting together the fun activities. Thank you to local resident and Wurundjeri elder Colin Hunter for his moving welcome to country, and thank you to Greenlink, a local Box Hill North business, for providing the native seedlings for everyone to take home. Thank you to everyone that made Wattle Park community day such a wonderful day.

Middle East conflict

Kathleen MATTHEWS-WARD (Broadmeadows) (10:06): Again I rise to speak for the 11,000 civilians who have been forever silenced and the nearly 5000 children whose laughter will never be heard again. On Tuesday we held a gathering for peace here in Parliament to stand in solidarity with the Palestinian Victorians who have lost so many loved ones. I thank my fellow members of the Parliamentary Friends of Palestine for coming to the event and the many other MPs who showed their support. I thank the leaders of my community who were able to take the time to attend for the hard work they are doing in this time of crisis. I thank Halil from Faulkner for sharing the devastation of his loss and Mouad, who lost 35 members of his family in a single air strike. Mouad is a respected teacher at Ilim College, and in a beautiful gesture the students from the boys campus sent him letters of condolence and support. So many in my community are grieving. They are feeling devastated and helpless. The students at the girls campus were asked to describe in one word how they felt. They responded with: unheard, distraught, silenced, ignored, misunderstood, unseen, invisible, sad, confused and frustrated. I share their grief and frustration. Enough is enough. The killing of civilians must stop. Children cannot continue to pay the price, cannot continue to suffer and die. In the strongest possible terms I call for an immediate ceasefire.

Middle East conflict

Bronwyn HALFPENNY (Thomastown) (10:07): On Tuesday the Victorian Parliamentary Friends of Palestine hosted a gathering to commemorate those who have lost their lives at the hands of the Israeli defence force and illegal settlers in Gaza and the West Bank. Many residents of the Thomastown electorate attended this event. We heard reports from men and women who had lost so, so many family members. We heard of grandchildren trapped under rubble whose bodies could never be recovered, entire family lines gone from this earth. We heard about a man who had just returned from Gaza and the horrors he had witnessed. We also heard from some young Australian–Palestinian women, Mia Hammad and Zahala ab Delquada, who spoke of peace but also justice and their concern that racism and aggression have raised their ugly head and are subjecting both the Jewish community and those of our Arab-speaking background to more insecurity and feelings of being very unsafe. There were also so many members of this chamber in attendance to stress their solidarity along with the diversity of community groups, churches, schools, doctors, nurses and artists to express their solidarity and call for a ceasefire, which I also believe in. I find it hard to comprehend how anyone could justify the violence and cruelty being inflicted on the Palestinian people. It looks as if the intent is to wipe out an entire population. As co-convenor of the Parliamentary Friends of Palestine, I would also like to thank co-convenor Samantha Ratnam of the other place for all her work on this issue.

Melton community awards

Steve McGHIE (Melton) (10:09): It has been a busy fortnight out in Melton with various events celebrating the achievements of many outstanding community members and the Djerriwarh Festival bringing the entire Melton community together. Last Thursday I attended the Melton community

achievement awards at the Witchmount Estate. It was a wonderful event recognising some of the dedicated members of the Melton community and their achievements. I extend my congratulations to each of the awardees and express my gratitude for their unwavering support to the Melton community. Each recipient exhibits the unique spirit and leadership that has a remarkable influence on the community's general wellbeing. They are Citizen of the Year Claire Mouser, Young Citizens of the Year Comfort Kennedy and Mollie van der Linden, Access and Inclusion Leader of the Year Lucas Murana, Gender Equity Leader of the Year Kirisome Ronick Jnr Lam and Intercultural Engagement Leader of the Year Mashair Mohammed Abdalla. I also congratulate all the nominees.

Djerriwarrh Festival

Steve McGHIE (Melton) (10:10): Last Saturday I attended the annual Djerriwarrh Festival held on Melton's infamous High Street. You could not have asked for a better day. Many families and community members came together to celebrate and engage with local businesses, information stalls and of course get on a few rides and enjoy the fantastic food selection. Melton has become a haven for festivities and celebrations. Events such as the Djerriwarrh Festival have such a positive impact on the community and create a true sense of belonging for all who attend. Meltonians are truly proud to host the Djerriwarrh Festival each year, and it brings a unique sense of pride to the community to host such a successful event. 2023 was no exception, and I congratulate the organisers, the council and everyone that was involved.

Somerville cenotaph

Paul MERCURIO (Hastings) (10:11): On Saturday 4 November I attended the 100th anniversary of the Somerville cenotaph. It was a small but very special event commemorating not just the unveiling of the cenotaph 100 years ago but also honouring and remembering those who fell in the First World War. We will remember them.

Peninsula Cup Day

Paul MERCURIO (Hastings) (10:11): On another matter, on Sunday 5 November I had the honour of attending the Neds Peninsula Cup Day at Mornington Racecourse with the Minister for Racing. It was an absolutely glorious day, with more than 9000 people attending. The main race was won by New Zealand horse Rhinoceros, and I congratulate all involved. They may have the cup, but we still have our lamingtons and pavlova.

Janet Carr

Paul MERCURIO (Hastings) (10:11): On another matter, on Monday 6 November I had the great pleasure of attending the SES Hastings unit to present the inaugural unit life membership award to Janet Carr. Janet has been a member of the Hastings unit for 30 years. She has been to an estimated 3000 call-outs, is 80 years old and is still an active member of the unit. I congratulate Janet for her outstanding service to the community.

Langwarrin Football Netball Club

Paul MERCURIO (Hastings) (10:12): On another matter, on Thursday 9 November I opened the amazing new clubrooms at Langwarrin Football Netball Club, made possible in part by a grant from this Allan Labor government.

Container deposit scheme

Paul MERCURIO (Hastings) (10:12): On another matter, on Friday 10 November I headed to the wonderful Sages Cottage Farm in Baxter to use the reverse vending machine there. I was very excited to use the machine, as were many others who were lining up with their cans and bottles. It is great to see people have embraced the opportunity to look after our environment.

Sikh Volunteers Australia

Pauline RICHARDS (Cranbourne) (10:12): I was delighted to host the Sikh Volunteers here in this wonderful people's place yesterday. Sixty children came up to have a chat. They met the Premier, they also met the Minister for Multicultural Affairs, the member for Frankston, the member for Narre Warren North, the member for Narre Warren South, the member for Pakenham, the member for Bass and the member for Hastings. It was a terrific celebration.

Motions**Apology for past care leavers**

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (10:13): I move that:

- (1) the Legislative Assembly invites members of the Legislative Council to attend a sitting of the Assembly in the Legislative Assembly chamber on Wednesday 29 November 2023 at 10 am for the consideration of the motion for a parliamentary apology for past care leavers;
- (2) the lower public gallery on the opposition side of the house be deemed part of the Legislative Assembly chamber and the Assembly standing orders be applied for the time that Council members are invited onto the floor of the house;
- (3) a message be sent to the Legislative Council informing them accordingly.

We look forward to the next sitting week and the opportunity that will arise for this Parliament to apologise to past care leavers and for there to be a joint sitting in this place. That would be an appropriate setting in which to acknowledge the real suffering of so many care leavers. I commend this motion to the house.

James NEWBURY (Brighton) (10:13): Can I concur, on behalf of the coalition, with the government on the importance of the motion. The government and the coalition have worked together on the motion. It does provide an important opportunity for both houses to send an important apology to people who are deserving of it.

Motion agreed to.

Business of the house**Notices of motion**

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (10:14): I advise that the government does not wish to proceed with notices of motion 2, 3 and 4, government business, today and ask that they remain on the notice paper.

Bills**Constitution Amendment (SEC) Bill 2023***Statement of compatibility*

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:15): I am very pleased to rise. In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Constitution Amendment (SEC) Bill 2023.

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (Charter), I table a statement of compatibility for the **Constitution Amendment (SEC) Bill 2023** (Bill).

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

Overview

The Bill aims to entrench the SEC in the *Constitution Act 1975* (Constitution) to safeguard its existence and ownership by the State.

Specifically, the Bill will amend the Constitution to:

- require the State to always have a controlling interest in the SEC;
- provide the SEC is to have the objects of:
 - o supporting Victoria's transition to net zero greenhouse gas emissions;
 - o generating, purchasing and selling electricity in Victoria;
 - o owning, operating, or participating in the operation of, renewable energy generation and storage systems and facilities;
 - o developing or supporting, or participating in the development of, or investing in renewable energy generation and storage systems and facilities; and
 - o supplying energy related products or services to energy consumers in Victoria;
- prohibit the SEC from doing anything which would result in the State no longer having a controlling interest in the SEC, as 'controlling interest' is defined in the Bill;
- prohibit the SEC from owning, operating or investing in a fossil fuel facilities; and
- constrain the Victorian Parliament's power to repeal, alter or vary provisions relating to the SEC by requiring Parliament to comply with the special majority manner and form requirements set out in s 18(2) of the Constitution.

Human Rights issues

The Bill engages the following rights under the Charter:

- right to life (section 9);
- right to take part in public life (section 18); and
- right to property (section 20).

For the following reasons, having taken into account all relevant factors, I am satisfied that the Bill is compatible with the Charter and, if any rights are limited, the limitation is reasonable and justified in a free and democratic society based on human dignity, equality and freedom in accordance with section 7(2) of the Charter.

Right to life

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life.

The Charter applies to public authorities in Victoria, which includes entities, such as the SEC, established by a statutory provision that have public functions. Section 9 requires public authorities to act in a way that is compatible with each person's right to life and to give proper consideration to this right when making decisions.

Climate change has been described by the United Nations Human Rights Council as one of 'the most pressing and serious threats to the ability of present and future generations to enjoy human rights, including the right to life'. Reducing greenhouse gas emissions by transitioning to renewable energy sources is a necessary measure in addressing this threat, which is why Victoria has set renewable energy targets of 65 per cent by 2030, 95 per cent by 2035 and net zero by 2045.

Clause 4 of the Bill inserts into the Constitution the objects of the SEC, which will include supporting Victoria's transition to a net zero greenhouse gas emissions electricity system and owning, operating, supporting, developing, or investing in the operation or development of, renewable energy generation storage systems and facilities.

In this way, the Bill contributes to positively support Victorians' right to life under section 9 of the Charter, both now, and in the future, by entrenching these objects in the Constitution, making it more difficult for future parliaments to repeal, change or vary them by requiring any amending Bill to be passed by a special majority (three-fifths of the whole number of members) in each House of Parliament.

Right to take part in public life

Section 18(1) of the Charter provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives.

The right applies to a wide range of activities such as state and local politics and public administration. It might include being involved in politics or sharing your opinion in an election or referendum. Every eligible person has the right to vote in state and local council elections.

Clause 3 of the Bill amends the Constitution to constrain the power of the Parliament to make laws that repeal, alter or vary the provisions relating to the SEC, by requiring the amending Bill to be passed by a special majority in each House of Parliament.

This requirement may indirectly limit the right of Victorians to participate in the conduct of public affairs (with respect to the SEC) to the extent it constrains the actions of Victorians' freely chosen representatives, making it more difficult for them to change current laws due to their entrenchment in the Constitution.

However, this potential limitation of the right to take part in public life is reasonable in terms of section 7(2) of the Charter, which allows for limitations on Charter rights insofar as they can be justified in a free and democratic society, taking into account relevant factors. Such factors include the importance and purpose of the limitation and its nature and extent.

The purpose of the Bill and the limitation on the right is to entrench the objects of the SEC and the requirement that the State maintain a controlling interest, measures which will support Victoria's transition to a net zero greenhouse gas emissions electricity system; help achieve Victoria's renewable energy targets; and support the operation and development of, and investment in, renewable energy generation and storage systems and facilities on behalf of Victorians. By entrenching these provisions in the Constitution, the Bill will safeguard those measures in the future by making it more onerous for future parliaments to change the objects or ownership requirements of the SEC.

In contrast to the importance of its purpose, the extent of the limitation on the right to take part in public life is minimal. The limitation is an indirect one, affecting Victorians' individual rights by way of limiting what their elected officials may do. Furthermore, the limitation on the conduct of elected officials is not absolute – future parliamentarians will not be prevented from voting to change the Constitution so that the SEC provisions may be repealed, altered or varied; they will just be required to meet the more onerous burden of achieving a three-fifths majority to do so.

Accordingly, I consider the potential limitation reasonable, necessary, justified and proportionate in the circumstances. The Bill is consistent with the right to take part in public life in section 18 of the Charter.

Right to property

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

The Bill will contain provisions that provide the following are of no effect:

- any transfer of shares in the SEC to another person resulting in the State no longer having a controlling interest in the SEC; and
- any contract, arrangement or deed made by the SEC with another person that would mean the SEC is owning, operating or investing in a fossil fuel facility.

The Bill will also displace provisions of the *Corporations Act 2001* (Cth) (Corporations Act) which may result in property rights being impacted. For example, if the Corporations Act granted any rights in property, or required any transfer of assets, liabilities or other forms of property, this would be prevented by the Bill's displacement provisions.

The provisions in the Bill which relate to property are reasonable and necessary to ensure that the State retains a controlling interest in the SEC, and to prevent the SEC investing in fossil fuel facilities, and are therefore a justified and proportionate limit on the right to property. The provisions are also specific and clear, so that the SEC and any person who would attempt to transact with the SEC, will be aware of the limitations before completing a transfer of shares, or entering into any arrangement, contract, deed, or transaction.

Accordingly, the Bill is consistent with the right to property in section 18 of the Charter.

Hon Lily D'Ambrosio MP

Minister for Climate Action

Minister for Energy and Resources

Minister for the State Electricity Commission

Second reading

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:16): 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 will entrench the SEC in the *Constitution Act 1975* (Constitution) to safeguard its enduring existence and ownership by the State. The Bill fulfils the Victorian Government's 2022 election commitment to 'enshrine' the SEC in the Constitution this year.

The SEC has been established as a government-owned renewable energy company. The SEC will support Victoria's energy transition by investing in new renewable energy generation and storage, supporting households to go all-electric, and building the renewable energy workforce we need to drive Victoria's energy transition.

Enshrining the SEC in our State's Constitution will help ensure Victorians can continue to rely on the SEC to invest in renewables, support households and help create training and work opportunities for generations to come.

The Bill will entrench the SEC in the Constitution in a way that will make it difficult for a future government or Parliament to significantly alter the State's interest in the SEC and the SEC's objectives, whilst ensuring the SEC can operate effectively as an active energy market participant.

Specifically, the Bill will amend the Constitution to:

- require that the State always has a controlling interest in the SEC (being, the SEC Victoria Pty Ltd) and its successor entity;
- provide that the SEC is to have the objectives of:
 - o supporting Victoria's transition to net zero greenhouse gas emissions;
 - o generating, purchasing and selling electricity in Victoria;
 - o owning, operating, or participating in the operation of renewable energy generation and storage systems and facilities;
 - o developing or supporting, or participating in the development of, or investing in renewable energy generation and storage systems and facilities;
 - o supplying energy related products or services to energy consumers in Victoria;
- prohibit the SEC from doing anything that would result in the State not having a controlling interest in the SEC; and
- prohibit the SEC from owning, operating or investing in a fossil fuel facility.

The Bill will entrench these features of the SEC by amending the Constitution to provide that the new Part may only be repealed, altered or varied if the third reading of a Bill is passed by a special majority of all members of the Legislative Assembly and Legislative Council. A special majority is three-fifths of each House of Parliament.

A special majority requirement is intended to create a more onerous threshold on a future Parliament seeking to amend or repeal the SEC provisions in the Constitution.

The State will have a controlling interest if it controls the composition of the board of the SEC and is in a position to cast or control the casting of more than 50 per cent of the maximum number of votes that might be cast at a general meeting of the SEC.

This ensures that the State will always have ownership of the SEC's operational and strategic decision-making processes, including control of appointments to the board, while providing the SEC and government with flexibility in the long-term.

The Bill recognises that the SEC will require some flexibility to change legal form in the future, for example, it may need to become a statutory corporation or another type of legal entity. To provide this flexibility, but also to ensure there is a check on a future government interfering with the SEC in a way that may be contrary to the Bill's objectives, the Bill includes provisions that enables the Parliament to declare a single successor entity to the SEC. The provisions will require each House of Parliament to pass a resolution declaring the entity which is the successor to the SEC. This ensures that a future government is not able to simply change its legal form to undermine the Bill's purpose.

The SEC's entrenched objectives will give the SEC an enduring purpose beyond its immediate-term role in accelerating the transition to renewable energy in Victoria.

These objectives are sufficiently broad so as not to limit the SEC's future role or commercial flexibility, but still provide sufficient clarity and certainty. This ensures the future endeavours of, or government priorities for, the SEC are not unduly constrained.

The Bill will allow the SEC to change corporate structure or legal form in the future, and allow the SEC to establish subsidiary entities to meet its commercial needs.

Anything that would result in the State no longer having a controlling interest in the SEC will be of no effect. This will prevent a future government interfering in the government's majority ownership of the SEC unless the new Part is repealed by a special majority of the Parliament.

The SEC will be prohibited from owning, operating or investing in fossil fuel facilities directly.

As the SEC is a *Corporations Act 2001* (Cth) (Corporations Act) company, the Bill includes provisions that would seek to prevent the Commonwealth government from interfering with the matters enshrined by this Bill, by displacing the operation of the Corporations Act to the extent that it is inconsistent with the matters enshrined by this Bill.

The Premier will be responsible for the provisions of the Constitution inserted by the Bill after they commence operation.

I commend the Bill to the House.

James NEWBURY (Brighton) (10:16): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday 30 November.

State Electricity Commission Amendment Bill 2023

Statement of compatibility

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:17): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the State Electricity Commission Amendment 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 State Electricity Commission Amendment Bill 2023 (the **Bill**).

In my opinion, the State Electricity Commission Amendment 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

The purpose of the Bill is to amend the *State Electricity Commission Act 1958* (the SEC Act) to abolish the State Electricity Commission of Victoria (the **SECV**) and transfer the SECV's functions and powers to the Minister and the SECV's property, rights and liabilities to the State. A reference to SECV in any Act or instrument is to be construed as a reference to the State, in so far as it relates to a period after the abolition of the SECV, if not inconsistent with the subject matter.

The Bill also changes the name of the SEC Act to the *Former SEC (Residual Provisions) Act 1958* and any reference to the SEC Act in any Act, regulation, subordinate instrument, or other document is to be construed as a reference to the *Former SEC (Residual Provisions) Act 1958* unless the contrary intention appears. The Bill also amends the *Electricity Industry (Residual Provisions) Act 1993* and 21 other Acts to reflect the amendments made to the SEC Act.

Human Rights Issues

The human right protected by the Charter that is relevant to the Bill is the right to property in section 20 of the Charter.

Human rights protected by the Charter that are relevant to the Bill**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 requires that powers conferred by legislation which authorise the deprivation of property are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

The *State Electricity Commission Amendment Act 2023* will, among other things, transfer all of the SECV's property, rights and liabilities to the State. The new Part X of the SEC Act – to be known as the *Former SEC (Residual Provisions) Act 1958* upon the Amending Act becoming operational – deals with the transfer of property, rights and liabilities of the SECV to the State. Section 112 of Part X defines *property* to mean 'any legal or equitable estate or interest (whether present or future and whether vested or contingent) in real or personal property of any description', *liabilities* to mean 'all liabilities, duties and obligations, whether actual, contingent or prospective', and *rights* to mean 'all rights, powers, privileges and immunities, whether actual, contingent or prospective'.

Further, section 113 of Part X provides that on the commencement day of this Part, the State is substituted for the SECV as a party in any proceedings, contract, agreement or arrangement commenced or made by, against or in relation to the SECV and the State must continue and complete any other continuing matter or thing commenced by or against or in relation to the former SEC.

The transfer of the SECV's property, rights and liabilities to the State is relevant to the property rights of natural persons who hold an interest in the property or liability transferred. However, the transfer of the property or liability from the SECV to the State will not limit the property rights of persons holding the interest as they are not being deprived of their interest in the property or liability, but rather the property or liability is transferred without altering the substantive content of that property right or liability.

Insofar as a cause of action in relation to any potential liability held by the SECV may be considered 'property' within the meaning of section 20 of the Charter, the Bill may engage this right. However, in my opinion, the Bill does not affect a deprivation of property as it does not extinguish any cause of action which a person may have against the SECV. Rather, liability is transferred to the State.

Finally, even if the Bill could be considered to deprive a person of property, any such deprivation would be 'in accordance with law' and will therefore not limit the Charter right to property. In particular, Part X dealing with the transfer of property, rights and liabilities from the SECV to the State is drafted in clear and precise terms, and is sufficiently accessible to allows persons to regulate their own conduct in relation to it.

Accordingly, I consider that the transfer of the SECV's property, rights and liabilities to the State is compatible with the property rights in section 20 of the Charter.

Conclusion

I am therefore of the view that the Bill is compatible with the Charter.

Hon. Lily D'Ambrosio MP

Minister for the State Electricity Commission

Second reading

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (10:18): 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:

This Bill supports the Government's commitment to bring back the State Electricity Commission (SEC) as a new state-owned supplier of renewable energy and to enshrine it in the Victorian Constitution.

The Bill does this by amending the *State Electricity Commission Act 1958* (SEC Act) and related legislation to make the name 'State Electricity Commission' available to the new SEC.

Bringing back the SEC

The global momentum for decarbonisation is already well underway, and all levels of government have a significant role to play in driving and accelerating this global shift to reduce emissions and minimise the impacts of climate change.

The Victorian Government has taken up this challenge, committing to world leading renewable energy targets of 65 per cent renewable electricity generation by 2030 and 95 per cent by 2035.

Reaching these targets requires bold and decisive action. That is why the Government has committed to revive the SEC. The new SEC's role in the energy transition presents an enormous opportunity to accelerate the decarbonisation of our economy, attracting more investments and creating thousands of jobs, while also reducing energy bills and emissions.

The new SEC is a government-owned renewable energy company, focused on:

- Investing in renewable energy and storage projects that accelerate the transition and deliver commercial returns
- Supporting households to go all-electric to reduce their energy bills and emissions
- Building the renewable energy workforce our energy transition requires

It will partner with industry to transform the energy sector, opening the state up for further innovation and investments in renewables, including through an initial \$1 billion in funding that will be used to deliver 4.5 gigawatts of power through renewable energy and storage projects.

The Bill will abolish the pre-existing State Electricity Commission of Victoria (SECV) that is constituted under the SEC Act to avoid confusion with the new SEC entity.

Following privatisation of Victoria's electricity supply industry in the 1990s, legislation was enacted that has effectively limited the old SECV's role to managing any residual property, rights and liabilities from its previous operations.

Currently the SEC Act provides that the old SECV consists of an Administrator. This office holder, currently the Secretary of the Department of Energy, Environment and Climate Action, is responsible for the administration of residual assets and liabilities of the old SECV. The old SECV has no staff and for practical purposes is no longer an operating entity under the *State Electricity Commission Act 1958*. Abolishing the old SECV will allow the new SEC to operate without causing confusion between the pre-existing entity and the new SEC.

The new SEC will invest with industry to accelerate our transition to more affordable, reliable, renewable energy.

Key amendments

I now turn to the provisions of the Bill.

Firstly, the Bill amends the *State Electricity Commission Act 1958* to abolish the old State Electricity Commission of Victoria (SECV).

The Bill makes further amendments to the *Electricity Industry (Residual Provisions) Act 1993* and other Acts, to remove or clarify all remaining references to the old SECV.

By abolishing the old SECV, the Bill will avoid any confusion between the pre-existing entity and the new SEC in the statute books.

As outlined earlier, currently the old SECV's role is limited to managing any residual property, rights and liabilities from its previous operations. The Bill will transfer the small number of remaining assets and liabilities to the State for these to be managed by the Department of Energy, Environment and Climate Action with the Minister for the State Electricity Commission as the responsible Minister.

Finally, the Bill also amends the name of the *State Electricity Commission Act 1958* to make it clear that it is not associated with the new SEC.

I commend the Bill to the house.

James NEWBURY (Brighton) (10:18): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday 30 November.

Corrections Amendment (Parole Reform) Bill 2023*Second reading***Debate resumed on motion of Anthony Carbines:**

That this bill be now read a second time.

Colin BROOKS (Bundoora – Minister for Development Victoria, Minister for Precincts, Minister for Creative Industries) (10:18): Under standing orders I wish to advise the house of amendments to this bill and request that they be circulated.

Amendments circulated under standing orders.

Brad BATTIN (Berwick) (10:19): I rise to speak on the Corrections Amendment (Parole Reform) Bill 2023. In starting my discussion on this, it is a bittersweet day. I would like to first of all acknowledge that there are some members of the family here today and I know many watching at home and that it has been a tough, long road for many people in the community.

I am also going to also point out that I know the member for Frankston will be passionate on this. I think he is speaking after me as well in relation to this. We get stuck in politics in here sometimes, but I know in his heart of hearts the member for Frankston knows it is the right move to make sure that someone is named in this bill. I am glad that you have had some say, obviously, in your party room to get this through to where it is today.

This bill contains various parts around the parole board. First of all, I am going to say in my view at the moment probably the most important section is in relation to the conditions for making a parole order for prisoner Paul Denyer. It requires the Adult Parole Board of Victoria in certain circumstances to specify a period during which a prisoner is not eligible for parole, it will require the adult parole board in certain circumstances to consider making and empower the board to make a declaration specifying a period of time in which a prisoner is not eligible for parole and to make further provision for the sharing of certain information by the secretary of the parole board.

The first section is about a person we do not like to talk about, probably more so recently – we have heard the name too often in the media. Unfortunately, with the bill having the name, which I think is the right thing, it does mean we have to refer to that name in here today. I say to people who are watching, who are here today: we note this will trigger some memories and some stress, and we encourage you to reach out for assistance. I am sure I make the offer on behalf of every person in this place: if you are in an electorate and you need support, please go and see your local MP. It does not matter what side of politics they are on, they will be there to assist you and make sure that you get the support you need if something in this debate today does trigger anything at all.

This bill inserts new section 74AC into the principal act to prevent any parole applications from the prisoner Paul Denyer unless, in the secretary's opinion, Mr Denyer:

- (i) is in imminent danger of dying, or is seriously incapacitated, and as a result he no longer has the physical ability to do harm to any person; and
- (ii) has demonstrated that he does not pose a risk to the community ...

This finally puts Paul Denyer in the same category as Julian Knight and Craig Minogue. This is something that should have happened four months ago. It should have gone through the Parliament four months ago and did not. At that time we made an agreement with the government that we would work with them while they were bringing new parole changes in. At the time the legal advice was we could not bring in the legislation we have because that legislation names Paul Denyer in exactly the same way that Julian Knight was named and exactly the same way that Craig Minogue was named. The then Premier Andrews went out and said that the legal advice was that they could not allow this to go through and the Attorney-General said that legal advice was they could not allow this to go through, but now this legislation has identical clauses to what was in place at that time.

I say to the Premier today and to the Attorney-General today that I think it is incumbent on them now to ensure, for my peace of mind and for the peace of mind of the families and of those in the community and of everyone in this house, that they release that information. What advice was there from a legal perspective that said it was not acceptable four months ago and is acceptable today? It had already been tried in the High Court. Minogue and Knight had both tried this in the High Court, and it was upheld. That is absolutely the highest position you can go to test legislation here in this country, yet a government decided that we could not bring in legislation that was identical to what had already been tried through the courts.

I think it is really important that we note why some of these people have been and will remain locked up for a long period of time so we can understand that aspect of how it is going to end up for this third person and why this is so important through this place. First of all, Julian Knight was sentenced by the Supreme Court in November 1988 to life imprisonment for each of seven counts of murder in an incident that will be forever known as the Hoddle Street massacre. Anyone that hears the term instantly knows what that means, and that is why Knight will never be released and should never be released. Craig Minogue was responsible for the Russell Street bombing, another term that Victorians know all too well. At approximately 1 pm on 27 March 1986, Easter Thursday, a bomb Minogue placed exploded and killed 21-year-old police constable Angela Rose Taylor, 24274, and left a further 22 people injured.

I was very specific with naming Angela Taylor with her number. Most will know – anyone who has gone through Victoria Police – that number is something that they are very, very proud of, and her registered number of 24274 is a number that should and I am sure does send so many chills through our spines of what can happen with our Victoria Police. To every one of our Victoria Police members out there, who do a wonderful job, I also want to say to them today: this is legislation around some of the things that you have fought for in our community.

Then we go on to Paul Denyer. Paul Denyer was sentenced to three life sentences without parole in 1993 for the murders of Elizabeth Stevens, 18; Debbie Fream, 22; and Natalie Russell, 17. He successfully challenged at the time his non-parole period to get a 30-year non-parole period on appeal in 1994. The sentencing judge, Frank Vincent, described Denyer's extraordinary savagery as 'almost beyond comprehension'. In his direct statement to Denyer at the sentencing Justice Vincent told Denyer:

For many, you are the fear that quickens their steps as they walk alone ...

...

... in an important sense you are not one of us.

... I have been told that you obtain immense gratification from the humiliation, mutilation and killing of other human beings.

...

... You do constitute such a danger, and at our present state of knowledge, apart from separating you from society, there is nothing that can be done about it.

There is one difference I want to point out between Denyer, Minogue and Knight on why I was so passionate about this piece of legislation. Knight killed seven people in a one-off incident in Hoddle Street that was horrific – absolutely horrific. Minogue had an intention to kill more than one; only one died in that incident in Russell Street, a one-off incident. Denyer hunted people down. This man should never be on our streets. He did not do it once – he did not have one bad day. He intentionally hunted three people down – four, if you count one that got away. That is why this person should never be back on our streets. As I said in our original debate in here, no-one in this Parliament ever thinks he should. I never want to say any person supported the fact that he should get out. We had different views at the time. However, we are where we are today.

Too often in this place when we do these sorts of bills we focus on the crime and on the perpetrator, and for a short period in here I want to focus on the victims. I want to focus on and put into *Hansard* who these people were and how important they were to other members of their family – and as I said,

some of them are here today – because the circumstances of how they left this world should not and will not in my mind remain the definition of who they were. Obviously I have not met any of the victims, but I have had the opportunity to speak to some of the family during this time.

Natalie Russell was a 17-year-old schoolgirl in Frankston – father Brian, mother Carmel, brothers and sisters Darren, Lisa, Jane, Janine and Damien. According to Mr Limbrick, who we all know in the other place, Natalie was bright and cheeky, with a sarcastic sense of humour, and she was in Mr Limbrick's words 'a young woman with everything to look forward to in life'. She was a very conscientious student at school. She was focusing on doing her work because she wanted to get good marks in the VCE. I will probably have to correct that; it was probably HSC at the time. It would be very close.

Paul Edbrooke: VCE.

Brad BATTIN: VCE. Still, Natalie loved getting together with friends when she could. Brian and Carmel, Natalie's parents, what enormous strength they have had, to endure to where they are today, to stay so strong and to keep that memory of who Natalie was during the last 30 years whilst trying to fight to keep this man in jail. But they cannot imagine what would have likely happened today if they had had Natalie here with us, who would have been 47 years old, the same age as me today. The former John Paul College year 12 student may have been married and had children.

But we all know one thing: she hoped to be a journalist. It would have been great to have a journalist out there. Let us be honest, she would not have been our friend all of the time, but they are such an important part of our community, and it would have been fantastic to see a young girl like this achieve her dreams. Nats Track joins Skye Road in Karingal – near John Paul College – to Monterey Secondary College in Frankston North, and there is now a bronze sculpture featuring a schoolbag adorned with 17 everlasting daisies at the Skye Road end of the track. Whilst it is the site of her final moments, it is also the most beautiful memorial to Nat – a memorial that we should protect. We should make sure that we go down there and visit it to understand the impact of this but more importantly understand who Natalie Russell was.

Elizabeth Anne-Marie Stevens was born on 21 October 1974. She came to Melbourne from Tasmania to attend TAFE at Frankston in January 1993. Elizabeth lived with her uncle and aunt in Paterson Avenue in Langwarrin. According to a friend:

She was pretty quiet and shy. She sort of kept to herself, but when she got to know you and became friends with you, she opened up a bit more and was actually a happy, friendly girl – as if she didn't have a care in the world. She seemed to have her life set out in front of her of what she wanted to do, what goals she wanted.

Again we need to remember Elizabeth for who she was, not the final outcome.

Debbie Ann Fream was 22. She had everything in life to look forward to, as did Natalie and Elizabeth. Twelve days before her life was taken, she welcomed her baby boy Jake – I will talk a bit about Jake in a second – into the world. There was so much joy in her life. I have come to know Jake a bit more over the last few months, and I have spent some time with him. I totally understand he has had a very, very tough life. We cannot even comprehend not knowing at all and having effectively to fight his whole life after losing his mother. I am not going to go through all of the other circumstances of Jake's life, but he has had challenges outside of that. The week before last I went down and we went to the Cheeky Squire for a beer and just had a chat about Jake's dreams. I have to say, for the first time since I have been speaking to him – whether by phone or text or catching up with him – there was almost a different Jake. A bit of pressure had been released. He understands that we in this place are going to do the right thing now and make sure the person that took his mother's life will not get out, and he is starting to talk about his dreams. He is not starting too big. He wants to go out and get a job and make sure he can work. I want to say to Karen, because we had the conversation, that he wants to start paying his own way and making sure he can pay his rent and get out in life – things that we take for granted.

I want to wish Jake all the best. I am going to speak on behalf of the member for Frankston – and I hope I am not taking up too much of his time – I have spoken over the phone with Jake and the member for Frankston would have, and we will be here for him if he needs any support, whether that is in the political sense to try and find someone for employment or opportunities for training or as someone just to lean on if he needs it at any particular time. For more than 10 years he believed he had been abandoned, and in 2022 the *Age* reported:

... he developed a form of detachment to cope.

But as the years rolled on the crime, and the impact on his life, “just got bigger and bigger”.

I want to go on about one part of this, which is the actual clause now. New section 74AC of the principal act is naming Paul Denyer. As I said, it is identical. I find it difficult. The Premier at the time said at a press conference:

I think we can all have confidence in the Adult Parole Board to do their work and to do it properly ...

They’ve determined he is an ongoing risk and they would not, as I understand it, entertain another application for parole unless there was a material change in circumstance.

My confidence is not so much in Liberal Party motions or Bills that are brought to the parliament. My confidence is in the Adult Parole Board and they have looked at it very, very carefully and they have made what I think is the right decision.

I do not want to go too political on this today. It is just not the right day for me on this. But it is really important to note that the legislation that was put forward then is the same legislation as the legislation now. I know we have got a new Premier in place, and I know for a fact – or rumoured fact – that the member for Frankston was pretty passionate on this and pushed forward to try and get this through. It had to go through.

Sometimes it is not just about the parole board. I trust the parole board. They still can get it wrong, but I do trust the parole board. I actually think they do overall a very, very good job, but we have had circumstances where it has not worked. This is a person who in exceptional circumstances has never done anything to improve who he is or how he would be if he came back into the community.

Now we have got this legislation out there. The government have come out with their media release saying:

Convicted murderer Paul Denyer will never be a risk to community safety again under changes that will keep Victorians safe from the most serious and violent criminals.

The Attorney-General said:

The family and friends of Natalie Russell, Debbie Fream and Elizabeth Stevens continue to suffer ...

and these changes will not heal their pain. That part of the legislation I will put aside now. As I said, we on this side of the chamber 100 per cent support that, as we are supporting this bill.

There are some other sections being changed by this bill, and the Attorney-General said publicly, privately and in a letter to us that we could work with them in relation to making this legislation. There would be an overall position where we can have bipartisan support, work through the legislation, bring the family in and make sure everybody effectively has their say so we could have confidence when it came to this place.

Can I first say, from what I understand with the family, that they have been speaking to the family. There was a discussion around this. The Liberal–Nationals once were invited in for a discussion. We did not put anything out in the media; we thought it was more important the family was there. But I only want to state that one time that I was invited in, which I thought was a good start – it did not continue – was with the Minister for Corrections in the other place. One of the questions I asked during that briefing was how many people in the Victorian prison system are like Paul Denyer. How many people have done multiple murders but not within the family? There is a difference in that for danger to the whole community. How many are not in the family?’ When the minister responded with

‘Hundreds’ I nearly fell off my seat. The Minister for Corrections responded with, ‘There are hundreds of people like Paul Denyer.’ The response was so bad that his own adviser advised him not to talk again in our meeting. This is the man, the minister, who is making these decisions, and it is just not good enough. There is nothing wrong with the advisers, nothing wrong with the department – they all were very open. We had a very positive discussion about some of the things that should change. But we had a minister that just was not up for it. That is why I say the Attorney-General has been leading this, and can I say about Jaclyn Symes in the other place: I have nothing but respect for her when it comes to these bills and the way that she does generally work with us. She is approachable. We will not always agree – that is politics – but I think it is a positive that we can actually work together to have those discussions around these pieces of legislation. But you cannot have a minister in charge of corrections who does not understand our system at all. I think that is a huge problem.

The other section this bill amends is section 3(1) of the Corrections Act 1986 to insert the following definitions:

restricted prisoner means a prisoner who is serving a sentence of life imprisonment, in respect of which a non-parole period was fixed, for –

- (a) two or more offences of murder; or
- (b) one offence of murder, where the victim was a child; or
- (c) one offence of murder, where the victim was also the victim of a sexual offence committed by the prisoner;

This inserts section 74AAG into the principal act to allow the board, by instrument, to declare a prisoner is restricted for eligibility for parole for a period of between five and 10 years if the board is satisfied that this is in the public interest. It is really important to note that we understand that there are 31 prisoners currently that fit this bill and who could be in that position, with a further 50 serving a life sentence with a specified non-parole period who do not fit the full definition. We support this because that is what should happen. If someone applies for parole and they are not fit for parole, they have done nothing to improve themselves, then community safety is going to be the priority, and yes, the parole board should have the ability to set a period of time – five or 10 years. We are very supportive of that.

What I will say, though, is whilst this change we agree with and we think is positive, it does not rule out in the future naming a person in legislation, in my view. There are always circumstances that may change that mean we could amend this in the future or could add amendments such as we have seen for four people in total in this state in history where you need to name a person because of certain circumstances. The reason I say that is it is not about, again, as we have had said, trust in the parole board, because most of us in this place do trust the parole board or, if they continuously get it wrong, they would be replaced; you would work your way through a process to replace the parole board. It is actually about the families every time these applications come forward.

Every time a family and every time a victim of sexual assault thinks that there is going to be an application from someone to come back out again, they are fearful. It just creates that fear that we do not necessarily need. So whilst we support the legislation – we support both sections of this legislation – what we want to make sure is on record is we are not closed off to the fact that these things may change in the future. We do not ever like doing anything retrospectively, and we all want to have caution around us interfering with the courts. I do not think anyone disagrees with that. But when you go back and look at our court system, whether they like it or not, they sometimes get it wrong. There are times that the courts get it wrong as well, and that is when we should come into play. Our role in this place is protecting our community, standing up for community safety and making sure for those that we stand up for, who are on the right side of the fence down there, that when applications come forward in positions they should not we are there to protect them and ensure that they can get on with their lives – people like Jake, who should not have to go through another 30 years of applications every five or 10 years. It is sad but true that we are going to have other people in the future like the three people that have got life sentences. I wish we could say we could rule that out forever. I wish we could, but we just know we cannot.

What this legislation does do, though, and this is why we are supporting it, is give an opportunity to the parole board. For those people who are on that borderline, where they turn around and go ‘They have made some progress, minimal progress, but even with the progress they have tried to make we still don’t believe they’re safe to go out into the community’, we are going to say that instead of them having a parole application every year, depending on the circumstances of their sentence, they are going to have to wait five years or 10 years. In many circumstances that would be a relief for a lot of families too, knowing there will be no applications for that five- or 10-year-period. It does give that authority back to the parole board to make those decisions. It gives them what they need, the legislation they need, knowing that they are going to be supported to make those changes that are in the best interests of the community. I think it is really important that we do give them that opportunity going forward.

74AAG(5)(b) deals with the factors the board must or may consider when deciding whether to make a decision against a restricted prisoner or for granting parole. The legislation has been written in such a way that the board may consider the effect of a declaration of granting parole on the victim’s family rather than must consider. This would be something that on the face of it sounds okay but may be at odds with the government’s desire to always give a level of peace to the family. We had a big discussion about this internally. Changing the word from ‘may’ to ‘must’ sounds on the outside – to be honest, politically it would be very easy to go out and say you must consider the family. But there are circumstances when you are dealing with parole boards that you cannot always do so, and that is why we actually ended up saying ‘may’ was quite appropriate and we trust the parole board to consider that. With reporting coming back from the parole board, hopefully we will be able to see what the impact of that is when they are saying ‘may’, what they are doing and who they are consulting with. Over time the legislation, the parole board and our education in this have got a lot better, so they are performing in a more constructive manner. Over a long period of time we have seen improvements from the parole board and how they operate, and one of the things we have seen change in this is specifically around the community safety aspect being really ramped up in bail and parole applications where those words are now very important – having community safety as a first point in mind.

74AAG and 74AAD will allow for prisoners subject to no-return periods for parole applications to be released if, at the discretion of the board and following a report by the secretary, the prisoner is in imminent danger of dying or is seriously incapacitated and as a result no longer has the physical ability to do harm to any person and has demonstrated that he or she does not pose a risk to the community. We are concerned that this only applies to restricted prisoners. No such order can be made for a prisoner serving a life sentence that is by definition a restricted prisoner. So if someone is on a life sentence, there are no actual restrictions in there.

The other section says they are required to get a report from the secretary about a prisoner, and if a report was done in the previous 12 months then they can refer to that report. Again this is something we had a discussion around. How long does a report last for? What behaviours can change in that period of time? It is not so much for the positives – if someone has changed in a positive manner in the previous 12 months, I do not think that will have a massive impact. But I would be hoping that the secretary could seek further advice in relation to a prisoner before a report is done, or if a person’s behaviour has turned negative after a positive report that that could actually be updated in that period. The bill says the period does last 12 months. With it being silent on this, I would like to hope that they can go back or other reports can come in within that 12-month period of a negative behaviour pattern change that would need to be considered by anyone making a decision around that person getting parole.

In closing on this bill I want to say it is, as I said before, a bittersweet day because of the circumstances of how we have ended up here, dating back 30 years obviously from what happened with those families. I want to finish off on the note that whilst we have got this legislation through, we know how important it is, and I hope everyone has it, effectively, on their conscience. It is a big decision to make sure someone stays away forever, but today we are making the right decision in this Parliament. We are putting our right foot forward, and we are standing up for those that need it the most. And while some are in here today and, as I said, some are watching and I have met some of the families and

spoken to others, I want to send out to all the family members who hear this that we are all as one standing with you as you go through this again. I want to remind you all that if at any stage during any part of this debate something triggers, please seek assistance and seek help.

I want to send a special message out just to Jake because I have got to know him a couple of times. I just think he is such a – I hate saying the word ‘kid’ because he is 30, but we went out and had a drink the other day, and he has got the dreams and wishes and now he has got the opportunity for a future that will be growing, learning and developing for himself. He will still need help along the way, but I reckon he has got an absolutely amazing future going forward, and I know he will do his mum proud. This legislation means that he can also be at peace with what is going on and move forward. If he needs anything, he has got a magnificent support network around him, and I think that they will all be there to support him as well.

So in that, the Liberal and National parties support this bill. We would have liked to have seen it go through sooner, but we are now at a stage that we want to make sure that it gets through as fast as possible and that the person I mentioned before never gets an opportunity to come back out into our community and put fear into any person in Victoria again.

Paul EDBROOKE (Frankston) (10:48): I rise in support of the Corrections Amendment (Parole Reform) Bill 2023, or as I like to call it, Nat’s law after Natalie Russell, whose family are here in the gallery with us today. I acknowledge the amazing friends and family in the gallery or watching today – Carmel, Brian, Lisa, Janine, Karen, Jake, David, Gail and Vikki. Thank you to the Attorney-General Minister Symes in the other place, and I want to thank the shadow minister and the opposition for their support.

Bills that contain this level of complexity or risk unintended repercussions for families in the future cannot be rushed. I believe that bills that involve naming individuals need solicitor-general advice giving confidence that the drafted bill would survive a challenge, which we now have. I believe bills as serious as this need extended consultation with families, and I believe bills like this require community consultation, which in this case involves a very painful past and many people who have been deeply traumatised. This bill thoroughly satisfies those beliefs.

Under this bill people serving a life sentence for multiple murder, murdering a child or committing a sexual offence as well as a murder will become restricted prisoners. The Adult Parole Board of Victoria will be given the power to prevent restricted prisoners from applying for parole for between five and 10 years. In addition, if a person serving a life sentence is refused parole, the adult parole board will be required to set a no-return period for up to five years. This bill will also enable better information sharing about the decisions, which the families, as I have heard, said was sorely needed. Finally clause 7 of the bill will name Paul Charles Denyer in the Corrections Act 1986.

Let me be clear: that was the last time you will ever hear me utter his name in public, because he is not a celebrity, he is the criminal who took innocent lives in our community – people whose names we actually should always cherish and remember. This means he will never, ever be able to apply for parole, unless he is either dying or incapacitated to the extent that he cannot pose a risk to anyone in our community. Unlike previous attempts, this unique bill now has the confidence of the solicitor-general and the added assurance that on the small chance that the offender did successfully appeal to the High Court, the adult parole board would still have the power to prevent him, a restricted prisoner, from applying for parole for up to 10 years. As the Shadow Minister for Corrections said, this is something that is not done lightly. This type of restriction is only used for the absolutely most dangerous offenders in our state. He meets that description.

Now, as written by Nat’s best friend Karen Noone on behalf of the victims’ families and friends, it is a privilege to read her words to the house:

There is no atonement for Nat’s death. It’s a weight we are destined to carry for the rest of our lives.

The day we found out Nat was murdered, and every day thereafter has been coloured by the loss of her. And of a sudden – the future was gone. No more excitement at the beautiful burgeoning discovery of self, No more travel plans, no more birthday parties, no more driving lessons, no more university thoughts – career directions, no more favourite clothes in Ramshakle, a new Mascara, no more Nag Champa incense and silver rings. Her one precious life was snatched from us and the lives of everyone who loved her were then irrevocably changed in that moment.

That day – his act – took away her choice to be a mother or a wife, the chance to be an aunty, to continue being a big and little sister – her opportunity to live the life she was born to live. So many ‘what if’s’.

I remember the next day, when they arrested the person responsible for her death and that of Debbie and Elizabeth. I remember thinking that he was just some stupid lump that had taken her away in an instant for no apparent reason other than he ‘just wanted to kill’ Just snatched her as she walked home from school. Here and then gone. Alive and then not alive. No opportunity left to nurse her back to health, make her better – help her get on with her precious life.

The grief is astounding and still strong enough to take our breath away. It is a lifelong disbelief that this has happened, and she is gone. I speak for myself, but also for Nat’s Family.

Big parts of each of us were lost that day. The generations that have followed have been touched by this loss. Each relationship has had to be crafted around it, some with successes – but many have not been able to survive it.

Some don’t understand why we still grieve so hard – and to this I say, consider yourself fortunate that you don’t understand, and hope you never will.

Our aim has never changed. We had hoped to effect peaceful, collaborative statutory change. This is what is happening today. For us, to never have to imagine that he will walk the streets again – to never harm another woman or girl and for Justice to be served as intended is a gift.

We won’t have to see his face on the TV or in the Paper, we won’t need to think of him at all. Instead, we’ll remember the beautiful girls for themselves, and not their murders. It will be a significant salve to some of the grief, to know this.

I thank the family for providing me with those words.

Part of the Nat’s law legacy is that future families do not have to be retraumatised by repeat parole applications, and I know the Russell family want to ensure that others never have to endure what they have. When Nat’s law receives royal assent, I say to all journalists, authors and podcasters: this is your opportunity to ensure that we never forget the crime or the names of the victims. Never stop educating the community about that, but immediately stop promoting and repeating this offender’s name. You have all played a really important role, but do not increase his notoriety. Do not promote him. Do not martyr him. Do not let him feel like he needs to publish a bloody book. Give him what he deserves: absolutely nothing. Because what he fears the most is what is now out of his control and totally within our power, and that is to make sure he fades into obscurity.

To the families, I was never going to give up until this was done. As complex as this area has been to navigate, as hard as some of the justice and legal system is to learn and explain, regardless of politics, regardless of the mountains we needed to move, this was going to get done. I gave you my word. Thank you for putting your trust in me, sharing time with me and educating me.

Finally, Nat’s law is about victims and their families, and history shows us that true justice is when victims’ names are remembered and the offenders’ are not. So let us remember and celebrate the lives of Elizabeth Stevens, Debbie Fream and Natalie Russell. Nat’s law means that for the first time since the Frankston serial killer won an appeal to apply for parole, he is never, ever going to walk our streets again, as per the original sentence. Karen, while I know the grief is still strong enough to take your breath away, finally here is justice served as intended. Our community can finally stop holding its breath. The women and children of Frankston can feel a little safer walking the streets, and in some small way our community can heal. I commend this bill to the house.

Bridget VALLENCE (Evelyn) (10:57): I rise to make a contribution on the Corrections Amendment (Parole Reform) Bill 2023. I wish to begin by acknowledging and commemorating the lives of three young Victorian women: Elizabeth Stevens, aged 18, a VCE student studying at

Frankston TAFE; Deborah Fream, aged 22, who had recently given birth to a child; and Natalie Russell, aged 17, a student at John Paul College in Frankston. These three women became the tragic victims of Paul Charles Denyer, the person that this legislation will finally ensure is never allowed to roam our streets or harm or murder anyone else – any other woman – ever again. These three young women were brutally murdered by him in 1993, and I wish to pay tribute to these young women who had their whole lives ahead of them. These women were denied their future. They were denied their right to fulfil their hopes and dreams and reach their potential. A baby was denied his right to know and be nurtured and loved by his mum.

I also want to acknowledge Roszsa Toth. On the same night that Denyer murdered Deborah Fream, Roszsa Toth, then aged 41, was abducted by Denyer. And after being dragged to a local reserve, Roszsa bravely fought for her life, managed to escape and found refuge in a passing motorist. Roszsa would have almost certainly lost her life too if it had not been for her escape.

I also wish to acknowledge the families and friends of these four women. I can only imagine the loss, the pain and the suffering that they have had to endure for the last 30 years since these tragic events took place. The bravery and the courage of the families in championing these reforms we are discussing today and these proposed new laws are testament to the deep love and affection they have for these women. The passage of this legislation will forever honour the memories of these brave young women and will dramatically improve how serious violent offenders are dealt with in the future.

As a young teenager when these tragic events took place, I recall the shocking news reports — the devastation that was taking place on the streets of Frankston where two of my aunts, two of my uncles and my cousins lived. My cousins went to school there. While my four female cousins were a little younger, I was scared for them. As young females they were at risk just because they lived in Frankston. Knowing that someone out there was attacking innocent young women was terrifying for all young women at the time.

There was a tremendous sense of relief when Denyer was finally apprehended. The sentencing decision of Justice Frank Vincent bears witness to Denyer's horrific crimes: three murders and one kidnapping of four women were committed in just a six-week period. The murderous attacks were committed with almost unbelievable savagery. There were elements of preparation, planning and subsequent concealment. In Justice Vincent's words, the way in which Denyer hunted down his victims was 'almost beyond comprehension'. In summing up the fear and devastation Denyer had caused, not just to the families of the victims but to the community as a whole, Justice Vincent said:

The apprehension that you have occasioned to many thousands of women in our community will be felt for a very long time. For many, you are the fear that quickens their steps as they walk alone or that causes a parent to look anxiously at a clock when a child is late.

Justice Vincent sentenced Denyer to three separate sentences of life imprisonment and eight years of imprisonment for the kidnapping of Ms Toth without a period of parole. This meant at that time that Denyer would remain in prison for life. In perhaps considerable foresight of what was to come, Justice Vincent said, in refusing to impose a non-parole period:

... I cannot abrogate my responsibility to some distant Parole Board ... Perhaps there will come a day when you will be able to walk among the ordinary people of our community. Whether you will ever do so must await the passage of years and the decision of the Executive Government of the time.

Justice Vincent's sentence was later overturned by a majority 2–1 decision of the Court of Appeal, which found it was an error not to provide a non-parole period. The Court of Appeal made orders that allowed Denyer to become eligible for parole after serving 30 years in prison. But as Justice Vincent foreshadowed some 30 years ago, it now falls upon us, the government, this Parliament to determine if he should never be allowed to be set free.

In response to the pleas made by the families of the victims and the general public following Denyer becoming eligible to apply for parole earlier this year, we in the Victorian Liberals and Nationals introduced a private members bill to prevent the parole board ever making a parole order in relation

to Denyer back on 17 May 2023, this year. Our private members bill was in exactly the same terms as the ones introduced previously with respect to Julian Knight by the Napthine government and Craig Minogue by the Andrews government. Yet this Labor government voted against this bill. In my opinion, it was shameful.

In response to repeated questions in this place as to why the government refused to support a bill to keep Denyer in jail, the then Premier said our private members bill was likely to result in High Court challenges and adverse judgements declaring the proposed legislation invalid. The then Premier also said it was the government's intention to develop changes, but stated categorically:

They will not relate to any one person ...

Now, six months later, we have a bill by the government that does the very thing it said it would not do. The part of the bill that relates specifically to Denyer being prevented from accessing parole is word for word identical to the very private members bill that the Liberals and Nationals and my friend the member for Berwick introduced just six months ago.

When the Labor government was asked to explain its backflip, various answers were given, and the first was that the solicitor-general had provided new advice that the provisions would be valid. Yet if you read the notes on clause 7 in the explanatory memorandum to the bill they state that new section 74AC is modelled around sections 74AA and 74AB of the current Corrections Act 1986 relating to Knight and Minogue. It then states that section 74AA was upheld by the High Court as constitutionally valid in *Knight v. Victoria* in 2017. In fact the Knight bill, introduced by the Napthine government, was upheld unanimously by all seven High Court justices. That was six years ago. Nothing has changed. In fact a similar provision was also unanimously upheld by the High Court again in the Minogue decision in 2019.

How could the solicitor-general's advice have changed on this issue when these provisions had been upheld by the High Court since 2017? Disappointingly, the government has refused to release the solicitor-general's advice despite significant public interest in doing so, preventing us from properly understanding the government's change in its position from six months ago – and I seriously question if it exists.

When we asked the government in the bill briefing about this very issue we were told it was because the victims' families wanted Denyer to be specifically named in the bill, and this should not have been any surprise for the government. That is precisely why the Liberals and Nationals introduced a private members bill earlier this year, because it is what the families had advocated for and what Mr Limbrick in the other place, who lost a loved one at the hands of Denyer, supported. The members for Berwick and Mornington have met with the families, and we know this. Contrary to the government's assertion, there was no reason to delay. The government's delay has caused a further six months of pain and anguish. The government could have supported our bill six months ago and introduced further parole reforms at a later time. The further reforms have nothing to do with Denyer. However, I am relieved the government has finally reversed its misguided position.

As Justice Vincent said 30 years ago, Denyer is not one of us. This law will ensure he is never allowed to terrorise or harm any young woman ever again. It will ensure the families of Elizabeth, Deborah and Natalie and the Frankston community can rest assured Denyer has been locked up for good, as he should be, and can never get out and commit such heinous crimes again. He does not deserve the freedom and privileges that our state and our country provide. This too in my view is a significant measure for women and women's safety. By passing this bill we ensure the lives and legacies of Natalie Russell, Elizabeth Stevens and Deborah Fream are never forgotten, and I commend the bill to the Parliament.

Emma VULIN (Pakenham) (11:07): I rise today to speak on the Corrections Amendment (Parole Reform) Bill 2023. This particular bill is one that is very close to my heart. I grew up in Frankston, and in fact I grew up during the 1980s and 90s on Skye Road, a place which is of significance as I

speak today. This is also the most significant and emotional bill I have spoken on thus far in this house. Firstly, I want to thank the Attorney-General and her team, Mr Limbrick from the other place and the member for Frankston for all the heart and soul they have put into this legislation, but more importantly I want to acknowledge the courage and strength shown by the families and friends of the victims. Some of them are with us here today. But this bill is not just for them. It is for many who felt the pain and who still feel the pain from that time from the actions of a man that I do not often like to name but for the purpose of this bill today I will, but just once – Paul Charles Denyer. This was a man who caused so much hurt, a man who is the lowest form of human being, a man who got satisfaction from such violent acts and inhumane actions that he inflicted on others.

This is a bill that I hope has unanimous support from every member in this Parliament, because that is when we see this place at its best. It is not political – input from families and communities through consultation has made this a very special bill. It was not a bill that could be rushed. It is imperative that it would stand up if appealed in the High Court. It was important to make sure we had the advice from the solicitor-general on this matter.

When I think of that time in 1993, it is hard to forget; in fact it is a time that I will never forget, and I believe that this is the case for so many. At the age of 13 I was in year 8. I had an older sister who was in year 11 at the time, and we went to the local state high school, Karingal High. Each night my parents would watch the news and listen to the radio in the hope that they would be able to confirm they had caught the person who had broken into someone's home and killed a cat and two innocent kittens in the most sick and grotesque way. That was the home of Donna Vanes.

In June there were reports of the murder of an 18-year-old girl in Langwarrin, and the details were brutal. She had caught a bus home after being at TAFE and never made it back. Elizabeth Stevens was found dead only 250 metres from her home. Journalist and author Paul Kennedy wrote in his memoir *Funkytown* about living in Seaford and Frankston in 1993. He noted that Elizabeth had only moved from Tasmania six months prior to her death. Kennedy quoted a newspaper report on what the celebrant said about Elizabeth at her funeral:

She loved children, she was young at heart, she had a wonderful sense of humour, often dry witted. No one can harm her now. She is safe and in peace.

My parents were frantic. They moved my sister and me into the same room, and from that night we shared a bed. Mum and Dad then bought my sister and me a new dog, and we named him Oscar. Our blue heeler was the first animal ever allowed to sleep in our bedrooms, and Oscar slept on the end of our beds as our guard dog. I was forced to understand violent crime at age 13, well before I should have. The fear would continue into my childhood and in my childhood community for many, many years. This experience altered my life perspective forever. It was a loss of innocence.

In July 1993 there was another report – that a 41-year-old, Roszsa Toth, had been attacked near the toilet block at Seaford as she walked home from Seaford train station to her home. Roszsa was one of the lucky ones who broke free. On the same night Deborah Fream was not lucky. She was living at nearby Kananook and was abducted from her car in the early evening. She was a new, loving mum. She had a 12-day-old baby boy, Jake, at home. Deborah had popped out quickly to get milk and eggs. She was just 22 years of age. Devastatingly, four days later her body was found in Carrum Downs. Again, she had been through the most unimaginable struggle in a brutal attack. As you can imagine, the local community was living in terror. We lived in fear each and every day.

Later that month we learned that 17-year-old Natalie Russell had been murdered on her way home from school on the track from Skye Road, the very same road that I lived on. Nat put up a fight, and her courage led to DNA being left behind from her killer. This resulted in the ability to arrest that man for his horrific crimes. In her darkest hour she changed the world. She protected others from a similar fate – what an incredible young lady. I have some comfort that the track was renamed Nat's Track in her memory. Natalie played netball. She had hoped to become a journalist one day, and she liked the Cure. Her family must always think about what life would have been like for her, for their daughter,

who would only be three years older than me. Would she have children or a family of her own? That is something the family will never get to know. My heart breaks for them and the families of the other women that I have spoken about. These women were taken too soon in the most God-awful way.

I have not spoken much about what this bill is about, but before I do I also want to thank the police and emergency services workers that worked on this case both during that time in 1993 and for the years thereafter. Their hard and difficult work must have taken a personal toll on them and their families. The crimes committed were unthinkable, and we thank you.

This bill is about making amendments to the Corrections Act 1986, ensuring that that man will see the rest of his life behind bars. The only way for him to seek parole is to be terminally ill or incapacitated, like the two other worst offending criminals named in our legislation. Alongside that part of the bill, the Adult Parole Board of Victoria will be given the power to declare a no-return period for people given life sentences, preventing them from making another application for up to five years. The parole board will also be given the power to declare some offenders restricted prisoners under a new restricted prisoner declaration scheme, meaning they cannot seek release for between five and 10 years after their non-parole period has ended unless they become terminally ill or incapacitated and no longer pose a risk to the community. Prisoners falling under the scheme will have committed offences such as committing multiple murders, murdering children or committing a sexual offence during a murder, changes that I am glad to see.

These amendments will also allow the Secretary of the Department of Justice and Community Safety to share information about a no-return period and restricted prisoner declaration with registered victims and, if it is in the public interest, the adult parole board to share this information with other members of the public. What this means for registered victims is that they will be informed if a prisoner is denied parole and have a level of certainty on when they will next be reconsidered for parole. This will reduce the lingering distress for victims, the constant wondering if and when a person who has hurt them or their family might be returning to the community.

The bill also empowers the board to consider the impact on victims if the prisoner were released on parole. Parole is a privilege that must be earned; it is not a right. Parole is intended to promote community safety by providing people in prison with structured support and supervised transition back into the community. The safety and protection of the community will always be the most important fact for the adult parole board to consider.

I received emails from people living in my electorate of Pakenham earlier this year when the Frankston serial killer was due to apply for parole. The anxiety and fear felt by members even in my community, 50 kilometres away, was real. I can only imagine what it felt like for the families affected by these terrible crimes. The thought that this man might potentially be let out of prison – we all sighed a sigh of relief when the application for parole was denied.

This bill will give some comfort to the Russell, Fream and Stevens families. It will ensure that they do not need to publicly relive that time over and over again and have the fear that this man will one day be freed. I know not a day goes by that these families are not suffering. We cannot take that away, but we can ease the tiniest bit of pain with the knowledge that this man will never, ever be released while he is able to reoffend, ever. I commend this bill to the house.

Chris CREWTER (Mornington) (11:16): I rise to speak today on the Corrections Amendment (Parole Reform) Bill 2023 before us. To know that unremorseful serial killer Paul Denyer will never be released to be a danger again to anyone in society is relieving news, particularly for many of the victims' families and friends. Many victims' families are with us here in the chamber and in Parliament today, many whom I have met and liaised with since the time I became the then federal MP covering Frankston in 2016. In particular I clearly remember joining with victims' families and so many community members at Nat's Track in Frankston for the 25th anniversary commemoration for the victims of his crimes five years ago in mid-2018, speaking at the event and walking along that track

with them, remembering victims Elizabeth Stevens, Debbie Fream and Natalie Russell and acknowledging also Roszsa Toth, who was abducted, and what she went through. I cannot imagine being in their shoes, particularly in having an eight-year-old daughter myself. To lose someone or people that you love; to have their futures taken away from them, the chance for life, a future career, to be married, to have kids, to have grandkids; for a kid to no longer have their mother and to grow up with them, to not see them again or spend time with them – it is unimaginable.

In the middle of this year, I attended the 30th anniversary at Nat's Track, joining with victims' families, advocates and so many community members. It was touching to see the Frankston and wider community gather together in solidarity. What the community went through as well was terrible. One of my team members has shared with me her stories about living locally at the time, growing up as a teenager in Frankston. I quote:

The Frankston and surrounding communities were on high alert. Young women had lost their confidence to go out. Each time it rained and there was a storm they lived in fear, as this is when Denyer preyed on his victims, hoping the rain would wash away any evidence. For a long seven weeks there was a sense of dread every morning turning on the news or the radio to hear if there had been any more victims or if the murderer had been caught. With each murder the community was in shock, stunned.

My staff member's friends, young mums at the time, when going for a walk with their baby in a pram would keep a hammer or a spanner to use for self-defence, as they were horrified that young women and a young mother with a newborn baby at home had been slaughtered. Doors, windows and locks were triple-checked. Getting back into cars at the shopping centre, back doors were opened and checked before driving home in case the murderer was hiding in the back seat. To this day it is a habit for this staff member and many of her friends and family to lean back and check the back of their cars before driving off.

On 20 December 1993 Denyer was sentenced to three terms of life imprisonment plus eight years with no fixed parole period. However, after lodging an appeal Denyer was granted a non-parole period of 30 years. Denyer became eligible for parole after three decades and made a bid for freedom, dragging again his victims' families and friends through a harrowing period of uncertainty and fear at the prospect of his release.

On 10 May 2023 Denyer's relatives were fortunately informed that the Adult Parole Board of Victoria had rejected Denyer's application, a relief for everyone, particularly victims' families. I join with the families and friends of victims and the wider community in expressing my relief at this decision to keep Denyer behind bars. Psychologists who examined Denyer diagnosed him as a sadistic narcissist who was unlikely to change, noting Denyer's intense gratification at the torment, distress and suffering of his victims. Denyer has never expressed any remorse or sorrow for his reign of terror in Frankston, citing his uncontrollable urge to kill and deep hatred of girls and women as his prime motive. While undoubtedly the decision provided temporary relief to Denyer's victims' friends and family, as well as the Victorian community, Denyer could still apply for parole in the future, subjecting all those affected by his evil to further trauma. As reported on the *ABC News* on 10 May 2023, Brian Russell and his wife Carmel, the parents of Denyer's final victim, 17-year-old Natalie Russell, expressed relief at Denyer's parole rejection but called for changes to parole laws specific to Denyer, expressing their desire for a situation where:

The key would just be thrown away and no more applications for parole ...

Similarly, David Limbrick, who is here today in the chamber with us and who is the former boyfriend of Natalie Russell, also called for legislative change which would ensure that Denyer remains behind bars, noting on 10 April 2023 that:

The very idea the Paul Denyer should be eligible for parole is an insult to every woman in Victoria.

It is crucial that Denyer is never released, so in Parliament I too have called numerous times for the government to ensure this occurred. While I am relieved for the victims with the bill today, in my view, knowing the 30th anniversary was coming, when Denyer was eligible to apply for parole, the

convicted serial and unremorseful killer Denyer should never have been afforded the possibility of parole in the first place, which has further traumatised victims' families and friends and the community. When there was an opportunity the bill the coalition put forward almost six months ago today should have been supported.

In April this year I put forward a policy proposal as the Shadow Parliamentary Secretary for Justice and Corrections, having been the Frankston and surrounding areas' MP, within the coalition supporting that that legislation be put through Parliament to guarantee that Frankston serial killer Paul Denyer could no longer apply for parole and to keep him behind bars for life, similar to previous legislation passed for murderers Craig Minogue and Julian Knight. After shadow ministerial and shadow cabinet approval by the member for Berwick and the member for Malvern – and I acknowledge the efforts by the member for Berwick here today, which have been significant over the last few months on this issue – this resulted in the Victorian Liberals and Nationals then putting forward the private members bill on 17 May, nearly six months ago, strongly supported by Nat's former boyfriend David Limbrick, again, who I mentioned is here today, and victims' family and friends to ensure that Paul Denyer could not make any further applications for release. This bill was to insert provisions in the Corrections Act 1986 mirroring the current provisions that exist for Craig Minogue and Julian Knight preventing them from ever making further applications for release. This bill, though, was sadly opposed by the Victorian Labor government, the Greens and others at the time and so did not get through the Legislative Council.

However, this bill, combined with strong advocacy from families of the victims and others, put significant pressure on the government to act, and finally the government have belatedly introduced the legislation we are debating today, which will result in keeping Frankton serial killer Paul Denyer in prison for life. But instead of putting the victims' families through many more months of stress and heartbreak, the Labor government should have supported our private members bill at the time. Yet I am still proud to work together, in particular with the member for Frankston – and I note his words before, which I 100 per cent agree with – to keep Denyer behind bars to guarantee that he cannot traumatise victims' friends or family anymore and cannot terrorise our community ever again.

My deepest sympathies go out to all the family members of the victims who are here with us today. I note that this bill will insert a new section in the principal act to prevent any parole applications from Paul Denyer unless he is in imminent danger of dying or is seriously incapacitated and has demonstrated that he does not pose a risk to the community. It also adds some further things, though, that go beyond Denyer to allow that the board may declare that a restricted prisoner is not eligible for parole for between five and 10 years. It also inserts a new section into the principal act to require the board by instrument to order that, following an application where parole is denied, a prisoner serving a life sentence with a non-parole duration is not eligible for parole for the period specified in that order.

I and my colleagues support this bill for the sake of the protection of the public and the wellbeing of the families, friends and all those in the wider community affected by Paul Denyer. We must always protect the safety of our community and respect victims' loved ones. I would also like to finally comment on the jailhouse letter that Paul Denyer sent to David Limbrick as a friend of Natalie, who was tragically murdered. I would hope that further action can be taken in this place such that any of the victims' family members, including members of Parliament, should not be able to be contacted by murderers in the future. I hope that we can take further action on that as well. I once again acknowledge all of the victims' families and friends who are here with us in the chamber today.

Colin BROOKS (Bundoora – Minister for Development Victoria, Minister for Precincts, Minister for Creative Industries) (11:26): Before I start my substantive contribution I just want to very briefly mention the house amendment that I moved earlier in this debate, just for the clarity of the members participating in this debate. It is a minor amendment to rectify a drafting error in the bill. Clause 7 of the bill provides details of Paul Denyer and a description of the sentence he received. This clause is intended to make clear that the provision applies only to the prisoner Paul Denyer. A drafting error in the bill describes Denyer as the prisoner sentenced to three consecutive life sentences in the Victorian

Supreme Court on 20 December 1993. The three life sentences were in fact imposed to be served concurrently, and the house amendment rectifies that drafting error. It reinforces the intended operation of the bill.

In approaching deliberations on this bill over the last couple of weeks I must admit to wanting to approach this with a sense of anger and still a sense of shock at the events of some 30 years ago, as I think many people in Melbourne or Victoria still feel so angry and so shocked by the egregious evil that was perpetrated. But as I have reflected on the bill and the deliberations that we are making and the strength of the families in particular, I have realised that today this bill is all about the three victims – the fourth if you include Roszsa Toth – and their families and the strength that they have shown. It is about the families of Elizabeth Stevens, Debbie Fream and Natalie Russell and the importance of us carefully stepping through the best way to make sure that the prisoner that is named in this bill sees the rest of his time behind bars and also the provisions in the bill that go further than that one named individual.

This bill also establishes the restricted prisoner declaration scheme, which empowers the Adult Parole Board of Victoria to declare that a person serving a life sentence for, I suppose, the worst of the worst crimes is not eligible for parole for a period of five to 10 years if it is in the public interest to do so. That section of the bill sets out the classification of those sorts of crimes that would apply to. It formalises the parole board's ability to prevent people serving a life sentence from receiving parole for a period of up to five years, a no-return requirement, and it also ensures that registered victims and other parties – as appropriate, families – can receive information about no-return declaration periods that are set by the parole board.

I will come to the specific prisoner mentioned in a moment, but I think the house needs to acknowledge that the strength of the families and friends of these victims has led to a vast improvement in the operation of the system for other victims in the future. So I acknowledge that their strength has contributed to that improvement, and the house should acknowledge gratefully the pain that they obviously suffer but that they have been able to, through that, improve the system overall for other people that come forward in the future.

This is very serious bill, as the lead speaker from the opposition and the government benches have made clear. It is not lightly that we consider naming someone in the Corrections Act 1986 and effectively throwing away the key. As I have said before, my instinctive reaction here was that we should do exactly that, but we do need to consider carefully the legal ramifications of these things. I think it is important for this house to put the arguments against some of the arguments that have been put against this legislation in the public domain and make it very clear to people why we see this legislation as being important, right and just.

I want to thank Greg Barns, who wrote a very informed article in the *Age* on 2 November. Despite the fact that I disagree with his proposition, I think it is useful for people of Mr Barns's considerable knowledge to put forward the arguments that they do, so that we are able to consider these things in a careful way. His article very neatly encapsulated a series of arguments about the separation of powers and the reason that we do not often tread into the territory of interfering with the work of the courts. I quote selectively from that article by Mr Barns. He said:

But for an executive government to identify particular individuals as having committed such heinous crimes that legislation must be passed so that they may override the courts that sentenced them is an exercise in dangerous overreach.

The English former judge Tom Bingham, who wrote extensively on the rule of law, argued that for the rule of law to truly work, and for the public to have complete faith and trust in the system, a complete functional separation of the judiciary from the executive is required.

At the end of his article he wrote:

... the rule of law should be sacrosanct in a democracy. Courts should not have their discretion to accord justice undermined, irrespective of the crimes committed or the criminal responsible for them.

As I said, I respect Mr Barns and appreciate the very strong arguments he has put forward, but he is right in the sense – or the English former judge Tom Bingham is right in effect – that for the system to work, the public have to have complete faith and trust in the system. I think the public overwhelmingly would see the prisoner named in this bill potentially being released as undermining their faith and trust in the system, and in fact this Parliament has come to that position with this bill, a position that restores a level of faith and trust in the system overall. I think it is an important mechanism that the Parliament has where the most evil, most egregious examples of criminal behaviour can be dealt with by the Parliament at this stage.

I found it useful to go back and read the sentencing of the named prisoner by the Honourable Justice Frank Vincent. I acknowledge that that original sentencing decision was altered by the Court of Appeal further on, but I do think it is important to reflect on the views of the sentencing judge, if you like, who initially sat through that trial. In doing so I note that Justice Vincent did not set a non-parole period, effectively meaning no parole, for the named prisoner. He said at the end of his sentencing:

The only question which remains for consideration is whether a period of imprisonment should be fixed after which you would become eligible for parole. Your counsel when presenting submissions on this aspect emphasized your youth and a dreadful prospect which you would face if this were not done. He pointed to the views expressed by the High court in *R. v. Bugmy* (1990) –

references –

... as to the care which a sentencing judge must take in predicting an offender's prospects for rehabilitation. He submitted, quite correctly, that we cannot know whether in 25, 30, or at some time beyond 30 years, the fires of your aberrant desires may have been long quenched or whether our understanding of such matters may have progressed to the extent that some solution to the problem which you pose may have been found.

Unfortunately, I must sentence you now and I cannot abrogate my responsibility to some distant Parole Board. Recognizing the importance of rehabilitation as a sentencing consideration, there are very occasionally situations in which that factor must be subordinated within the confines of a proportionate sentence to the need to protect the public against the truly dangerous. The evidence before this court is tragically clear on that aspect. You do constitute such a danger, and at our present state of knowledge, apart from separating you from society, there is nothing that can be done about it. Any non-parole period which I fix would have to be very long in any event and calculated without reference to the potential risk which you could then pose. Perhaps there will come a day when you will be able to walk among the ordinary people of our community. Whether you will ever do so must await the passage of years and the decision of the Executive Government of the time.

The passage of years has now occurred. The executive government – this Parliament – is making that decision that needs to be made, and I commend this bill to the house.

Emma KEALY (Lowan) (11:35): I rise today to speak on the Corrections Amendment (Parole Reform) Bill 2023. I would like to commend at the outset the member for Berwick on his hard work towards ensuring that Paul Denyer will be named and ensuring that he never, ever leaves prison. I would also like to commend the member for Frankston for his work and his advocacy within caucus and within his community in standing up for the families of the victims, who have suffered terrible, terrible tragedies as a result of Paul Denyer's heinous actions.

In listening to the contributions today I think that it is one of those moments where we have an amazing opportunity in this Parliament to stand for what is right. It is sometimes a very difficult discussion, but it is important that we do things like this and enshrine in legislation things that will make an enormous difference to the safety of Victorians going forward but most importantly will take an enormous amount of pressure off and be an enormous relief to the families of the loved ones who were murdered by Paul Denyer. I do note their presence in the chamber today. I commend them for their advocacy. I commend them for being a strong voice for their friends and their family members who have no longer got that voice and for being so tenacious over so many years. It really is a credit to each and every one of you. I would also like to reference Mr Limbrick from the other place, who is also in the chamber. You have been an amazing advocate in this space. We can do great things when we are

parliamentarians, and I really do commend the work of those individuals, who have done an enormous amount of work.

I am very humbled that I have met some of the family members of Debbie Fream who live in my electorate of Lowan. I have not met all of them, but I also know a lot of people in the community who have been following this very, very closely and are deeply embedded in ensuring that there is a fairness in the process going forward for Denyer and to protect the family members from further harm going forward. Early this year I met with a family member, and it just struck me how the impacts of this level of crime can last not just for a moment in time and how the trauma is not just for the individuals who suffered at the hands of Denyer himself but how they can have an enormously traumatic impact on how others in the community live their lives and how they can be so heavily impacted by the actions of one. I have heard that people were often told to make sure you check the back seat of your car when you go in, and there are still people in the community now who, before they get into a vehicle, if they are getting into a vehicle at night-time, will shine their torch from their phone in the back seat of the car to make sure nobody is hiding in there. For people to be terrorised to get in their car at the footy or any time after hours and for that still to be lingering on and to have that scar on their lives for such a long period of time and between generations just shows the terrible impact that it can have on the community when there is someone who goes to such horrific lengths to get their own satisfaction with no care at all or no regard for what that might mean for others.

We know that Denyer was, thankfully, one of the rare humans on this earth who would go to the lengths of actually hunting down women for his own sexual gratification, for his own gratification of humiliating women, of murdering women, and do it time and time and time again. I think we can take a lot of solace that today's legislation is a step closer to putting Denyer behind bars for the remainder of his years, to ensuring that no longer do we have to worry about parole when it comes up. No longer do the families have to tell their stories again, and perhaps there is that sense of freedom mentally for the families of the victims.

I note the member for Berwick's comments about his generous support of and friendship that has developed with Jake, or 'baby Jake', as he is still referred to in the Casterton community. He had perhaps the most difficult start to life. We all like to think as parents that we do our very, very best to raise a child safely in the world in order that they know that they are cared for and that they are loved, and Paul Denyer stole that from Jake. I really do hope that for Jake this provides some closure, that he knows that his mother's murderer will never, ever see the light of day again. I hope that it helps to give him confidence that his life can be a success. I hope that it gives him hope in his own life that he should every day be working to make his mum proud, make his family proud and make his community proud, because he has so much support in the Casterton community. It is amazing to hear people speak about baby Jake – and Jake, if you are watching on, I know that you have got a lot of supporters out there. We all believe in you. Work really hard in your life. You are a great young man and you will do good things, and you do not have to worry about that bloke ever again. You will never have to worry about that bloke ever again.

It is somewhat difficult today, I think, for some of us in that this has been a traumatic process to go through. Not only have the family had to speak during the parole process and give their evidence and experiences and express their trauma yet again and open up old wounds, but we also have had that to go through trying to get legislation passed that will actually name Paul Denyer in the way that other criminals have been named in legislation in the past to ensure that they are ineligible for parole and they never get out of jail and that the community is safe. I wish that this exact same legislation had been supported four months ago. I am pleased that it has been at least taken through today. It is the last time that we have to have this discussion and debate. It is the last time we have to open up these old wounds for family, for friends, for all of the loved ones, for other people in the community who have been impacted by this.

This is it. In two weeks this will have passage through the upper house – I am quite certain of that. We can close the door on this, and no longer will we have to make the focus talking about Paul Denyer.

We can get back to talking about what wonderful women Natalie Russell, Debbie Fream and Elizabeth Stevens were and the other victims of Denyer. It should always be about celebrating the victims' lives. They never, ever did anything to deserve what happened to them. They did not do anything wrong. They were just in the wrong place at the wrong time.

In Victoria we need to ensure that any person is safe but particularly when it comes to young women, and in these circumstances very young women who had their entire lives ahead of them – you know, Debbie with a 12-week-old baby and all of what lies ahead of that. She should have been focusing on whether Jake was going to start sleeping through the night soon. She should have been able to focus on all those positive, joyous things that being a new mother is. That was stolen from her and stolen from Jake and stolen from her family. I am sure, though, that that time for Debbie – her pregnancy and sharing every kick of Jake in her stomach through that period, bringing little Jake into the world, the first cuddles, those newborn baby smells, those first 12 weeks of working out how you feed your baby, whether they are burping right, whether they are sleeping, 'What am I doing right, what am I doing wrong,' the cuddles – was 12 weeks of amazingness that she got to share with baby Jake, and nobody, not even Paul Denyer, can take that away from that family. I commend the bill to the house.

Mathew HILAKARI (Point Cook) (11:45): I too rise to speak on the Corrections Amendment (Parole Reform) Bill 2023. I think the member for Pakenham said it exactly right: there is not a day without suffering for the victims and families. The purpose of this bill is to give the Adult Parole Board of Victoria the tools to provide greater certainty to the victims of serious crimes. The bill will also prevent a serial killer from Frankston from being released from prison. There will be extremely limited circumstances where he may be: where he is terminally ill, incapacitated and the adult parole board is satisfied that he is no longer able to cause harm to any person. The purpose of this bill is important. It places a stronger emphasis within the justice system on the victims of crime and the families of the victims of crime. It moves the dial to prioritise those persons – victims and their families – and away from those who are convicted of those crimes.

I want to start by acknowledging the work of the Attorney-General in the other place, her staff and the department, who have been instrumental in drafting this bill and bringing it to this Parliament. I want to pay tribute of course to the member for Frankston for his representations and his efforts, because the member for Frankston has worked over many years to support his community and see a bill like this before this Parliament. He is a local member who has continued to reach out to his constituents – to engage them, to understand, to learn – to make changes to the laws of this state to support them. I also want to acknowledge Mr Limbrick from the other place for his efforts in this regard and his hurt and his suffering as well.

The member for Frankston in his speech acknowledged the terrible crimes that have led to the development of this bill and the importance of taking the time to get this bill right, the importance of taking the time to consult with the families who will be affected by this bill and the importance of taking the time to consult with the community, because justice bills can have a lasting beneficial consequence and sometimes, when rushed, long tails of devastating consequences – unintended consequences, but devastating nonetheless. That requires new pieces of legislation to amend and fix those consequences, which are more likely to be challenged in courts, which prolong suffering when they are rushed or poorly considered. So in taking the time to get this right I commend the Attorney-General in the other place.

The member for Frankston articulated the effect on the families of those murdered in the Frankston area – Elizabeth Stevens, Debbie Fream and Natalie Russell – and the abduction of Roszsa Toth, and I thank the member for Frankston for reading into *Hansard* the families' words. I thank him for that. I cannot in any way understand the grief suffered by the families and friends of each of these victims, but I hope that this bill provides them with some comfort that there are many people who care and want to do better and there are many people of goodwill who agree that their suffering prompted by parole attempts should not be the suffering that others have to go through, grieving the loss again in another way.

As the member for Frankston has articulated, the bill will amend the Corrections Act 1986 to prevent a serial killer from Frankston from being released on parole unless he is in imminent danger of death or seriously incapacitated and as a result lacks the capacity to harm anyone. For some, sadly, reform is simply not possible. This bill introduces a restricted prisoner declaration scheme which gives the adult parole board a new power to declare that certain serious offenders are unable to receive parole for up to 10 years if it is in the public interest to do so.

Clause 9 of the bill would introduce a new category of restricted prisoners. These are people who have been sentenced for life for multiple offences of murder, murder of a child or murder along with serious sexual offences to the same victim. It is important to give the parole board increased powers to consider parole ineligibility and the public interest – a key component of the adult parole board's role. Restricted prisoners are those people who have been convicted of the most serious of all crimes. The adult parole board will be required to consider at least 12 months before a restricted prisoner is eligible for parole whether they should be prevented from applying for parole. Because parole is a function of seeing a person serve the remainder of their imprisonment term in the community, often subject to conditions, parole is a privilege – it is not a right. It is a reflection that there is some hope to see a person who has been prosecuted for a crime be able to return to the community to create a new life, a life that contributes to the fabric of our state. So many people who come out of imprisonment can and have made that change. They make that contribution, and the state has a strong role to play in this process.

As a state we also have more to do in this space. Parole is at the discretion of the parole board, who are charged by the community to provide parole. Our existing legislation means all offenders, but particularly serious offenders, must show the adult parole board that they are no longer a risk to the community and that the safety of the community is prioritised and not put at risk should they be released. These new powers allow the adult parole board discretion and the power to declare that a serious offender of certain offences will be unable to receive parole if it is in the public interest. That is right: the adult parole board is receiving these powers to protect those members of our community who have been victims of crime or are the family of victims of crime, to put a greater emphasis on them rather than the offender and to have a greater emphasis on their rights to justice.

Further, the bill implements a no-return requirement which will require the adult parole board to set a no-return period of up to five years after refusing parole to a person serving a life sentence. This puts the emphasis on a person serving a life sentence to consider the likelihood that they have undertaken the work to receive parole – to receive that privilege – and that they have put in the time and the effort to reform themselves to be able to demonstrate their change, demonstrate that they are committed to being a person who will make positive change for our community and demonstrate that they are committed to being a person who will make a positive change in the life of our state.

Additionally, this bill allows information about a no-return period or a restricted prisoner declaration to be shared with victims and other parties. Of course this is appropriate. It is appropriate to put people's minds at ease and to put community minds at rest. It again emphasises their welfare. It puts a greater priority on them in our processes of justice, and this is part of a greater movement in the justice system to see victims put closer to the centre of the system and to see their families put at the centre of the system. It has not always been the case. The system has not always given a voice to families, a voice to victims, so I am glad that this bill reflects this in a greater way. It moves the system just that little bit across; it shifts that dial.

I will just reflect for a few moments on the area itself. I called Seaford home for a long time. Kananook was the station that I used every day. It is a wonderful community; it is a terrific place. We see the members who represent that area, the member for Frankston and the member for Carrum, here today. I reflected often, walking home from Kananook station, on the events that occurred, and I am deeply sorry for your loss. I commend this bill to the house.

Sam HIBBINS (Pahran) (11:55): I rise to speak on the Corrections Amendment (Parole Reform) Bill 2023, and in doing so can I just start off by recognising the victims and their families, some of

whom are in the gallery today – Elizabeth Stevens, Debbie Fream and Natalie Russell. I also acknowledge the strength that the families have shown for many years.

I speak on behalf of the Greens but also as someone who grew up on the Mornington Peninsula and in Frankston as well – I spent over half my life there. I still remember the day Denyer was arrested. I must have been in grade 5 or 6 at the time, but I still remember seeing it on the news with crystal clarity. He terrorised our community. He took the lives of young women. In addition to that, he admitted to stalking women for years prior. Of course he abducted Roszsa Toth as well. He would cruise the streets, looking for women to kill. At the time, my mum was a teacher at a local high school. On one rainy day, with another teacher, they took some students out for a run, a group of girls, down at Langwarrin Flora and Fauna Reserve. One of the teachers saw a car in the car park with someone in it, alerted police and they later contacted him and confirmed that yes, it was his car. On that rainy day he later killed Nat Russell, who was walking home from school. It is chilling, awful, awful stuff. He preyed on women. Women no longer felt safe and were afraid to go out alone. The crimes he committed left deep wounds – deep wounds in our community and our collective psyche.

The families of his victims have been through unimaginable grief, unimaginable pain and suffering, and the original sentence of course handed down was a life sentence without parole, but that was overturned on appeal to a 30-year non-parole period. Whilst it can be said with a fair degree of confidence that even without this bill the likelihood of parole being granted was extremely low or next to zero – quite appropriate given the nature of these crimes – it is totally understandable just how difficult the experiences of the families were through the parole process, and the uncertainty and the retraumatisation that comes not just in the lead-up to the initial decision but also around subsequent decisions. This bill is more comprehensive than what was previously brought before Parliament. There is updated legal advice from the solicitor-general that suggests it would hold up if tested in court. In addition to changes specifically for Denyer, it also gives the Adult Parole Board of Victoria powers over a person who is deemed a restricted prisoner, resulting in far less ability for them to apply for parole.

There are also changes to transparency. As my colleague Kat Copsey in the other place has raised, there is certainly merit to arguments that the parole board has acted as a bit of a black box in the past, with little information available and with the release of information – what it can and cannot release – being covered by very strict legislation. There was certainly scope to see how changes in the public interest could be made so more information could be provided to people on the victims register. This bill does include some changes in terms of information and transparency. It will empower the adult parole board to disclose details of a no-return period or a restricted declaration to the public, including the media, if it is in the public interest to do so to keep the public informed and to dispel any misinformation that might arise. Previously the Greens have allowed to pass, with reservations, similar legislation for Julian Knight and Craig Minogue, and we do feel that it is important that when Parliament passes legislation like this, we do flag concerns, and that importantly Parliament does respect the separation of powers between Parliament and the judiciary. That is a core tenet of the rule of law – that decisions on parole should be made by bodies independent of Parliament and should remain in the hands of impartial independent bodies. While this bill obviously deals with a very small cohort of prisoners, we do hope and we do warn against further wholesale changes to parole.

Again I just make the point, and not in relation to Denyer, who we all agree is a risk to the community and a risk to women, that it can be in the interests of community safety that a prisoner serves parole with all the conditions and controls that come with that before their sentence is up, following which there is no control and no oversight, so we should be very hesitant before restricting parole on a broader scheme. But ultimately this bill is very much about the victims and their families, and I understand that it has been designed in consultation with victims' families. I acknowledge all the MPs who were involved in that process. It will relieve the families of the burden of having to make further submissions to parole hearings and further uncertainty. Our thoughts are with you, and we really hope that this can give you, can give women and can give the community a measure of comfort.

Chris COUZENS (Geelong) (12:01): I am pleased to rise to contribute on the Corrections Amendment (Parole Reform) Bill 2023, and can I start by acknowledging the contributions we have heard in this place today, and particularly from the member for Frankston, the member for Pakenham and the member for Berwick, who gave very passionate speeches on this bill. I do want to acknowledge and thank the Attorney-General and the member for Frankston for their tireless work on this bill and for their passionate support to the families that have been impacted. I want to also acknowledge and thank the police for their work dealing with shocking crimes and acknowledge of course Mr Limbrick from the other place, who I note is in the gallery at the moment. I cannot imagine the trauma these families have experienced. As members of Parliament in our communities, our community puts trust in us to make laws to protect and keep all Victorians safe, and that is exactly what we are doing here right now. But we have to take the time to do that, and we have to do it right to ensure that those protections remain in place.

This bill is really important to many people. Constituents in my electorate have contacted me over the last week or so offering their support and telling me the stories of their experiences, which has been really interesting, and I do appreciate the fact that they have reached out to me. They have talked of their experiences of family members and friends, but there were also many that talked about the fact that they wanted to, I suppose, register their support for the bill. Even though they had not had that lived experience, they wanted me to know that they supported this bill, so I do appreciate the fact that they took the effort to do that.

Of course we have also heard that what is contained within this bill has not been done lightly. A lot of work has gone into this, again thanks to the Attorney-General and the member for Frankston and the families who have been impacted. I do want to acknowledge the victims and people impacted by the shocking, heinous crimes that have led to the development of this bill. We understand the emotional toll and the trauma that these discussions have. My thoughts are with all of them today, and I acknowledge that many are in the gallery today.

This bill proposes to name the prisoner Paul Denyer in the Corrections Act 1986. Doing this will mean that he cannot be released from prison on parole unless he is dying or incapacitated to the point that he cannot pose a risk to anyone in our community. While this bill will comprehensively address the issues associated with that one offender, it will also make changes to the broader parole process. These changes will mean that other victims and families do not have to experience the uncertainty and trauma that is caused by unnecessary parole applications in the future. This was a key point that some of my constituents were raising – that they really support and appreciate the fact that it is contained within this bill.

The bill makes changes to the parole requirements for a targeted cohort of the most serious offenders in our prison system. People serving a life sentence for murdering multiple people, murdering a child or committing a sexual offence as well as murder will become a restricted prisoner. The Adult Parole Board of Victoria will be given the power to prevent restricted prisoners from applying for parole for between five and 10 years. In addition, if a person serving a life sentence is refused parole, the adult parole board will be required to set a no-return period for up to five years, preventing them from applying for parole again until they are no longer a risk to community safety. Finally, the bill will enable better information sharing about those decisions with victims of crime and their families. This will make the process easier for victims and their families and directly address concerns that have been raised by victims of crime and their advocates. Taken together, this package of changes will provide more certainty to the victims of serious crime and save them from the trauma and anxiety that can occur when an offender submits an application for parole, especially when the prospects of success are next to nothing.

It is no secret that the impetus of this bill was the prisoner Paul Denyer reaching his parole eligibility period. As this bill in part specifically addresses him, it is necessary to some extent to discuss this awful man and the evil acts he committed. I am conscious that there may be people either in the gallery or watching online that have direct experience of this man's crimes. Please take care as you listen to

the debate. We are all standing with you, and we make our contributions as sensitively and respectfully as we can. In 1993 this man's brutal, cold-blooded murder of three innocent women and the savage abduction of a fourth struck fear into the hearts of people right across this state but particularly in the Frankston community. His crimes have left no greater impact than on the friends and loved ones of Elizabeth Stevens, Debbie Fream, Natalie Russell and Roszsa Toth. I am sure that I speak on behalf of everyone in this place when I say that our hearts go out to you. We can only imagine the trauma and pain that this man has brought to your lives. We thank you for your continued advocacy over all these years to make sure that no other family has to experience the horror that you have. I particularly thank the family and loved ones of Natalie Russell for working with us on getting this bill right. Their input and views have shaped this bill for the better and will mean other families will not have to experience the pain and trauma that they have experienced.

We have heard from victims of crime and their advocates that just the fact that an offender applies for parole can have an enormously traumatic impact on them. That is why this bill is so important. It means that those victims and their families will not have to go through that pain unnecessarily. In the meantime I also want to encourage everyone affected to reach out to the Victims of Crime Helpline for any support they need. The victims register provides support to victims throughout the parole process and registered victims can be informed about parole outcomes if they wish, including where parole is denied.

In winding this up now, I think the bill has been developed to address the needs of victims and their families; it is at the absolute forefront of what we are discussing today. As I said, I cannot imagine how traumatic this has been for those families, their friends and their loved ones – the experience that they have had to endure. Putting this bill forward is very important to our community. It is important to my community, and as I said, my community has reached out in relation to this bill, so I commend the bill to the house.

Tim BULL (Gippsland East) (12:09): I rise also to make a contribution on the Corrections Amendment (Parole Reform) Bill 2023. I just want to make a few short comments. I note that there are a lot on our side, and I assume on the other side of the chamber, who wish to speak on this bill, so I will keep my comments relatively short, but there are certainly a couple of things that I would like to put on the record.

First of all I am very pleased that this bill appears to have the support of everybody in this chamber, and I certainly note the very strong and personal contributions that have been made by speakers on both sides on this bill. They have very, very appropriately outlined the trauma that this whole situation has caused to a number of individuals and communities and indeed the state of Victoria. I will not go over all that but just acknowledge that that has already been very clearly articulated into *Hansard*. I must say, to pick up on some of the commentary from our lead speaker the member for Berwick, there is a sense of *deja vu*, or groundhog day, with this, as the bill does seem to be almost absolutely identical to the one that we tried to introduce in June, which I know the member for Berwick put a lot of time and effort into, so this could have been well and truly done and dusted by now. Putting that aside, as I said, it is very pleasing that we do have unanimous support for this bill, and I could not imagine on what grounds anybody – without pre-empting what is going to happen in the other place – could in any way, shape or form have an issue with it.

There are a couple of points that I just want to make. Apart from having the obvious outcome that it will have in relation to Denyer himself, this bill also requires the Adult Parole Board of Victoria in particular circumstances to specify a period during which a prisoner is not eligible for parole and it requires the adult parole board in certain circumstances to consider making a declaration specifying a period during which a prisoner is not eligible for parole. I would hope that in the future these changes prevent us from having to arrive at this situation of having to bring in legislation that is largely aimed at an individual situation. Denyer should never be released, and as has been pointed out by those before me, there are currently 31 prisoners that fit the proposed definition of a restricted prisoner. Obviously that is the definition that Denyer carries. The board will be required to consider the status of a restricted

prisoner one year before the end of their non-parole period so that we are not having to push through this sort of legislation and to be able to give families who have been impacted and communities that have been impacted a little bit more peace of mind rather than seeing parole dates coming forward and having that unknown as to what is going to occur. The board may then make a declaration that the prisoner cannot apply for parole for between five and 10 years after the end of their non-parole period.

By his own admission, probably best described as macabre, this person harboured a desire to kill from the age of 14 and, in his own words, harboured a general hatred of females, girls and women. Psychologists and experts who examined this fellow noted a lack of emotion regarding the crimes, a single-minded desire to kill and the unusual randomness, which we have all read about, by which victims were chosen. This apparently led to a diagnosis of sadistic personality disorder – I have a few other terms for it – but not legal insanity. Denyer also found the intentional maltreatment of victims – these horrific acts that he took part in – to be gratifying, by his own admission, taking pleasure from what can only be described as the torment, anguish and distress of those who he impacted. He had no recognition or understanding of the hopelessness and suffering of those victims. His horrific actions did cause considerable pain and suffering, and I only pray that this bill sails through this chamber, which I am sure it will, sails through the upper house and gets put in place. Denyer should never be released. That is why we wholeheartedly support this legislation.

Iwan WALTERS (Greenvale) (12:15): I of course rise to speak on the Corrections Amendment (Parole Reform) Bill 2023. It is a really difficult bill to contribute to because, as previous speakers have well traversed, it deals with some of the most sickening and heinous crimes that have been committed in this state and the lasting legacy of those crimes. I am conscious that there are many people who have been affected by these crimes and by this prisoner who will be watching this debate. I am particularly conscious of the families of Elizabeth Stevens, Debbie Fream, Natalie Russell and Roszsa Toth, who are in the gallery today, and I acknowledge previous speakers who have contributed so powerfully and meaningfully to this debate, to this consideration of the bill. The fact that so many people even in this chamber have had a personal experience of, as I say, the heinous and shocking crimes that were perpetrated over 30 years ago speaks to the rippling effect of this kind of crime through the community and the impact of violent crime and evil.

I thank members from all sides of the house who have contributed. I particularly thank my colleague the member for Pakenham for her contribution and of course the member for Frankston, who has worked so closely with families of victims over many years to ensure that their voices are heard, that their stories are told and that their perspectives inform this legislation. I think it is so rare to hear directly the voices of people who are impacted by crime and by the legislation that is seeking to address and redress the impact of crime, so I thank the member for Frankston for sharing the words of families in his contribution. It is one thing for us to represent our communities and to share our words on their behalf, but inevitably that involves the mediation of those opinions, those experiences. To hear so powerfully that direct contribution was something quite profound and very important for this debate, so I thank the member for Frankston and I thank the families who shared those words with him.

I want to acknowledge as well our parliamentary colleague in the other place Mr Limbrick. I have an immense amount of respect for the way in which Mr Limbrick has engaged through the SARC process, and I was also involved with him earlier in the year, where previous, similar pieces of legislation – similar, but not the same, as has been asserted, and I will touch on that later – have been considered by the Scrutiny of Acts and Regulations Committee and where the rights of the prisoner have been at the forefront in the consideration of that legislation. I cannot imagine how difficult that process would be, to be considering the rights of a prisoner without the commensurate focus on the rights of the community, on the rights of families and on the rights of victims, so I acknowledge Mr Limbrick and all the families and victims of this appalling criminality and conduct.

I do want to just, in commencing my contribution substantively, reflect on what the bill actually does, and it of course explicitly prevents the prisoner from receiving parole unless he is dying or incapacitated and so incapable of causing harm to anybody – more harm than he has already caused.

But it also I think really importantly goes beyond that to reform the parole process to provide greater certainty for other victims of particularly grievous, heinous crimes by empowering the Adult Parole Board of Victoria to declare that a person serving a life sentence for those particularly serious offences is not eligible for parole for a period of five to 10 years if it is in the public interest to do so. I think very importantly it involves families and victims of crime much more in that process to ensure that the trauma that has been revisited upon the families by this prisoner as a consequence of his appeal 30 years ago and the parole process as it currently stands is not again visited upon other families.

In reflecting on that, I want to thank the Attorney-General, the Minister for Corrections and the Minister for Crime Prevention as well for their deep consultation with families and with victims but also with the legal profession, with the solicitor-general and with others to ensure that this legislation accomplishes the aims that I think as a house and a community we expect that it will. These are very difficult areas of legislation, and so it is really important to get it right. I will touch upon why this kind of ad hominem legislation that specifically names individuals is an important area to be cognisant of and an important area to get right, but I also thank particularly the Minister for Police for his provision of the override statement earlier this morning and the reasons why it is appropriate that this bill overrides some of the provisions in the charter of human rights that we have a state. The minister has previously provided an exhaustive statement of compatibility, which emphasises how much care has been taken with the drafting of the bill. But, as I say, it did also emphasise that part of the bill is incompatible with the human rights charter, but I do emphasise that this incompatibility is entirely warranted and reasonable. It is proportionate and it is reasonable.

The rights of prisoners must be balanced with the broader rights of the community – the rights of victims, the rights of people in each one of our constituencies to be free from the kind of fear that was brought to bear in Frankston 30 years ago, the kind of trauma that is revisited in the context of vexatious or inappropriate or otherwise applications for parole which are not reasonable. There are exceptional circumstances which warrant the override of the human rights charter in this instance, and I thank the Minister for Police and the Minister for Crime Prevention for bringing that to the house this morning.

I think there are very important community expectations of sentencing in the justice system that need to be reflected in this debate and have been really well by many speakers before me. I reflect on Justice Frank Vincent's sentencing remarks from 30 years ago. The minister at the table previously, the Minister for Development Victoria, mentioned these, but I do want to record them in *Hansard* as well:

The apprehension that you have occasioned –
speaking to the prisoner –

to many thousands of women in our community will be felt for a very long time ...

That is clearly emphasised by the fact that we are debating this legislation today.

For many, you are the fear that quickens their steps as they walk along or that causes parents to look anxiously at a clock when a child is late.

The Supreme Court did what it thought was right at the time. I believe it was entirely right and Justice Vincent sentenced that prisoner to three life sentences without parole. I am conscious as well of what would have happened 30 years before had similar crimes been committed and of course capital punishment was still in place. My personal view on these matters is that the taking of a life by the state is not an ethical response, but I think it is absolutely imperative that the community has confidence in the justice system so that when life sentences are imposed for crimes of this particular depravity and evil that it does mean just that – it means life.

To re-emphasise the words of the member for Pakenham, who mentioned that parole is a privilege and not a right, this bill seeks to strike that balance between the human rights of prisoners but also the rights of community and the rights of victims to have confidence in the justice system to ensure that

when a learned judge such as Justice Vincent imposes a sentence, as he did, the effect of that sentence endures beyond the sentence as it was intended to take effect.

Returning briefly to that question of ad hominem legislation, I note that SARC has previously extensively considered similar ad hominem pieces of legislation which have named other prisoners in our jail system – I am not going to name them – but also that the High Court has unanimously held in previous judgements that a law targeted solely and directly at an individual is constitutionally valid. So I think there is confidence that the provisions of this bill coupled with the broader focus on ensuring the parole system for other prisoners – other Victorians who have committed comparably heinous crimes – are also captured, that it is not solely a piece of ad hominem legislation. I note that of course it is in part but that the other schedule expands and reforms the parole process. I commend it to the house. I hope it has a speedy passage here and in the other place.

Kim O'KEEFFE (Shepparton) (12:25): I rise today to speak on the Corrections Amendment (Parole Reform) Bill 2023. This bill before the house is in order to ensure that Paul Denyer is never released from prison. As we know, Paul Denyer was convicted of the brutal and horrific murders of Natalie Russell, Elizabeth Stevens and Debbie Fream in 1993, 30 years ago. Today we have members of their families in the gallery, and I acknowledge them and my thoughts and prayers are with them all. I also acknowledge Mr Limbrick. I really feel the pressure of the gallery today, and I thank everyone that has made a contribution. As a mother of two daughters and a young mother back then I can only imagine the horrific circumstances that you have had to endure, and 30 years later with two adult daughters I cannot imagine my life without one of them.

I acknowledge the member for Frankston and the Frankston community. The member for Frankston shared some words from Natalie's family and friends on the pain, trauma and life sentence that they have endured. Thank you for sharing that. I also wish to acknowledge the member for Berwick, the member for Lowan and the member for Mornington, who have also been in contact with the victims' families over a substantial period of time and have advocated strongly on their behalf. Member for Berwick, I thank you for sharing your relationship with Jake and the support that I am sure he will continue to need, not only from this place but from afar. I remember this case very well and the fear it instilled in many. We know the families of victims have been waiting for this legislation, and it is, as I have said, such a difficult time. Paul Denyer will be in this legislation in order to ensure that the victims' families and the wider community know, as we said, that he can never be released from prison unless he is terminally ill or incapacitated.

The Corrections Amendment (Parole Reform) Bill 2023 is a bill that provides greater certainty for victims of serious crimes. To minimise trauma associated with the parole process and to protect the community from the risk posed by someone like Paul Denyer is something we are achieving today. Specifically, the Corrections Amendment (Parole Reform) Bill 2023 will limit the circumstances in which the Adult Parole Board of Victoria may order the release of Paul Denyer on parole; require the adult parole board to impose a no-return period after refusing parole to a person serving a life sentence – and the person cannot receive parole within that period except if they are dying, as we said, or incapacitated; and empower the adult parole board to make a restricted prisoner declaration, preventing a person serving a life sentence for a particularly serious crime from receiving parole whilst the declaration is in force, except if they are dying or incapacitated. In addition, the bill will allow the Secretary of the Department of Justice and Community Safety to share information about a non-return period and a restricted prisoner declaration with registered victims and, if it is in the public interest, the adult parole board to share this information with other members of the public.

The Corrections Amendment (Parole Reform) Bill 2023 will be worded in the same terms used to keep Hoddle Street killer Julian Knight and Russell Street bomber Craig Minogue in jail. Furthermore, the bill will further protect families of other victims of serious and violent crimes by giving the adult parole board the power to declare restricted prisoners, meaning that prisoners will be unable to be released within five and 10 years after serving the non-parole period for their sentence. On the other

hand, prisoners who are serving a life sentence will also be restricted from reapplying for their parole after their application has been rejected.

In June this year we as an opposition, the Victorian Liberals and Nationals, worked alongside the families of the victims and a member for South-Eastern Metropolitan Region in the other place to introduce a bill into Parliament to ensure Paul Denyer would be ineligible for parole and remain in prison for the remainder of his life. In addition, the bill at the time would have also prevented Paul Denyer from making further applications for release, sparing the families of his victims the uncertainty and trauma of periodic parole hearings. This bill is the same that was presented back then, and I am pleased that finally this bill is before the house.

The Corrections Amendment (Parole Reform) Bill 2023 will further restrict parole for prisoners convicted of murder, killing children and serious sexual offences. The bill before the house makes amendments to the Corrections Act 1986 in relation to conditions for making a parole order for the prisoner Paul Denyer, requires the adult parole board in certain circumstances to specify a period during which a prisoner is not eligible for parole, further requires the adult parole board in certain circumstances to consider making and empowers the board to make a declaration specifying a period during which a prisoner is not eligible for parole and makes further provision for the sharing of certain information by the Secretary of the Department of Justice and Community Safety and the adult parole board.

One of the main provisions in the bill is preventing Mr Denyer from receiving parole. In doing so the Corrections Amendment (Parole Reform) Bill 2023 introduces a new section, section 74AC, into the Corrections Act 1986, which will prevent Mr Denyer from being released on parole unless he is in imminent danger of death or seriously incapacitated and as a result has a reduced capacity to harm anyone. This amendment to the Corrections Act mirrors the same restrictions on parole for Julian Knight, as we have said, and Craig Minogue in sections 74AA and 74AB.

Mr Denyer's crimes were horrific, evil and vile. The Corrections Amendment (Parole Reform) Bill 2023 will ensure that the wider Victorian community is protected and both the community and the families of Mr Denyer's victims can have faith and confidence in the state's justice system that he will never be released from prison until he can do no harm. The new section, section 74AC, includes subsections providing that the Charter of Human Rights and Responsibilities Act 2006 does not apply to this provision and that those override declarations do not need to be re-enacted every five years as is required ordinarily under section 31(7) of the charter. Consequently the charter will have no application to this provision. In this exceptional case the charter is being overridden to ensure that the community is protected from Mr Denyer and the significant risk he poses to community safety. This is concurrent with the existing provisions that apply to Mr Knight and Mr Minogue, which include a charter overriding.

Further, the bill will see the introduction of other reforms to minimise the unnecessary trauma that is experienced by other victims of serious crimes during the parole process. Another important provision in the Corrections Amendment (Parole Reform) Bill 2023 is the no-return period. Currently if the adult parole board refuses to grant a person parole, there is no legislation restriction on when a person can apply for parole again. Whilst the board will often direct people in prison not to apply for parole again for a specific time frame, this is not currently a requirement and the time frame is not communicated to victims. As a result of this it can be extremely distressing and difficult for victims and their families, as we have seen, who hold the uncertainty of not knowing when the person could apply for parole again and be released into the community.

The Corrections Amendment (Parole Reform) Bill 2023 will introduce a further addition, new section 74AAD, that will require the adult parole board to impose a no-return period of up to five years if it refuses to grant parole to a person serving a life sentence. During the no-return period the person would be unable to receive parole unless they are dying or incapacitated and lack the capacity to harm another person. Their no-return period will instead be used as a guiding tool for the board to select an appropriate time frame within which it does not consider a prisoner should be able to reapply for parole.

This will be informed by the evidence that the board considers as part of a parole hearing. In addition, the no-return period will see a maximum period of five years, and this period can be tailored according to a person's rehabilitation prospects and other factors. But most importantly, community safety will continue to be the major consideration in making parole decisions and when setting a no-return period.

Lastly I just again want to acknowledge the family in the gallery and Mr Limbrick. On both sides of the house this is a very important bill, and I am so pleased to see that it has finally come to the house. As I said, my thoughts and prayers are with the families and Mr Limbrick today.

Juliana ADDISON (Wendouree) (12:33): I too rise to contribute on the Corrections Amendment (Parole Reform) Bill 2023, a bill that has been carefully considered and with issues that have been worked through to make our justice system better for the families and friends of victims of the most serious crimes. Today we remember Natalie Russell, Elizabeth Stevens and Debbie Fream, and we keep them at the front of our minds. They were young women whose lives were taken by an evil and violent killer in June and July 1993. It is the advocacy of the families that have shaped this bill that will prevent Paul Charles Denyer from being released from prison on parole until he is incapable of posing a threat to anyone and also provide more certainty to other victims of serious crimes. Like other members, I will not speak his name again.

I want to thank the Attorney-General and the Minister for Corrections for their leadership and stewardship of this bill. I would also like to recognise Mr Limbrick for his advocacy and his pain. I want to acknowledge the work of the ministerial office and the Department of Justice and Community Safety (DJCS), particularly because the subject matter of this bill is so confronting. The acts that were committed monstrous and the details are sickening. This is challenging work, and the reforms being introduced are important, so I thank you. I found reading about these extreme acts of violence against women very difficult and upsetting, as I am sure everyone else who has been involved in this legislation and this debate has.

I want to acknowledge the member for Frankston and thank him for his contribution and his efforts to bring this bill to the Parliament, as well as the member for Carrum, who have met with family members impacted by these abominable crimes. As representatives of the local communities impacted by these abhorrent crimes, the members for Frankston and Carrum have been determined and compassionate advocates for the legislative reforms we are debating today. I thank them for their tireless work and powerful advocacy. They are exemplary local members. I would also like to thank the member for Pakenham for her powerful contribution reflecting on what it was like to grow up in Frankston at the time and the impact it had on the community.

In preparing for my contribution I have reflected a lot on what I was doing 30 years ago, in 1993. In 1993 I was 18 years old, and I had commenced first-year uni at Monash. I was the same age as Elizabeth Stevens, who had left Tasmania to study at Frankston TAFE. I was only four years younger than Debbie Fream, who had just had a baby, and a year older than Natalie Russell, who was still at school. I did not own a car, and I relied on public transport to get me to Monash from Ballarat and to get around Melbourne to go out and enjoy all the city had to offer. Like so many at that age, I was carefree and enjoying the freedoms of being a young adult. I remember spending time around the peninsula that summer, catching the train to Frankston station and catching the bus to go to the beach with my friends – the same area in which these brutal murders occurred six months later. I had my life ahead of me, and so should have Elizabeth Stevens, Debbie Fream and Natalie Russell. However, his horrific acts took their lives and took their future.

Thirty years on it is still difficult to comprehend the heinous nature of the attack on Elizabeth Stevens on Friday 11 June 1993 in Langwarrin. After getting off a bus after being at TAFE, only 250 metres from home, she was murdered at the age of 18. Less than a month later, on Thursday 8 July in Seaford, 22-year-old Debbie Fream, who had left her 12-day-old son Jake at home with a friend to buy some milk, was violently and savagely murdered. On 30 July 1993, 17-year-old schoolgirl Natalie Russell was murdered after being attacked in Frankston North while walking home from John Paul College.

I was moved by Natalie's best friend Karen's words that were read by the member for Frankston and thank her for sharing them with us. I wish to express the deep sadness I feel for the families and friends of Natalie, Elizabeth and Debbie, who continue to grieve for them and miss them dearly, and I recognise that their lives have been devastated by what happened at this time and ever since. The deep and long-lasting impact of these egregious attacks is immeasurable on those who knew and loved these women. I extend my heartfelt gratitude to the families, who have shared their lived experience so that others can benefit from these important reforms.

The changes being introduced in this bill will ensure that he who was sentenced by the Supreme Court of Victoria on 20 December 1993 to three sentences of life imprisonment for three counts of murder is ineligible for parole until he is either close to death or permanently incapacitated. Making this law will prevent the risk posed to the community by his release and also ensure that the families of his victims do not have to go through the re-traumatising and stressful experience of the parole process. Furthermore, it will keep our community safe, as he is a continued and persistent risk of harm to our community.

The bill will create new section 74AC in the Corrections Act 1986. The section mirrors section 74AA and 74AB, which restrict parole for the person who was responsible for murdering seven people during the Hoddle Street massacre and for the Russell Street bomber. The High Court has previously upheld such legislative provisions as constitutionally valid. Section 74AC will prevent his release unless he is in imminent danger of death or seriously incapacitated and as a result lacks the capacity to harm anyone. Importantly, the amendments proposed by this bill do not interfere with the sentence imposed by the judge. The High Court of Australia has repeatedly confirmed that setting a non-parole period exhausts the judicial function of sentencing. Therefore it becomes a matter for the executive whether the remainder of a sentence is custodial and/or an order of parole in the community.

The bill also introduces a new section that establishes a no-return period, which will minimise the unnecessary distress experienced by victims and their loved ones and provide them with a level of peace and certainty for a specific time if it is in the public interest. Under current legislation there is no restriction in place. When someone has been refused bail, they can apply again. By introducing the no-return period, the Adult Parole Board of Victoria has the power to select an appropriate time frame in which it does not consider a prisoner should be able to apply for bail. The maximum time for the no-return period is five years but can be shorter if an individual demonstrates more positive rehabilitation prospects. The bill also proposes allowing the victims register in the DJCS to inform registered victims about a decision of no return set by the adult parole board.

The bill includes a restricted prisoner declaration scheme that gives the adult parole board the power to make a restricted prisoner declaration for certain serious offenders, which will prevent them from being able to receive parole for a specific period if it is in the public interest. I note that a similar reform was introduced in Queensland in 2021. Restricted prisoners will include prisoners serving a life sentence for multiple murders, the murder of a child or a single murder where a serious sexual offence was committed against the same victim. The Minister for Corrections has identified about 31 individuals in prison currently who have committed offences serious enough to be considered for the category of 'restricted prisoner', citing examples of Jill Meagher's killer and the Bourke Street killer. In closing I want to say that I strongly support the amendments proposed with the Corrections Amendment (Parole Reform) Bill, which will strictly limit the circumstances in which he will be able to receive parole. I hope this provides comfort to the Russell, Stevens and Fream families and their friends. I commend the bill to the house.

Martin CAMERON (Morwell) (12:42): I rise today to speak on the Corrections Amendment (Parole Reform) Bill 2023. Before I start I would like to, firstly, thank the member for Berwick for his lead today – his explanation to us of exactly what was going on was greatly appreciated – and the member for Frankston for his time and the care that he took in standing up and talking in the chamber about the family and reading something out on behalf of the family. I dip my hat to you for getting up there and doing that, member for Frankston. In saying that, I would also like to thank the family

members that are here today in the chamber – and you too, Mr Limbrick – for being here to listen. Once again, as we get to stand in the chamber and talk about this today, it must dredge up thoughts that you have carried for the last 30 years, since those terrible days transpired. I would also like to mention, obviously, the victims: Elizabeth Stevens, Debbie Fream and Natalie Russell. As the member for Frankston said, going forward this is to be known as Nat's law. Here in the chamber I know sometimes it gets a little bit heated on either side when we are trying to pass bills through the house, but to have the opportunity to stand here today and talk on this and be part of this bill passing through this house and through the other house to make this law is a great honour.

I think back 30 years ago – as the member for Wendouree was just saying before – when I was a young fellow in country Victoria. The things that transpired in Frankston not only were focused on by the people of Melbourne but also reached into country Victoria and right around Australia. I remember my parents sitting down talking about the hideous crimes that were committed. As the arrests were made and more came out in the public and via media, it was very hard to comprehend how some people are like this and want to commit these crimes. On the flip side, for our police and the people that did all the work to actually arrest this particular person and thoroughly make sure that he went to jail, and the judge and the courts making sure that he was put away for a very long time, it is a great credit to them, and I do thank them. But for that particular person to be able to cause grief by trying to get parole and the ongoing anguish that it must put on your lives daily, constantly, even when you are not thinking about it – and I am sure you do think about it every single day in every single waking minute. I hope that this bill passes through both houses, and quickly. I think you can see that we are all genuine in this chamber, and I hope in the other place also when it passes through.

We want to do the right thing by our community. With your help, your advocacy and being a part of this bill, you are not only hopefully giving yourselves some closure, but you are also protecting the people of Victoria. It is something that as a politician, and I am only new at the game, you can be proud to stand up in the chamber and make sure that this does pass unanimously and that we are doing something good for the whole of Victoria and hopefully we are doing something good for the family members that are here today. You can see that we all want to work together to make sure this passes.

I know there are other members who want to stand up and talk about this. I am a father, and my kids now are older than the three young girls that were tragically taken those 30 years ago – two boys and a daughter. To just comprehend what everyone must have gone through, and you can see the emotion of members that have had a little bit to do with the family – how emotional they are – but also other members that are in here today and how greatly it affects us. You talk about things from 30 years ago that happened and it can just dredge up the feelings. You know where you were and what you were doing. So with the greatest respect to the family, thank you for being here. To all the members in the house, thank you, everyone, for getting up and talking about this. We are here to make sure that we make the right and correct decisions for the people of Victoria. This is one that has been a long time in the making, but it is the right decision for people like the fellow that we are talking about today, and I do not really want to give him the dignity of mentioning his name, to make sure that he stays away and he cannot come out. He has committed some hideous crimes, and he has to pay the price for them, but it should not impact on the family and the rest of us.

Thank you so much for my time here today. Thank you to the family, and I thank all the other members that are going to stand up and talk about this in the chamber. We are doing the right thing today. We are doing the right thing. It is going to travel through the house, and it is going to pass into law. As the member for Frankston said, it is going to be Nat's law. I commend the bill to the house.

Nina TAYLOR (Albert Park) (12:49): I rise to debate – or to discuss, I should say; I do not think there is any debate insofar as there is a sense of unity across the chamber with regard to the necessity to be able to pass these reforms for the Corrections Amendment (Parole Reform) Bill 2023. It is extremely disturbing, I think, the matters that have arisen and that have led to the legislation that we are passing – we are quite rightly passing. I am talking about the absolute trauma of such depravity,

such depraved behaviour that no-one can reason through it. We are not built to be able to reason through this kind of extraordinarily shocking and disturbing behaviour.

First and foremost, I do want to acknowledge the victims and the people that have been directly impacted by these heinous crimes. My heart goes out to all those directly impacted, because I know how emotional it makes me feel, and we can see from others in the chamber just talking about it here, let alone those who have had to live with it for so many years. I will acknowledge Elizabeth Stevens, Debbie Fream, Natalie Russell and Roszsa Toth, none of whom did anything wrong. They did not deserve it. I am sorry to be crying – you do not realise how much these things impact you, but anyway, I will breathe.

I should also acknowledge the hard work of the Minister for Corrections and his office. It is obviously also very traumatic. It is hard to have to deal with these matters per se, but it is also an honour to be able to deliver the right outcome. I would also like to thank the member for Frankston, the member for Pakenham and the member for Carrum as well, and all of those who have worked so hard, not least the families of those precious souls who have passed, to drive forward some really, really important changes.

The bill – and I will just say this from a factual point of view, and not in any way to give any further exposure to the perpetrator – proposes to name the prisoner Paul Denyer in the Corrections Act 1986. Doing this will mean he cannot be released from prison on parole unless he is dying or incapacitated to the point that he cannot pose a risk to anyone in the community. While this bill will comprehensively address the issues associated with that one offender, I think it is also really important to acknowledge it will also make changes to the broader parole process. In that way it is going to serve the community on a number of fronts, and that is something to be commended as well. These changes, and I think this is probably really the crux in terms of what will be some of the most significant benefits, and ‘benefits’ is probably not the best word to use in these circumstances, but an important outcome, will mean that other victims and their families – gosh, I did not mean to be so emotional; I apologise – do not have to experience the uncertainty and trauma that is caused by unnecessary parole applications in the future.

The bill makes changes to the parole requirements for a targeted cohort of the most serious offenders in our prison system, and that means people serving a life sentence for murdering multiple people, murdering a child or committing a sexual offence as well as murder will become a restricted prisoner. The Adult Parole Board of Victoria will be given the power to prevent restricted prisoners from applying for parole for between five and 10 years. When we are talking about the broader positive ramifications from the bill, this is certainly an important element. In addition, if a person serving a life sentence is refused parole, the adult parole board will be required to set a no-return period for up to five years, preventing them from applying for parole again until they are no longer a risk to community safety.

Finally, the bill will enable better information sharing about those decisions with victims of crime and their families. I think this is a really, really significant element of the bill – a really, really important element of the bill. That information is just so vital. Taken together, this package of changes will provide more certainty to the victims of serious crime and save them from the trauma and anxiety that can occur when an offender submits an application for parole, especially when the prospects of success are next to nothing. That is a really fundamental element of the bill over and above the other core elements which are delivering greater certainty for community, which at the end of the day is what we are all looking for.

I think what is really important, because we are making some significant changes when we look at the law and we are looking at liberty and the preservation of liberty or otherwise, is obviously that we cannot in any way understate the significance of these reforms. I am not saying anyone is, but there are really sound and rational reasons for reform. What has already been spoken to in the chamber is that it is a very delicate balancing act, but it is one that we just absolutely have to carry through. We have to carry this through. There are just some times in life, particularly when we are thinking about the particular behaviour that leads to heinous crimes that, as I say, are impossible to rationalise – no reasonable human being can be expected in their lifetime to be able to rationalise that kind of behaviour

and neither should they have to, because no-one should ever behave that way, and no-one deserves to be treated in that way.

I know that it will not have been easy on anyone bringing about these reforms, whether it is the respective family and the loved ones impacted, the ministers responsible, in particular the Minister for Corrections, or the broader community, but ultimately we do not get into the job of being MPs because life is simple. Life is complicated. Human beings do a great many things, some of them wonderful and other times so horrific that we do not even want to have to face that that is the behaviour of a fellow human being, and hence sometimes we just have to take the difficult decisions but ultimately for the benefit of the greater good. That is what these reforms are all about.

Jess WILSON (Kew) (12:58): I think it is fair to say none of us are pleased to be able to rise on this bill today, but we do stand here as the coalition in support of this bill. Can I acknowledge the families here today of Natalie Russell and of course Mr Limbrick from the other place. This is a very overdue bill in some cases, but we are very proud to stand here today to see it go through the Parliament and to provide some relief for the families of Paul Denyer's victims. It has been an overdue bill, and can I pay credit to the member for Berwick for his work on this and for working with the families to make sure that this has come before the Parliament and to ensure that Paul Denyer will not be released from prison unless under some very specific circumstances. That in some ways brings hope to the families that this will end some of the pain that they have had to experience over many, many years. It provides broader provisions to ensure that those who are defined as restricted prisoners do not have the ability to be given opportunities for parole as well to ensure that those who have committed the most heinous of crimes in Victoria are not able to access parole. As the coalition, we commend the bill to the house, and it is a pleasure to be able to support it here today.

The DEPUTY SPEAKER: I thank all members for the candour of debate. I think now is an appropriate time to call lunch.

Sitting suspended 1:00 pm until 2:01 pm.

Business interrupted under standing orders.

Questions without notice and ministers statements

Infrastructure projects

John PESUTTO (Hawthorn – Leader of the Opposition) (14:01): My question is to the Premier. With today's announcement from the Commonwealth removing funding for 12 infrastructure projects in Victoria, the government's major projects plan is in disarray. What is the Premier's plan to fix this mess?

Danny Pearson: Why don't you get in your car? Why don't you use your driver to get around Melbourne? Honestly.

The SPEAKER: The Minister for Transport Infrastructure will come to order.

Jacinta ALLAN (Bendigo East – Premier) (14:02): I am delighted to answer this question from the Leader of the Opposition and thank his tactics committee for furnishing him with such a question. The announcement today by the federal infrastructure minister comes against the backdrop – and let us go to the reasons why back in May the federal minister indicated that she was undertaking this review – it was because the federal infrastructure pipeline was stuffed full of failed federal Liberal government projects that they put into the program in the lead-up to various elections. Let me share with the Leader of the Opposition, in case he forgot, about all those car parks that were just impossible to deliver – car parks in places like Camberwell, Canterbury, Glenferrie, a few places that the Leader of the Opposition might be familiar with. Leader of the Opposition, I use this as an example because the federal infrastructure minister has been undertaking a significant overhaul of the federal infrastructure pipeline with states around the country.

John Pesutto: On a point of order, Speaker, on relevance, I ask that you bring the Premier back to the question, and I note that those car parks were never part of the review. They were cancelled.

Members interjecting.

The SPEAKER: Members will be removed from the chamber without warning. The Premier was being relevant to the question that was asked. There is no point of order.

Jacinta ALLAN: I thank the Leader of the Opposition for making my points for me. I really do thank the Leader of the Opposition for his assistance. Yes, those projects were cancelled because they were undeliverable, and there was further work that needed to be done by the federal government to address some of the challenges in the federal infrastructure pipeline. So in terms of his assertion about what is in disarray, I would suggest that the Leader of the Opposition's strategy today is in complete disarray.

And in answer to his question about what we are going to do, I was answering his question.

Members interjecting.

The SPEAKER: Order! The Premier will come to order.

James Newbury: On a point of order, Speaker, on relevance, this question related to 12 infrastructure projects that have been canned, and I would ask you to bring the Premier back to that question.

The SPEAKER: The Premier was being relevant to the question that was asked.

Jacinta ALLAN: What we are doing here in Victoria is getting on and delivering the projects that we know have the support of the Victorian community – projects that can be delivered. Just this morning the minister for public transport and I were at Anzac station, one of the five underground stations being delivered as part of the Metro Tunnel, a project that is fully funded by Victorians – not a dollar from the Leader of the Opposition's mates in Canberra. And do you know what, we are getting on and delivering that project. Those opposite tried to take us to the Supreme Court to block this project – we are getting on and delivering it.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:06): The federal government said that the lack of detailed business cases was the reason for the withdrawal of funding for Victorian projects. Why can't the Victorian Labor government manage money and manage major projects?

Jacinta ALLAN (Bendigo East – Premier) (14:07): Well, I will go and check the record for what the Leader of the Opposition has said, because the Leader of the Opposition is referring to the 12 projects that have been addressed by the federal minister today. Going to one in particular, one that he might be familiar with, the Camberwell Road–Monteith Avenue–Redfern Road intersection upgrade – that project was at the front door of the former member for Kooyong's office. That is how that project made the list. We know that the failed former federal Liberal–National government put a whole bunch of projects on the federal infrastructure agenda not because they could be delivered but because they were after them to deliver votes for them in the lead-up to the election. We are delivering projects like the Metro Tunnel, like the West Gate Tunnel, like the North East Link Project, like removing level crossings – a whole bunch of projects that have been opposed by those opposite.

Ministers statements: schools funding

Ben CARROLL (Niddrie – Minister for Education, Minister for Medical Research) (14:08): I rise to update the house about the Allan Labor government's record investment in schools right across our state. We are doing what matters: \$15 billion has been invested. We are upgrading all schools right across our state. We will have 100 new schools upgraded by the end of this term, including 75 of that 100 by the beginning of next term. We are the top of the class for NAPLAN but, more than that, we are the top of the class for teacher recruitment – 5000 teachers recruited over the past two years.

John Pesutto: 40 per cent leave in the first five years, Ben.

Ben CARROLL: Here they go, here they go, the people that closed schools – and his predecessor was the real estate agent while they were being closed. Don't you remember? We remember. On this side of the house –

The SPEAKER: Order! Through the Chair, Minister!

Ben CARROLL: we are proud about building the Education State. Can I say we are also proud about building the Education State in Mulgrave. Some 16 schools have been built in Mulgrave. It is an impressive list: \$3.8 million for Mulgrave Primary, \$6.1 million for the music amphitheatre at Brandon Park Primary.

Members interjecting.

Ben CARROLL: The professor will like this one, because this is on his subject.

David Southwick: Don't get desperate!

The SPEAKER: Order! The house will come to order. The member for Caulfield is warned – and you are very fortunate to get a warning.

Ben CARROLL: Professor, this is on STEM – science and technology – which you have got qualifications in, and this is great. So, the new community hub –

James Newbury: On a point of order, Speaker, on standing order 108, I would ask that all members be referred to by their correct title.

The SPEAKER: I ask the minister to come back to his –

Members interjecting.

Ben CARROLL: Speaker, I was only referring to the title that the member put on his own biography.

The SPEAKER: Order! The minister will come back to his ministers statement and refer to members by their correct titles.

Ben CARROLL: Thank you, Speaker. But we could not do this without a willing partner in the local community, and we do have a willing partner in the mayor, Eden. Eden Foster knows education because she has worked in education as a school psychologist, and I very much look forward to welcoming her on our benches soon to also continue building the Education State in Mulgrave. We have only just started building –

Members interjecting.

The SPEAKER: The member for Narracan can leave the chamber for half an hour.

Member for Narracan withdrew from chamber.

Ben CARROLL: You cannot do this all by yourselves, and as the mayor out in Dandenong has shown, with a willing partner you can build the Education State locally and get on with it.

Infrastructure projects

John PESUTTO (Hawthorn – Leader of the Opposition) (14:11): My question is to the Minister for Transport Infrastructure. Today the Commonwealth removed funding for Geelong fast rail. In 2020 the Victorian government committed to funding half the project. The Premier said to the house that the Victorian people 'voted for high-speed rail to Geelong'. Why is the government abandoning the people of Geelong and breaking its promise to them?

Danny PEARSON (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (14:11): I am delighted to answer this question because the vast majority of the Commonwealth's projects in Victoria will continue.

Over 70 projects at various stages of planning and construction will occur, and these include things like, for example, stage 2 of the Barwon Heads Road upgrade, which I know the outstanding member for Bellarine is thoroughly looking forward to as part of that.

James Newbury: On a point of order, Speaker, on relevance, this was a very clear question about Geelong fast rail and the broken promise, and I would ask you to bring the minister back to that question.

The SPEAKER: The minister had just commenced his response. I ask the minister to respond to the question that was asked.

Danny PEARSON: We will continue, obviously, to work with the Commonwealth – this review has just been handed down this morning – to ensure that we get our fair share. The former Morrison government took the approach of committing money to projects for just a fraction of the amount required. That is obviously a significant challenge. As I said, this report was just handed down this morning, so we will work with the Commonwealth to ensure that funding is retained here in Victoria. That is obviously our key priority – making sure that every dollar that has been allocated to Victoria stays here, that we get our fair share and that we are able to invest in transport improvements in Geelong and the region. We will sit down with the Commonwealth to work on these matters, but it is important to note on these matters that it is only the Labor Party that is doing what is required when it comes to investing in regional rail. When it comes to the investments in rail to Geelong, to Ballarat, to Bendigo and to Gippsland, we invest in regional rail. We do not shut down lines. Those opposite, they were the ones –

Members interjecting.

The SPEAKER: I would ask the members on my left to stop interjecting across the chamber.

James Newbury: On a point of order, Speaker, the minister is debating the question.

The SPEAKER: The minister was being relevant to the question.

Danny PEARSON: As I was saying, we will continue to invest in regional rail because that is what we do. The member of Mildura is in this place. She did not get the train down here because those opposite shut down the Vineland. We are the ones that reopened the line to Bairnsdale. So we are investing in regional rail, and we will always fight for our share from Canberra, unlike those opposite, who stayed silent for nine years while their mates in Canberra robbed the state blind.

Members interjecting.

The SPEAKER: The member for Evelyn can leave the chamber for half an hour.

Member for Evelyn withdrew from chamber.

James Newbury: On a point of order, Speaker, the minister is clearly attacking the opposition, which is out of order.

The SPEAKER: I ask the minister to come back to the question. The minister has concluded his answer.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:14): The member for Geelong said that the Geelong fast rail:

... will change lives and make it easier for locals to get to work, school and back home every day

Given this broken promise, how can the people of Geelong ever believe anything a Labor government tells them?

Danny PEARSON (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (14:15): I will try not to say anything nasty, because I know the member for Brighton does not like anything nasty being said across

the table. Look, Geelong is very well serviced by the outstanding member for Lara, the outstanding member for Geelong and the outstanding member for Bellarine and it is important to note that this review was a review of the federal –

Members interjecting.

Danny PEARSON: Oh, sorry, and the member for South Barwon, although he is not here.

Members interjecting.

The SPEAKER: Order! We know he is very rarely in question time. You have got reason to forget.

Danny PEARSON: I think and I really must say he is missed. He is very missed, the member for South Barwon. But it is important to note that this is a federal review. This is a review from the Commonwealth, and I think that if you look what we have done as a government since 2014 we have invested heavily, whether it is in hospitals, whether it is in schools, whether it is in transport infrastructure, when it comes to Geelong, and the people have overwhelmingly returned Geelong members of Parliament because they know – *(Time expired)*

Ministers statements: community sport funding

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (14:16): I am so pleased to rise today to update the house on the Allan Labor government's commitment to sport and active recreation in Victoria. Last month I visited Ross Reserve in Noble Park along with member for South-Eastern Metropolitan in the other place Lee Tarlamis and Eden Foster, our outstanding candidate for Mulgrave. The new soccer pitch at Ross Reserve is well underway thanks to our \$1.75 million investment, and this builds on the more than \$6.5 million that this government has invested in Ross Reserve over the past four years, giving people the facilities they need in their local community. Can I just say, nobody understands the importance and the need for this investment better than Eden Foster. As a councillor and a mayor, Eden has been closely involved in ensuring Mulgrave residents benefit from investment in high-quality active recreation facilities.

Members interjecting.

The SPEAKER: The member for Berwick can leave the chamber for half an hour.

Member for Berwick withdrew from chamber.

Ros SPENCE: But Ross Reserve is not the only beneficiary of the Allan Labor government's investment in community sport and active recreation. Right across the road at Noble Park Aquatic Centre we have invested \$3.3 million into the health and wellbeing gym. At the last election \$2 million was committed to vital lighting upgrades at Springvale Reserve.

These investments are not outliers. Right across the state we are committed to investing in infrastructure to get Victorians active. Whether it is in Benalla, where we are investing \$15 million in the Benalla Indoor Recreation Centre, the \$10 million at RecWest in Footscray or the \$1.25 million at Portland Gymnastics Club, this is all part of the Allan Labor government's \$1.9 billion investment since 2014.

Members interjecting.

The SPEAKER: Member for South-West Coast, you can leave the chamber for half an hour.

Member for South-West Coast withdrew from chamber.

Infrastructure projects

John PESUTTO (Hawthorn – Leader of the Opposition) (14:18): My question is to the Premier. The federal infrastructure review states that reporting by the Victorian government on major project

performance is ‘not timely, relevant or sufficient’. Now that the federal Labor government has called out the mismanagement of major projects, will the government commit to publishing comprehensive business cases for every project?

Jacinta ALLAN (Bendigo East – Premier) (14:19): I thank the Leader of the Opposition for his question, and I would suggest that the Leader of the Opposition has taken more than a little bit of licence with the executive summary that has been released by the federal government. The reviewers I believe made a number of observations and recommendations to the federal government about jurisdictions across the country, so I would caution the Leader of the Opposition for making misrepresentations of the work of the independent reviewers. What we know here is every year for the past now nine years the Victorian budget papers have been produced and they have provided information on how we are getting on and delivering the projects that Victoria needs, how we are –

John Pesutto: On a point of order, Speaker, the question was very simple, just asking whether the government will commit to publishing comprehensive business cases.

The SPEAKER: The Premier was being relevant to the question that was asked.

Jacinta ALLAN: I was taking the Leader of the Opposition through how he will find in nine budgets we have provided increased infrastructure investment, additional investment in infrastructure, and do you know what that infrastructure is doing – that infrastructure investment is going towards building the road and rail connections our city and state need so that people can get to work, to school and to hospital services quickly, safely and more efficiently.

The Leader of the Opposition asked me specifically about comprehensive business cases. We do produce business cases for the projects that we commit to. I remind the Leader of the Opposition of the business case we released in August of 2021 for the Suburban Rail Loop. I know that this is a favourite topic of the Leader of the Opposition, just as it is a pretty popular topic for members like the members for Ashwood and Glen Waverley. We have released a comprehensive business case, for example, for the Suburban Rail Loop. We will continue to work carefully through our pipeline of infrastructure projects.

This is also an important point. When we came to government in 2014 there was no pipeline. There were a whole bunch of projects promised but never delivered by those opposite. We now have built up a pipeline where today young kids can go to TAFE with confidence to get their apprenticeships, to start their trades, knowing that there is work ahead of them. We know too there are people who have worked on the tunnels in the West Gate Tunnel who are now working on the North East Link tunnel. That is what a pipeline of projects means. It gives Victorian families the confidence that they will have pay packets coming home to them every single week, because we are supporting tens of thousands of jobs through things like the business cases that end up as projects on the ground.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:22): The federal infrastructure review also stated that the government’s ‘decision-making on the SRL program since 2018 has not followed the standard investment development process’. Will the government pause the SRL and refer it to Infrastructure Victoria?

Jacinta ALLAN (Bendigo East – Premier) (14:23): Again, I am very pleased to have the opportunity to talk about the Suburban Rail Loop and explain to the Leader of the Opposition why we have had to develop the Suburban Rail Loop. We released the business and investment case in August of 2021 and we submitted that business and investment case to Infrastructure Australia. The Leader of the Opposition is fundamentally misunderstanding the role of Infrastructure Victoria and Infrastructure Australia. I refer to Infrastructure Victoria, who have recently in a couple of reports highlighted that we need to build more homes closer to good, strong transport connections, which is exactly what the Suburban Rail Loop is about. We have submitted that business case to the federal government and we have submitted that business case to Infrastructure Australia, and we will continue to pursue the

delivery of this project, because we must make sure that Australia's largest university and places like Box Hill TAFE and Box Hill Hospital are better connected by rail.

Ministers statements: Mulgrave electorate health funding

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:24): I rise to update the house on the Allan Labor government's work to support the health and wellbeing of the people of Mulgrave. I note the Leader of the Opposition's comments that the Labor Party has neglected Mulgrave for years. What a statement. I will tell you what the Leader of the Opposition neglected to mention. He neglected to mention we have delivered unprecedented investments to the people of Mulgrave and indeed right across the south-east. These include of course our \$577 million heart hospital – Australia's first heart hospital – and a Monash Medical Centre emergency department expansion with a specialist paediatric emergency area. Far from neglecting Mulgrave, we are pushing on with our commitment to further expanding Monash Medical Centre.

We are also delivering one of 20 of our women's health clinics at Monash Health. But we are doing even more than that. We have delivered priority primary care centres at Monash Children's and nearby Glen Waverley, which together have seen more than 15,000 presentations, and we are helping the people of Mulgrave access the primary care they need through our community pharmacy pilot, with participating pharmacies in Springvale, Noble Park and Wheelers Hill – what a list. They must have had a good member, and come Saturday, they are on track to have yet another.

I say this to the people of Mulgrave: if you want a hardworking person, a person who is committed to her community with runs on the board, then you need look no further than Eden Foster from Mulgrave. I look forward to her joining our government, joining the Allan Labor government that is continuing to deliver for the people of Mulgrave, because only Labor can be trusted to invest in the health care that all Victorians need, including those that live in Mulgrave.

Commonwealth Games

John PESUTTO (Hawthorn – Leader of the Opposition) (14:26): My question is to the Premier. Today it has been revealed that the Premier has instructed departmental secretaries to not provide documents to the select committee on the Commonwealth Games. Why is the Premier attempting to muzzle witnesses and hide the truth about the games debacle?

Jacinta ALLAN (Bendigo East – Premier) (14:26): I thank the Leader of the Opposition for his question, and the Leader of the Opposition is wrong. No such instruction has been given. I am advised that the relevant departments have received requests for further information from the Legislative Council committee and those requests are currently being assessed and processed. So the Leader of the Opposition is just flat out wrong once again with his little conspiracy theories over there. In terms of the question of executive privilege, I say to the Leader of the Opposition – I thought he was watching these proceedings a little bit more closely than what this question belies – executive privilege indeed has been waived on a number of occasions in terms of providing information to the committee to provide that advice to the committee.

This also goes to the heart of the issue at hand. Why the government made a decision to not proceed with a 12-day sporting event is because it was all about the cost and not about the benefit for regional Victoria. What we are focused on right now is building more homes in regional Victoria, investing in community sporting facilities, in supporting our tourism and major events industry, and that is the task we will continue to focus on.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:28): Now that her attempt to muzzle departmental secretaries has been revealed, will the Premier do the right thing and allow officials to hand over documents to the select committee on the Commonwealth Games?

Jacinta ALLAN (Bendigo East – Premier) (14:28): Maybe the Leader of the Opposition in his busyness of being more focused on interjecting across the table missed my previous answer. I am happy to repeat it for the benefit of the Leader of the Opposition. I apologise to the house for what may be a little bit of repetition because I know other colleagues may have already heard this – it was that the Leader of the Opposition is simply wrong.

Ministers statements: Mulgrave infrastructure projects

Danny PEARSON (Essendon – Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Assistant Treasurer, Minister for WorkSafe and the TAC) (14:29): I rise to update the house on the massive benefits the Allan Labor government is delivering for people in Melbourne's south-east and in particular to the people of Mulgrave. In 2018 we finished the work to remove nine level crossings on the Cranbourne–Pakenham line, which has benefited the member for Cranbourne, the members for Pakenham and Oakleigh as well as the member for Narre Warren South and their communities. Boom gates were down for 82 minutes on the line and now traffic flows freely on key routes like Corrigan Road, which is of benefit to the Minister for Government Services, and Clayton Road. Locals are enjoying a new station at Noble Park and 11 MCGs of new parkland and community open space beneath the elevated rail.

But it does not stop there. The new Metro Tunnel means that we will be able to run more trains more often on the Cranbourne–Pakenham line when the tunnel opens in 2025. On roads, the Monash Freeway upgrade was completed in 2022, adding 66 kilometres of new lanes on one of our busiest freeways. These projects are an absolute game changer in getting you where you need to go in the south-east.

But we know that the best is yet to come. Work is already underway on the Suburban Rail Loop at Clayton, and we are not far off from starting at the site of the new Monash station, which the Minister for Environment cannot wait for, and it is just a 5-minute trip for many in Mulgrave. When it opens it will connect this dynamic part of our city to every major metro line and key locations right across our city. So this weekend the people in Mulgrave will have a distinct choice between a government that does things that matter, delivers on its promise and has a vision for the future and an opposition that has barely delivered a transport project in living memory.

Public housing

Tim BULL (Gippsland East) (14:31): My question is to the Premier. Timothy from Lakes Entrance has been on the public housing waitlist for an extended period. Because of his lack of secure housing his 15-year-old daughter is forced to live in Melbourne and he cannot be the carer for her mother, who has suffered extensive brain injury and is presently in a nursing home. In two weeks Timothy will be evicted from his temporary accommodation, and housing can only offer him a tent and a sleeping bag. Why is the Premier failing vulnerable Victorians like Timothy?

Jacinta ALLAN (Bendigo East – Premier) (14:32): I thank the member for Gippsland East for his question, and I would invite the member for Gippsland East to provide more detail than I appreciate he has given in the house in terms of personal details of Timothy from Lakes Entrance. If he is willing to provide that information outside of the chamber, I will ask the housing minister, who is also an upper house member for Lakes Entrance, to investigate this matter and work with local housing providers in the local area to see what other options may be available to Timothy, his daughter and his broader family, given the member referred to the caring responsibilities that this man provides for his mother, I believe you referred to.

A member interjected.

Jacinta ALLAN: Mother and daughter. It does speak to some of the challenges we do face, particularly in the more rural communities across Victoria, the smaller communities, in terms of ensuring that families who have particular circumstances, more vulnerable circumstances – being able to provide them with either emergency housing support or longer term housing support in our smaller

rural communities. That is why through the additional \$1 billion in a dedicated Regional Housing Fund we are working at targeting smaller rural communities across regional Victoria to build across regional and rural Victoria at least 1300 additional social and affordable homes in communities across the state.

Again, I deeply understand. I also, like the member for Gippsland East, represent smaller communities and understand how being able to find suitable housing in the private market can be a challenge. It can be, as I have indicated, even more challenging if you have a particular set of circumstances that bring some additional complexity. We are prepared to work with the member for Gippsland East on this particular example, as we continue to, I hope, work with members across the Parliament as we look at doing everything we can to build more homes in Victoria – in regional Victoria, in rural communities like Lakes Entrance, in regional centres like Bendigo and Ballarat and in the suburbs of Melbourne – because this is a big challenge for us across the state and indeed across the country.

We know we need to build more homes in the private market, which is why we have the housing statement and particularly the good work that the housing minister and our Minister for Planning are undertaking to drive the development of more housing. But we know too as a government that for people who rely on the government as a housing provider we need to do more. We are doing more in regional Victoria, and I hope we can have the opportunity to work with the member for Gippsland East on his particular matter.

Tim BULL (Gippsland East) (14:35): Premier, I note your response for me to pass on the details of this issue and you will take it up. You might be rather alarmed to know that I wrote to the housing minister on Timothy's behalf in March this year. Eight months later and despite sending a further reminder to the current housing minister, and I am happy to table both of these letters, Timothy has not received a response in eight months, without his circumstances changing. Why is this government so callous that it will not even provide him with a response in eight months, a simple response?

Jacinta ALLAN (Bendigo East – Premier) (14:35): Again I repeat my comments earlier, and clearly the member is willing to provide those details. I will follow up those matters with the Minister for Housing, who is also, as I indicated, the local member for this area. These can be particularly personally complex matters. Let us not presuppose some of the challenges that sit around the reasons why there has not been an appropriate roof over this family's heads. We are working very hard right across the state to provide more roofs over the heads of more Victorians, because that is a big and important task that is ahead of us.

Richard Riordan: It'd be great if you'd done it before.

Jacinta ALLAN: It is disappointing that members like the member for Polwarth in that interjection that he has made are more about the politics than the outcome. We have got to be about the outcome. We have got to be about the outcome to get more homes built for more Victorians.

Ministers statements: inclusive education

Jacinta ALLAN (Bendigo East – Premier) (14:36): Helping families and particularly children to get the best start in life is a big priority for our government. We have created the position of Minister for Children, and I want today to particularly focus on families that have a child or children with a disability. These families can often feel like they are navigating a system that is challenging, that is too hard, and they can sometimes feel like – as they are facing those challenges, fighting for their kids, fighting for a better outcome – they can miss out on the joy of seeing their kids simply being kids. We know that there is more that we can do to provide support, and as local members I know that many of us work with children with a disability on getting the best education outcomes. That is why we are delivering a \$203 million package that will transform special schools, particularly in making sure that special schools get access to outside school hours care. This is a transformative program.

The member for Kalkallo and I, with the Deputy Premier, were at a special school in the Kalkallo electorate recently, where we announced that a further 15 schools are being added to the program. It

is a program that was piloted at schools like Kalianna School and Bendigo Special Developmental School, and it has been a big success. That is why we are extending it to a further 15 schools, alongside a billion-dollar investment in special school infrastructure, upgrading every special school across the state. We are upgrading Springvale Park Special Developmental School and Monash Special Developmental School, both of which are in the community of Mulgrave. I know because I have been out there with our candidate for the forthcoming by-election Eden Foster. She will continue, if she has the opportunity, to fight for these kids in this place.

Rulings from the Chair

Constituency questions

The SPEAKER (14:39): I have reviewed the constituency questions from Tuesday and Wednesday. On Tuesday the member for Preston sought an action from the Minister for Education. I therefore rule his question out of order. On Wednesday both the member for Murray Plains and the member for Polwarth sought actions from the Treasurer. I therefore rule their questions out of order.

Annabelle Cleeland: I raise a point of order, Speaker, regarding overdue responses to questions on notice. I am currently waiting on 35 overdue questions on notice. It would be great if the ministers for housing, early childhood and pre-prep, environment, transport and infrastructure, public transport, racing, emergency services, energy and resources, water, treaty and First People, WorkSafe and the TAC, roads and road safety, and skills and TAFE, the Attorney-General and the Treasurer could all please send responses soon. One in particular I would like to point out is question 256 directed to the Minister for Housing, similar to questions we heard today, which is now 208 days overdue. The list of questions is 256, 508, 509, 510, 512, 513, 571, 572, 573, 581, 628 –

The SPEAKER: In the interests of time, member for Euroa, would you provide the list to the clerks, please.

Annabelle Cleeland: I can. Thank you so much for that, because there is a list.

Emma Kealy: On a point of order, Speaker, I bring to the house's attention question 365 to the Minister for Health, which was asked on 5 October and due on 4 November, and question 252 to the Minister for Treaty and First Peoples. It was asked on 3 August. It is well overdue; it was due on 2 September. I ask the Speaker to investigate those and provide a prompt response to the constituents who are affected by those questions.

Tim Bull: On a point of order, Speaker, I want to also raise some overdue questions. The first two are adjournments – adjournment 293 to the Minister for the Environment and adjournment 343 to the Minister for Emergency Services. I will just quickly run through these questions – 132, 237, 386, 387, 421, 422, 434, 465, 466, 536, 540 and 601. Some of those are 10 months overdue.

Tim Read: On a point of order, Speaker, I have got five overdue questions on notice and two overdue constituency questions. I am happy to provide the numbers to the Clerk.

Constituency questions

Hawthorn electorate

John PESUTTO (Hawthorn – Leader of the Opposition) (14:42): (430) My question is to the Minister for Roads and Road Safety. When will the Allan Labor government make a decision on funding the vitally needed Hawthorn to Box Hill trail? Recently I met with the Boroondara Bicycle Users Group, known as BBUG. Their objective is to improve cycling tracks around Hawthorn and nearby neighbourhoods and to make our roads safer for all road users through awareness and delivery of new projects. A key project of interest within my local community is the Hawthorn to Box Hill cycling trail. In 2021 the state government completed a feasibility study into the trail. However, to date there is still no progress on design, nor has any funding been announced. I note that BBUG has started a petition online and has so far received 1153 signatures in support of the trail. That can be viewed at

<https://www.change.org/p/please-build-the-hawthorn-to-box-hill-trail-for-bikes-walkers-and-scooters>. Minister, I call on the government to finally commit to funding the Hawthorn to Box Hill trail, thus providing the people of Hawthorn with much-needed new infrastructure.

Greenvale electorate

Iwan WALTERS (Greenvale) (14:43): (431) My question is for the Minister for Roads and Road Safety. Could the minister please inform me and my constituents in Greenvale how the Victorian government is investing in arterial road maintenance across my electorate and working to tackle the scourge of illegal dumping of rubbish on roadside verges? The issue of illegal dumping is such a deeply frustrating and saddening one for me personally and I know for the many other Greenvale residents who have contacted me to express their concern and anger at the actions of a very small minority. I would like to acknowledge Hume City Council for their efforts to combat illegal dumping and in particular the work they have undertaken in my electorate of Greenvale under the leadership of former mayor Joseph Haweil and new mayor Naim Kurt. The irresponsible behaviour of those who illegally dump their household and industrial waste in our public spaces and along roads like Somerton Road both harms our natural environment, including in our beautiful areas like Woodlands Historic Park and the green wedge, and also reduces the amenity of our shared spaces across the community. I want to thank every resident who has contacted me to raise instances of illegal dumping. I will continue to advocate and work constructively across different levels of government to respond to illegal dumping.

Lowan electorate

Emma KEALY (Lowan) (14:44): (432) My question is to the Minister for Outdoor Recreation, and the information I seek is: when will next year's duck-hunting season be announced? Local businesses are coming to me, and they are very concerned because they need to know sooner rather than later whether next year's duck-hunting season will go ahead or not. They need to be able to order supplies now so they are in stock for the upcoming season, but if the intention is for Labor to cancel duck hunting in the state, then they need to not order those goods. Recently we held a duck-hunting forum in the northern suburbs of Melbourne.

Danny O'Brien: Whereabouts?

Emma KEALY: It was in Craigieburn actually.

Danny O'Brien: Yan Yean.

Emma KEALY: Yes, it was up in Yan Yean. A member in the other place Mr Evan Mulholland was there and helped to coordinate it, and the fabulous member for Euroa was also in attendance. With over 400 duck hunters there, there was unanimous support that we can host a sustainable season, and they desperately want to make sure there is an announcement for the upcoming season before the end of this year.

Thomastown electorate

Bronwyn HALFPENNY (Thomastown) (14:45): (433) My question is to the Minister for Police. I am seeking the minister's assistance in setting up a roundtable discussion with residents in the Thomastown electorate and Victoria Police's priority communities division. Therefore my question is: how can I go about setting up this roundtable discussion? I have been overwhelmed by the number of residents contacting me in great distress due to the increasing incidence of hate speech, aggression, threats and abuse directed at people of Arab-speaking backgrounds. Such incidents have been experienced by individuals of all faiths that have connections to the Middle East, from the youngest primary school age child to elderly grandmothers, who have been screamed at, told to go home – 'We don't want you here' – called terrorists and animals and have had things thrown at them from passing cars. Many are not reported because they think no-one cares and nothing can be done, but something can be done and will be done.

South-West Coast electorate

Roma BRITNELL (South-West Coast) (14:46): (434) My question is to the Minister for Health. Following the release today of Portland hospital's annual report, I ask the minister what she intends to do to turn around the failing health service and provide Portland with the medical services it deserves. Today's report paints a picture of decreased and lost services, staff retention issues and flagging morale. But even before today's report was released I had been receiving countless concerned accounts of the hospital being on bypass, anaesthetists being on stress leave and ophthalmologists having left. I am told general surgeons are in limbo waiting for their contracts to be renewed and are reluctant to operate without onsite doctors to back them up overnight. Hard-fought-for maternity services continue to be plagued with rumours of cuts. There are times when there are no doctors available in the precinct, and the emergency department is under enormous pressure with good registered nurses grappling to provide life support. It is clear the state government is letting the community down and letting hardworking staff down. We should be pulling out all stops to ensure this health service, so far from other major hospitals, is given all the backup and support needed to care for its population.

Laverton electorate

Sarah CONNOLLY (Laverton) (14:47): (435) My question is for the Minister for Public and Active Transport. As of two weeks ago the Sunbury line, which services my electorate through Albion, Sunshine and Tottenham stations, finally commenced operating with the new high-capacity metro trains, the first time a high-capacity service has operated in Melbourne's west – a big deal. These new trains now connect commuters in our community directly to the Cranbourne–Pakenham rail line as one continuous service. The service has become possible due to the works done as part of our government's \$2.1 billion Sunbury line upgrade, which focused on getting our station infrastructure ready for the Metro Tunnel to open by 2025. These trains indicate we are a step closer, because when that tunnel opens, these train services will form the basis for the Metro Tunnel service connecting via five new stations in the heart of Melbourne. My question for the minister in relation to these new trains is this: by what percentage will these new high-capacity metro trains boost capacity and patronage on the Sunbury line for commuters in my electorate?

Rowville electorate

Kim WELLS (Rowville) (14:48): (436) My question is for the Minister for Roads and Road Safety. When will the government replace the \$110 million promised by the previous federal Liberal government to upgrade Wellington Road that was later scrapped by their federal Labor mates? Information in response to my question on notice reveals that state Labor, since coming to power in 2014, has only allocated a pitiful \$5.91 million to upgrading the entire road, with only \$3.21 million for the busiest section of the road, which is located in the electorate of Rowville. Yet Labor has not delivered on that pathetic excuse for funding, spending only \$2.3 million on Wellington Road – that is not even half. The evidence from Labor's lack of funding is clear: a heart-wrenching 594 crashes have taken place on the road, with 11 tragic deaths. This road is unsafe and a deathtrap.

Ashwood electorate

Matt FREGON (Ashwood) (14:49): (437) My question is to the Minister for Public and Active Transport, who is at the table, and it relates to the Anniversary Trail Engage Victoria process that was going on through the minister for roads last year but now would be in the minister's portfolio. The question I have is: when will that information from the Engage Victoria process be available to us all?

Gippsland South electorate

Danny O'BRIEN (Gippsland South) (14:49): (438) My question is to the Minister for Roads and Road Safety, and I ask the minister to provide details of the road funding, including a list of projects, for the Gippsland South electorate for the current financial year. The Gippsland South electorate – I know the minister probably is not aware of it – covers South Gippsland, parts of Wellington and parts of Latrobe city. I know she follows me on Facebook and looks at my selfies, but I would actually like

her to fix the roads instead and do her job. We have got the South Gippsland Highway having additional speed reductions repeatedly – 60 kilometres an hour in two sections now and quite a number of 80s. The road to the Prom is an absolute disgrace. We have got potholes everywhere. The Strzelecki Highway, the Hyland Highway, the Princes Highway – the number one highway in the country with major potholes on it that are having to be constantly repatched. I would like to know what in fact is being spent on Gippsland South roads in this financial year.

Melton electorate

Steve McGHIE (Melton) (14:50): (439) My question is to the Minister for Veterans. What programs are the Allan Labor government delivering to support and remember the contributions of veterans in the Melton electorate? Every year on 11 November at 11 am we pause to remember those who have served and those who have died in all wars and peacekeeping operations. It was an honour to attend the Remembrance Day service in Melton last Saturday. I pay credit to president Stephen Cook, vice-president Russell Pettis and secretary Andrew Jeynes of the Melton RSL; Wayne Gillies, president of the Melton Vietnam veterans; and of course all the families that support our local veterans. Remembrance Day means many things to many different people depending on their experiences, and this was clear at the Melton service. People from across the electorate joined to pause to remember the service and sacrifices of our brave service men and women. It is so important that we continue to support veterans on Remembrance Day and every day. As our state and nation grow, we must ensure that we learn and remember the contributions of our veterans, including in my electorate. I look forward to the minister's response.

Bills

Corrections Amendment (Parole Reform) Bill 2023

Second reading

Debate resumed.

Bronwyn HALFPENNY (Thomastown) (14:51): I rise along with the many, many members of this chamber from all sides of politics to speak strongly in support of the Corrections Amendment (Parole Reform) Bill 2023. I acknowledge the courage and the strength and the commitment of family members and friends of victims of these abhorrent crimes, who have worked tirelessly and whose advocacy and work has led to this legislation to amend parole provisions in certain circumstances and for certain people. In particular I would like to acknowledge the hideous murders that were committed against Natalie Russell, Elizabeth Stevens and Debbie Fream by the Frankston serial killer, as well as the attempted abduction of Roszsa Toth, but this legislation also takes into account – and we are thinking of – all those other victims of awful, terrible murders that have been seen across time.

In preparing to speak on this bill and having to read of such crimes, it is quite incomprehensible that a human is capable of such cruelty and horror, and in the jailing of such offenders we have to acknowledge that the pain and suffering of families, friends and communities does not stop when they are jailed. This legislation is to ensure that we do not add to the continuing suffering that will never go away of families and friends when loved ones are murdered – that we do not add to it by allowing people who are serial murderers or murderers of children to apply for parole on many occasions. They put up arguments and provide real uncertainty to the families that are left behind wondering whether it is the case that this person will be able to go free – what if they do what they did to their daughter or son to somebody else? – and also worrying that each time they have to go through the trauma of saying why they oppose that parole or whatever.

I have to also acknowledge Mr Limbrick, a member of Parliament in the upper house, in the other chamber, and the family and friends that have really explained well how parole applications add additional trauma, which creates further uncertainty for the loved ones that are left behind, as they have to relive the case as the person makes their application, talks about why they ought to be freed,

what they have done, what they have not done. It just brings up and makes people have to relive all that trauma and those terrible circumstances again.

This legislation that we are debating today, this amendment to the Corrections Act 1986, specifically denies parole to the Frankston convicted serial killer unless he is dying or so incapacitated as to be incapable of hurting others – that is what it says in the bill. It also provides similar provisions for other categories of prisoners that have been convicted of other heinous crimes by providing definitions for those that these restrictions on parole would apply to, defining those people as ‘restricted prisoners’. They would be prisoners that have been convicted of, for example, multiple murders, the murder of children or murder plus serious sexual offences.

So this legislation both is specific to an individual – I think there has been a lot of debate about that leading up to this legislation, about whether there should be particular people or individuals named or legislation drafted up and passed in relation to one specific person, but the consensus of our society, of the community, is that in the case of the Frankston serial killer that is exactly what we need to do – but also then provides the definitions and the provisions which would tighten up the ability for some prisoners to apply for parole and in what circumstances. For example, some may not be able to, and for others there will be a lengthening of the time after which they can apply for parole. Also the legislation provides for the Adult Parole Board of Victoria to have further powers in terms of making assessments about restricted prisoners, as I discussed a little bit earlier.

I would also like to acknowledge that it is not easy to draft legislation such as this, because you really have to do a lot of looking into what cases it should apply to and what cases it should not, and of course it is also very sad and awful to have to go through that. So the minister, their office and those legal officers and members drafting up the legislation are really doing an incredible job in looking at legislation such as this. Also, people tried to make an issue of the time it was taking to have this legislation brought to the Parliament, but again, it is not easy to draft legislation like this. Always we have to be mindful of making it right the first time; we do not want to have to further traumatise families by having to make amendments ongoing, so that they have to keep coming back and reliving and thinking about what is the best way to deal with these offenders. So it did take some time, the balancing and looking at things such as the rights of prisoners, the rights of families and the rights of victims, but in these cases and in the circumstances that this legislation is here to address we know that definitely the balance must be in favour of the victims of these most heinous and terrible crimes.

There has been considerable consultation with the families and friends of loved ones who have been murdered, in particular in the cases of the Frankston murders. There has also been consultation with the victims of crime commissioner and Aboriginal organisations to ensure that the legislation is as good as it possibly can be and is taking into account the views of various organisations and individuals. But of course again it is all about the consultation with the victims and their families and loved ones, who have the ultimate say as to how this legislation will affect them, and their views on how they believe that it ought to operate.

I think many people, in a much better way than I, have looked back at, for example, the 1990s when the Frankston serial killings were happening. They knew people; they were part of that community. I know the member for Frankston spoke earlier about how awful it was and his contact with individuals and a community that are still affected this many years afterwards because it has been such an awful thing. Even living on the other side of town in Preston, I clearly remember. And it did certainly make everybody feel that little bit unsafe, worried, looking over their shoulder.

My first child was born in 1995, and even then these cases and what you heard made you more protective of your children and what you did. I think we even put some wrought iron on the side windows, worrying about what was going to happen with abductions or whatever. Really heinous crimes like this have a long-lasting effect on everybody that knows of them, that hears of them and that lives through the time of them. It is hoped that this is one piece of legislation – I will not say

small – and one contribution that in the scheme of things will make it just that little bit easier for victims and our community to sleep at night and feel safer than they otherwise would.

Annabelle CLEELAND (Euroa) (15:01): I rise today to speak on the Corrections Amendment (Parole Reform) Bill 2023, a bill that I am proud to support and we are proud to support on this side of the house. The purpose of this piece of legislation is to amend the Corrections Act 1986, the principal act, in a few ways, primarily to strengthen the decision-making capacities of parole boards and the legal system. This is one of the larger overhauls of this system that has been brought to the chamber, and I am grateful to be able to speak on the matter today. Through this bill the Adult Parole Board of Victoria will, in certain circumstances, be able to specify a period during which a prisoner is not eligible for parole.

While this bill has emerged to address the widely reported parole situations involving one currently incarcerated serial killer, a man convicted of heinous crimes, it will also be applicable for cases with similar circumstances. This man, whose name deserves no recognition in this place, killed three women in Melbourne's south-east in 1993 and was shockingly eligible for release earlier this year after being handed a 30-year non-parole sentence on appeal. The names in this case that do matter are Natalie Russell, Elizabeth Stevens and Debbie Fream, all of whom were tragically taken from this world far too early. These young women deserved the opportunity to grow old, have families of their own and live full lives. As a 34-year-old woman myself and as a mother, I find this truly and utterly heartbreaking.

The perpetrator was initially given three life sentences without parole for these murders. Now, 30 years on from the killings, it is clear that this man is not suitable to ever be released from jail. While the parole board rejected his application, the process involved was still bringing considerable stress to those connected to and directly impacted by this case. I note that this piece of legislation is supported by the families of these victims, and I thank them all for their support, advocacy and knowledge and their resilience.

For those in attendance today in the gallery, thank you so much for being here and the inspiring work that you have done to ensure this bill becomes law. I hope that this bill can help alleviate some of the stresses and hardships that have arisen through previous discussions surrounding the prisoner's parole. I also want to thank all of those who have spoken in the chambers today on this bill, in particular the member for Frankston and the member for Berwick, who have provided passionate words and advocacy and kindness on this matter. To Mr Limbrick in the other place, thank you for your continued advocacy on this matter. This is a bill that has involved considerable consultation with the friends and families of the victims, with the police and with our courts. Today you can feel the emotion in the chamber, and it is heartbreaking to know that these would be daily occurrences for the families here today, and for that I am so sorry. It is pleasing to see that we have been able to find legislation that we can all agree will make our society a better and more just place.

In terms of the technical provisions of this bill, there are several that make this legislation suitable and fit for the purpose it needs to serve. Many of these provisions put significant focus on the public interest when it relates to cases of these types of prisoners. This bill inserts new section 74AC into the principal act to prevent any parole applications from the prisoner unless some very certain caveats are met. These include if, in the secretary's opinion, the prisoner is in imminent danger of dying or is seriously incapacitated and as a result he no longer has the physical ability to do harm to any person and has demonstrated that he does not pose a risk to the community.

This bill amends section 3(1) of the Corrections Act 1986 to insert some important definitions relating to prisoners, including:

restricted prisoner means a prisoner who is serving a sentence of life imprisonment, in respect of which a non-parole period was fixed, for—

- (a) two or more offences of murder; or

- (b) one offence of murder, where the victim was a child; or
- (c) one offence of murder, where the victim was also the victim of a sexual offence committed by the prisoner ...

This bill amends section 73A of the principal act to require the board to:

... give paramount consideration to the safety and protection of the community in ...

making decisions around parole matters. This bill inserts new section 74AAG into the principal act to allow that:

The Board by instrument may declare that the restricted prisoner is not eligible for parole for a period – of between five and 10 years –

if the Board is satisfied that it is in the public interest.

This legislation also inserts new section 74AAD into the principal act to require the board by instrument to order that following an application where parole is denied, a prisoner serving a life sentence with a non-parole duration is not eligible for parole for the period specified in the order.

Just to close, I want to again thank you so much for your advocacy in being here today. I imagine it is incredibly hard, and we are very proud of all of your resilience and support. This is an important bill and one I am deeply proud to commend to the house.

Luba GRIGOROVITCH (Kororoit) (15:06): I too rise to speak today on the Corrections Amendment (Parole Reform) Bill 2023. Before I do, I want to also acknowledge the strength and resilience of the families of the victims. It is great that you are here today, but I am just so genuinely sorry that you are. What you have gone through is just not fair, and I am sorry, deeply.

What we have to say in this debate and on this subject matter concerns vital and all-important issues to do with our justice system. It is therefore only right that everyone in our community can and should be able to watch and read our contributions in this place and to take part themselves in the discussion and the debate on this legislation, no matter what point of view they may take on it. But let me say, as previous speakers have, simply as a warning to those who are watching and listening, that what we are discussing here today is very confronting subject matter involving violent crimes, crimes that should never have occurred. This bill names the prisoner Paul Denyer in the Corrections Act 1986, and doing this means that he cannot be released from prison on parole unless he is dying or incapacitated to the point that he cannot pose a risk to anyone in the community. While this bill will comprehensively address the issues associated with that one offender, it will also make changes to the broader parole process. It will make changes to the parole requirements for a targeted cohort of the most serious offenders in our prison system. A person who is serving life sentences for murdering multiple people, murdering a child or murdering along with committing a serious sexual offence against the same victim will become a restricted prisoner. The Adult Parole Board of Victoria will be given the power to prevent restricted prisoners from applying for parole for between five and 10 years. In addition, if a person serving a life sentence is refused parole, the adult parole board will be required to set a no-return period for up to five years, preventing them from applying for parole again until they are no longer a risk to community safety. Finally, the bill will enable better information sharing about those decisions with victims of crime and of course their families.

Elizabeth Stevens, Debbie Fream, Natalie Russell and Roszsa Toth – my heart breaks for each and every one of these victims and their families. The lives of three young women were stolen by a monster. The grief that these families have suffered is simply not okay. No family deserves to experience such horrific grief. I am sorry that you, your family and your community had to experience such heartache. I hope that this bill can provide you with some little amount of comfort.

There has been a bit of back and forth about legal advice, and I do want to make some comment about this. Firstly, per usual practice, it is not the solicitor-general's role to provide a position of support or otherwise on the government's policy as reflected in the bill. As a normal part of policy development,

the government often gets legal advice on legislative changes. That advice is only one input into the development of a bill. In this case another fundamental input into the development of the bill was consultation with the Russell family. I acknowledge their ongoing advocacy on this issue and their contribution to these reforms.

Ultimately the bill reflects the government's decisions and delivers on the government's commitments to providing more certainty to victims and their families of the most serious offenders. We are confident that this bill is robust and that it will avoid a lawyer's picnic, which obviously we all want to avoid. More importantly, we are confident that these changes will provide more certainty and comfort, not just for the Russell family but for other victims and their families.

Our focus needs to be on tackling the social causes of crime and reforming the character of people to ensure that offenders do not repeat crimes, and evidence shows that this can be done successfully if the government has will and the community is there. I do not believe calls for being tough on crime and building more prisons generally serve the community or the cause of justice well. I do not come to this debate without some conflicted feelings. Legislative changes like the one which is before us today should very much remain a narrow exception of our justice system and not the rule. However, I am satisfied that it will remain so and that this legislation is necessary and proportionate to what it addresses.

We know that Paul Denyer pleaded guilty to his crimes in the Supreme Court in 1993, for which he was sentenced to three life sentences without parole. Subsequently he chose to appeal that sentence in the Court of Appeal. In upholding his appeal, the court determined that he should be granted a non-parole period of 30 years. As has been widely reported, the independent statutory adult parole board denied his application for parole on 10 May this year. Based on what we know, it was utterly unlikely that he would have been granted parole. We have heard from victims of crime and their advocates that just the fact of an offender applying for parole can have an enormously traumatic impact on them. This is why this bill is so important. It means that in these extremely exceptional cases the victims and their families will not have to go through the pain unnecessarily.

When I think back to 1993, 30 years ago, about the unimaginable grief that each of these family members and friends of the victims went through and what the entire community went through, it breaks my heart. To think that this monster stalked women, he preyed on women, he made the entire community feel unsafe – the evil acts which this man committed are simply unacceptable. The crimes committed were horrific. The trauma which so many have subsequently suffered is disgraceful and heartbreaking.

Returning to the bill, the vast majority of people in prison will not be impacted by these changes. The changes to this bill are targeted at only the most serious offenders, people on life sentences. For this small cohort of the most serious offenders, the courts have said quite clearly that there is no assumption that they will ever be released from prison by sentencing them to a life term of imprisonment. Parole can only be granted to this group if they are no longer a risk to community safety. The parole system will continue to operate as it does now to ensure their transition out of custody is smooth and supports their reintegration back into the community.

In concluding, I want to acknowledge my colleagues in this place who have shared personal stories with us all – the member for Frankston, the member for Pakenham, the member for Berwick and other members around this place who have opened up their hearts. As the member before me said, there really is a feeling in this place today. As has been said, this bill is about the victims, the families and of course our community. The strength and resilience that has been displayed by the families is absolutely admirable. These crimes have left no greater impact than on the friends and loved ones of Elizabeth Stevens, Debbie Fream, Natalie Russell and Roszsa Toth. I say to them: I cannot imagine what you have all been through and what you continue to go through. We can only thank you for your continued advocacy over all these years to make sure that no other family has to experience the horror that you have. I thank the chamber for listening to me today, and I commend the legislation.

Peter WALSH (Murray Plains) (15:14): I rise to make a contribution on the Corrections Amendment (Parole Reform) Bill 2023. In starting off I would like to say to those in the gallery that this has been too long coming. The system has worked and we have finally got to a conclusion, but I think we all owe the families an apology for how long it has taken to get to this particular point. I would like to do that on behalf of the Nationals and sincerely say: we have finally got here, but we are glad we have got here.

There is another part that I would like to comment on before I go to the specifics of the bill. I thank the member for Berwick and the member for Frankston for the work that they have done, from our side of politics, to keep pushing this issue along. Again, this is how democracies work. His Majesty's loyal oppositions are there to hold the government of the day to account, and when the government of the day are not doing the job they need to do, on behalf of Victorians in this case, the opposition is there to continue to push – as in the case of introducing a private members bill – to just keep the pressure on and make sure things come to the fore. For those who say 'You can't do much in opposition', I think the member for Berwick and the member for Mornington can demonstrate that if you keep pushing, keep putting the case forward and use all the parliamentary processes that are available to you, you can actually deliver an outcome on behalf of those that need justice here in Victoria. That is what this bill is about – delivering justice.

The purpose of the bill is to amend the Corrections Act 1986 in relation to conditions for making a parole order for the prisoner Paul Denyer. We had the debate when the private members bill was introduced as to whether naming Paul Denyer in a bill was going to be an issue that could be challenged in a court in the future or could actually lead to other prisoners who are named in particular pieces of legislation being open to challenge in the courts. I assume the government has got this right and there is no opportunity for court challenges in the future to this bill or to the others that I will come to, Julian Knight and Craig Minogue, who are under similar pieces of legislation. The crimes that have been committed by those people are absolutely atrocious, horrendous crimes, and they do not deserve to be released from jail. It is just incomprehensible – particularly when, as I understand it, there is effectively no remorse – that these people could be released from jail at any time in the foreseeable future, if ever.

This bill requires the Adult Parole Board of Victoria in certain circumstances to specify a period during which a prisoner is not eligible for parole, it requires the adult parole board in certain circumstances to consider making and empowers the board to make a declaration specifying a period during which a prisoner is not eligible for parole and it makes provisions for the sharing of certain information by the secretary and the board. This, as I understand it, gives the parole board the powers to effectively keep someone in jail forever, and that is very, very important here because people who commit these heinous crimes just do not deserve to be out in society.

The bill inserts a new section 74AC into the principal act to prevent any parole application from the prisoner Paul Denyer unless in the secretary's opinion Mr Denyer is in imminent danger of dying or is seriously incapacitated and as a result no longer has the physical ability to do harm to any person and has demonstrated that he does not pose a risk to the community. This finally puts Denyer in the same category as Julian Knight and Craig Minogue, as I mentioned before, with the years he will spend in jail into the future.

Julian Knight was sentenced in the Supreme Court in November 1988 to life on seven counts of murder. We have passed special legislation in this place to make sure he is kept in jail for the rest of his natural life. The same applies to Craig Minogue, who was responsible for the Russell Street bombing – again, another horrendous crime here in Victoria. He is in jail for the rest of his natural life as well.

Paul Denyer was sentenced to three life sentences without parole in 1993 for the murders of Elizabeth Stevens, Debbie Fream and Natalie Russell. He successfully challenged the sentence and was granted a 30-year non-parole period on appeal in 1994. The sentencing judge, Frank Vincent, described Denyer's extraordinary savagery as 'almost beyond comprehension' in his direct statement to Denyer at the sentencing. As we all know, Justice Vincent was an excellent jurist here in Victoria and was head of the

parole board for quite a long time. I rate him as a very, very good judge and someone who would not make statements like that lightly. I think we can take solace in the fact that Frank Vincent, as an excellent judge, made those rulings about that at that particular time. It is sad in society that we have to do these sorts of things and that we have criminals like this in the state who will deliberately go out and cause harm. For most of us it is incomprehensible that someone would do that, but also incomprehensible – unless you are family of those victims – is what you would go through when this happens.

I would hope that the work that has been done by both sides of politics to make sure we got to the point of this legislation and the fact that the families have heard the debate today and understand the sincerity of both sides of politics will ensure there is closure for you and ensure that you do not have to go through circumstances where there may be a parole hearing in the future, where you would be traumatised again by reliving the events that you suffered through so many years ago. I commend the government and commend those in the opposition who have worked with us to get to this point. I wish you well with the rest of your lives.

Gary MAAS (Narre Warren South) (15:21): I too rise to make a contribution to the Corrections Amendment (Parole Reform) Bill 2023. I do so not only as the member for Narre Warren South but also as someone who grew up in the outer south-eastern suburbs and as someone who has practised law, but I will get to that part in a moment. I have been really fortunate to have read the book by Paul Kennedy by the name of *Funkytown*, and Funkytown was the name that his sister gave to the suburb of Frankston. It really is a terrific book, a story about Paul himself moving from his later teenage years of life into early adulthood and doing that in the suburb of Frankston. As someone who grew up in Springvale at around about the same period of time, I could relate to those sorts of stories that he told of having a fake ID to get into the Grand Hotel, of having that teacher at that school who was able to take him from one direction in life to another direction in life, even to referring to the suburb that you come from by doing that thing that we do in Australia where we shorten the name but then extend it, so Frankston becomes Franga – I will not dwell too long on that – and Springvale becomes Springy. But there were all these great sorts of stories within that book that I was able to relate to. The one thing in my youth growing up was that I did not have to fear being home at a certain time in the afternoon, which is something that he also goes to in that book. It really resonated with me – and the sort of fear that there would have been for parents as well as the whole community during that time. It is a really terrific book, and I recommend if you do have the opportunity to read it to do so.

As someone who has practised law and practised law for those who deserve protection and access to justice, this has been something that I have always fought very, very hard for. I have always been a very strong advocate for ensuring that the rule of law remains so strong that it really does stay strong and that there is that separation of powers that exists between our executive and our court system. I must admit that until this occasion there has not been a time when I have thought that that should ever be breached. has been confronting because of the way that you think about these things, to get to that position. It is a journey.

To the families of victims I say thank you for challenging me and taking me to that point that I needed to get to, because I am so proud that this Parliament, this government, has identified that this particular individual has just committed the worst crimes and that the legislation that we are passing in this place has to, in this very limited circumstance, override that of the courts – it just has to – because even though they sentenced him, and they did so with all of the protections that go with the separations of power, it did not meet a Victorian community standard that must be met now in 2023. I am so proud of this government, and I welcome the support of the opposition as well as the very strong contributions from the member for Frankston, the member for Pakenham, the member for Berwick and the one I am sure we will hear from Mr Limbrick in the other place. This law is an exercise in protection for the whole Victorian community, and on that basis I commend the bill to the house.

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (15:26): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Transport Legislation Amendment Bill 2023

Council's agreement

The DEPUTY SPEAKER (15:26): I have received a message from the Legislative Council agreeing to the Transport Legislation Amendment Bill 2023 without amendment.

Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023

Second reading

Debate resumed on motion of Danny Pearson:

That this bill be now read a second time.

and Cindy McLeish's amendment:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government:

- (1) agrees to freeze premium increases for 24 months and then limit increases to be in line with CPI for a further 24 months in order to provide certainty to businesses;
- (2) provides details of the commencement date, structure, objectives, functions and funding of Return to Work Victoria;
- (3) provides a detailed analysis and comparison of public and private sector claims for physical and mental injuries and commits to increasing focus on prevention strategies for each sector;
- (4) makes available the reports on the modelling for the legislation; and
- (5) commits to reporting annually to Parliament on the implementation and progress of the new arrangements, prior to the proposed legislative review in 2027.'

The DEPUTY SPEAKER: The minister has moved that the bill be read a second time. The member for Eildon has moved a reasoned amendment to the motion – she has proposed to omit the words after 'that' with the view of replacing with the words which are on the notice paper. The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment by the member for Eildon should vote no.

Assembly divided on question:

Ayes (52): Juliana Addison, Jacinta Allan, Colin Brooks, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Sam Hibbins, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Danny Pearson, Tim Read, Pauline Richards, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (24): Brad Battin, Jade Benham, Roma Britnell, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy, Cindy McLeish,

James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bridget Vallence, Kim Wells, Nicole Werner, Jess Wilson

Question agreed to.

Assembly divided on motion:

Ayes (49): Juliana Addison, Jacinta Allan, Colin Brooks, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Danny Pearson, Pauline Richards, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (27): Brad Battin, Jade Benham, Roma Britnell, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, Sam Hibbins, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Tim Read, Richard Riordan, Brad Rowswell, Ellen Sandell, David Southwick, Bridget Vallence, Kim Wells, Nicole Werner, Jess Wilson

Motion agreed to.

Read second time.

Consideration in detail

Clause 1 (15:38)

Cindy McLEISH: I am pleased that we have the opportunity to go into consideration in detail here. I thank the minister, and I hope that many other ministers in the chamber will actually follow his lead and consider doing the same, because every single time we ask – and looking at the government business program, this is a request we often make – it is very rarely, maybe only once a term, I think, we seem to get it. The Premier is here listening to my plea, so let us hope that they do that.

I want to start at the purpose of the bill. The purpose of the bill is the WorkCover scheme modernisation. One of the things that is mentioned in the second-reading speech and in the government's press releases is Return to Work Victoria. The bill is silent on this area, and at the bill briefing it was pretty clear that this had not been thoroughly thought through. My question now is to the minister: can you provide detailed information about the body Return to Work Victoria to give us confidence that work in this area has been done? Specifically I am keen to hear about the objectives, functions and funding of Return to Work Victoria. Where is it housed? Is that in Department of Treasury and Finance? Is it in WorkSafe Victoria? Is it a separate entity? What sort of structure and what sort of level of staffing and governance would it have and when would it commence? I would like to know whether it is front ended or back ended after the 130-week test or both.

I want to alert the minister and the house to the Finity report from December 2020, three years ago, page 20, which states:

... it does suggest that ...

return-to-work

performance within the first two weeks after injury has slipped over time; this applies to both Mental Injuries and Other Injuries.

So there is quite a lot in that, but I would ask the minister to address all of those concerns.

Danny PEARSON: I will come to the member's questions in a moment, but a couple of things I just want to note: when I first introduced this bill to the house I did so because I recognised we need to modernise the WorkCover scheme to ensure it is financially sustainable and continues to support injured workers now and into the future. I do want to thank members for their contributions on the second-reading debate. I particularly want to thank members of the government who made very significant contributions in relation to this bill.

The bill that is before the house is the result of months of consultation between business, unions and stakeholders; literally thousands of hours of work have got us to this point. Work is already underway to have Return to Work Victoria ready to be operationalised to assist injured workers to get back to work – and I will come to the member's question in a moment. And we want to build on a series of existing initiatives to make sure that injured workers get the support that they need.

I note the member for Eildon raised a point about the fact that I led the briefing. I did lead the briefing. I led the briefing, and I invited not just the member for Eildon but other members there, because I wanted the member to know and I wanted the opposition to know that this piece of legislation is so vitally important. I know that I wanted to do everything I could in my power to ensure its passage through the Parliament. I also agreed to consideration in detail for precisely the same reason. I respect this institution. I respect the Parliament. I respect the fact that the opposition have a role to play, and I want to make sure that they are afforded that opportunity.

This bill is detailed and technical, and I want to make this point: the operationalisation of the legislative change will take time to implement and to communicate to businesses and unions. I had originally wanted this bill to come into place on 1 January this year. The advice I received was 'Look, you're going to need to –

Emma Kealy interjected.

Danny PEARSON: I will come to that, member for Lowan. The advice was that 'You would need –

A member interjected.

Danny PEARSON: No, 1 January 2024. The advice I received was the fact that this is quite detailed and technical and that you need to be able to make sure that the legislation reflects the operations, the policies and the procedures of WorkSafe, that it is communicated to employers, that it is communicated to other stakeholders, that it is communicated to lawyers and that it is also communicated to the agents. And so the advice I received was, 'Look, you're going to have to push it off with a start date of 31 March next year or earlier.'

I have offered to negotiate on the member for Eildon's reasoned amendment. We have 12 days before this bill goes to the Council, the other place, and I am happy to meet every single day to negotiate on every single amendment that the member for Eildon has put forward, because I know that with further delay the implementation of this bill just gets harder. It just gets harder. Every day will see the liabilities grow and the cost to stabilise the scheme will increase even more, which means the premiums will have to go higher. If the bill does not –

A member interjected.

Danny PEARSON: No, I want to be clear on this. You need to know what you are doing – because I do not think you do know. So I will make it clear –

Members interjecting.

The DEPUTY SPEAKER: Order! Less interjections, or I will remove people.

Danny PEARSON: So if the bill does not pass by the time of consideration of the premium order next year, premiums will have to increase dramatically, and this will be on the opposition. I want to

be absolutely clear on this: businesses will foot the bill for this stunt, and that is all it is. Ultimately if the bill fails, then premiums will have to rise even further, and once again businesses will have to foot the bill. What has been done today has been a sensible compromise, because injured workers deserve better and business deserves a sustainable workers compensation scheme. As I said, I want to make sure this bill is passed so we have a kinder, gentler scheme for injured workers and a fairer scheme for business.

In relation to Return to Work Victoria, what I have learned from this experience is that I think we can do a much better job of having targeted interventions early on when a worker gets injured. We need to make sure that small problems do not become large problems. Every Victorian has a contribution to make, and that is why we will be establishing Return to Work Victoria. It will be established as a business unit within WorkSafe, centralising the provision and the oversight of existing and new return-to-work initiatives. Work is underway now, and the new unit will be operational alongside reforms to the WorkCover scheme. So we are serious about funding Return to Work to support the piloting of prevention, early intervention and return-to-work initiatives, building on WorkSafe's existing return-to-work initiatives.

WorkSafe's new employment services is an existing program to help injured workers to find new employment. The WorkSafe incentive scheme for employers provides financial incentives for employers to take on a new employee returning to work following a workplace injury. We want to pilot programs allowing for industry-led innovations and to create an evidence base for programs that can be scaled up and rolled out across our state. This is about making sure that we have those targeted interventions so we can try and provide a way to make sure that injured workers get the support that they need when and where they need it, because what we know is that if you are an injured worker and you end up in a long tail – that is, you are in the scheme on benefits after 130 weeks – your mental health outcomes are four times worse than if you are working. We do not want to see workers languishing on WorkCover for years. Every Victorian worker deserves the dignity of safe and rewarding work. Work provides a sense of community and connection that is so very important for our wellbeing, and we will have more to say about Return to Work Victoria.

Sam HIBBINS: I acknowledge the government and the minister for finally going into consideration in detail on a bill. Hopefully it becomes a regular occurrence. On clause 1, the purpose of the bill – this has been described as a modernisation of WorkCover. The minister has indicated that he has gone into extensive consultation on the bill. In his consultations he would have found out that a number of unions – Trades Hall overall, the CPSU, the National Tertiary Education Union and Health and Community Services Union – have all come out and opposed this bill. Rather than being a modernisation, they see this as a step backwards where people with mental health injury will be further stigmatised. Many of them will have legitimate claims denied. Why hasn't the minister taken the advice of the unions and their members that will be affected so significantly by this and gone back to the drawing board and actually had a real modernisation of WorkCover that focuses on prevention and supporting workers who are injured in the workplace?

Danny PEARSON: This goes to show why you are manifestly inadequate and incapable of ever holding any responsibility in this state. Hard things are hard, and you have to show leadership. We have worked with Trades Hall Council, we have worked with the Australian Industry Group (AIG), we have worked with the Victorian Chamber of Commerce and Industry (VCCI), we have worked with –

John Pesutto interjected.

Danny PEARSON: I will come to you in a moment, Leader of the Opposition. We have worked with various stakeholders on this bill. I accept this is hard – this is really hard work. But the reality is that the alternative is we do not do it. Okay. So you turn around and say, 'Oh, look, it's all too hard. We won't do it.' I will talk to you about that in a moment. We have worked extensively. We started consulting with business and with unions earlier this year, and what is before the house is a sensible compromise. As part of this we have to increase premiums. The premium rate had not increased for

over 20 years, and we increased it from 1.2707 per cent to 1.8 per cent. What we also have had to do is make sure that we have provided some reform to the system to make sure that people have got a pathway to continue their connection with their workplace. That is incredibly, vitally important. If you lose your connection to your workplace, if you lose your connection to your job, if you find yourself on benefits for the rest of your working life, it is an awful existence. I have spoken with injured workers. I have seen the pain that they have felt, losing a job that they loved that they can no longer do, feeling like they can no longer continue to contribute. The fact that they are by themselves and there is just no future for them – that is not good. We are not doing the right thing by injured workers.

The notion that, for example, you can have stress and burnout in your 20s and that you stay on benefits till you retire at 67 I just do not think is in anyone's interests. I do not think that is in the interests of injured workers, and so that is why we want to try and modernise and do this work. The other point I would make too is that already there are 9000 workers in the long tail, and the long tail is those who are on benefits after 130 weeks. This goes to the point of why it is so important that this bill passes this year. There are 8000 workers approaching the long tail – 8000. Now, think about this for a moment. If the legislation is delayed, if this is referred off to a committee in the other place and that takes months to report, how many more of those 8000 workers who are approaching the long tail are going to end up in the long tail? What this will do is fundamentally undermine the scheme, and it will mean there will be no choice but to increase premiums. That is just a simple fact of the matter. So I would say to the member for Prahran we need to make sure that we have got a viable compensation scheme, because what will happen – and I appreciate the member for Prahran probably has not run much in his life – if the liabilities of this scheme are greater than the revenue –

Members interjecting.

The DEPUTY SPEAKER: Order!

Danny PEARSON: If the liabilities are greater than the assets, then this scheme will collapse, and there will be no workers compensation scheme – none – and I will not cop that.

Emma KEALY: I refer to Return to Work Victoria, which was mentioned in the minister's second-reading speech; however, it is not referenced within the legislation of the bill before us. During the bill briefing we were told that stress and burnout claims would be eligible for the 13-week payments and also then managed by Return to Work Victoria. Return to Work Victoria is not yet funded. There is no structure behind it at all. I am concerned about people who have stress and burnout claims over that 13 weeks of provisional payments, and I would ask the minister: what will happen to workers in the absence of Return to Work Victoria, or even when it is available in the future, who initially access the 13 weeks of provisional payments for a stress or burnout related injury at the conclusion of those 13 weeks, particularly in the light that it is very difficult to get a mental health appointment within a 13-week period? Further, if the matter is not fully resolved within those 13 weeks, will those workers simply be required to return to the work environment that is doing them harm?

Danny PEARSON: On this point, Return to Work Victoria, as I indicated in my answer to the member for Eildon, will be a business unit within WorkSafe, and we are already doing some of these interventions to date. As I said, I think that there is an opportunity here to have a more hands-on, granular approach to injuries when they occur. My observation of the claims experience to date is that an injury occurs, a claim goes in and there are various interventions at different points in time in the journey, but all too often injured workers do not get the support that they need when and where they need it, and they find themselves in the long tail. As I have indicated, the mental health outcome is four times worse if you are on benefits for the rest of your working life than if you are back working.

Back in 2021, just for the member's knowledge, the then Andrews Labor government introduced those 13 weeks of provisional payments to provide those early treatments and supports for work-related mental injuries while that work is being assessed. Now, as the member would be aware from the briefings that we provided, all workers who make a mental injury claim, including stress and burnout,

will continue to have access to provisional payments to support their treatment for 13 weeks regardless of whether the claim is ultimately eligible to enter the scheme.

Now, to give you an example in relation to some of these provisional payments for mental injuries, they will cover the cost of GPs to develop an action plan to support recovery and include payments to psychologists, counsellors and psychiatrists, cost of medication and travel to treatment and services – and that includes workers having facilitated discussions conducted by occupational rehabilitation providers to help workers and employers to identify and address barriers to returning to work. I think it is also important to note that this work really complements the work of the Royal Commission into Victoria's Mental Health System, and to date this government has invested over \$6 billion, which is the largest investment in Australia's history into mental health.

Emma Kealy: On a point of order, Deputy Speaker, on relevance, my question was specific to workers who have stress and burnout claims that persist beyond the 13 weeks. What supports will be provided to them, or alternatively, will they be forced to go back to the work environment that caused them harm?

Colin Brooks: On the point of order, Deputy Speaker, the member for Lowan in her two questions that she framed to the minister specifically mentioned and referenced the broader mental health support sector, and I think the minister was answering the first part of her question and then obviously answering and responding to the particular matter that she raised about broader mental health supports in the community.

The DEPUTY SPEAKER: I will rule on the point of order. The minister was being relevant to the clause – which, as the purpose of the bill, is relatively broad – and so also relevant to the question.

Danny PEARSON: As I indicated, Return to Work Victoria will be set up as a business unit within WorkSafe, and I think there is an opportunity to have more of those targeted interventions within that first 100 days of the claim experienced, because all too often small problems become larger problems. People get disconnected from their workplace, from their colleagues, from their job, and so this is about making sure that we provide those targeted interventions through Return to Work Victoria so that they are able to get the support that they need and so that we can try to address these issues head-on. The point to make here is that what is currently occurring is not fit for purpose. This scheme has served our community well for decades, and this is about making sure that we can have a scheme that is modern, fit for purpose and meets the needs of 2023 Victoria as opposed to 1986 Victoria.

Bridget VALLENCE: My question is: why is Return to Work not mentioned in the bill, how much funding will be allocated to stand up and operate Return to Work, will it be required to report annually on Return to Work outcomes for public sector and private sector separately and have you consulted with GPs about objectives of Return to Work?

Danny PEARSON: Well, as I have indicated, Return to Work Victoria will be a business unit within WorkSafe. The work that it will do will be reported through the usual ways, through the usual channels, and this is about making sure that we build on the work that has already been done to date, be it through WorkSafe's new employment services, which is, again, an existing program to help injured workers find new employment, or the WorkSafe incentive scheme for employers. On the WISE program, this is a really good example where incentives are provided to employers to take on injured workers who have been injured for an extended period of time, and so what I want to do is to build on this and to expand on this further. We have got different industries that should be able to pilot and trial a number of different interventions to get the very best outcomes for those injured workers.

It is important to recognise that this will sit within WorkSafe. We need to make sure that we divert more of these 8000 workers that are approaching the long tail away from the long tail, because it is better for them. If they end up in the long tail, they are four times more likely to have a poor mental health outcome than if they are working, and that is what we will continue to do.

Bridget Vallence: On a point of order, Deputy Speaker, on relevance, I do not think the minister has gone anywhere near to answering the question that I asked, which was about how much funding will be allocated to Return to Work Victoria to operate and whether there will be reporting annually on outcomes for the public and private sectors separately in particular, and a number of other bits and pieces in that question. I do not think the minister has come anywhere near to answering that question at all, and I would ask you to bring him back.

Colin Brooks: On the point of order, Deputy Speaker, the member for Evelyn asked four specific questions, and the first of those was very broad: why is Return to Work not mentioned in the bill? Then she then went through the two questions that she mentioned and also asked about whether it would be required to report annually. The minister in his answer is trying to cover the four questions that the member for Evelyn had asked in a genuine way. Potentially if members were to ask a single question each time, the minister might be able to succinctly answer each question. So I think the point of order should be ruled out of order.

The DEPUTY SPEAKER: There is no point of order, as again the minister was speaking relative to the clause. Clause 1 is very broad, as it is the purpose of the whole bill.

Danny PEARSON: Again, I just want to make the point that this will be a business unit within WorkSafe. What it does is its actions and its operations will be reflected in the WorkSafe report. It will discharge its duties as part of that. It will be reported through the usual way, and it will build on the work that we are already doing. We have to recognise that we have to do things differently. We have to have a much more targeted intervention in relation to injured workers. I think that waiting for six months or 12 months before you start doing interventions when a person has been locked away and disconnected from the workplace does not do them any good at all, and they are four times more likely to end up with a worse mental health outcome.

Brad ROWSWELL: A very simple question which I suggest requires a simple answer, again in relation to clause 1: should this bill pass the Parliament, will the minister guarantee that for at least 24 months following the introduction of the bill premiums will not be raised by the government?

The DEPUTY SPEAKER: Before the minister responds, we are a lot closer together here, so I can hear a lot more than usual when in the chair – and I can usually hear you in the chair. If we are going to get this done – and I will try and get the answers and hear what we want to hear – I would appreciate it if we all think a little more and say a little less when we do not have the call.

Danny PEARSON: What I would say to the member for Sandringham – and I appreciate the question – is this partly goes to my offer to the member for Eildon that I am happy to negotiate on the member for Eildon's reasoned amendment to get this bill passed this year. Again, I made the offer earlier; it stands now. I will work every day between now and when this bill goes to the other place to get this sorted.

In relation to the average premium rate, the average premium rate had not increased for around about 20 years before we had the increase this year. The average premium rate was 1.2707 per cent on average, and we increased premiums to 1.8 per cent, which brought it broadly in line with New South Wales. What I can guarantee the member for Sandringham is if this bill does not pass or it is watered down so much that these 8000 workers who are approaching the long tail – the premium order next year will start with 2. That means it will not be a 42 per cent increase, it will be 67 per cent based on where we were prior to this premium order. That is what I can say.

The problem we have got – again, if you look at the numbers, and you would have seen this in the briefing – is there is a tsunami of claims coming towards this scheme. This scheme is just simply not working. It makes injured workers sicker, and business are paying so much more. It just does not work. And this is why I am so passionate and so committed to this piece of legislation, because of the fact that I recognise that if we do not fix this now –

Brad Rowswell: On a point of order, Deputy Speaker, I understand the minister's enthusiasm and passion for the topic he is currently speaking about. But the specific question has as yet not been answered, and that is: should the bill pass, will the minister guarantee that premiums will not increase? The reason I am asking that question is to give Victorian businesses at this particular time in our state's history a guarantee that they require and the certainty that they require.

Vicki Ward: On the point of order, Deputy Speaker, the minister is answering the question, the minister is covering aspects of the question and he is talking to the clause as asked in the question. So if those opposite, instead of muttering away, would actually allow us all to hear the response of the minister –

The DEPUTY SPEAKER: Order! I can rule on the point of order. There is no point of order. The minister was being relevant to the question asked. I cannot dictate to the minister what to say. The answer was being relevant to the question asked.

Danny PEARSON: As I said, I can guarantee that if this bill does not pass or if this bill is delayed and the next decision point for me is the premium order, the premium will have a 2 in front of it. Again, it comes back to the earlier commentary in relation to return to work. We have had to increase premiums. We also have to have a focus on Return to Work Victoria to try and divert people away from the long tail.

The other point to make – and I think this is an important one – is we have made it clear that we are not taking any capital repatriations out of this scheme. The money that is in the scheme stays in the scheme, because we want to stabilise the scheme. The other point I would make to the member for Sandringham – and I appreciate the sincerity of the member's question – is we have what is called the BEP, the break-even premium. The break-even premium works out what you have to charge in order to cover your costs. Because of where we are now and because we are looking at 8000 workers approaching the long tail, that is why we are going to hit 2 per cent; right? In the medium term, if Return to Work Victoria does all the things that I sincerely hope it does do, then you can start to turn around and say 'Okay, the claims and the costs and the liabilities start to decrease'. Liabilities go down, then premiums go down. That is the thing I think is really important to note, so that is our focus.

James NEWBURY: Further to the minister's previous responses in relation to a number of matters, firstly in relation to premiums, the minister just confirmed a minimum 25 per cent increase next year if the bill does not pass. Was that a minimum of 25 per cent? And the minister earlier stated that if this bill does not pass, Victoria's WorkCover system will collapse. On what date will Victoria's WorkCover system no longer exist?

Danny PEARSON: I just want to be clear on this. Premiums are a function of actuarial advice each year. It is dependent upon the success of Return to Work Victoria to divert people away from the long tail and find ways back to work. Clearly if you have got a mental health injury and there is capacity where you get the early intervention and the support and the help that you need and then you can go back to work, the value of that liability on the books of the WorkCover scheme is less than if you find yourself in the long tail for life. The notion that you can turn around and be prescriptive about this as to what day and what hour – it runs a risk of collapse, absolutely. When you look at the fact that –

Vicki Ward: On a point of order, Deputy Speaker, I am trying to listen very carefully to the response that the minister is giving. Your instruction that you can hear everything that we are saying and that you would ask us to think more and speak less is clearly being ignored by the Leader of the Opposition.

The DEPUTY SPEAKER: The point of order is, Minister?

Vicki Ward: I would really like to hear what the minister is saying.

The DEPUTY SPEAKER: There is no point of order, but yes, I would appreciate it –

John Pesutto interjected.

The DEPUTY SPEAKER: The Leader of the Opposition is not helping.

Danny PEARSON: As I indicated earlier, every year it is based upon actuarial advice. What I am advising here is that in the event that these matters are not resolved, then a premium order needs to be made next year to kick into place for 1 July. And if there is no certainty in relation to modernisation of the scheme, there will be no alternative other than to increase premiums next year, and that figure will have a 2 in front of it.

James Newbury: On a point of order, Deputy Speaker, in the minister's previous answer he said 25 per cent. In this answer he said that he was not able to give a number. I am just asking which of the two answers is correct.

Danny PEARSON: I made it clear that the figure would have a 2 in front of it. I did not say –

James Newbury interjected.

The DEPUTY SPEAKER: Order! You asked the question.

Danny PEARSON: What I said was that it would have a figure of 2 in front of it. Two minus 1.2707 per cent roughly equates to a 67 per cent increase. That was the basis of what I said. If the bill does not pass, that is what we are potentially looking at.

Cindy McLEISH: I note that the minister is passionate about and committed to getting these changes through very quickly, and I equally note that it was in December 2020, three years ago almost, that he had the report handed down, and he has had plenty of time to work on this rather than turning his mind to it just this year.

Focusing again on Return to Work Victoria, return to work is a core role of WorkCover. The objectives of the WorkCover scheme are outlined in the principal act; two of the first three are about return to work. We have seen the system slide, so I want to know: how is it that performance is sliding? What is happening? He talks about the scheme WISE, which has been in existence for a long time. Is the minister telling us that that has failed and now they are going to try and revamp it to try and turn it around? Is that what you are saying?

Danny PEARSON: It has been my great honour and privilege to be the Minister for WorkSafe and the TAC since December of last year. That is the first thing I would say. The second thing I would say is that in relation to this report that the member refers to – I think that was December 2020's report – I just want to take the member back to what December 2020 was looking like. We were confronting the worst economic crisis in the state's history since the Great Depression, and at that point in time we had to put in \$11 billion worth of business support. I am not quite sure if the member for Eildon is seriously contemplating or suggesting that what should have happened is my predecessor in early 2021 should have issued a premium order to increase premiums at the same point in time when we were giving \$11 billion worth of business support.

Emma KEALY: The minister has referred to the escalating number of claims particularly related to stress and burnout, so I would ask for some further information in regard to that, particularly with his further comments that the number of claims escalating would lead to future WorkCover premium increases. So I ask the minister: could he please provide the number of stress and burnout claims for the past five years and, further, the number of mental health injuries and physical injuries that are arising from the private sector and then separately from the public sector, including government-related entities, and if that information is not available at his fingertips today, can he provide that information and that data on notice?

Danny PEARSON: I thank the member for her question. What I can say on this point is as of November 2023 around about 82 per cent of total injuries were in the private sector. There is some rounding up of figures here, but 72 per cent of those are physical injuries and 9 per cent are mental.

Approximately 18 per cent are in the public sector, around 12 per cent are physical and 5 per cent are mental. I think it is important to note that there is a difference between the public and the private sectors – absolutely – because of the fact that our frontline workers do such an amazing job. When I have spoken to people who have suffered from PTSD, or people who have treated people who have suffered from PTSD, they described their lived experience as like a bucket, and every traumatic incident is like adding to that bucket. It gets to the point where the person simply can no longer go on. These reforms ensure that our hardworking frontline police officers, our nurses, our firefighters and our corrections officers will have a scheme that is right for them and can service them now and into the future. That is just the simple reality.

Emma Kealy: On a point of order, Deputy Speaker, on relevance, this is a very narrow question about data covering the past five years of claims. I realise this information may not be available to the minister today. If it is unavailable, could he make it available to the house before this bill comes before, we expect, the Legislative Council in two weeks?

The DEPUTY SPEAKER: On the point of order, again, I cannot dictate to the minister how to respond, but it was relevant to the question asked.

Danny PEARSON: The member will be able to look at *Hansard*. I have quoted to the member in relation to the current status as of November this year.

Gary MAAS: Thank you to the minister for considering this bill in detail. Minister, as you would be aware, there are many workers who will be affected by the changes in this scheme. Could you please outline what the challenges are that are being faced in the WorkCover scheme?

Danny PEARSON: Look, what we have seen is a rise in mental health claims, which is driving the deterioration of the scheme. Back in 1986, around about 2 per cent of all claims were mental health injury claims. That is now around 16 or 17 per cent. The cost of these claims represents about 50 per cent of the scheme's cost, and the challenge we have got is that unless we try and have more targeted interventions, the very real risk is that you will start to see that figure increase far beyond 17 per cent. It could be as high as 30 per cent by the end of this decade. The challenges that we are confronting are no different to what schemes are confronting in other jurisdictions. New South Wales has put in \$4.2 billion to stabilise their iCare scheme. Now, I appreciate that that scheme is not identical to ours, but I think it speaks to the fact that there are real challenges here.

The other point to make, and it is important that the member for Prahran hears this, is that in terms of Queensland you have got a situation where there are no benefits after five years. You hit five years and you are out. You then go on a federal government transfer payment; it might be a disability pension or it might be in relation to unemployment benefits. That is why it is so very important that we keep this scheme viable, because we have to make sure this scheme can pay its way and continue to support injured workers.

Again, I think the point – and the member for Narre Warren South knows this very well from his past life and his outstanding work as co-chair of the Workplace Incidents Consultative Committee – is that the problem we have and the challenge we have got for injured workers is that the scheme is just not fit for purpose, and we need to do so much better. All of us in this place are familiar with 100-day plans. That is what we kind of do; we are kind of used to 100-day plans. We need to get to the position where we have a 100-day plan in relation to supporting injured workers when they get injured and having a much more hands-on approach to make sure that they get addressed and dealt with in relation to these matters, because we have just got to do much better.

I say this to the member for Prahran in relation to some of his earlier comments: if you are in your 20s and you have got stress and burnout and you lose connection to your colleagues, you lose connection to your workplace, you lose your connection to your job and you are isolated, if you spend the next 40-odd years of your life on benefits before you retire, that is not good. That is just a terrible outcome. I

would not wish that on my worst enemy. I would not do that. That is why I think it is about making sure that we are providing those targeted interventions and support, because it is the right thing to do.

Sam HIBBINS: On clause 1, people with stress and burnout would get zero weeks of WorkCover compensation under this bill. It is clear from the debate the minister is claiming to be very passionate about wanting to see this through. I did not realise insulting members who are asking questions was the best pathway to getting this bill passed, but obviously he is looking to do a deal with the Liberal Party to get this bill through. He mentions –

Members interjecting.

Sam HIBBINS: Were you complaining about interjections before? Was that the minister?

The DEPUTY SPEAKER: Through the Chair.

Sam HIBBINS: The minister was mentioning the hard work of reform and in running things. This government has been running WorkCover for its entire term of office, this minister has been on WorkCover for the best part of this year, and the government has known about the financial issues for WorkCover for many, many years. The question goes to the sequencing of reform. The minister talks about getting workers assistance earlier. Why hasn't the government done the work of reforming to improve the WorkCover system for people with a mental injury and for people with a long-term physical injury – like prevention, like making our workplaces safer, particularly the public sector workplaces that are so impacted by this bill, and getting those early interventions? Why wasn't the work of reform done before you introduced this legislation, which is going to deny people access to WorkCover and throw them off the scheme?

Danny PEARSON: There is a bit in that. What I would say is that we have targeted some interventions to date through things like the new employer services and the WISE, and I want to accelerate that and do more of that. I note the member's comments about me trying to reach out to the Liberal Party or the opposition. Notwithstanding my disagreement with the tactics that the opposition are deploying, they at least are prepared to continue the conversation ongoing, and I have had a good dialogue today with the member for Eildon. Your political party made it very clear very early on that you would not vote for this bill. If the member for Prahran is saying that he wants to have a conversation about getting the bill passed, my door is always open. I am very happy to have that conversation.

What I would say to you from a sequencing point of view is that what we are bringing forward here is, I suppose for want of a term, a grand compact. We looked at increasing premiums earlier this year because we recognised the fact that premiums had not increased for 20 years, and we needed to try and ensure that the scheme was on a stronger financial footing. That is the first point. Earlier this year I also advised the community that the scheme is fundamentally broken, it is no longer fit for purpose. So earlier this year I said, 'It is not fit for purpose, it is fundamentally broken.' We had the premium order where we increased payments. We then turned around in May of this year, when the former Premier and I indicated that these were the reforms that we were going to try and do. The bill that is before the house absolutely reflects the work that was done with Trades Hall, with VCCI and with AIG to come up with a sensible compromise. That is what has been done, and that has been the sequencing.

If you think about this for a moment – I am passionate about this bill because I think that this gets the balance right – you could have a whole-person impairment (WPI) test, and that would mean you would be diverting more people away from the compensation scheme and you would reduce your liabilities. You could have also looked at significantly increasing premiums beyond what we did earlier this year. It is my earnest hope, that in terms of trying to find a balance between an increase in premiums and these reforms, which are modest and sensible and will be sustainable, that we have got the balance right.

James NEWBURY: Just one question. The minister referred to December 2020 a couple of answers ago and the government becoming aware at that time of serious issues. Why has it taken three years to introduce a bill?

Danny PEARSON: The member referred to the Finity report, which was I think dated December 2020, which the opposition have got through a freedom of information request. I was not the minister at that time.

Members interjecting.

The DEPUTY SPEAKER: Order!

Danny PEARSON: I was not the minister at that time. I have made it really clear. I was commissioned as the minister for WorkSafe in December of last year. We started consulting with the unions and with business in February of this year. In May we announced that we were going to have a series of reforms and we were going to modernise this scheme. We have introduced this bill, which reflects all of that.

Bridget VALLENCE: You mentioned it earlier, Minister, and it has been detailed in media releases, Return to Work Victoria will pilot supports for injured workers related to mental stress. How long will this pilot run for? Can you outline details of the supports for the public sector? When will you transition from a pilot to active return to work?

Danny PEARSON: What I would say is that Return to Work will build on the work of my predecessor, Minister Stitt from the other place, and it will look at the new employment service and WISE. What I would say is that when you are looking at a large and diverse economy like Victoria's economy is and you are looking at a diverse workforce, it is not going to be a case of one size fits all. I think that what you will start to see is you will need to trial a series of different initiatives with different industries. Rather than having a sort of command-and-control approach from WorkSafe dictating what is going to be done or what is not going to be done, there is an opportunity for us to work constructively and collaboratively with business to trial different interventions. If you think about it, if you are working in manufacturing in a large manufacturer or you are working in a school, the interventions may not necessarily be transferable. I think this is about making sure that we pilot, trial and work together constructively and collaboratively. On these sorts of questions too it is about making sure that if things do not work then we try something else. We have to keep on innovating and doing better. Again, I just make the comment I made earlier, the challenges –

Bridget Vallence: On a point of order, Deputy Speaker, just on relevance, it was about the pilot supports and also detailing these pilot supports in relation to the public sector.

Colin Brooks: On the point of order, Deputy Speaker, the member's question may be a very important question, but it bears no relevance to the clause, which does not mention return to work or the pilot –

Cindy McLeish: The whole point!

Colin Brooks: Maybe. It does not mention the pilot that the member has referred to. So the minister is entitled to answer in a broad way. It was a broad question that did not really seem to have any relevance to clause 1.

The DEPUTY SPEAKER: The minister was being relevant to the question asked and can continue.

Danny PEARSON: Look, I appreciate the genuine nature of the question from the member for Evelyn, and in our briefing the member for Evelyn talked about this at length, so I appreciate the motivations and the intentions of the member. That is why, though, I want to try and look at doing a number of different interventions. It is not clear to me at this stage that what, for example, might work in a public sector agency would work necessarily in a private sector business. We need to trial and do different things.

But I want to be clear, we absolutely have to recognise that things are not working, that things need to improve and do better, because if we do not then premiums will rise. Again, I make my plea to the opposition. There is an opportunity for us to work in good faith, to work through the member for Eildon's reasoned amendment, to try and have a discussion about this, to try and reach an agreement before the bill goes to the other place and to have this bill passed by Christmas because that is our best chance to ensure that the scheme is in operation on 31 March and that we reduce the risk that premiums are going to have to go up. If this bill is locked away in the other place at the time when a premium order has to be made, the premium order will have a 2 in front of it, and it will be on you.

John PESUTTO: That is patently ridiculous. I will begin with that. But I have a question for the minister on clause 1(a)(iv) – the review of the act. I ask this question in light of the fact that the minister was a member of cabinet prior to the last state election and as the relevant minister since the last state election where the government sat on the Finty report, which we learned today has foreshadowed scenarios, including a scenario that sees the scheme owing \$53 billion in unfunded liabilities. We have a minister, with all due respect, who speaks earnestly of the need for urgent reform but only brought this bill in two weeks ago. We have a minister who freely admits, and has done so repeatedly, that the system is broken. He has said repeatedly, including now, that the system is on –

Members interjecting.

The DEPUTY SPEAKER: Order! Members on my right!

John PESUTTO: The minister in his remarks only moments ago – the first time I think he has said this word – has told Victorians that the system –

Dylan Wight interjected.

The DEPUTY SPEAKER: The member for Tarneit can leave the chamber for half an hour.

Member for Tarneit withdrew from the chamber.

John PESUTTO: He has told Victorians in this Parliament that the system will collapse. So with that preamble, I draw the minister to the sections on reviewing the bill and I ask, with no disrespect: how can the Victorian people have any confidence that the powers placed in the minister to review a system that he broke is the appropriate way to frame this bill? How can the minister –

Colin Brooks: On a point of order, Deputy Speaker, it may be that the Leader of the Opposition has not sat through a consideration-in-detail stage of a bill, but this is not –

Members interjecting.

Colin Brooks: Well, he must have forgotten how it works, because this is not how a question is framed in a consideration-in-detail stage. This is a process for the house to ask information of the minister, not for someone on the other side of the house to sledge the minister and grandstand. There is a semblance of a question there in the Leader of the Opposition's framing. I think he needs to come back to answering the question that fits within the standing orders, Deputy Speaker.

The DEPUTY SPEAKER: In short, I am not dictating to the minister or the questioner what to ask. It is within the standing orders; it is not a point of order. The Leader of the Opposition to continue in silence, please.

John PESUTTO: Thank you, Deputy Speaker. In light of the history I outlined, is the bill right in giving this minister power to review the operation of the amendments in this bill when, for the reasons I explained, he is patently not the person who should be doing it?

Danny PEARSON: There is a bit in that – I do not know what you call it – stream of consciousness, I suppose. What I would say is that this bill is incredibly technical and detailed. I think you would find that the number of people who actually know this bill inside out, back to front and can understand it in a really, really detailed way – not in a superficial way but in a really detailed way – are very few in

the state of Victoria. What I would say on this point is that you do not know what you do not know. We are making these bills, and there might be unintended consequences. When you are dealing with a really complicated piece of legislation, you may well find that with all the best intentions that we as a Parliament have in terms of passing bills, there are times when bills need to be amended and reformed. It might be that circumstances change. It might be the fact that a problem which was not evident in 2023 may well be in 2026.

The other point to make is that by having a three-year time period you are able therefore to have a situation where you have got three years worth of data. Again, this is one of the biggest changes to the scheme in a very long time, and it is important that it takes time to wash through the system. If you think about it in terms of these changes, you are going to have to put people through a different form of assessment; there will be different processes. That is going to take time. It will work its way through. That is why it is so very important that we have the review.

The other point to make – and again, the Leader of the Opposition questions about its collapse – is I am being absolutely honest and up-front with the house. There are 9000 people in the scheme already. There are another 8000 approaching the long tail. Just try to conceptualise that for a moment: in terms of the liabilities of the scheme, it is going to increase exponentially unless we do something. The issue here is that I have held the portfolio since December. I know the Leader of the Opposition may not have heard it earlier but I was appointed the minister in December. We started in February. We outlined to the Victorian community that the system was broken. In May we outlined the series of reforms that we were proposing. This bill reflects each and every one of those reforms.

I personally briefed the opposition, because I wanted the opposition to be afforded the opportunity, on the magnitude of the challenges that confront us. The notion that this is just going to be punted off to some committee in the other place and that it is going to take months – it is literally going to take months. I am not quite sure what those opposite think is going to happen, but it is going to take months. More and more of these injured workers are going to enter the long tail. The scheme will deteriorate further. I will have no other choice: premiums will have to rise as a consequence of their inaction.

John Pesutto interjected.

Danny PEARSON: The reality is that leadership is not kicking a problem down the road, Leader of the Opposition; leadership is tackling it head-on, and that is exactly what I am doing. I will not take a backward step. I want to be clear: I want you all to know I briefed you personally because I take this seriously and I know this is the right thing to do. I am here right now answering your questions because I passionately believe that this is the right thing to do, and I will not take a backward step. I just want to be clear that in the event that this goes off to the other place –

John Pesutto: This is on you, Danny. Don't blame anybody else for your mess. Don't go there. It's on you – just like the residential construction sector –

The DEPUTY SPEAKER: The Leader of the Opposition has asked his question.

Danny PEARSON: What I would say is the Leader of the Opposition has a very, very clear choice.

Cindy McLeish interjected.

Danny PEARSON: Again, this is the third time I have extended this offer to the member for Eildon: I will work with you every day for the next 12 days to come up with and to carefully consider any amendments you wish to make in order to maximise the chances that this bill passes at the end of this year so we start on 31 March. If this bill does not come into operation on 31 March, it will only be the fault of the Leader of the Opposition and the coalition. Premiums will increase, and it will be on you.

Iwan WALTERS: I am interested more in the impact of this bill on businesses in my electorate and across Victoria than in ad hominem attacks on the minister. The Greens have already indicated that they are not interested. They are a party of stunts and protests, as we have seen this week. But if

others in this place join them and if this bill does not pass, Minister, what is the impact going to be for Victorian businesses?

Danny PEARSON: The premium order will be issued to commence in the 2024–25 financial year. The number of the premium is yet to be determined. We will need to get closer. But the premium order will have a two in front of it, and that will come into place as of 1 July next year.

Clause agreed to; clauses 2 and 3 agreed to.

Clause 4 (16:39)

Cindy McLEISH: Clause 4 is about the definitions in relation to section 3(b). Under the DSM, diagnostic and statistical manual, who is entitled as a medical practitioner to make a DSM determination, and has the government assessed whether there are enough psychiatrists to undertake expected work?

Danny PEARSON: Just in relation to this clause, this will provide more fairness and consistency in diagnosing mental injuries and that is as a consequence of introducing a new definition of ‘mental injury’. As the member for Eildon indicated, in practical terms most mental injuries are already diagnosed in accordance with the DSM. This reform will mean doctors must all apply the same criteria so that no worker is disadvantaged. We want to have a more consistent approach to these matters, and this will ensure workers can get the appropriate care and treatment as soon as possible.

Sam HIBBINS: In relation to clause 4 and also in relation to the changed definition of ‘mental injury’, which is much narrower than the current definition of ‘injury’ in the act, this change will also impact workers claiming mental injury, even those who have been subject to traumatic events, which is further outlined in the bill. Does the minister have information on just how many mental injury claimants, including workers subject to traumatic events, will be excluded from receiving compensation as they will not meet this new criteria for a defined mental injury as per the proposed section?

Danny PEARSON: I thank the member for his question. At the outset I want to say that this reform will ensure that our hardworking frontline workers, be they nurses, paramedics, police officers, firefighters or other workers who routinely experience traumatic events in their work, will continue to be eligible under the scheme. As a government, we will always be there to support our frontline workers.

The scheme’s current eligibility arrangements were designed when a small proportion of reported workplace injuries related to mental injuries. Again, I indicated earlier that when the scheme first started it was around 2 per cent. It is now in the order of 16 or 17 per cent, and that represents around 50 per cent of the cost of the scheme. That was never envisaged when this scheme was contemplated; it just was not the case. Again, as I have indicated, what we are experiencing here in Victoria is what has been experienced in other jurisdictions, particularly those who have a long tail, unlike Queensland, who remove people after five years.

Workers are best off when injuries at work are prevented or, in this case, they are injured and they return to productive work in a supportive environment. Again this comes back to the issue of: we want to try and divert people away from the long tail because they are four times worse off than if they are working. That is why we will be establishing Return to Work Victoria. Again, I talked earlier in relation to some of these initiatives. The real point here I think it is important to note is what we are trying to do, and I really just want to make this point clearly: small problems become bigger problems if they are not addressed, and that is why with Return to Work Victoria we want to divert people away from ending up in the long tail for the rest of their working lives. It is about thinking about trying to find opportunities to continue working.

I will give you an example. The Department of Education has been doing some very good work. For example, if you have got a situation where a teacher might have been traumatised at work and you say, ‘Well, you either go on benefits for the rest of your life or go back to that classroom’ – I think we can do better than that. We should be providing people with more options. I met with an agent earlier

this year who talked about how, for example, teachers make really good workers in organisational development. Again, it is trying to find those opportunities for retraining or reskilling, and having a real focus on these timely interventions will make a profound difference to the lives of injured workers.

Emma KEALY: On clause 4, related to the definition of ‘mental injury’, this week we had a report tabled from the Victorian Auditor-General’s Office regarding employee health and wellbeing in Victorian public hospitals. It does provide a compelling snapshot of what is happening in our public sector. It concludes:

The department and the audited hospitals do not effectively support hospital workers’ mental health and wellbeing.

It further states:

There are gaps in hospitals’ processes to identify and control psychosocial hazards. And the department does not effectively oversee hospitals to make sure they protect staff.

One in four hospital workers who did the 2022 People Matter survey reported experiencing high to severe stress at work, and I note now stress and burnout claims will no longer be covered for any period longer than 13 weeks under the government’s new plan. The average cost per psychological injury claim to the workers compensation scheme has increased by 45 per cent to nearly \$190,000 in 2022, and in 2020 the healthcare and social assistance sector – the public sector – accounted for 29 per cent of all psychological injury workers compensation claims but only 15 per cent of all hours worked in Victoria. Today we have heard the minister threaten that it is Victorian businesses who will pay for any increases that come through. He has also stated that WorkCover should pay its own way. Minister, I ask you: why should private businesses in Victoria have to pick up the tab for the government’s mismanagement and failure to provide a mentally healthy workplace for all government employees and all government entities?

Danny PEARSON: There is a lot in that. There really is a lot in that. What I would say is that employers with a payroll of under \$200,000 have a flat premium. So if you are a cafe and you have got a payroll of less than \$200,000, your premium is standard. I think that the base premium for business is around about \$330 per annum. Once you look at a workplace with a payroll of over \$200,000 there are a number of classifications that are brought to bear, including not just the industry you are operating under but also in relation to your claims experience. For example, if you are an employer with a really bad claims record, that will see your premiums increase quite significantly. I indicated to the member earlier that as of November 2023, 82 per cent of total injuries are in the private sector; 18 per cent are in the public sector. So that is the split. It is important that that is again reflected.

In relation to one of the important issues in this bill, one of the issues in relation to this –

Members interjecting.

The DEPUTY SPEAKER: Order!

Danny PEARSON: I am mindful that the hour is getting late. There are 12 minutes to go. I am attempting –

Vicki Ward: Let’s just keep interjecting so we can’t hear.

The DEPUTY SPEAKER: Minister, I am not going to define irony.

James Newbury interjected.

The DEPUTY SPEAKER: Order! You will have your chance.

Danny PEARSON: I think this goes to one of the really important elements of the bill which no-one has really touched on today, and that is the information-sharing element in relation to the bill.

Mathew HILAKARI: I would like to ask the minister what the government and what this bill seek to do around mental injury.

Danny PEARSON: Again, on this point, this work builds on the work of my predecessors when back in 2021 the then Andrews Labor government introduced the 13 weeks of provisional payments. It builds on the work of the royal commission into mental health, where we have invested \$6 billion. We just have to recognise that society now, in 2023, is radically different to what it was in 1993. That is reflected in the fact that mental injury claims are increasing quite significantly, and that is why we need to make these reforms. Again, I just to make it abundantly clear that if you think that kicking this down the road for another 12 months is actually going to improve things, it just will not. There is an opportunity –

Members interjecting.

The DEPUTY SPEAKER: Ministers at the table! Without assistance.

Danny PEARSON: There is an opportunity to get this sorted, to get this right and to be in a really strong position to make sure this scheme is sustainable and long-lasting now and into the future. There is a really good opportunity for this to be done, and from my perspective that is something that I am absolutely committed to doing. If we do not do this – again, the notion that this is going to just be sent off to a committee in the other place and roll around up there for God knows how long before it pops out – the scheme will deteriorate further. What is before the house is a sensible compromise. It is entirely consistent with what was outlined in May of this year. I have briefed the opposition personally to indicate to them the dire straits the scheme is in. We have come up with a series of sensible compromises that gets the balance right. We have to honour our liabilities. In the event that workers go into the long tail, we need to make sure that we honour those liabilities. If these liabilities keep increasing through the inaction and the inertia of those opposite, then there will be no choice but for premiums to go up. It is as simple as that. It is a really simple proposition.

There is a chance here. Again, for the fourth time, I say to the member for Eildon: you have raised a number of issues in your reasoned amendment. I am happy to work with you every day – I will work with you tomorrow, I will work with you over the weekend, I will work with you every day next week and the following week – to come up with a compromise to ensure that you agree to supporting this bill in the other place. I make that offer to the member for Prahran. If the member for Prahran is splitting from his caucus or is going to be a lone ranger on this, all power to you. All power to your arm. Let us have a chat. I will buy the chai latte and we can try and find a way through this.

Cindy McLEISH: Following on from clause 4(b) with regard to the DSM, what is the definition in the bill of ‘work-related stress and burnout’, because burnout is not recognised in the DSM?

Danny PEARSON: In relation to stress and burnout, it is what people understand it to be, which would be an infrequent or a temporary event. I think this is reflected in the clause of the bill talking about traumatic events and the definitions around that.

Wayne FARNHAM: Are you covered because you are a frontline worker? I will give you an example. I had a friend – I still have a friend. I have many friends, and I will not name names.

Members interjecting.

Wayne FARNHAM: Settle down, because you have got to listen to this, and the member for Melton will appreciate this story. This friend is an ambo, and she went through quite a few stages of horrific incidents. The last stage that finally broke her was a 16-year-old boy who had hanged himself – the same age as her son. What DSM diagnosis would help that person?

Danny PEARSON: At the outset I want to pass my condolences on to your friend. I cannot imagine how traumatic that is. I think this goes to the fact that we need to make sure we have got a compensation scheme that supports injured workers and frontline workers because of the nature of frontline work. You might not have been in the chamber earlier, but what I have been advised regarding frontline workers is that it is like they carry a bucket around. Every time there is a traumatic incident, it adds to that bucket, and it comes to a point where they cannot deal with it anymore and they go off with PTSD.

PTSD will be covered; it will continue to be covered. We also recognise the fact that PTSD may not have settled at 130 weeks, and similar to other degenerative diseases like silicosis there is a very real risk at 130 weeks that you might present and you might have a WPI below 20. But what we are doing with the legislation here is ensuring that there is the ability to make those provisional decisions, because we know that, for example, with an insidious disease like silicosis you are not going to get better. You are just going to get worse. To put people through that trauma is not appropriate. In relation to PTSD, again, this is making sure that we cover that, because we have got to make sure that we have got a really financially sustainable –

Vicki Ward: And robust.

Danny PEARSON: and robust – thank you, Minister – compensation scheme to support injured workers and our hardworking frontline workers now and into the future.

Emma KEALY: In relation to clause 4, lived-experience workers are intrinsically at higher risk of mental injury if not properly supported and accommodated in the workplace. Under these changes their access to WorkCover support would be curtailed, potentially risking the planned expansion of this critical workforce. How will the government support the expansion of the lived-experience workforce in mental health without full WorkCover protections for mental injury?

Danny PEARSON: What I would say is we voted for a mental health levy, which was opposed by those opposite. We have accepted each and every one of the recommendations of the royal commission into mental health. We have invested over \$6 billion into our mental health system. We have introduced mental health and wellbeing hubs throughout Victoria to ensure Victorians have access to free mental health support when they need it most. The first six mental health and wellbeing locals opened last year, providing a free and easy way to get treatment and support in the community, without the need for any eligibility criteria and with no referral.

The member specifically raised a question in relation to what we are doing from a workforce growth perspective. We are investing in growing and supporting our skilled mental health workforce, creating more than 2500 new workers and roles in the system, such as mental health nurses and psychiatrists. The recent state budget invests \$11.8 million in new workforce funding, which builds on over \$600 million invested in workforce initiatives since 2020–21. Again I just want to make the point that there is an opportunity here for this bill to be passed to make sure that we have got a sustainable and viable workers compensation system now and into the future.

Emma Kealy: On a point of order, Deputy Speaker, on relevance, this question came from the mental health sector. They are very concerned that this truncation of WorkCover accessibility for people with lived experience may limit their ability to grow that workforce. While I understand there are a lot of things that are being done under the royal commission, I ask the minister to come back to that specific question of what supports will be in place given an aspect of being able to access WorkCover will be taken away from these vulnerable workers.

Danny PEARSON: Again, I want to be abundantly clear to the opposition: there will be no workers compensation scheme in the future unless we are able to make sure this scheme is financially viable and sustainable. We need to make sure that we have got a viable, sustainable workers compensation scheme to support our first responders, to support our paramedics, to support our nurses, to support our people in the mental health sector and to support our hospitals and our nurses. It is a very clear choice. This will not get better by kicking this down the road for however long the other place seeks to do it.

John Pesutto interjected.

Danny PEARSON: What I would say to the Leader of the Opposition is: the ball is in your court. You can fix this. We can pass this. We can modernise this scheme; we can get on with it. You will wear this, and you will regret this, I can assure you. We need to pass the bill. We need to modernise this scheme. We need to support workers. We need to make sure they get the support they need. Injured

workers deserve better, and we need to make sure we have got a viable compensation scheme now and into the future. It is a really simple proposition. This bill is a consequence of thoughtful consideration through multiple stakeholders, and we have worked incredibly hard to be in this position, to get the balance right, to modernise this workers compensation scheme. I urge the opposition –

The DEPUTY SPEAKER: Thank you, Minister. The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business. The question is:

That clause 4 stand part of the bill.

Clause agreed to; clauses 5 to 32 agreed to.

The SPEAKER: The house will divide on the question that the house agrees to the bill without amendment.

Assembly divided on question:

Ayes (49): Juliana Addison, Jacinta Allan, Colin Brooks, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Danny Pearson, Pauline Richards, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (27): Brad Battin, Jade Benham, Roma Britnell, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, Sam Hibbins, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Tim Read, Brad Rowswell, Ellen Sandell, David Southwick, Bridget Vallence, Peter Walsh, Kim Wells, Nicole Werner, Jess Wilson

Question agreed to.

Bill agreed to without amendment.

Third reading

The SPEAKER: The question is:

That this bill now be read a third time.

I advise the house that as the required statement of intention has been made under section 85(5)(c) of the Constitution Act 1975, the third reading of the bill must be passed by an absolute majority. An absolute majority is present in the house.

Assembly divided on motion:

Ayes (49): Juliana Addison, Jacinta Allan, Colin Brooks, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Danny Pearson, Pauline Richards, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (27): Brad Battin, Jade Benham, Roma Britnell, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, Sam Hibbins, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Tim Read, Brad Rowswell, Ellen Sandell, David Southwick, Bridget Vallence, Peter Walsh, Kim Wells, Nicole Werner, Jess Wilson

Motion agreed to by absolute majority.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Crimes Amendment (Non-fatal Strangulation) Bill 2023

Second reading

Debate resumed on motion of Anthony Carbines:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Corrections Amendment (Parole Reform) Bill 2023

Second reading

Debate resumed on motion of Anthony Carbines:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Circulated amendments

Circulated government amendments as follows agreed to:

1. Clause 7, page 5, line 29, omit "consecutive" and insert "concurrent".

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will now be sent to the Legislative Council and their agreement requested.

Business interrupted under sessional orders.

Adjournment

The SPEAKER: The question is:

That the house now adjourns.

Maritime Union of Australia

David HODGETT (Croydon) (17:11): (451) My adjournment is for the Minister for Ports and Freight, and the action I seek is for the minister to intervene in the CFMEU Maritime Union of Australia division protected industrial action against DP World and urge her federal counterpart to put forward a request for a section 431 Fair Work Act 2009 ministerial declaration terminating protected industrial action at DP World terminals on the grounds of significant economic damage to a part of Australia's economy. Minister, you would be aware of and would have no doubt been briefed on the DP World negotiations with the CFMEU MUA division and the further industrial actions and negotiation stalemate in relation to the enterprise agreement negotiations. The Maritime Union of Australia has presented over 300 claims and in October initiated protected industrial action. The industrial action is significantly impacting importers and exporters and having a detrimental impact on the Victorian economy and the Australian economy.

Minister, you have a role to play in urging the MUA to rejoin negotiations and collaboratively find a resolution. I understand there are 15,000 containers sitting at DP's terminals, and this backlog is not able to be cleared while the protected industrial action continues. Minister, DP World is 15,000 containers behind, and if protected industrial action goes ahead this weekend there will be delays on goods and this will impact the Victorian economy and the Australian economy. The minister must encourage the CFMEU MUA division to cease its protected industrial action and return to the negotiating table. The industrial action is adversely impacting the state's supply chain, costing businesses and industry and ultimately hurting Victorian consumers. The bans and stoppages are impacting all DP World sites in Brisbane, Sydney, Melbourne and Fremantle, and the minister should be acting in the interests of Melbourne and Victoria. Again, I ask the Minister for Ports and Freight to urge her federal counterpart to put forward a request for a section 431 Fair Work Act ministerial declaration terminating protected industrial action at DP World terminals on the grounds of significant economic damage to a part of Australia's economy.

Ashwood electorate housing

Matt FREGON (Ashwood) (17:13): (452) My adjournment this evening is for the Minister for Housing, the fantastic Ms Shing in the other place, and the action I seek is for the minister to join me in my district of Ashwood to visit some of the fantastic public housing residents and our offerings of public housing and social and affordable housing, of which there are many. Ashwood has a very proud history of providing public housing in our state, and everyone deserves a home. The big build has provided Markham estate, which I had the great privilege of viewing with our Minister for Planning and our former Minister for Housing, so I would love to show that to the minister. Also the new development at Syndal where the old pool was is coming up, and it is always good to see some steel going up and concrete. The guys are working hard there. In between those two there are a couple of other places that maybe we could work on in the future that I would love to show her. So I look forward to the minister's response.

Bank Street–Princes Highway, Traralgon

Martin CAMERON (Morwell) (17:14): (453) My adjournment matter this evening is for the Minister for Roads and Road Safety, and the action I seek is for completion of the installation of traffic lights at the intersection of Bank Street and Princes Highway in Traralgon. It has been nearly two years since work started to upgrade the notoriously dangerous Bank Street intersection, and still the community is waiting for the state government to upgrade the railway line signalling so vital traffic lights can be installed. It is no exaggeration to say that this intersection without traffic lights is, well, a death trap. Just last week there was another accident at Bank Street, which unfortunately is becoming a semiregular occurrence. Turning right from the Traralgon Golf Club onto the Princes Highway is genuinely a frightening prospect, and in most cases it is not a safe option. Drivers needing to travel west instead must turn left and detour through the other end of town. Golfers travelling in carts between the club and their homes are faced with an even more dangerous journey. I was told the project would

be done months ago, but like so many others across the Latrobe Valley the works at the Bank Street intersection have come to a grinding halt.

It is not good enough that motorists are forced to risk their lives every day simply because of the state government's inaction or incompetence. The community has waited too long for this project to be completed, and it should be the highest priority to get the job done for the safety of the local road users. With the influx of Christmas traffic only a month away and our road toll on the rise, the local residents who use this intersection on a daily basis and the out-of-town traffic that will pass through en masse in a mere month are being put at risk. Throw trucks into the mix and it is a melting pot for disaster.

The road is done, the traffic light poles are up, works on the train line appear to be finished but we have no traffic lights. It is like having a Commonwealth Games without the athletes or an athletes village or bringing back the SEC to lower our energy prices without a plan of how to achieve it. If the state government can remove 72 level crossings across metropolitan Melbourne in the space of four years, then surely it can extend the same courtesy to the people of the Latrobe Valley, who have waited nearly a decade for this one single project to be finished. Minister, will you commit to finishing the railway line signalling and traffic light installation at Bank Street intersection as a matter of urgency?

National Gallery of Victoria

Nina TAYLOR (Albert Park) (17:16): (454) My adjournment matter tonight is for the Minister for Creative Industries. The action I seek is for the minister to join me to visit Maurizio Cattelan's new exhibition at the National Gallery of Victoria to see his infamous duct-taped banana. Banana gaffer is part of the third NGV Triennial, absolutely backed by the Allan Labor government. A star-studded line-up of artists and designers will feature in this massive free exhibition, open to the public on 3 December. The inaugural NGV Triennial, held in 2017, attracted more than 1.2 million visitors, including thousands of interstate and international visitors. The 2020 exhibition welcomed almost 550,000 visitors, including nearly 80,000 children and 12,000 students. We are proud as a state government to supporter this exhibition, which will deliver thousands of visitors to the state and to the electorate of Albert Park, offering another highlight in a jam-packed calendar of attractions that will boost local businesses and jobs this summer. I look forward to the minister's response and welcoming him back to the NGV.

Brighton police station

James NEWBURY (Brighton) (17:18): (455) My adjournment is to the Premier, and the action I seek is for the Premier to commit to delivering a much-needed Brighton police station. The state Labor government have got it wrong on community safety, and they got it completely wrong on crime in Brighton, Brighton East and Hampton. Every family deserves to feel safe in their home, but we know they are not. Eighteen months ago the former Premier victim-blamed and dismissed concerns from my community about an escalation in local crime – he said we did not understand crime data. Yet we know that over the last 10 years there has been a staggering 578 per cent increase in aggravated burglaries in my community. As a result, my community has been calling for a new Brighton police station. It is a modest request but a vital one. Brighton is now the victim of more aggravated residential burglaries than any other inner-Melbourne suburb. For the Premier's background, the Bracks Labor government closed the Brighton police station – well, wasn't that a mistake.

Two weeks ago, late on Friday afternoon of a long weekend, it was announced that the hours of operation of 43 police stations will be cut – to reiterate: 43 police stations will lock their doors and shut for parts of the day. We are hearing reports that a second tranche of closures will soon be announced. Bayside is one of those stations that will have their doors locked for parts of each day. The station will need renaming: it will no longer be the Bayside 24-hour police station, it will now be shut every single night – at night, when the aggravated home invasions are occurring in my community.

As soon as the closures were announced I provided the community with a petition calling for the state Labor government to keep Bayside station open 24 hours a day. Almost 2500 people have completed

the petition calling on Labor to stop the night-time closure. As Rob said in the petition, a break-in a few doors down makes his three young kids and family no longer feel safe. As Emma said, at a time when break-ins seem to be at a high we need more police presence, not less. And as Caroline said, Bayside has now become ‘the target for criminals’. Premier, every Victorian deserves to be safe in their home. State Labor needs to reverse the decision to close police stations and open them again – and start with a new Brighton police station.

Football Victoria

Anthony CIANFLONE (Pascoe Vale) (17:20): (456) My adjournment matter is for the Minister for Community Sport. The action I seek is for the minister to provide me with an update on what the government requires from state sporting associations to show that they are committed to increasing participation, equity, diversity and inclusiveness in their grassroots clubs.

Football, or soccer, is one of the most popular and participated-in grassroots sports in Australia. According to Football Australia, participation has been growing at around 20 per cent year on year, with over 1.4 million Australians now participating in the game, including record numbers of women and girls. That is why I am so proud to be part of the Victorian Labor government that has invested record amounts to grow football across all local communities, including through the \$101 million investment to make the Home of the Matildas and the home of football a reality, the \$20 million previously allocated towards a dedicated World Game Facilities Fund and rolling out the country’s first ever female-friendly change rooms program. However, it saddens me greatly to report that despite these initiatives by government, I have continued to be approached by local grassroots football club representatives who have continued to express their concerns about the role, governance and culture of Football Victoria in supporting local football. In this respect I draw Sport and Recreation Victoria’s attention to a number of actions by the board and leadership of FV that have caused significant concerns amongst volunteer community clubs. These include at least seven different CEOs heading up Football Victoria in the last several years; FV failing to hold an annual general meeting for almost 18 months; FV not making an annual report publicly available on its website since 2019; FV failing to progress long overdue constitutional and governance reforms, including the implementation of the one club, one vote principle; FV continuing to charge local clubs and families some of the highest fees of any sporting code in return for what many consider to be diminishing support for local clubs; FV failing to clarify its current financial position with its most recent publicly available 2021 financial report citing FV had generated a surplus of \$2.1 million; and FV having failed to contribute even one dollar towards the construction of any local football facility upgrades and not even one dollar towards the construction of the Home of the Matildas at La Trobe University.

However, it is the actions of FV in just the last few days that have generated even more alarm, including via FV calling a special general meeting this coming Sunday 19 November and not providing members with some of the most basic materials in advance to consider and prepare for it, not even a meeting agenda; FV’s proposed constitutional changes being put forward at the special general meeting reportedly not currently having Football Australia’s support as required under the relevant conventions; FV’s sudden notification that it intends to sell its long-time headquarters in Dorcas Street, South Melbourne, with no consultation on how funding raised will be invested back into the grassroots; and finally, FV’s shock notification to clubs this week which basically accused many clubs of not meeting their financial obligations and threatening clubs that they will be deemed ineligible to participate in the 2024 football season unless they can meet their collective financial obligations, which allegedly equate to a figure of nearly \$2 million.

It is very concerning that a peak sporting body would be treating its not-for-profit and volunteer clubs in this manner. FV should be working in good faith with the entire football community and with the government to help grow the game across Victoria. I look forward to the minister’s response on these matters so I can share them with the many passionate football community members that have contacted me. This is about diligence, respect and good governance.

Native forest logging

Ellen SANDELL (Melbourne) (17:23): (457) My adjournment tonight is directed to the Minister for Agriculture. In May we saw the Victorian Labor government face facts and declare commercial native forest logging will end in January next year, just a few months away, and this victory could not be possible without the multipronged, multidecade campaigns from grassroots organisations working to protect our precious native forests, sometimes at huge personal cost. But in the months that followed that announcement we have heard several updates suggesting there might be several loopholes in this plan and some concerning elements that the government needs to clarify. Native forest logging in Victoria's west could survive well into next year or beyond through so-called community forest arrangements, and Labor have still made no announcement about what will happen to VicForests, an organisation that has been found to conduct illegal activity and which is still surviving by supplying timber from so-called salvage logging and bushfire prevention works for commercial purposes, creating more destruction of habitat. With less than two months remaining before the end of large-scale commercial logging, tonight I ask the minister to provide clarity over what happens next for our so-called community forests after mid next year and what will happen to VicForests and their functions post January.

As we heard in the June budget estimates, the community forest operations have not been included in the decision to end native forest logging in January. These are areas mostly in the west of Victoria that are subject to forest produce licences, meaning they are outside the 1.8 million hectares of public land currently subject to timber harvesting allocation orders which Labor's announcement covers. Most of the licences for the forests, particularly in the west, end in mid-2024, but Labor is still yet to confirm whether or not they will be extended, and the community needs to have this clarified.

In September the Labor government rebadged VicForests as a reorganising body, which enabled staff to be moved around and absorbed into different government departments, but we still have no news about whether VicForests will continue next year. This is a concern because time after time we have seen the company illegally log our precious forests. Often VicForests pops up to log forests under the guise of bushfire prevention or salvage logging, and then timber is sold for commercial profit. It is a loss-making body that has been shown again and again to have contempt for the law and for threatened species and their habitat, illegally logging habitat and also illegally spying on ordinary citizens that stand up to them. They cannot be reformed. VicForests must be shut down for good and replaced with a new government organisation, one that is focused on restoring Victoria's native forests for their biodiversity, clean air and water, carbon stores and First Nations cultural heritage values. The work that VicForests performs in terms of seed collection, seed banking and plantation works is important work that is needed to regenerate the forests that they have trashed. That needs to be retained and transitioned to a new body with a new culture of genuine forest management and restoration.

Middle East conflict

Kat THEOPHANOUS (Northcote) (17:26): (458) My adjournment is to the Minister for Multicultural Affairs, and I ask the minister to provide an update on what the Allan Labor government is doing to combat racism and promote social cohesion in these tumultuous times. Victorians cherish our democracy as the foundation of a strong multicultural and multifaith community, yet as the ongoing crisis in the Middle East unfolds, we have seen unacceptable displays of hate threaten this foundation. To be agonised by what is occurring overseas is natural, but we can and must hold empathy in our hearts for both peace-loving Palestinian and Jewish communities overseas and here in Victoria. The horror that the terrorist organisation Hamas inflicted on Israeli civilians and their continued holding of hostages, including babies and toddlers, is reprehensible. It has erupted a conflict that has brought with it incredible suffering for both Palestinians and Israelis and a humanitarian crisis in the region. The ongoing loss of Palestinian children's lives in particular is incomprehensible. They are not Hamas; they are innocent, and innocents must be protected irrespective of Hamas's sinister plans to use Palestinian suffering to stoke antisemitism and garner support for an end to Israel, a disturbing logic.

The overseas conflict is utterly heartbreaking, and many of us feel helpless as the dynamics of global politics push and pull, where acts of terror and acts of war hold people's lives in the balance. As Victorians, we know just how lucky we are to live in freedom and safety. Many of us or our families come from places of conflict, some fleeing brutal regimes and terrorism to find a democratic haven here. Together we can stand up for human rights, for just and lasting peace. We can support an end to civilian deaths. We can support humanitarian efforts, seek a return of hostages and a ceasefire. We can show compassion to people who are right now grappling with unimaginable grief. None of that is achieved through intimidation or making segments of our society fearful.

To fuel such hatred for political gain is utterly deplorable. In our multicultural state there is no room for hatred, violence and extremism. To think that any community, be it Middle Eastern, Asian, European, African, Jewish or any other, could be targeted with hateful vilification is not okay. Recent incidents have left some members of our Jewish community reliving memories of the Holocaust. There have been threats against mosques and synagogues. All are unacceptable. I wish with all my heart for lasting and just peace for both Israelis and Palestinians. Both communities need this. The innocent civilians suffering right now need this. The families and friends here in Victoria need this. We must not allow our anguish to turn Victorians against one another. Our diversity, our democracy, is precious. We must honour and cherish that. We must honour and cherish each other. I look forward to the minister's response.

Five Ways intersection, Warrandyte

Nicole WERNER (Warrandyte) (17:29): (459) My adjournment matter is for the Minister for Roads and Road Safety. The action I seek from the minister is for her to publicly release the advice provided by the Department of Transport and Planning that determined the significant changes needed to upgrade the Five Ways intersection in Warrandyte South as cited in her answer on 24 October. The Five Ways intersection at Croydon Road, Brumbys Road, Ringwood-Warrandyte Road and Husseys Lane in Warrandyte South is perilous. In the few weeks since my last adjournment there have been multiple crashes at the Five Ways intersection, with one occurring as recently as yesterday. These incidents have become a sad fact of life for the people in my electorate.

We have before us what I would call a very optimistic government. They want Victorians to believe in their ability to build a \$200 billion, 90-kilometre Suburban Rail Loop across the state, construct a train line to the airport and eliminate every level crossing. However, they still seem unable to address and fix the hazardous Five Ways intersection in the community of Warrandyte South. It does not pass the pub test. That is why I am asking to see the advice that determines that an intersection that has had so many crashes, so many incidents and a fatality is not worth fixing. In my last adjournment matter on Five Ways I said that it was my honest hope that I would not be standing here again asking why this deadly intersection was not fixed before the inevitable happened again. Unfortunately another crash happened as recently as yesterday, and it could have been prevented if we had fixed the Five Ways intersection. I shudder to think of how many more crashes will occur before the government takes action on this intersection, but I will do everything that I can until Five Ways is fixed, because the sooner it is fixed, the sooner these preventable and inevitable crashes will come to an end.

Preston electorate housing

Nathan LAMBERT (Preston) (17:31): (460) Like the member for Ashwood, my adjournment matter is for the Minister for Housing in the other place, and the action I seek is for the minister to join me in visiting the Strathmerton Bolderwood public housing estate to chat with residents about their experiences with our public housing and the government's policies and plans for the future.

We heard this week from the Premier about the huge body of work that this government is doing to upgrade and build social housing. That program is very real, it is very important and it is making a difference in Preston and Reservoir as we speak. We have watched a lot of those new social housing dwellings being built, and we are very excited to now see many of them being tenanted. Some have been built for specific communities, including I believe 39 in our area as part of our Building New

Homes to Fight Homelessness program. I think it is a real credit to the minister, her department and the contractors that whatever the specifics of those builds, they have been done in a way and are of such good quality that they are indistinguishable from the private housing builds that might be next door. As we know, if we look back historically, that certainly was not always the case.

I would like to shout out to the team at Harnest in particular, who have done a great job with some of the builds near our home, and I do want to shout out to Richard in their team. The former Minister for Housing, the Minister for Creative Industries, and I met Richard at one of their projects. Richard actually grew up in public housing just near Northland. He has now moved, I think, somewhere further north, but as life would happen, he is now back in his old neighbourhood just around the corner from his old house working as a building professional on our public housing projects. I suppose, as such, Richard was in a unique position to observe that it is certainly true that we do those builds much better than we used to in almost every respect in terms of the quality, the energy efficiency, the way we work with prospective tenants and the way we work with the community and neighbours. We thank Richard for his work and all of that team.

If the minister does come up to the estate, she might get the chance to drop into Reservoir Neighbourhood House, which is just next door. It is a wonderful place of community and family for local residents in that area – a shout-out to Craig, Kate, Lia and everyone up there. They held their AGM recently, and I believe that Vicki, one of their wonderful volunteers, was recognised as volunteer of the year. I think she was; if not, I have just anointed her volunteer of the year. But I know that every time we are up there Vicki is there. She does fantastic work. We thank her for her work in that community. I am sure she will have some things to pass on to the minister if the minister should get the chance to get out there as well. We thank the minister for her consideration.

Responses

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (17:33): The member for Croydon raised a matter for the attention of the Minister for Ports and Freight, and the action he sought was that the minister intervene in an industrial dispute at the DP World negotiations with the Maritime Union of Australia branch of the CFMMEU.

The member for Ashwood raised a matter for the attention of the Minister for Housing, and the action that he sought was that the minister join him on a visit to his electorate to public housing estates and social and affordable homes. I am sure the Minister for Housing will look forward to that.

The member for Morwell raised a matter for the attention of the Minister for Roads and Road Safety, and the action that he sought was the installation of traffic lights in Traralgon.

The member for Albert Park raised a matter for the attention of the Minister for Creative Industries, and the action she sought was that the minister join her at the NGV Triennial later this year, in particular to see the artwork of Maurizio Cattelan, who is a world-renowned artist, and in particular his duct-taped banana installation.

The member for Brighton raised a matter for the attention of the Premier regarding the opening of a police station in Brighton.

The member for Pascoe Vale raised a matter for the attention of the Minister for Community Sport, and the action he sought was for the minister to provide him with an update on what the government requires from the state sporting associations to show that they are committed to increasing participation, equity, diversity and inclusiveness in their grassroots clubs.

The member for Melbourne raised a matter for the attention of the Minister for Agriculture, and specifically the member sought clarification on the future of both VicForests and community forests.

ADJOURNMENT

4630

Legislative Assembly

Thursday 16 November 2023

The member for Northcote raised a matter for the attention of the Minister for Multicultural Affairs, and the action that she sought was an update on the work that our government is doing to combat racism and to promote social cohesion in her community.

The member for Warrandyte directed her matter to the Minister for Roads and Road Safety, and the action that she sought was that the minister publicly release advice from the Department of Transport and Planning in relation to the Five Ways intersection in Warrandyte.

The member for Preston raised a matter for the attention of the Minister for Housing, and like the member for Ashwood he sought that the minister join him to visit one of his public housing estates – Strathmerton, I believe – and also, while she is in the Preston electorate, that she take the opportunity to visit the Reservoir Neighbourhood House.

The SPEAKER: The house now stands adjourned.

House adjourned 5:37 pm.