



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Tuesday 10 September 2024**



# Members of the Legislative Council

## 60th Parliament

### President

Shaun Leane

### Deputy President

Wendy Lovell

### Leader of the Government in the Legislative Council

Jaclyn Symes

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

Lizzie Blandthorn

### Leader of the Opposition in the Legislative Council

Georgie Crozier

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

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

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

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

<sup>2</sup> Lib until 27 March 2023

<sup>3</sup> LDP until 26 July 2023

<sup>4</sup> Appointed 7 February 2024

### Party abbreviations

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

Greens – Australian Greens; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;

LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;

Nat – National Party of Australia; PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party



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**Tuesday 10 September 2024**

**The PRESIDENT (Shaun Leane) took the chair at 12:03 pm, read the prayer and made an acknowledgement of country.**

*Bills*

**Aboriginal Land Legislation Amendment Bill 2024**

**Prahran Mechanics' Institute Repeal Bill 2024**

**Justice Legislation Amendment (Integrity, Defamation and Other Matters) Bill 2024**

**Youth Justice Bill 2024**

*Royal assent*

**The PRESIDENT (12:04):** I have a message from the Governor, dated 3 September:

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

**29/2024** Aboriginal Land Legislation Amendment Act 2024

**30/2024** Prahran Mechanics' Institute Repeal Act 2024

I have another message from the Governor, dated 10 September:

**31/2024** Justice Legislation Amendment (Integrity, Defamation and Other Matters) Act 2024

**32/2024** Youth Justice Act 2024

*Committees*

**Scrutiny of Acts and Regulations Committee**

*Membership*

**The PRESIDENT (12:05):** I also advise members that I have received a letter from Dylan Wight, member for Tarneit, resigning from the Scrutiny of Acts and Regulations Committee effective as of today.

**Economy and Infrastructure Committee**

*Reference*

**The PRESIDENT (12:05):** I advise the house that I have received a letter from the chair of the Economy and Infrastructure Committee advising that on 4 September 2024 the committee agreed to self-refer an inquiry into the future development of the Victorian electrical transmission grid. The terms of reference will be available on the website soon and are available from the committee secretariat.

*Announcements*

**Assistant clerks**

**The PRESIDENT (12:05):** I wish to inform the house of the rotation of the assistant clerks in the Council. Pursuant to section 18 of the Parliamentary Administration Act 2005, the Clerk has appointed Keir Delaney as the Assistant Clerk Committees and Richard Willis as the Assistant Clerk Procedure. These appointments were effective from 2 September 2024.

*Questions without notice and ministers statements*

**Housing**

**Evan MULHOLLAND** (Northern Metropolitan) (12:06): (653) My question is to the Minister for Housing. Minister, according to your publicly released diaries, on 10 April you met with John Setka and Christy Cain, Elizabeth-Mary Doidge and others from Victorian Trades Hall regarding housing matters. Minister, exactly what was discussed at this meeting?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:07): Thank you very much, Mr Mulholland. I am glad that you have had a look at my diary entries. I think I cracked over 70 meetings for the reporting period in question –

**David Davis** interjected.

**Harriet SHING**: I would ask that Mr Davis unequivocally withdraw that remark.

**The PRESIDENT**: Mr Davis, can you withdraw that.

**David Davis**: This is a worry; I just said they are not all corrupt. But I withdraw.

*Members interjecting.*

**The PRESIDENT**: Mr Davis has withdrawn. Minister Shing without any help.

**Harriet SHING**: Thank you, President. I take my obligations to meet with people about the housing portfolio, the water portfolio and the equality portfolio very, very seriously. In fact on the date in question I met with Trades Hall and unions from the building industry group, and it was actually a really important conversation that continued the work that is happening across industry, across local government and with our superannuation partners – the affordability partnership. Just recently I was at a lunch with the housing industry Australia stakeholders, the Property Council of Australia, Stockland and others. That is all listed.

Mr Davis, when I went to Trades Hall – and I am not sure whether you would know how to find it, across the way – it was in fact a really important set of conversations to be talking with people who represent workers. In this regard, Mr Davis, I was pleased to meet with the building industry group, which includes a number of unions, and to talk about the implementation of the housing statement. In this regard, Mr Davis, I can assure you that when I arrived at the meeting it was at the conclusion of another meeting and I exchanged I think two words – no, it was three: ‘How are you?’ – with a couple of the people you have referenced in your question, and they left shortly after. Mr Davis, when we declare a meeting, it contains the names of all of the attendees at that meeting, irrespective of whether they stay, ask any questions or engage. But for the record, Mr Davis, there was no engagement in substantive terms, or any other terms, in relation to housing or any of the matters which you seem so preoccupied with.

It may be a disappointment to you, Mr Davis, but I will never resile from the importance of engaging with the people who represent workers. I will never resile from the importance of engaging with people who represent builders, superannuation funds, local councils, all levels of government to make sure that when we build homes we are building them across the state using good materials, using workforces that are safe and appropriately remunerated. And, Mr Davis, you could probably learn a thing or two from those approaches.

**Evan MULHOLLAND** (Northern Metropolitan) (12:10): In the interests of transparency, will the minister release the agenda and minutes of this meeting so Victorians can have confidence that she is acting in the best interests of Victorians?

*Members interjecting.*

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:11): Oh, Mr Mulholland. I am going to pick up that interjection from you, Ms Bath – a meeting so secret that it was published as part of all of the ministerial meetings that I have attended in the period relevant to the reports, so secret in fact that I did not talk about it in the answer to my substantive question, so secret in fact that it has absolutely no nexus whatsoever to delivering on the housing statement and so secret that in fact I would seek to remove myself from any engagement with the unions! Oh, wait, Mr Mulholland – that is absolutely not correct. So what I would say, Mr Mulholland, is that your approach to meetings and engagements on discussions with stakeholders may involve a paint-by-numbers approach. This was a meeting that I was pleased to attend, and the process of engagement was something set entirely by those whose premises I visited – namely, the Victorian Trades Hall Council.

### **Land Forces International Land Defence Exposition**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:12): (654) My question is to the minister representing the Minister for Police. This week arms manufacturers will legally be able to display and promote their weapons at the Land Forces expo. This is because your government has suspended parts of the Control of Weapons Act in order to permit this promotion of usually prohibited weapons. Minister, which weapons will be authorised for this period? For example, are weapons currently prohibited under international treaties permitted, such as cluster bombs, chemical weapons or landmines?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:13): I thank Mr Puglielli for his question. I will make sure that question is forwarded on to the Minister for Police in the other place and you get a response in line with the standing orders.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:13): At the same time, the Labor government is using the same act to increase police powers at the Land Forces expo site to shut down peaceful protests against these arms manufacturers, who profit from war and from conflict. Minister, what are you doing to ensure that peaceful protests against these arms manufacturers at the Land Forces expo can take place without police overreach?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:14): I thank Mr Puglielli for his supplementary question. I am sure the Minister for Police is just as interested in supporting peaceful protests as everyone else in this chamber would be, as long as they are peaceful. But I will make sure that he gets that question and responds in a written way in due course.

### **Ministers statements: drug harm reduction**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:14): I rise to update the house on the Allan Labor government's next step to reduce drug harms. Today we have introduced legislation to enable pill testing to commence this summer. Once passed, this bill will give express legal authority for both mobile and fixed-site services to operate in Victoria. I want to be clear: pill testing will save lives. It is not about condoning drug use and it is not about telling people they are good to go. It is about providing Victorians with the information and the facts to help them make informed, possibly life-saving decisions, and in an increasingly volatile and unpredictable drug market, it is needed now more than ever. Clear legislation will ensure all parties, including festival operators, pill-testing operators and their clients, know that nobody is breaking the law by operating or using the testing service.

Pill-testing services are much more than the test itself. Trained peer workers and technical experts will also provide clients with critical harm reduction information to reduce risk, and the intelligence gathered from this service will strengthen Victoria's current drug surveillance efforts, helping us to get on top of dangerous trends sooner. We know that no drug is truly safe, but Victorians deserve to

have all the information possible to help them make better, safer and more informed decisions. The science behind pill testing is clear: it saves lives and it reduces harm. Quite simply, it is just common sense, and that is why we are proud to be the first jurisdiction in the country to introduce dedicated legislation to support its operation from this year.

### Housing

**Evan MULHOLLAND** (Northern Metropolitan) (12:16): (655) My question is to the Minister for Housing. Minister, on 10 April you met with John Setka and others from Victorian Trades Hall regarding housing matters. What assurances did you seek from Mr Setka that the CFMEU's history of sordid behaviour would not be repeated on Victorian government housing projects?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:16): The only form of recycling that the opposition believes in is questions. On 10 April, and this is borne out by the fact that you can actually read publicly available information, I went to a meeting – one of more than 70 meetings for the relevant reporting period – to meet with Trades Hall stakeholders and members of the building industry group to discuss the housing statement. I do not accept the premise of your question, Mr Mulholland, as tricky as it may be, around presupposing a number of factors that I do not necessarily accept. What I do say is that, again, as indicated in my answer to the last question, I think I exchanged three words with that person at the outset of that meeting. When I exchanged those words, it was shortly before he left.

*Members interjecting.*

**The PRESIDENT:** The minister to be heard in silence.

**Harriet SHING:** Again, when I attended this meeting at Trades Hall, it was part of dozens and dozens and dozens of meetings that I have with builders, with developers, with industry representatives, with superannuation funds and with trade unions, Mr Davis, because unlike you, I think that it is of fundamental importance to make sure that people can have conversations about the priorities, the issues and the opportunities that sit within the relevant parts of the portfolios for which I have responsibility.

Mr Davis, as I have indicated, and Mr Mulholland, as I have indicated, it is probably somewhat of an anticlimax for you to note, as I did in the answer to my first substantive question, that I exchanged about three words with relevant representatives that you have named from the CFMEU when I attended that meeting. They departed the meeting. I continued to have conversations, as is appropriate, as is necessary and as is a really positive set of opportunities, to make sure that when we get on with the job, as we are doing, to deliver thousands and thousands of new homes across the state, tens of thousands of maintenance repairs and upgrade jobs across the state, targets for First People's housing, for women, for people who are in dire need of safe and secure accommodation, we are doing that in partnership with all stakeholders who can make that happen, because delivering on more housing takes collective effort and that is something we are determined to continue with.

**Evan MULHOLLAND** (Northern Metropolitan) (12:20): Minister, given you refuse to answer with what assurances you sought, did you raise any concerns with Mr Setka at the meeting regarding bullying, standover tactics, corruption or bikies on Victorian government housing projects?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:20): All right, batter up for the fourth strike. Let's go. At the meeting that I attended on 10 April there was a period of a couple of minutes in which about three words were exchanged before there was an ongoing conversation with the entire table of unions and representatives of workers who were at that meeting. Now, it may be something to which you are congenitally averse – to have conversations with unions – but this was, again, an important part of the discussion to understand –

**Georgie Crozier:** On a point of order, President, Mr Mulholland has been asking a series of very important questions that are of great concern to the Victorian community. I know the minister refuses – we can list who was at that meeting that we seek to ask about in these questions to the minister –

*Members interjecting.*

**Georgie Crozier:** If the backbench could just quieten down a bit, President, these are very, very concerning issues to the Victorian public. The minister has refused on four questions to actually answer Mr Mulholland's questions, and I would ask you to draw her back to this very simple question.

**The PRESIDENT:** The minister has been relevant to the question. I think she has answered quite clearly what interaction she had as far as the question being asked goes.

**Harriet SHING:** I will just finish by saying this: Mr Mulholland, if you or indeed any of your colleagues – current, former, soon-to-be-former colleagues – have any issues, questions or concerns about conduct on building sites or projects around Victoria, there are many opportunities for you to report that conduct and those allegations. Mr Davis received allegations and did absolutely nothing about them back in 2020 as the local member. Again, that avenue is available to you now as it was then.

### **Births, Deaths and Marriages Victoria**

**Rachel PAYNE** (South-Eastern Metropolitan) (12:22): (656) My question is for the Minister for Government Services Minister Williams in the other place. Recent reports that this government is investigating the potential privatisation of Births, Deaths and Marriages Victoria are deeply alarming. These records hold some of our most essential personal information. They show us we exist, when we pass away, if we have children and if we marry. The preservation of these records is essential. There are serious consequences of any potential privatisation. Regardless of whether it will be called a joint public-private partnership, it will impact privacy, costs and service delivery. Public services should remain in public hands. If the government is not obligated to protect the records of its citizens, what obligations does it have? So my question is: will the minister advocate to ensure that Births, Deaths and Marriages Victoria will not be privatised in any way under this government?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:23): I thank Ms Payne for her question. As she has correctly identified, this is a matter for the Minister for Government Services, but I can certainly provide some information in relation to confirming that Victoria's births, deaths and marriages service will not be privatised. But given the importance of this service, we are certainly looking to improve the quality of the government services. There have been lots of questions in this chamber over previous years, particularly when I was responsible, about concerns about the adequacy of the service, and there has been an acknowledgement in government that we need to have that improved. That is certainly an endeavour on behalf of Minister Williams, but she will provide further detail for you. I can certainly confirm that there is no privatisation on the books for BDM.

**Rachel PAYNE** (South-Eastern Metropolitan) (12:24): I thank the Attorney for passing the question on and for providing some response there. By way of supplementary, this proposal would give other enterprises direct access to some of our most sensitive personal data. So I ask: what is this government planning to do to protect the data stored by Births, Deaths and Marriages Victoria?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:25): I thank Ms Payne for her supplementary question. I do confirm the information I provided to you in response to your first question, but I am sure Minister Williams will be happy to provide much greater detail to respond to the issues that you have raised.

### **Ministers statements: Centre for Multicultural Youth**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:25): I rise to update the house on my recent visit to Melton's Centre

for Multicultural Youth, known by many as CMY. I was joined by Steve McGhie, the hardworking member for Melton in the other place. If I may add, he also shares my passion for fostering an inclusive and safe community for all young people in our state. For more than 30 years CMY has been a pioneering organisation that supports migrant and refugee young people across our state. I had the pleasure of meeting the CEO Carmel Guerra, senior manager James Wynd, many others of the dedicated team and former participants in the program. During my visit I had the opportunity to tour the community support group in Melton and see firsthand the incredible work being done to empower young people from diverse backgrounds, work such as the CMY mentoring program, which is helping change the lives of South Sudanese and Pasifika young people, especially in our growth corridors. Backed by over \$1.3 million of investment by the Allan Labor government, this program offers crucial support to young people with lived experience of the justice system by pairing them with mentors who can help them on a better path.

I was particularly impressed by the passion and dedication of the CMY team, including their innovative and robust approach to mentoring. The mentors are trained through a microcredential course designed by 16 Yards, and many – after speaking to them – bring their own perspectives on life and have a genuine connection to and interest in the young people that they are working with. This approach ensures that mentors are well equipped to meet the unique needs of young people from culturally and linguistically diverse backgrounds. This government is proud to support CMY and other organisations that play such a vital role in making our community safer and more vibrant. Through continued investment in programs that build resilience and provide meaningful opportunities, we are working to foster a more inclusive society where every young person has the chance to have the best possible life. I want to thank Carmel Guerra OAM and the entire CMY team for their outstanding contribution to our community.

### Housing

**Evan MULHOLLAND** (Northern Metropolitan) (12:27): (657) My question is to the Minister for Housing. Minister, last week Mr Setka entered the Footscray Hospital and Metro Tunnel construction sites. Can you confirm if Mr Setka is also welcome on Victorian government housing construction sites?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:28): Mr Mulholland, again, let us talk about some fundamentals on right of entry. Let us go back to the fundamentals about exercising rights of entry and let us talk about how building sites are inherently dangerous places. As I have talked to in this place on a number of occasions before, the four most dangerous worksites in Victoria – where fatalities, serious injuries and near misses are recorded disproportionately at greater numbers than anywhere else – are transport, agriculture, mining, and building and construction. For that reason, Mr Mulholland, members of the public are not permitted to be on building sites. In order to exercise a right-of-entry permit you must have the relevant right-of-entry permit and you must be there to represent a member of a relevant employee organisation. There are a few other components of right of entry and the exercise of right-of-entry powers. So, Mr Mulholland, I would invite you, as I have done for you and your colleagues on many occasions now, to familiarise yourself with the way in which industrial relations is regulated through the federal space, through the authorised representatives of employee organisations act of 2009, through the Fair Work Act 2009 and through relevant powers as they can be exercised under health and safety legislation at a state level.

I do not accept, yet again, the premise of your question. I am not sure who is drafting them for you, but they show a manifest incompetence when it comes to a fundamental understanding of the way in which rights of entry are exercised. What I would say to you, Mr Mulholland, is that members of the public who are not entering a worksite for the purpose of representing an employee of a relevant employee organisation are not permitted to be on site. As I understand, the matters that you have referred to were the subject of referrals to the relevant law enforcement authorities, and the way in which they responded to those matters is a question for them. You may also wish to ask questions of

that nature to the relevant minister as it might relate to, I do not know, police, as it might relate to workplace health and safety, as it might relate to the Premier or indeed anyone else. Mr Mulholland, I have –

**Melina Bath:** He's welcome – is that what you're saying?

**Harriet SHING:** Ms Bath, I will take up that interjection. You do not understand the way in which right of entry is exercised, despite how many times I say it, and you do not understand the fact that members of the public are not permitted on building sites. What a shame that you do not understand that members of the public are not allowed on building sites, because what would building site safety look like under you, where you voted against industrial manslaughter, where you voted against –

**Georgie Crozier:** On a point of order, President, the minister is clearly debating the question. It is a very simple question, President. I will repeat it –

**The PRESIDENT:** No, it does not need to be repeated.

**Georgie Crozier:** All it needs is a yes or no, and she has not answered it.

**The PRESIDENT:** I think the minister has finished her answer – 4 seconds.

**Harriet SHING:** I would hate to see any member of the public injured on a building site, including you, Mr Mulholland.

**Evan MULHOLLAND** (Northern Metropolitan) (12:31): Minister, given that the Premier and the government are seemingly powerless to stop Mr Setka from entering taxpayer-funded projects, what steps have you taken to ensure that Mr Setka will not be able to access Victorian government housing projects?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:32): Mr Mulholland, let us go back to IR 101 again. No member of the public is permitted to be on a building site, because to do so would be to invite exposure to unacceptable risk to health and safety not just for that person or those people but for other workers. That is why we have workplace health and safety laws. That is why we have occupational health and safety frameworks. That is why we have enacted reforms that you oppose, Mr Mulholland, time and time again.

**Evan Mulholland:** On a point of order, President, on relevance, I did not ask for a background. I asked what steps the minister has taken to ensure that Mr Setka does not enter Victorian government housing projects, not a background on workplace relations 101.

**The PRESIDENT:** The minister is responding that there are current laws that apply, so I think that she is being relevant to the question.

**Harriet SHING:** No member of the public is permitted to be on a building site, for the reason that I have outlined. It is my obligation and responsibility to make sure that workplace health and safety rules, laws, regulations and standards are adhered to. I do that. I will continue to do that. That is my job. If only we could say the same about what your intentions might be if ever you are in a situation to have that influence.

### Horseracing

**Georgie PURCELL** (Northern Victoria) (12:33): (658) My question is for the minister representing the Minister for Racing. Racing Victoria collects approximately \$5.8 million a year from revenue raised from the 2 per cent levy on prize money. This amount is intended to be used for the rehabilitation and rehoming of ex-racehorses, but countless industry participants and rehomers tell us this is simply not the case. Can the minister explain exactly how this money has been spent to benefit racehorses?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:34): I thank Ms Purcell for her interest in this matter. I will make sure that that is passed on to the Minister for Racing in the other place and that he responds in writing according to the standing orders.

**Georgie PURCELL** (Northern Victoria) (12:34): Thank you, Minister, for referring that on. Time and time again the industry has proven it cannot be trusted to ensure the welfare of horses that exit the racing industry. In 2019, after a two-year investigation, the mass slaughter of horses deemed no longer useful for racing or breeding was first exposed, yet nothing has been done to prevent the overbreeding and neglect of Victorian racehorses. Will the government intervene to implement a legislated retirement plan for racing horses, to be overseen by an independent statutory body?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:35): I wish to thank Ms Purcell for her supplementary question. I will make sure I seek a written response from the Minister for Racing in the other place in line with the standing orders.

### Ministers statements: National TAFE Day

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:35): On this National TAFE Day I rise to inform the chamber about what the Allan Labor government is doing to offer high-quality training where it is needed most. Yesterday I was pleased to announce the site for a new \$25 million Kangan Institute campus in Sunbury. Josh Bull, the hardworking member for Sunbury, and I visited the site of the new TAFE campus, which spans almost 3000 square metres at 7 Evans Street and 2–4 O'Shanassy Street in Sunbury, close to the town centre and of course close to public transport. I met teacher Jasmina, who is currently teaching the certificate IV in training and assessment with Kangan Institute at their temporary location in Sunbury. Jasmina is working hard to create a pipeline of local teachers ready to staff the new campus. Jasmina said:

Students at Kangan Institute's new campus will have access to courses close to home.

It's also a great opportunity for me to deliver training to more people in a new community.

...

I'm looking forward to the students I'm teaching to potentially come back and work with us as trainers at Kangan Institute!

There is no better way to celebrate National TAFE Day than with the announcement of a new campus at Sunbury. It is the first greenfields TAFE site for more than 30 years. It is the commitment of teachers such as Jasmina that ensures all Victorians have access to skills and training no matter where they live.

### Disability advocates

**Georgie CROZIER** (Southern Metropolitan) (12:37): (659) My question is for the Minister for Disability. Minister, Victorian disability advocacy organisations wrote to you in June stating they have had no funding increases for several years and it has impacted their ability to fulfil their advocacy roles. The disability royal commission found that immediate action is needed to address the shortfall in funding for disability advocacy providers. So, Minister, I ask: have you provided these groups with the emergency funding they have sought?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:37): I thank Ms Crozier for her question. Can I at the outset acknowledge the importance of disability advocacy groups in supporting the more than 1 million Victorians who live with disability, and can I also acknowledge that this is a particularly difficult time for our disability community. Having experienced the review of the NDIS, the very lengthy disability royal commission and the uncertainty that has come around in the response to both the NDIS review and the disability royal commission means that this is a particularly difficult time for the disability community and certainly

for those who advocate for people with disability and those who advocate for themselves with disability or their families. I can say that is why we have boosted funding for disability advocacy groups by more than 50 per cent over the past five state budgets to help meet the increased demand and the cost to deliver these important services. We know that advocacy services are absolutely crucial to ensuring that people with disability get the services and the support that they need.

This also included \$1.9 million in the 2024–25 budget to continue the boost in capacity of the Victorian disability advocacy program. I responded previously to Mr Ettershank in relation to this issue I think in the adjournment last week. But the NDIA has also recently announced a peer support and capacity building grant program, and this program will provide \$40 million over two years to community-based services to deliver peer support and self-advocacy programs, which again is a critical part of the advocacy portfolio. This funding allocation responds directly to the advocacy of state and territory governments and ministers as well as the sector at this particularly critical time while organisations and the state and territory governments are seeking to work with the Commonwealth in relation to advocacy. I am really pleased that the Commonwealth did come forward as a result of that advocacy and allocate that extra \$40 million over two years to ensure that there is that increased support in this difficult time for those who advocate for people with disabilities.

I would say that all of this also builds on our historic investment in advocacy. Certainly since 2017–18 we have provided \$17.5 million to disability advocacy groups in addition to that core funding which I have outlined. Of course with all of these additional funding allocations for things such as disability advocacy, I would say it cannot be viewed in isolation. Victoria will contribute \$3 billion towards the NDIS in 2024–25, and we are working on huge disability reforms in conjunction with the other states and territories and the Commonwealth across the board. In addition to all of that – that \$3 billion and the money that we are investing in advocacy – I would also point to the continued investment in the previous budget in the Department of Families, Fairness and Housing alone, with \$24 million to continue the Victorian disability advocacy program as outlined, supporting those Victorians who are ineligible for NDIS and more.

**Georgie CROZIER** (Southern Metropolitan) (12:40): Minister, thank you for that response, and I understand that you spoke about the peer support grants that are available. They are one-off grants, I understand, yet even if those grants or applications are successful, they are still one-off and also seem to remove some responsibility from the state. Now, just in your response, which I thank you for, you spoke about some of that funding that has been provided, but what do you have in place to provide these agencies with the funding certainty that they need into the future? Does what you just spoke of provide enough, given that there are concerns around this emergency funding also?

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:41): I thank Ms Crozier again for her question. As I was outlining, in addition to the \$3 billion we will contribute towards the NDIS in 2024–25, in addition to the \$24 million that we do advocate through the Department of Families, Fairness and Housing to disability-specific initiatives – that is notwithstanding all of the work across government in responding to disability through other portfolios as well; that is just the DFFH component – but the \$40 million that was very much in response to the advocacy of the advocacy groups as well as state and territory ministers to the Commonwealth is a recognition that this is a particularly critical time in the disability reform agenda. It is of great currency that at the moment these advocacy groups are expected to do more with the uncertainty of the future as we negotiate with the Commonwealth in terms of ongoing things such as foundational supports and other services. None of this can be viewed in isolation; it is part of a broader reform agenda and needs to be considered as such.

#### **Mental health services**

**Sarah MANSFIELD** (Western Victoria) (12:42): (660) My question is for the Minister for Mental Health. Last year the government delayed implementation of recommendation 10 of the mental health royal commission to replace police with paramedics as first responders to people experiencing a

mental health crisis. The justification provided at the time was that the relevant organisations were not ready to operationalise the change but that the government was still fully committed to implementing it. Twelve months on from this assurance we are still hearing from stakeholders concerned about the government's progress and the lack of transparency regarding implementation and timelines. In response to my question in the committee stage of last year's bill, the Attorney advised that Ambulance Victoria would commence rollout of the training in 2024 and that there were project teams in AV, VicPol and what was then ESTA planning the move towards a health-led response. Minister, can you provide an update regarding the implementation of recommendation 10 of the mental health royal commission?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:43): I thank Dr Mansfield for her question, and this is really important reform. Of course all of the recommendations of the royal commission are important, and we are working very hard to continue the rollout. In fact 90 per cent of the recommendations we have commenced work on, including the particular recommendations 8, 9 and 10 that you have referenced in your question. Can I begin by thanking our police and paramedics and mental health workforce, because clearly they do critical work and they play such an important role right across the system, often helping people when they are at their very lowest moment and in crisis. We do know that we need to rebuild the emergency system so that we are wherever possible providing a health-led response rather than a police response.

The critical design and enabling work to support this particular set of recommendations is underway, and that work includes working with Ambulance Victoria and Victoria Police to develop a pathway to deliver that health-led response that I mentioned. However, these are quite detailed operational changes that have to be designed in a way that does not add additional pressure to a system that is experiencing significant pressure. We are taking the time to get it right, and we will not be in a position to implement these changes until that pressure does reduce on some of the emergency response systems in the community. But it is incredibly important work. We have a budget allocation to continue the design work associated with implementing these important changes, and I am very happy to keep you up to date, Dr Mansfield, on how that work is progressing.

**Sarah MANSFIELD** (Western Victoria) (12:45): I thank the minister for her response. Minister, I appreciate that it is difficult and detailed work, and it is important to get it right, but can the government commit to full implementation of recommendation 10 in this term of Parliament?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:46): We are committed to all the recommendations that the royal commission final report laid out. It was a comprehensive report and it is a 10-year reform journey, so there will be recommendations that take a little longer than others. But what I can say is that we understand the importance of having a health-led response when people are in crisis. This is obviously a priority, and we are working as quickly as we can, recognising that our emergency services are under significant pressure already because of the increased demand across the community.

#### **Ministers statements: social media age limits**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (12:46): I rise to update the house on how the Allan Labor government will work with South Australia and the Commonwealth to introduce age limits for social media. This morning I was delighted to attend South Melbourne Primary School with the Premier, Minister for Education and the member for Albert Park Nina Taylor from the other place to outline our plan to start a discussion with parents, children and experts about planned changes ahead. The discussion we had with South Melbourne Primary School students really was inspiring and validating.

Following detailed work commissioned by the government of South Australia and supported by Victoria, the Commonwealth today announced a plan to deliver social media age limits through a national approach and legislation. Whilst Victoria is prepared to introduce state legislation, we are

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pleased to prioritise a nationally consistent approach and work with the Commonwealth to help deliver one set of clear rules to keep the tech giants in check. Victoria will lead a consultation round with parents, schools and children to make sure their needs and circumstances are considered during the development of the national reforms. Led by the Parliamentary Secretary for Children Nathan Lambert and Parliamentary Secretary for Education Nina Taylor, findings will be shared with the Commonwealth.

As the mum of a six-year-old girl, social media terrifies me, and it is something that I hear all the time from parents in the community and parents I speak to day to day. The evidence shows that I, along with parents across Victoria, have cause for concern. At a younger and younger age, children are presenting with the detrimental side effects of this technology. It is impacting their mental health, their behaviour and their concentration, and it is why we are so supportive of a national approach and a commitment to making sure that new rules do not target parents but target the tech giants. The tech companies see 12- and 14-year-olds as dividends, while we see them as impressionable kids who need to be protected. As a parent and as the Minister for Children, I am so pleased to be announcing this work supporting a national approach to age limits on social media so that we can ensure we are doing everything that we can to protect our children.

### Written responses

**The PRESIDENT** (12:48): Minister Symes will provide answers to Ms Payne's questions to the Minister for Government Services and Mr Erdogan will provide answers for Mr Puglielli from the Minister for Police – both of those questions – and also for Ms Purcell's questions to the Minister for Racing in line with the standing orders.

### *Constituency questions*

#### **Southern Metropolitan Region**

**Georgie CROZIER** (Southern Metropolitan) (12:49): (1092) My question is for the Minister for Planning. I met recently with Glen Eira City Council about serious concerns with the Victorian Planning Authority in relation to the engagement process for the government's proposed activity centres in Moorabbin and Chadstone. The council is deeply concerned that the current consultation on the draft plan closes on 29 September, which is during the caretaker period for upcoming local government elections, making it difficult for councils to provide meaningful input and consideration of the drafts. This situation is undemocratic, effectively shutting out local voices from a critically important process that will have a significant impact on the future profile and amenity of their neighbourhood. This is a really serious issue and just demonstrates the extent of what Labor will go to. I am asking the minister to reconsider this timeline as a matter of urgency and provide an extension so that councils and the community can be fully involved in that consultation process.

#### **Western Metropolitan Region**

**David ETTERSANK** (Western Metropolitan) (12:50): (1093) My constituency question is for the Minister for WorkSafe and the TAC. My constituent is a Sunshine West resident. During the recent Derrimut fire she was, like all of her neighbours, incredibly distressed to see plumes of toxic smoke drifting towards her home less than 1200 metres from the fire. The fact is few locals know where toxic chemicals are stored until they explode, but they do know that most of Victoria's toxic chemicals are parked somewhere in the west. My constituent wants an independent contamination taskforce established to look into how chemicals are stored and how state services respond to dangerous chemical fires that contaminate the air and pollute the waterways in the west. She asks: when will the government set up a contamination taskforce?

#### **Northern Metropolitan Region**

**Evan MULHOLLAND** (Northern Metropolitan) (12:51): (1094) My constituency question is directed towards the Minister for Roads and Road Safety in the other place, and it concerns the

intersection of Roxburgh Park Drive and Somerton Road in the neglected electorate of Greenvale. It has been raised with me that at this busy intersection traffic coming south on Roxburgh Park Drive is heavily banked up in the left turning lane. This is causing some heavy delays for commuters and has led to frustrated residents driving and taking up the right-hand lane and then doing a full loop around the roundabout to head east towards the Hume on Somerton Road. Will the minister investigate whether a better traffic solution, such as a second left-turning lane or the addition of signalling, could alleviate congestion at this roundabout and help improve the safety and travel time of my constituents?

### **Eastern Victoria Region**

**Tom McINTOSH** (Eastern Victoria) (12:51): (1095) My question is to the Minister for Children. Minister, how many more families in Eastern Victoria have access to high-quality early education because of the Best Start, Best Life reforms? Two kinders in South Gippsland officially opened in recent weeks – Yarram Early Learning Centre and Karmai Community Children’s Centre in Korumburra – both of which are already providing more children with access to free kinder, giving these kids the best possible start in life. Whether it is Beleura preschool in Mornington, Gumnuts Early Learning Centre in Sale or centres in Tootgarook, Lakes Entrance, Foster, Swifts Creek, Mirboo North, Mornington, Dromana, Meeniyan or Maffra, the Allan Labor government are making it easier for families to get their kids into kinder because we understand that early education for children provides kids with the best chance in life to succeed. Kinder helps kids with their social skills, gives them a head start on literacy and numeracy and helps get them ready for school so that it is an exciting and positive change for them, their families and teachers across Victoria. Investing in early education changes lives for the better.

### **North-Eastern Metropolitan Region**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:53): (1096) My question today is to the Minister for Transport Infrastructure, and it relates to the destruction and pollution that are being caused to the community along the construction zone of the North East Link toll road project. Every month residents from my region raise their concerns about this behemoth of a project. They are concerned about the loss of so many thousands and thousands of mature trees and about the decimation of our precious wetlands and fragile ecosystems. They are concerned about the air quality as debris is churned up into the air as the works continue. I have seen people drawing ‘NEL’ into the dust left on their decking, on their windows and on the doors of their homes. They are concerned about the disruption being caused as roads are changed, closed and cut off. Minister, what material support and compensation are you offering to residents who will have to endure the dust, the noise and the destruction for years to come?

### **Northern Victoria Region**

**Gaelle BROAD** (Northern Victoria) (12:53): (1097) My question is to the Minister for Roads and Road Safety. Leader of the Nationals Peter Walsh and I met with residents from the region in Lockington recently, and concerns were raised about temporary road signs being left for long periods of time. One resident suggested that a date should be added to signs when roadworks commence to keep track of how long roadworks are taking. Temporary signs in 40 kilometre-an-hour zones often remain in place long after works are finished. Can the minister please explain who is responsible for the collection of temporary road signs and what action is being taken to ensure that temporary road signs are collected?

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

**David LIMBRICK** (South-Eastern Metropolitan) (12:54): (1098) We often hear in this place that anyone who has allegations of wrongdoing should take them through the proper channels, and that is exactly what I am seeking here. My constituency question is for the Minister for Police in the other place. A constituent has contacted me about long-running questionable behaviour involving Casey council and someone trying to subdivide a block of land in my electorate at Rowville. He has presented

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evidence involving complex and serious allegations. I am not going to make judgements about these allegations, except to say I found my constituent to be credible and I believe he should be afforded a meeting with senior police. My request is that the police minister get in touch with my office so that we can facilitate a meeting with my constituent and the deputy commissioner for operations or their representatives.

### **Southern Metropolitan Region**

**David DAVIS** (Southern Metropolitan) (12:55): (1099) I want to raise an issue for the Minister for Energy and Resources, and it concerns the \$300 rebate program that is a joint federal–state program. People certainly need that support at the moment. They are doing it tough, with cost of living and with surging electricity costs. Mike Soccio has written to me. He has two properties that he pays the electricity bill for. One is for the one he lives in in Daylesford – not in my electorate – and he pays also for one at Harp Road in Kew, which is his mother’s house. So he is a very decent son: he not only pays the bill for the house where he lives with his father but pays his mother’s electricity bill, and they are coalesced into one bill. But he only gets one rebate, despite paying two bills and being generous enough to pay for his mother. He has been told that the model cannot be changed, with the grandfathering that applies here. I am asking: will the minister reconsider this and remove this harshness to Mr Soccio, a generous man?

### **Western Metropolitan Region**

**Trung LUU** (Western Metropolitan) (12:56): (1100) My question is for the Minister for Transport Infrastructure regarding the projected increase in truck congestion following Pacific National’s decision to withdraw from the Werribee rail freight hub development. Could the minister please provide an update to my constituents on the government’s plans to mitigate the growing truck traffic and congestion on Melbourne’s western suburban roads, given the cancellation of this project? The Werribee rail freight hub was a key intermodal rail project that would have significantly reduced truck traffic on local roads. Last Wednesday, Pacific National announced the cancellation of this project following the Allan government’s earlier decision to shelve the plan for the western interstate freight terminal. This has left Melbourne’s west, which handles 20 per cent of Victoria’s container transport, without a long-term solution to ease road congestion. The abandoned project would have removed 250,000 truck trips by 2031. The cancellation risks increasing truck congestion, and this is a serious concern.

### **Western Victoria Region**

**Joe McCRACKEN** (Western Victoria) (12:57): (1101) My constituency question is for the Treasurer, and it relates to the tax imposed on property owners which limits renting and housing affordability. A constituent of mine in Ballarat East feels like he has been hung out to dry by this government. My constituent has created a successful construction business and worked very hard to acquire properties. He notes that he has a good rapport with his tenants and that some of them are pensioners, which he offers a discounted rent to. He has previously increased their rents by no more than \$10 a week but now might have to lift them by up to \$40 a week just to cover costs. He notes that his mental health is deteriorating due to the stress and that he is even considering selling his properties as a result and perhaps moving interstate. So my question is this: why does Labor continue to make housing less affordable due to new and increased taxes, such as land tax, on my constituents?

### **Eastern Victoria Region**

**Renee HEATH** (Eastern Victoria) (12:58): (1102) My question is for the Minister for Energy and Resources. Minister, your department has outlined a study near Traralgon as part of the planning process for offshore wind farms in Gippsland. The CSIRO recently conducted the survey on offshore wind farms, the largest survey of its kind, and it found that among those living in rural locations only 11 per cent approved. My question is: Minister, how will local residents be compensated for your decision to build these very unpopular wind farms on their doorstep?

### South-Eastern Metropolitan Region

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (12:59): (1103) My question is to the Minister for Police. Since the recent breakdown of negotiations over a new EBA, enterprise bargaining agreement, with Victorian police officers seeking a 6 per cent annual pay rise over the next four years, five of the nine police stations in my South-Eastern Metropolitan Region have experienced periods of not being manned after hours. Will the minister reassure the community that public safety is not being compromised in the process of these negotiations? My constituents would like to know whether the government is considering revisiting the proposal for 9-hour shifts and nine-day fortnights, since crime statistics in parts of the south-east have skyrocketed well beyond the state average in 2023, with nearly 15,000 offences recorded in Frankston alone, for example – an increase of 17.4 per cent on the 2022 figure.

### Western Victoria Region

**Bev McARTHUR** (Western Victoria) (13:00): (1104) My question for the Minister for Environment concerns the last-minute consultation with farmers announced on the soon-to-expire dingo unprotection order. His department has been discussing the matter with animal welfare groups since February but only now speaks to farmers, and wild dog control was abolished in the north-west in March without any consultation at all with farmers. I ask the minister, as do my Western Victorian constituents: does your reluctance to allow wild dog control reflect an ideology of seeking not just to protect dingoes at the expense of farmers but to reintroduce them across Victoria? If so, will you be fair? If reintroducing this cute-looking wild dog is okay for regional Victoria, what about Melbourne? Can we look forward to wild dogs in the Royal Botanic Gardens, along the Yarra River, a handful in the Fitzroy Gardens and even here at Parliament House? Foxes find enough food, and dingoes could easily, too – abundant puppies and fluffy pussycats. Will you be consistent, Minister, or will only farmers – *(Time expired)*

### North-Eastern Metropolitan Region

**Nick McGOWAN** (North-Eastern Metropolitan) (13:01): (1105) My question is for the Minister for Roads and Road Safety, and the particular question I ask is in relation to an issue that will not be new to the minister, and that is Antonio Park Primary School. As I have said on many occasions to the minister, that school is in particular need of a 40-kilometre zone right across all lanes of traffic. It currently is applied only in the slip lanes but not in the middle lanes, and there are up to eight, and in fact as many as 10 at the widest point in front of that school. In addition to that, at the top end of Deep Creek Road there is also an entrance to the school there, and that also requires a 40-kilometre zone in the critical periods of drop off and pick-up. I did write to the minister back in May, and the minister responded and said a review would be undertaken and concluded by the end of July 2024. We are well past July. Last sitting week I wrote to the minister yet again seeking an urgent response. I have yet to receive a response. The school desperately deserves a response. The children need to be safe. We need to have the 40-kilometre zones as quickly as possible.

### Northern Victoria Region

**Wendy LOVELL** (Northern Victoria) (13:02): (1106) My question is for the Minister for Emergency Services. Minister, do you approve of the pumper platform fire truck that was destined for fire station 75 in Shepparton being redirected to Sunshine even though firefighters at Sunshine have not been trained to operate it? Fire Rescue Victoria's own training requirements require that a minimum number of crew that hold the accreditation to operate a pumper platform must be on the truck before it can turn out. Every firefighter in Shepparton holds that accreditation, but not one firefighter in Sunshine has been trained; therefore Sunshine firefighters cannot operate the vehicle. In fact very few, if any, of the Sunshine firefighters would even hold the prerequisite accreditation to undertake pumper platform training, which is a Mills-Tui 2017 accreditation. This multimillion-dollar fire truck will sit idle for months while Sunshine firefighters are trained in the two necessary accreditations, whereas it could be operational today in Shepparton, which was its intended location.

### Eastern Victoria Region

**Melina BATH** (Eastern Victoria) (13:03): (*By leave*) (1107) My constituency question is for the Minister for Environment. It has taken four years for the cape-to-cape resilience project plan to open for consultation on 23 August, and it closes in 12 days time on 22 September. My Eastern Victoria communities of Bass and in particular Inverloch are highly frustrated that this plan contains no concrete recommendations or actions and ignores the imminent risk to public assets, private assets, the surf beach and in particular the surf lifesaving club. The government must in particular extend the time for community consultation. An Inverloch Tourism Association committee member has asked: will the government please extend this by up to a further month and a bit until the end of October to allow people to actually raise their concerns and unpack this very vague document?

### *Petitions*

#### Recreational fishing

**Melina BATH** (Eastern Victoria) presented a petition bearing 2947 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the community concerns with the Allan Government's failure to commit to exclude fishing competitions from its new animal care and protection legislation which, if implemented, will make it an offence to organise and participate in a fishing competition in Victoria.

**The petitioners therefore request that the Legislative Council call on the Government to commit to exempting fishing competitions in the animal care and protection legislation and associated regulations.**

**Melina BATH:** I move:

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

**Motion agreed to.**

#### Waste and recycling management

**Sarah MANSFIELD** (Western Victoria) presented a petition bearing 332 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that thanks to industry lobbying and greenwash, some are convinced that waste-to-energy incinerators are the clean alternative to landfill, however the facts tell a different story. Incinerators threaten to stifle our shift to zero waste and a circular economy by locking councils into long-term contracts for waste generation, not reduction. Incinerators also generate significant amounts of hazardous waste, threaten people's health and produce climate pollution. Waste incineration is not a renewable source of energy as it is an extractive industry that burns waste made from virgin resources, mostly crude oil. Without intervention now, incinerators threaten to lock us into the old waste paradigm and become a source of significant environmental problems into the future. The proposed incinerator site on Sunbury Road in Bulla will be located only one kilometre away from the nearest residential area and will add an additional 400 to 800 trucks to local roads a day. This is a prime example of this greenwashing and should not be permitted to proceed.

**The petitioners therefore request that the Legislative Council call on the Government to reject the proposed Sunbury Road, Bulla Eco-Hub waste-to-energy incinerator.**

**Sarah MANSFIELD:** I move:

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

**Motion agreed to.**

### *Bills*

#### Protecting Public Assets and Services Bill 2024

#### *Introduction and first reading*

**Samantha RATNAM** (Northern Metropolitan) (13:05): I introduce a bill for an act to protect certain public assets and services from privatisation, to provide for the termination of agreements

entered into and leases granted for the purposes of the public housing renewal program package 1 project and the ground lease model 2 project and for other purposes, and I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Samantha RATNAM:** I move:

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

**Motion agreed to.**

### *Committees*

#### **Scrutiny of Acts and Regulations Committee**

##### *Alert Digest No. 12*

**Sonja TERPSTRA** (North-Eastern Metropolitan) (13:06): Pursuant to section 35 of the Parliamentary Committees Act 2023, I table *Alert Digest* No. 12 of 2024, including appendices and extracts of proceedings, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

**Motion agreed to.**

**David DAVIS** (Southern Metropolitan) (13:07): I move:

That the Council take note of the report.

In doing so, I draw the attention of the Council to issues around section 85 statements, particularly in the Short Stay Levy Bill 2024. The short stay bill is a very concerning bill. It will actually smash Victoria's tourism industry. It is going to create massive problems across this state. It is going to make Victoria uncompetitive. But the suppression of section 85 rights in that bill is actually concerning. Let us be clear what is being proposed here. The government proposes that what it will do is remove the right to appeal to the Supreme Court on government decisions that are being proposed or government decisions on individual taxpayers. This is the State Revenue Office (SRO) out of control. This is the Treasurer out of control. This is ripping away, tearing away the rights of Victorians to have their case fairly reviewed and fairly looked at in the Supreme Court.

The Supreme Court has overarching rights to look at almost anything in this state, and people, whether they are taxpayers or otherwise, have rights to take actions to the Supreme Court under section 85 of the Constitution, and that is being suppressed in that particular bill. I am very concerned that there is no clear reason that the government has given for the suppression of those points. The Treasurer seems to be saying, 'We do this on other things and therefore we should do it on this.' In my view that is not good enough. It is not good enough to strip away the rights of Victorians, those who would let their property, and for the taxation implications of the government's new grab for tax and new grab for money to be left unchallenged. I say Victorians should have the right to go to the Supreme Court. I say that the SRO should not be without challenge. I say that the SRO should not be in a position where it has become increasingly like a dog with a bone and you cannot get the bone away from the dog. The SRO is a body that is now bearing down on many people across this state with its taxation approaches, and this bill goes much further. So I urge members to read the Scrutiny of Acts and Regulations Committee report to see the concerns that many may have and to closely read the second-reading speech that the Treasurer has put into the lower house. I think many in this chamber will be concerned when they read that.

**Motion agreed to.**

*Annual Review 2023: Statutory Rules and Legislative Instruments*

**Sonja TERPSTRA** (North-Eastern Metropolitan) (13:10): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table the *Annual Review 2023: Statutory Rules and Legislative Instruments*, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

**Motion agreed to.**

**David DAVIS** (Southern Metropolitan) (13:10): I move:

That the Council take note of the report.

In doing so I want to put on record the large amount of work done by the committee staff in this report. This is a comprehensive report of the statutory instruments that have gone through the system. The Scrutiny of Acts and Regulations Committee tries, I think very fairly, to do an even-handed job in looking at the issues that are there with the statutory instruments. Those on the subcommittee work hard, but I particularly want to single out the staff of SARC for the forensic and hard work that they do over a longer period of time. It is worth putting on the record the work that is done over a longer period by those SARC staff, particularly those involved with the scrutiny of the regulatory actions.

**Motion agreed to.**

**Select Committee on the 2026 Commonwealth Games Bid***Inquiry into the 2026 Commonwealth Games Bid*

**David LIMBRICK** (South-Eastern Metropolitan) (13:12): Pursuant to standing order 23.22, I table the select committee's second interim report, *Failure to Provide Documents under Legislative Council Standing Orders*, on the inquiry into the 2026 Commonwealth Games bid, including appendices and extracts of proceedings. I move:

That the report be published.

**Motion agreed to.**

**David LIMBRICK:** I move:

That the Council take note of the report.

Just some background on this report: the committee has resolved to table this report to highlight to the house that the government has not followed the process for documents production orders under the standing orders of this Parliament. You will note that in the previous interim report that was published by the committee there were a number of documents that were requested by the committee from the government, and the government claimed executive privilege over those documents. As there is no mechanism through the committee to test executive privilege, on 1 May, earlier this year, I moved a documents motion through this Parliament, which effectively replicated the documents that were requested where the government claimed executive privilege in the interim report.

Since then, though, the government has in my view and in the committee's view contravened the standing orders by not providing copies of these documents to the Clerk for inspection by me as required under the standing orders. What should happen is that the documents be provided to the Clerk and allowed to be inspected by me so that I can challenge any of those if I do not believe that executive privilege should apply. If there is a challenge, then an independent arbiter would be appointed to make an independent assessment of that claim of privilege. I would note that successive governments have continually contravened this process by refusing to provide documents as required under the standing orders. I would also note that other parliaments, such as the New South Wales Parliament, have a similar mechanism which is regularly utilised. I would urge people to read this report and consider it further.

**David DAVIS** (Southern Metropolitan) (13:14): I want to, again, on the Legislative Council Select Committee on the Commonwealth Games and the interim report, *Failure to Provide Documents under the Legislative Council Standing Orders*, thank the committee staff for the work that they have done. Just so the community understands precisely what has happened here, the chamber at the request of the committee has sought documents from the Leader of the Government. The Leader of the Government has not provided those documents. They said that executive privilege applies to 350 of the 353 documents. It is a circus. It is a complete joke. And they did not make the documents available to the Clerk and the mover of the motion, which was Mr Limbrick, as required by the standing orders.

This is a matter of defiance of the house, and it should not occur in this way. It may well constitute a contempt. It may well be something that the house could take further action directly towards – the non-provision of these documents by the Leader of the Government. But the committee’s activities are clearly being frustrated by the decision of the minister not to provide the documents and the claims of executive privilege and the failure to use the standing orders of the Legislative Council, and it is an open defiance of those standing orders. It is wrong, and it is an attempt to cover up by this government. There is no question what is going on here. We ought to see those documents provided to the Clerk and Mr Limbrick, and if they need, they should be able to ask an independent arbiter, a respected lawyer, to look at those and to decide whether the government’s claims are justified or not.

**Sarah MANSFIELD** (Western Victoria) (13:16): I too would like to briefly comment on this interim report. I would also like to thank the committee staff for their speedy work pulling this report together, and I would just like to echo the sentiments of fellow committee members. The issue here is really the government’s failure to comply with the standing orders, which exist for a reason. This is a failure that not just is a feature of this Parliament but has been a longstanding practice of this government, and it should be a concern to everyone. Putting aside that this happens to be about the cancellation of the Commonwealth games, this is about a bigger principle here.

The government has every right to claim executive privilege over documents where it is appropriate; however, we have serious concerns about the broad application of these claims. The definition used with respect to executive privilege has been developed by the government, so they decide what executive privilege is and when to claim it and the Parliament has no means to test that. We do actually have means but the government refuses to follow them. They refuse to follow the standing orders, and this is really serious. If the government are confident in their claims of executive privilege, they should have no qualms about following the standing orders and going through the appropriate processes, because their claims of executive privilege should hold up to those processes. The fact that they are avoiding those processes suggests that they are not confident in the claims that they are making. This means that they are basically holding information away from public scrutiny, away from parliamentary scrutiny. That is a serious concern when it comes to the transparency and integrity of this government, and all Victorians should have concerns about that.

**Motion agreed to.**

### *Papers*

### **Papers**

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

Improving Cancer Outcomes Act 2014 – Victorian Cancer Plan 2024–2028 – Optimal and equitable cancer outcomes for all Victorians, under section 18(3) of the Act.

Inquiries Act 2014 – Interim Report of the Formal Review into Victorian Government Bodies’ Engagement with Construction Companies and Construction Unions, August 2024 (*released on 30 August 2024 – a non-sitting day*) (*Ordered to be published*).

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

Ballarat Planning Scheme – Amendment C248.

Brimbank Planning Scheme – Amendment C227.

Campaspe Planning Scheme – Amendment C126.  
 Glen Eira Planning Scheme – Amendment C258.  
 Glenelg Planning Scheme – Amendment C110.  
 Knox Planning Scheme – Amendment C185.  
 Latrobe Planning Scheme – Amendment C132.  
 Mitchell Planning Scheme – Amendment C168.  
 Moorabool Planning Scheme – Amendment C113.  
 Mornington Peninsula Planning Scheme – Amendment C241.  
 Wyndham Planning Scheme – Amendment C260.  
 Yarra Planning Scheme – Amendment C319.

Statutory Rules under the following Acts of Parliament –

Building Act 1993 – No. 82.  
 Children’s Services Act 1996 – No. 80.  
 Supreme Court Act 1986 – No. 83.  
 Wildlife Act 1975 – No. 81.

Subordinate Legislation Act 1994 –

Documents under section 15 in relation to Statutory Rule No. 83.  
 Legislative instruments and related documents under section 16B in respect of By-law No. 2024-1  
 Waterways Protection under the Water Act 1989.

Victorian Equal Opportunity and Human Rights Commission – 2023 Report on the Operation of the Charter of Human Rights and Responsibilities (*Ordered to be published*).

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019 – Guidelines No. 2/2024, effective 13 September 2024, under section 36 of the Act.

Voluntary Assisted Dying Review Board – Report, 2023–24.

### Department of the Legislative Council

#### *Overdue government responses to standing committee reports*

**The Clerk:** I have received the following paper for presentation to the house pursuant to standing orders: President’s report on overdue government responses to standing committee reports as at 31 August 2024.

#### *Production of documents*

#### **Construction, Forestry and Maritime Employees Union**

**The Clerk:** I table a letter from the Attorney-General dated 9 September 2024 in response to a resolution of the Council on 28 August 2024 on the motion of Mr Mulholland relating to government procurement contracts and project briefs related to the CFMEU or CFMMEU. The letter states that the date for production of documents does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

**David Davis:** On a point of order, President, on the question of documents provided by the chamber, in the last sitting week the Leader of the Government tabled some documents that went back to 15 November 2023 and related to a number of energy documents. I wrote to the Leader of the Government on 5 September pointing out that there is an opportunity for the contested documents, particularly documents 13 and 14, which relate to the arrangements struck with brown coal operators, for those documents over which the government has claimed privilege and has said that they cannot provide – they have said the document created on 21 October –

**The PRESIDENT:** I am concerned this is not a point of order.

**David Davis:** It is a point of order. The Leader of the Government has not provided the documents sought to the Clerk or to the mover of the motion, as is required by standing orders. So the point of order is that they are in breach of standing orders, and I would like you to rule on that.

**The PRESIDENT:** I will take that into consideration and get back to you, Mr Davis.

**Sarah Mansfield:** On a separate point of order, President, on 15 May the Parliament passed a documents motion requesting documents that the government has signed with Elbit Systems and the Israeli Ministry of Defense. They were due on 12 June. I have raised two previous points of order highlighting that the response to this is overdue. We are yet to receive any sort of response on that documents motion.

**The PRESIDENT:** The minister at the table will follow that up on the minister's behalf.

### *Business of the house*

#### **Notices**

#### **Notices of motion given.**

#### **General business**

**Evan MULHOLLAND** (Northern Metropolitan) (13:38): I move, by leave:

That the following general business take precedence on Wednesday 11 September 2024:

- (1) order of the day made this day, second reading of the Protecting Public Assets and Services Bill 2024;
- (2) order of the day 62, resumption of debate on a motion on electricity transmission lines;
- (3) notice of motion 405 standing in my name on housing affordability;
- (4) notice of motion given this day by David Davis on overdue production of documents orders relating to the 2026 Commonwealth Games bid; and
- (5) notice of motion 527 standing in Rachel Payne's name referring matters relating to the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023 to the Legal and Social Issues Committee.

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

#### *Motions*

#### **Middle East conflict**

**Katherine COPSEY** (Southern Metropolitan) (13:39): I move, by leave:

That this house:

- (1) notes that:
  - (a) the special rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 reported to the 55th session of the United Nations Human Rights Council on 24 March 2024;
  - (b) the report is titled *Anatomy of a Genocide* and the first recommendation is that the special rapporteur recommends that member states 'immediately implement an arms embargo on Israel, as it appears to have failed to comply with the binding measures ordered by the International Court of Justice on 26 January 2024, as well as other economic and political measures necessary to ensure an immediate and lasting ceasefire and to restore respect for international law, including sanctions';
- (2) does not support the state of Israel's continued invasion of Gaza; and
- (3) supports calls for an immediate and permanent ceasefire and calls on the Victorian government to advocate to the Australian government to end its support for the state of Israel's invasion of Gaza.

#### **Leave refused.**

*Members statements***Battle for Australia commemoration**

**John BERGER** (Southern Metropolitan) (13:40): It has been a busy week in Southern Metro, which is why I have three matters to raise. First, last week I represented the Minister for Veterans, Minister Suleyman, at the Battle for Australia commemoration ceremony. It was a massive ceremony and commemoration involving a catafalque party, the navy band, a guard from the cadets and the guest of honour, the commanding officer of HMAS *Cerberus*, along with over 500 guests, mainly of school age. The Battle for Australia took place over 3½ years at the heart of World War II in and around Australia on the Pacific front. Not many of these diggers are left, but we should never forget their sacrifice.

**Sophie Arestides**

**John BERGER** (Southern Metropolitan) (13:41): On a second matter, I met with my parliamentary intern Ms Sophie Arestides, from Swinburne University. Sophie is researching an important field of child protection, including the experiences of children transitioning out of out-of-home care, and I look forward to seeing her final product. I am hopeful her contribution will meaningfully make a difference to the lives of vulnerable children in our state.

**Economy and Infrastructure Committee**

**John BERGER** (Southern Metropolitan) (13:41): Finally, on a third matter, the Council's inquiry into local government funding is well underway, and I thank all of those who have participated so far. I look forward to some more interesting meetings over the next few weeks.

**Energy policy**

**David DAVIS** (Southern Metropolitan) (13:41): I think Victorians nearly fell off their chairs yesterday when we heard the Premier and the Minister for Energy and Resources come out and say that they were going to make changes to the *Gas Substitution Roadmap*. But it is a half-baked – dare I say – response, and the fact is that the government has not stepped back from the essence of their *Gas Substitution Roadmap*. They are still banning heating, they are still banning hot-water services and they are still banning new connections on new estates. Indeed they have got tens of thousands of proposed tall towers across the state, and they are going to ban gas connections in each and every one of those towers. The state government have not understood that the problems for gas are of their making. They have been in power for 10 years. They have not allowed exploration to occur. They have blocked and frustrated firms that would have searched for onshore conventional gas, and that would have put Victoria in a much stronger position. But the fact is Victorians should have a choice. They should have a choice about what appliances they put in their home, whether they are an Asian person or an Indian person who wants to cook on gas or a person of other descent who wants to cook with gas or whether they are somebody who wants to shower with hot water or have proper gas ducted heating for a cold winter. Instead of that, the government wants to condemn people, especially renters, to a cold time.

**VicWISE**

**Samantha RATNAM** (Northern Metropolitan) (13:43): It was an honour to be part of VicWISE's recent AGM and networking event at Parliament. VicWISE provides crucial support to international students, helping them navigate their arrival and study experience and connect to employment and other opportunities. It is one of the few services of its type and has acted as a lifeline for many, especially during the pandemic. There was a lot of concern expressed at the forum about what will happen to the lives of these young people and the university sector, who are both reeling from recent changes announced about student numbers and employment pathways. Thank you to VicWISE for this important forum and your steadfast support to students within our community and across the world. Congratulations on going national.

### Changepreneurs

**Samantha RATNAM** (Northern Metropolitan) (13:44): I would also like to congratulate the 30 recent graduates of the Changepreneurs leadership program, which works in partnership with Australian Multicultural Community Services and Learn Local. The diversity of these emerging community leaders speaks to the strength of this program and our multiculturalism. I want to acknowledge especially Abiola Akinbiyi, who has been the driving force of this highly successful leadership and empowerment program. I cannot wait to see what each of these leaders achieves.

### Teej celebrations

**Samantha RATNAM** (Northern Metropolitan) (13:44): I would also like to wish the community happy Teej. Thank you to the Australian Nepalese Multicultural Centre for hosting a wonderful celebration of the Teej festival, which honours the service and sacrifice of women. The ANMC was bursting with joy. I am so proud to represent the region that was one of the first communities that the Nepalese community settled into when they arrived. We are so lucky to have the generosity, determination and excellence of the Nepalese community as part of our community. Thank you to Matiu for sharing this brilliant reflection of that event: embracing culture is our shield; celebrating it, our rebellion.

### The Orange Door

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (13:45): I would like to acknowledge the incredible work that the Orange Door access point in Colac do to keep victims of family violence and their children safe. This service does definitely save lives. The Orange Door brings together practitioners from specialist family violence services, family services, Aboriginal services and perpetrator services to provide wraparound support and tackle the source of violence. Colac's Orange Door is seeing almost 90 family violence cases a month; that is 12 per cent more than at this time last year. Minister Ward visited Orange Door Colac last week to thank and recognise the hardworking staff, and I join her in acknowledging their dedication to supporting those in need. The Allan Labor government is to be commended for its continued support for and investment in services that strengthen community safety and wellbeing.

### South Geelong–Waurin Ponds rail duplication

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (13:46): On another matter, I was pleased to recently attend the opening of the upgraded South Geelong station as part of the South Geelong to Waurin Ponds rail duplication project. Over \$1 billion is being invested by the Victorian and federal governments to deliver better and more frequent services, with upgraded stations, 8 kilometres of duplicated track and two level crossings removed. The upgrades at South Geelong and Marshall stations include new expanded platforms, increased car parking, a new pedestrian overpass and improved landscaping. This duplicated track will mean more frequent services and less congestion for all services on the Warrnambool line, with a significant bottleneck now removed. I congratulate everyone who has been involved in delivering this vital infrastructure.

### Australian National Flag Day

**Bev McARTHUR** (Western Victoria) (13:46): On 3 September this year I celebrated Australian National Flag Day, commemorating this historical and proud occasion with the Samuel Griffith Society and the Australian National Flag Association. I acknowledge the dedication of Mr Allan Pidgeon AM, chair of the national flag association, to increase appreciation of the history and significance of our national symbol. Few people know that after Federation on 1 January 1901 Prime Minister Edmund Barton announced the federal flag design competition, an Australian government initiative to find a flag for the newly federated Commonwealth of Australia. From 32,823 entries, five created the design we know today, including Ivor Evans, a 14-year-old schoolboy from Melbourne. On 3 September 1901 Prime Minister Edmund Barton announced the winners, and the first Australian

flag was flown over the dome of the Royal Exhibition Building in Melbourne, not too far from this place. The Australian flag, flown for the past 123 years, is a reminder of the contributions of past and current generations to the nation and of the inheritance that will be passed to future generations. Our flag represents all Australian citizens, regardless of background, race, religion or age. It promotes dignity and respect. It unites all Australians. We should be proud to fly our national flag for many years to come and proud to be Australian.

#### **Rushworth Field and Game**

**Rikkie-Lee TYRRELL** (Northern Victoria) (13:48): Last week I was invited to the Rushworth Field and Game club's new clubhouse at the old Rushworth tennis club location. The clubhouse has been fixed up by the members over the past few months with a new lick of paint, plumbing and some construction work. It now serves the membership of 70-strong to get together, to meet and socialise. The members are also quite dedicated to the conservation of our native wildlife, so they construct from scratch parrot nesting boxes and henhouses, which serve as safe nesting sites for our wetland birds. They also include local schools in the construction process, where hands-on skills are developed for our youngsters. Members Graeme and Charlie showed me the construction process and materials used, then we headed off to the Rushworth golf course, where a few of the nesting boxes are located in the trees. While these nesting boxes are constructed to attract native parrots and kingfishers in the area, there are other wildlife who have taken up residency in these boxes. The local possums and gliders create their own nests out of these little homes in the trees. It is wonderful to see these boxes and houses going up in local areas and encouraging our native species of both feathered and furred wildlife to multiply in numbers. There is a dedicated Facebook page for the club where visitors can keep track of what species are currently using the nesting boxes and henhouses for breeding. I would like to thank the Rushworth Field and Game club for their time in explaining everything and answering the many questions I had.

#### **Gender equality**

**Sonja TERPSTRA** (North-Eastern Metropolitan) (13:49): I rise to update the house about a very important milestone that those of us on this side of the chamber can celebrate this month with great pride. It is the 30th anniversary of affirmative action rules reforms, which were passed at the ALP national conference in 1994. I want to pay tribute to the many women over many years, decades in fact, who campaigned tirelessly to see these important reforms passed – years of bringing people on board and years of conversations, formal and informal, and advocacy on why working towards equal representation for women in our Parliament made good sense. As women it is what we bring to the table that makes a richer and more holistic outcome, and one that is reflective of half of our community and more.

I want to acknowledge and thank the giants upon whose shoulders I stand here today, and I do so with some trepidation because I know that there are often many women who go unmentioned and unrecognised. I am hoping you know who you are and what your contribution has meant. More formally, I thank Joan Kirner, of course, Victoria's first female Premier and a formidable advocate and champion of women's equality; many other Labor women, including Sharan Burrow, Jennie George, Candy Broad, Kay Setches, Jenny Beacham, Jeannette McHugh, Sheila O'Sullivan, Julia Gillard and many, many more; and the many allies and supporters, otherwise known as those good blokes who supported the change in our rules in the union movement and more broadly in our political circles. You knew it was the right thing to do and our movement is much richer for it. I will have more to say about celebrating this important milestone at an EMILY's List event coming soon to a venue near you.

#### **Leonard Balfour**

**Wendy LOVELL** (Northern Victoria) (13:51): Over the past few weeks Greater Shepparton has lost three of our most loved and respected residents. Len Balfour was a highly regarded and much-loved member of the Mooroopna community. Len was the owner of Balfours buses and was known

for his generosity in supporting many organisations and individuals in the Mooroopna community. Len was the Mooroopna Citizen of the Year in 2020, a former captain of the Mooroopna fire brigade and a Paul Harris Fellow. Len will be sadly missed, which was evident at his funeral, which was attended by more than 1500 people. I extend my condolences to his wife Leonie, the Balfour family, Len's friends, the members of the Mooroopna fire brigade and the Mooroopna community. Vale, Len Balfour.

#### **Jan Deane**

**Wendy LOVELL** (Northern Victoria) (13:52): Jan Deane was a much-loved friend of mine for decades and a highly regarded and treasured identity in the Shepparton community through her roles in the Shepparton Theatre Arts Group, her singing in church and at weddings, as host of the morning show on GMV6, as a journalist for ABC radio and more recently for her book reviews in the *Shepparton News*. I extend my deepest condolences to Jan's family and to everyone who knew and loved her. Jan will be sadly missed but very fondly remembered. Vale, Jan Deane.

#### **Murray Slee**

**Wendy LOVELL** (Northern Victoria) (13:52): Murray Slee OAM served on the City of Shepparton council for 34 years, including three years as mayor from 1976 to 79. Murray was a true visionary who always worked in the best interests of Shepparton and district, and our region enjoyed some of its greatest periods of growth and prosperity during his time as a councillor and mayor. I have known Murray for most of my life, and he is someone I always held in high esteem and looked up to. I extend my deepest condolences to his daughters Robyn, Dianne, Jenny and Helen and their families. Vale, Murray Slee.

#### **Gambling advertising**

**Katherine COPSEY** (Southern Metropolitan) (13:53): It is rare in Australian public life, much rarer than it should be, that people from across the political divide, across states and across the religious and secular worlds come together to demand an action. But that has happened, with former prime ministers and premiers; MPs; union, sport, business and health leaders; faith figures; academics; writers; and social justice advocates all coming together, signing an open letter to the Prime Minister and the federal opposition leader asking them to ban all gambling advertising and ban inducements and promotions. The letter says:

Gambling advertising in Australia is out of control with one million gambling ads being aired on free-to-air television and radio in just one year.

Gambling companies are now grooming our kids, who are:

... being targeted by the tsunami of gambling ads that assault our screens, especially around coverage of our major sporting codes. It is ensnaring a whole new generation of gamblers.

Prime Minister, you have been given the social licence to show us that you do believe in something, that you do believe in our kids and that you believe in a future free from the scourge of gambling. Show us that you are not dancing to the tune of the gambling industry masters. Take action now and ban gambling advertising for good, for all our futures.

#### **Go Girls Foundation**

**Melina BATH** (Eastern Victoria) (13:54): For 17 years Go Girls has been transforming the lives of hundreds of Victorian women. The Go Girls Foundation empowers women who are at risk in both Melbourne and regional Victoria. The foundation supports women who have experienced domestic violence, social isolation and homelessness by assisting them to become work ready and financially independent. Go Girls' purpose is for every woman to have a plan. Go Girls' goal is for every woman to feel confident and in control of their life by supporting them to create a vision for their own future. It is a safe, supported environment. Go Girls Foundation connects, honours and celebrates women.

Last month I attended the graduation of the 2024 Gippsland Go Girls and met them and their alumni, and I am wearing a brooch made by a beautiful lady from Wonthaggi. Michelle Jobson and Rita Bottomley established this, and it runs purely on philanthropy. For sustainability of the program and to raise community awareness Go Girls is holding an event on 17 October called the 100KM Challenge in the Melbourne Sports and Aquatic Centre at Albert Park. It is designed to raise funds. Former Commonwealth Games champion Tamsyn Lewis Manou is their ambassador, and I invite everybody to look up Go Girls and add their support. This is really life-changing for many of our women across Victoria.

### **Antonio Park Primary School**

**Nick McGOWAN** (North-Eastern Metropolitan) (13:56): I love *The Lion King* and I love Antonio Park Primary School, so you can imagine my delight when the two came together last week in a performance of *The Lion King*, and I want to do a shout-out to all the kids – some 500 plus. It was an extraordinary exhibition that took place, including of course the key cast: the young Simba, who was Ava and Lily – there were actually two nights with different performances; Zazu, who was Lucy and Hannah; Mufasa, Jackson and Thomas; Scar, Henry and Harrison; Rafiki, who was Isla and Audrey; young Nala, who was Sonya and Darcy; Simba, who was Scarlett and Amber; Nala, who was Equin and Laura; Timon, who was Oscar and Georgia; and Pumbaa, who was Bardia and Hayley. There were many more people than that. There were obviously the parents, the helpers and the teachers. They could not have done it of course without the support of their principal Carly Jones. In addition to that, they also could not have done it without the support of the performing arts teacher Kate Tyson, who was also the production director.

There were also of course – and we cannot forget in this sort of production – the hyenas; there were the rhinoceroses; there were the lionesses, the cheetahs, the monkeys, the hippos, the elephants, the giraffes and the gazelles; and there was a bison in the production manual. I am not going to take it up directly with the students, but bison of course are native only to America. But I am sure they were referring to the buffalo or the wildebeest in that case.

A big shout-out also of course to 2K, A and H, because of course they were the stampede; and 3T and H, who were the hakuna matata – that was no worries of course, and that is great to know; and 4M, P and S; 3A; and 5/6G, M, C, E and B. And I cannot forget of course our foundation kids, K and F – they were the lion cubs, and they were adorable; foundation R, who were zebras; J were elephants – the cutest little faces you have ever seen; and then we had class 1S and K, and they were dancing stars; and last but not least, 1J and D – they were the hyenas. They were superb. I have been accommodated very much today by the clock, and I thank them very much for that as well.

### ***Business of the house***

#### **Notices of motion**

**Lee TARLAMIS** (South-Eastern Metropolitan) (13:58): I move:

That the consideration of notices of motion, government business, 278 to 562, be postponed until later this day.

**Motion agreed to.**

### ***Bills***

#### **Victorian Institute of Forensic Medicine Bill 2024**

#### ***Second reading***

**Debate resumed on motion of Harriet Shing:**

That the bill be now read a second time.

**Evan MULHOLLAND** (Northern Metropolitan) (13:59): I rise to speak on the Victorian Institute of Forensic Medicine Bill 2024. This is an important bill because of the important work of the institute

and the work the institute does on behalf of all Victorians. It is quite important in our justice system and it is important in our health system. The institute provide vital support to the coroner as well as to Victoria Police, two very important cogs in our system, and so it is important that the agencies with which they work are on strong legislative footing. Whether this bill achieves that is another question, however. I would like to thank my friend the member for Malvern, the Shadow Attorney-General, on the work he has done on this bill. As he said in the lower house:

This bill effectively seeks to reinstate the previous legislative basis. There was the Victorian Institute of Forensic Medicine Bill 1985. This bill seeks to re-establish the legislative basis for the governance of the VIFM in 2024. Obviously, governance standards, practices and procedures have changed quite a bit since 1985, so I understand the reason why the government is keen to update the legislative arrangements that underpin the VIFM.

The problem we have is that the legislation is the result of a 2023 review and, in the classic form of this tired, old and secretive Labor government, they refuse to release the review on which this legislation is based for us all to see and for the general public to see, but we are meant to take them at their word that all is hunky-dory. It is a pretty flawed approach to public policy to conduct a review, draft legislation as a result of the findings of that review and then keep the review secret so that the opposition, crossbench, media and indeed all Victorians cannot assess whether the government's legislation addresses the findings of that particular review. While we approach this bill with some degree of scepticism, if this government was up-front and genuine and demonstrated good faith with the Parliament and the public about why it wants to bring forward this bill, then it would have released the review upon which this is based. It is the least that they could do, but they still have not.

There is no doubt that there are issues with the Victorian Institute of Forensic Medicine. That is not a slight on the dedicated staff that work there, but it is a slight on some failings of the government and the legislation under which the staff work. The staff at the VIFM deal with often quite sensitive and even traumatic cases and subject matter, and they handle them with skill, with care and with compassion. The issues the opposition have are with the government and in particular with how the VIFM is funded. To illustrate this, I point to a story on the ABC's 7.30 on 5 September 2022, as my friend the member for Malvern has also highlighted. The headline is 'Victims of violent crime forced to wait for forensic examinations in Victoria due to "dire" shortage of doctors'. I will quote a little bit from that piece because I think it is very important. It demonstrates how vital a well-funded VIFM is to Victorians. The article starts:

Victorian victims of sexual assault are being forced to wait in bloodied and soiled clothes, sometimes for more than a day, to see specialist forensic doctors.

On some nights in Melbourne, a city of 5 million people, there are no forensic doctors available to see victims of violent crime, in a situation experts have labelled "dire".

In 2020, Grace Stewart was one of hundreds of women forced to endure the consequences of this shortage.

Ms Stewart alleges she was raped in January that year.

She says it took her hours to comprehend what had happened to her and to muster up the courage to call a rape crisis line.

For 15 hours after that, nearly 30 hours in total, she remained in the same underwear that she was wearing when she was allegedly raped.

If she wanted to see the alleged perpetrator brought before the courts, she couldn't shower or change until she saw a forensic doctor.

That night, none were available.

"That's something that was quite traumatic," Ms Stewart told ABC investigations.

"It made me feel icky. It was definitely gross, because you want to try and get the experience off you."

Victims of sexual assault need all the help that they can get from the government and to not feel abandoned when they are at their most vulnerable. Instead, in Australia's largest city not a single forensic doctor was available on the night that Grace Stewart needed one. This is unacceptable. There is nothing in this bill that would make a difference in this situation. The government is simply not

doing enough to support the institution, the bodies it works with and ultimately the Victorians who, as I outlined earlier, are at their most vulnerable when its services are called upon.

What is in this bill that is going to make a difference? What is in this bill that is going to make a change? Well, not a lot. There are so many confronting stories we will not hear about and that will not be profiled on the television news programs, but these victims exist, and they need the mechanisms in place to help them. I join my colleague Mr O'Brien in thanking Grace Stewart for coming forward to help highlight this issue, which might otherwise have flown under the radar, and indeed it still does fly under the radar too often.

We know there have been some cultural issues at the institute. The same report went on to detail that doctors at the Victorian Institute of Forensic Medicine have lodged complaints with WorkSafe Victoria about dangerous working hours. This is a concern, given the highly technical, sensitive and compassionate work required by employees of the institute. I note that the Australian Medical Association have raised and expressed the concern that they were not sufficiently consulted on this bill – a concern which more broadly highlights the concerns of the association and others that the health side of the institute is not getting its just attention and that the institute is unbalanced in favour of its role in the justice system.

The Law Institute of Victoria (LIV) have also provided the opposition with some concerns about the bill. They pointed out that clause 34 requires that prior to the use or disclosure of information by the institute under clause 32 or 33 the institute must (1) notify the State Coroner of the proposed use or disclosure if the information relates to an investigation under part 4 of the Coroners Act 2008 and allow them the opportunity to advise if they reasonably consider that the proposed use or disclosure of such information would prejudice an investigation, and (2) notify the Chief Commissioner of Police of the proposed use or disclosure if the information relates to a criminal investigation or a criminal proceeding that has been or may be commenced and allow them an opportunity to advise if they reasonably consider that the proposed use or disclosure of such information would prejudice such an investigation or such proceedings.

To put it another way, as long as the institute has done the paperwork notifying the State Coroner and chief commissioner, it does not need to actually wait for a response in order to disclose information. This is a situation that is rife with problems in matters as sensitive as the ones handed out by the institute. Positive consent – not implied – should be the threshold. We are talking about personal information of people who have either died or suffered trauma themselves – and let us face it, that is what the VIFM deals with – and requiring that information not be used or disclosed by the VIFM without absolutely obtaining a positive affirmation that it is not going to prejudice an investigation that is being undertaken by the coroner or the police I think is the least the bill could do.

This is a matter the Shadow Attorney-General has called upon the government to reconsider, and I reaffirm that call here today. Following on from that, the LIV has also pointed out there is no requirement for the institute to gain consent from an individual or their next of kin if deceased. It seems a bit odd that the coroner is consulted and the Chief Commissioner is consulted, but the person whose information is involved, or their family members, are not. The government have said that they do not believe that this is necessary, but we are dealing with people who have died in tragic circumstances or people who have had horrific things happen to them, such that the VIFM is involved in conducting examinations. I think that respecting the individual and their right to that autonomy is a very important thing. I would urge the government to reconsider it, because I do not think the government has got the balance right in this bill.

Clause 4 outlines that a person should have regard to principles relating to professional standards, community benefits, sensitive conduct, the promotion of public health, the administration of justice, respect for cultural beliefs and recognising the diverse needs of Aboriginal communities. This is fine, but I would highlight that 'sensitive conduct' seems to be out of alignment with the concerns I raised earlier around the use of personal information.

Clause 8 seeks to clarify the objectives, the functions and the powers of the institute. This is also fine, but again actions speak louder than words, and there needs to be real governance reform for this to mean meaningful change. There are concerns around the fact that the VIFM's board is appointed on the recommendation of the Attorney-General, and this is at the heart of health concerns, which I understand Ms Crozier shares and may speak on later, around the institute seeing itself as an arm of the justice system. I understand that in some other states their equivalent agencies are under the auspices of the health department, and that actually warrants some consideration and deeper thought. The government is always keen for a rebrand – a bit of spin to polish and give the impression of reform – but here, where they could do something meaningful, they stay silent. Mr O'Brien pointed out some other governance concerns we have, and I encourage members to review the *Hansard* record of his excellent speech.

To sum up, there are three areas that we are concerned about with this bill: (1) the need for better consultation with the medical profession (2) the rights of individuals to protect their information and privacy and (3) the lack of meaningful change in the minutiae of governance changes. We do actually have a reasoned amendment for this bill, and I ask for that to be circulated. I move:

That all the words after 'That' be omitted and replaced with 'the bill be withdrawn and not reintroduced until the government:

- (1) properly consults with the medical profession in Victoria on the Victorian Institute of Forensic Medicine;
- (2) ensures that victim-survivors of sexual assault can obtain timely forensic medical services; and
- (3) improves safeguards for the use and sharing of personal information held by the Victorian Institute of Forensic Medicine.'

While governance changes are undoubtably a step forward from the 1985 legislation, there remain concerns that the VIFM is a troubled organisation. These changes will not resolve the cultural and other problems that have beset the organisation. The processes around the use or disclosure of individual information are not as tight as they could be. This bill will not fix the problems with the VIFM that were identified by the Victorian Law Reform Commission and also highlighted on the ABC's September 2022 report.

**Jacinta ERMACORA** (Western Victoria) (14:15): This bill constitutes a thorough modernisation of the Victorian Institute of Forensic Medicine Act 1985. It provides flexibility for the institute to adapt to new technologies and advancements in scientific knowledge. It updates the institute's governance structure to meet best practice standards for public entities. It upgrades guidelines on the sharing of often sensitive information the institute collects, and this will allow the institute to better support public health policy and research while providing appropriate safeguards. Importantly, the bill sets out the principles that will guide the activities of the institute, and these principles recognise that the institute often deals with traumatic and difficult events that require anyone acting on behalf of the institute to deal with people affected by those events with respect and sensitivity. In particular the principles include a requirement to recognise the importance of self-determination and connection to culture, family, community and country for First Nations people.

In this speech I am going to have a look at some of the changes and the differences between the Victorian Institute of Forensic Medicine (VIFM) of 1985, when it was formed, and some of the more modern capabilities that it has now. I am also going to have a look at those guiding principles and touch briefly on a couple of examples. There have been changes in forensic medicine since the 1980s. In the 1980s forensic investigation relied on blood typing, fingerprints, eyewitnesses and hair analysis – I am not quite sure what that involved.

**A member:** How good your hair looked.

**Jacinta ERMACORA:** I do not think it was a fashion assessment. Any of us who are aficionados of detective TV shows will know how dated the shows from the 1980s are: on *Columbo* and *Cop Shop* they were stuck if they could not find any fingerprints. They could not send samples to the lab for the

DNA analysis. In fact it was in 1985, the year that the original form of this bill was passed in this house, that the first DNA fingerprinting method was developed by Professor Jeffreys at the University of Leicester in the United Kingdom. Its potential for use in criminal cases was immediately recognised, and the method was used for the first time just a year later, in 1986. DNA matching led to the conviction of Colin Pitchfork for the rape and murder of two women in the UK and exonerated the person previously thought to be the prime suspect. DNA matching is just one of many new techniques now in use. Just some of the things we can now rely on are advanced imaging techniques, including 3D and virtual scanning – it may be that these will eventually displace the need for invasive autopsies; techniques for sensitive detection of tiny amounts of specific substances, such as mass spectrometry, fluorescence detection and molecular imaging; and the ability to analyse pollen and plant matter and even the stable isotopes in water to pinpoint its origins.

It is clear that the forensic techniques are going to continue to evolve at a rapid pace, and the institute needs a framework that allows for its development while providing guidance for its leaders and people on how to best serve the needs of Victorians. The range of services the institute provides is very broad. It oversees the Donor Tissue Bank of Victoria, it is responsible for the majority of sexual assault testing, it undertakes teaching and research to improve public safety and it partners with the Australian Sports Brain Bank to research the impact and prevention of repetitive brain injuries in sport, along with its role in the criminal justice system. These services also continue to evolve. For example, in 2021 the institute made a submission to the Victorian Law Reform Commission on the rise in technology-facilitated sexual assault. This is a phenomenon that would not have even been envisaged when the institute was first created. Again, the institute needs a framework that allows for sufficient flexibility to evolve as even more technological and scientific capabilities emerge – perhaps some we have not even imagined. At the same time, the important services the institute provides must be guided by principles that drive a people-centred approach to service delivery and a commitment to excellence in clinical and research governance and to improving public health while serving the justice system.

These guiding principles set out in the bill require any person performing a function or power at the Victorian Institute of Forensic Medicine to have regard, as far as possible in the circumstances, to the following:

- meeting professional standards relating to scientific integrity and ethics;
- pursuing benefits to the community and to the justice system;
- recognising the significant nature of the events to which the Institute's services relate and the need to be sensitive and responsive to persons affected ...
- promoting public health and safety;
- promoting the administration of justice ...

On the second principle, 'pursuing benefits to the community and to the justice system', I just want to go there for a moment. My grandfather-in-law was incarcerated at Buchenwald concentration camp during the Second World War. He was caught providing food to Jewish people. The Nazis were running a medical experiment program. During the day many of the prisoners were injected with all sorts of substances as a form of experimentation, with no permission of the people involved or my grandfather-in-law, and in the evening, unbeknownst to the Nazi people running the camp, Jewish doctors would come in and inject antidotes, the opposite, to keep these people alive. My husband's grandfather was one of those men. He did live to 96 years of age, I believe. That is an example of the use of medical science or science not to the benefit of the community and certainly not in compliance with the ethics and values that our community would expect to be upheld and indeed that are usually upheld. I think these principles play a really important role in providing clear guidance. They are open-ended enough to express a set of values but not too prescriptive so that new issues cannot be captured by those values.

There are a couple more guiding principles as well, and they are:

- respecting the cultural beliefs of persons affected by the events to which the Institute's services relate;

recognising the diverse needs of Aboriginal communities, including the importance of self-determination and connection to culture, family, community and Country.

The principles requiring a focus on professional standards, community and justice system benefits, public health and safety, and administration of justice are self-evidently central to the functioning of the institute. I want to briefly speak to the principles that require the institute's execution of its functions to be people-centred and as they relate to sexual offences.

The Crime Statistics Agency in Victoria reported in 2023 that 9357 sexual offences were reported in this state. That is 26 reports every day. The ABS estimates that nine out of 10 women who are sexually assaulted do not report it. I must say they are the very same figures that existed when I was a sexual assault counsellor well over a decade ago. As well, Sexual Assault Services Victoria state that many children and men are also reluctant to come forward. We know that many aspects of our adversarial legal system disincentivise victim-survivors from reporting. We also know that all of the institutions relevant to gendered violence in Victoria have made massive improvements in their culture and practices towards women and survivors of sexual assault, family violence and other crimes. Institutions that have made those improvements include the police with their responses and procedures; the court system with the defence's right to cross-examine, the availability of timely and experienced court support for survivors and the availability of timely therapeutic services; and of course there is the role of forensic testing as a form of evidence that assault or rape has occurred. So, whilst these institutions are in no way perfect yet, there have been improvements.

However, many women have still experienced distress during what is commonly referred to as the rape kit process. The Institute of Environmental Science and Research in New Zealand conducted some research into this very issue and their research found that the development of procedures for sexual assault testing has focused more on the effectiveness and efficiency of the testing rather than the experience of the victim. Many victims subsequently report the forensic examination to be a source of further trauma. These principles will require the institute to deal sensitively with people who are impacted by these types of traumatic events. This gives it the authority to devote resources to developing appropriate processes, research and training that improve the experience for those it serves.

The bill also recognises the diverse needs of Aboriginal and Torres Strait Islander people by acknowledging the importance of self-determination. The principles require that the institute as far as possible provide culturally safe and responsive services, appropriately engage with Aboriginal stakeholders and consider their cultural rights in the delivery of the VIFM's objectives. In some regards the Yoorrook truth-telling commission is an example of First Nations led review of what happened during the colonisation or invasion period, and there is no doubt that forensic services may conceivably be relevant to some of the evidence given by some Aboriginal people to this commission.

Appropriate information sharing is another principle that this bill entails. The institute collects and creates information in carrying out its functions, in particular through its support of the coronial process, and the bill sets out clear processes for how information is to be treated. An important function of the institute is to train others involved in the administration of justice, such as our police.

In conclusion, I would like to say that I cannot see the logic in the reasoned amendment. To me, dot points 1 to 3 are all captured within this bill. In fact it deliberately focuses on enabling capability to ensure those things are captured and ensured. So, in a sense, this reasoned amendment does not make sense to me. I completely endorse the bill and thank those in the portfolio for the work that has been conducted in producing the bill to this point.

**Georgie CROZIER** (Southern Metropolitan) (14:30): I rise to speak to the Victorian Institute of Forensic Medicine Bill 2024, and I do so because this is actually an important bill that we are debating today. I want to commend Mr Mulholland on his contribution and for putting a reasoned amendment to the house, which is incredibly important. I have just listened to Ms Ermacora about her reasons, and she went through them. Clearly she has no idea about the frustration within the medical profession, who have actually said that the consultation around this bill was not conducted properly, and they have

raised many concerns, which I will be raising in the committee stage. I want to say that this bill should be thrown out and the government should go away and do the work properly before it is brought back into the house. It is very disappointing that the government has not properly considered all of these issues. I just listened to part of the debate, and it was going off on an absolute tangent – it had nothing to do with the bill.

This bill, as I said, is an important one. The Victorian Institute of Forensic Medicine was established under the Victorian Institute of Forensic Medicine Act 1985 as part of the criminal justice system, originally for the purpose of providing forensic pathology services relating to deceased persons. Since that time and since 1995 in particular its role has expanded to providing a 24/7 service to living victims of crime, assisting Victoria Police, the coroner and the courts. It plays a critical role in both the justice system and the health system in Victoria, supporting our legal, medical and scientific communities in criminal investigations as well as through research and education. The government says that it conducted a review into the VIFM act last year, and the minister stated in the second-reading speech:

The Bill implements key findings from the review and is the final plank of reform for this vital service.

Incredibly, the government will not release to the public that review. The government say, ‘We’ve conducted this review; that’s why we’re changing the law,’ but they will not release the review. And the very people that this concerns have not been consulted properly or adequately on it.

This is largely a health response. Yes, there are the issues around the criminal elements of what investigations need to be undertaken, but as has been reported and has been cited by various members, including my colleague Mr O’Brien, the Shadow Attorney-General, in the case of Ms Stewart’s horrific circumstances in 2020 – which were reported on in 2022 – she had to wait for 30 hours for a forensic examination because of the dire shortage of doctors. Yes, it is forensic evidence that is being collected about a crime that has occurred against, as I said, a living individual that this bill relates to – not under the original bill, which did not go to that extent, but since 1995 when it changed, as I have already highlighted – but this is critical. This victim of crime that I am speaking about, specifically of sexual assault, was unable to be cared for in a timely manner nor in a manner that you would have expected in Victoria in 2020 when it occurred, let alone in this day and age, in 2024.

I do recall, from my experience of working at the Royal Women’s Hospital, the Centre Against Sexual Assault unit there and unfortunately some occasions when women needed to come in to get those services. I am well aware of the issues. I have spoken to clinicians that work for the institute, and they have told me of the frustrations that they have got with this bill and the inability for them to conduct their work and get the information that they require on a client or a patient or a victim of crime that they might be dealing with. That is concerning, because they are often then flying blind, and that delays evidence. That is partly the issue that has been raised by doctors and certainly those clinicians that have spoken about their concerns. I want to thank the AMA for their input and feedback that they have provided to me. Again, in stark contrast, the government is not listening to these clinicians, who have got the expertise and are actually conducting this very important work for these victims of crime.

As with that report on Ms Stewart, who bravely spoke out – she was only one of hundreds of women forced to endure the consequences of this shortage of these forensic doctors. We need to be doing more around this shortage. Unfortunately, as we know, the numbers of crimes that are occurring in this state and the numbers of dreadful sexual assault crimes that are occurring are far too many. When there are victims coming forward that need to be attended to, cared for and supported, we need to ensure that they are getting timely services as well. That is what this report highlighted. This bill is not going to do anything to address those issues, and I think there is a very big concern with what the bill is trying to address. That is why we are moving a reasoned amendment – to ensure that the government can get the bill right. It is one thing to update a bill or update legislation that is expected to meet community standards, but when the government is not meeting that mark, then surely it does need to be properly undertaken. I say again that there are concerns that have been raised by clinicians that are involved in this very important work.

In Victoria, the VIFM – or the Victorian Institute of Forensic Medicine – sits squarely within the Department of Justice and Community Safety, as I have indicated. Other states have adopted a health-led approach to forensic medicine. I think it is a direct deviation for Victoria to not follow suit around the health-related aspects that this very important work undertakes in many instances – not in all cases, obviously, but in many cases – and that is why those concerns have been raised.

The AMA I understand has been raising these issues with the government for two years – how the healthcare sector plays a vital role in this work – and has been calling on the government to prioritise that. This has, as I said, fallen on deaf ears. The government is just looking through the prism of the justice and the police functions and not taking into consideration the work that is being done on the ground by forensic clinicians to gather the evidence that the police investigators, the coroner or other justice agencies then need to look at. It is very, very important work that the clinical doctors are providing to support those agencies.

What this bill does, amongst other things, is it abolishes the current VIFM council and replaces it with a skills-based board that has clinical governance and corporate governance functions, yet the selection criteria for the composition of the board does not ensure that the necessary medical expertise – again I am going to the point around the very important aspects around clinical governance and clinical expertise – is appropriate to oversee VIFM's health-related functions which are represented. They are in fact very broad rather than seeking to meet the specific skills that are required for an institute with highly specialised purposes. If you look at the explanatory memorandum, it goes through those issues.

The other part of the bill that is concerning is that it provides for the appointment of the chief executive officer and also the role of director of forensic medicine. It provides for those two roles, but it provides that the same person may be appointed to both roles. That is curious – you can have somebody who is the director of forensic medicine but also the CEO. Whilst there is an argument to say, 'Well, there's no reason why the director of forensic medicine can't have that overarching executive officer role,' you do need to understand that there is a specific concern around the ability of that director of forensic medicine to have an approach that provides support to the clinicians in the forensic aspects that the institute is responsible for. The way the bill has been structured therefore really undermines the entire separation of those two roles: one responsible, as I said, for the forensic medical matters and the other for the organisational leadership. We do note that there are clinicians that have those leadership roles. I am not saying that does not occur and should not occur, but I am saying in this specific example for VIFM those two distinct roles should be separated to avoid any conflict of interest. It does seem like an extraordinary process, and I will be asking a little bit more about that in the committee stage.

There is no question that there have been issues within VIFM around staffing issues. That has been of concern. There have been various issues that have been raised, but that does not take away from the organisation and what it actually does. Those issues need to be sorted, and if there is anything further that can be done in relation to getting additional staffing and an understanding of what the demand is here in Victoria, I think that is an important aspect for the government to elaborate on.

I just want to make the point, in the last few minutes that I have got, that in question time two years ago I actually asked the Attorney about this issue that I have mentioned, Ms Stewart's case, after it was reported on 5 September 2022. I asked how it was acceptable for victims to be left in bloodied and soiled clothing because no doctors were available. In her answer at that time, in question time, the Attorney said funding had been committed:

... to improve the services for these victims, including supporting VIFM to ... deliver the essential clinical forensic medics and services that we want to be available more quickly ... and I have certainly sought advice from the department about what we can do to ensure that for any gaps that are in the system ... if there is anything more we can do in an immediate term, that is something we should do.

She went on to say that there is a medical component as part of the justice response and:

... it is a conversation that I also want to have with the health department and the Minister for Health in relation to ensuring that we have adequate services and the right people.

That was an issue I did raise back in 2022 after that report became public. I do think that since that time it is clear that the AMA still do not feel that the government has addressed those workforce shortages, that there are still some significant issues around workforce issues and that those other safe work practices that were highlighted, again in that report at the time, have had a detrimental impact on the organisation. In their correspondence to the government last year the AMA warned that their staffing profile at the time was not capable of providing the required forensic medical services to the community on a 24/7 basis.

Again, I think there are so many issues here that have been raised by the AMA, who are there speaking to their members, the clinicians who are conducting this work. I have certainly spoken to those that have come to me regarding their concerns, and I want to thank them for providing me with their feedback. I just wish the government had consulted more widely and got a greater understanding of the impacts of what this bill will actually fail to achieve in terms of supporting clinicians in doing their work in a very important area, which then supports the police in investigations of crimes that should not be committed in this state but, sadly, are being committed at too high a rate. I do therefore, again, support Mr Mulholland's motion to move a reasoned amendment so that the government go back and do this very important work before this bill is passed in this place.

**Ryan BATCHELOR** (Southern Metropolitan) (14:44): I rise to speak on the Victorian Institute of Forensic Medicine Bill 2024, a bill that replaces the Victorian Institute of Forensic Medicine Act 1985, which created and was the enabling piece of legislation for the institute up until this point, and replaces it with a brand new piece of legislation establishing modern governance frameworks. There are new principles to guide the service delivery functions of this important part of Victoria's broader justice infrastructure; it makes some important amendments with respect to the collection of information and how it is used to support broader public policy goals; and it does a series of other modernisations to governance arrangements, including by the Governor in Council. The Victorian Institute of Forensic Medicine is an incredibly important part of our institutions here in Victoria. The legislation provides a statutory basis for the institute to provide independent forensic medical and scientific expertise to the justice system, provides for tissue transplantation with the Donor Tissue Bank of Victoria and enables both teaching and research to continue, enabling the growth and continuation of these skills and scientific research throughout the community.

The bill is an important update of VIFM's governance arrangements and functions. It is important particularly when we have statutory authorities who exercise important functions – obviously with the great wisdom of this Parliament – to put in place governance arrangements for institutions of state. Things do evolve from time to time in public administration, in principles of public sector governance and in broader principles of governance. When statutory authorities have arrangements placed in primary legislation, as was the case here with the original act in 1985, there do come times when those best practices as they were at the time are no longer best practice, and it is important and incumbent upon governments to update and review those. That is principally what this legislation is seeking to do. It is, as I said, replacing the existing act to try and maintain VIFM's world-leading status as a forensic medical institute and to ensure it remains absolutely focused on its core goals of providing support to the justice system but also of providing broader medical and scientific support on matters that are important to it.

The bill also comes within the context of significant support from the state Labor government to the institute over the last several years. It is not just occasional support. The government has provided significant support to VIFM: \$100 million or more in investments since the 2021–22 state budget has been provided to VIFM to enable the institute to build its much-needed capability and support its essential service delivery. This has been through both infrastructure improvements and a new case management system to enable it to support its ongoing functions but also through the addition of new MRI capabilities, which have further enhanced its capacity to do the tasks that are required of it. The funding boost that has been put in place by this government to the institute since 2021–22 has also enabled VIFM to transition to a new clinical forensic medicine service delivery model across

metropolitan and regional Victoria, helping to guarantee that forensic medical examinations can be available to victim-survivors of sexual assault on their terms 24 hours a day, seven days a week. These are important services that need to be provided.

As I said, it is important that governance arrangements are updated. Thirty years is a long time between improvements to governance arrangements. Lots has changed not only in how we expect governments and governance to work and how best practice is viewed but also how an institute, how an organisation – any organisation – needs to be established and performing in order to deliver the services that those in the community rely upon. It is also an important opportunity to do a strategic refresh and consolidation of the statutory objects and functions. As you would expect, as technology and forensic medicine have evolved quite exponentially it would seem in the last 30 years, VIFM itself has been added to in terms of its statutory objects and functions and has seen incremental and piecemeal change over that time. That means that when everything is just added to a little bit as things change around it, there can be rather disjointed expression and confusion from time to time about the institute's responsibilities and priorities.

I think the other thing that we have seen in a number of instances – and we saw it in legislation which the chamber dealt with a couple of weeks ago – is that often enabling legislation and practices of institutes like this were done before we had an understanding of the importance of being able to use data for further research and the way that the connections between institutions and organisations bring together different datasets to do novel investigations of data, to use analytics functions and to understand questions more deeply. Often those sorts of things just were not contemplated thoroughly back in 1985 when the legislation was written. As both capability and practices on the analytics and research function, particularly with the use of information and data sharing, have changed so significantly in the intervening period, often the legislation is not capable of dealing with these new functions. Part of the amendments that are being dealt with in this legislation will overcome some limitations which exist in the current act in the way that data could be collected and used to support public health policy and research, which we hope will see great advances in the way that that is conducted.

I just want to spend a little bit of time talking about the important role that VIFM has played here in the Victorian community. Obviously people would be familiar with the coronial functions that the institute performs. VIFM performs a range of support services for the collection of evidence and materials which can be used in criminal justice proceedings, often in very confronting circumstances for victim-survivors. I mentioned briefly at the opening the role the institute plays with respect to donor tissue and its connection to the medical community and the research community. I think what people may not think about too often is the role that VIFM has played particularly in disaster circumstances and in quite troubling circumstances for communities. VIFM and its experts have been called in to support some very traumatic circumstances.

We obviously all remember too well the absolute horror that we witnessed here in Victoria on Black Saturday in 2009. What I think people probably have not reflected upon or do not know as much as other things that happened around those fires was the role that the VIFM played in supporting the identification of victims of those horrific fires. You can imagine the traumatic circumstances that that needed to take place in. The experts from the Victorian Institute of Forensic Medicine identified 163 deceased people within 90 days of those events, which was a remarkable achievement from a scientific and medical perspective. But also at a very human level it was incredibly important in helping the loved ones of the victims of those fires, their family members, know their remains had been identified to bring closure to the trauma – or at least partly – and allow those loved ones and friends to grieve.

This is but one of many disaster victim identification activities that VIFM has been involved in. Representatives from VIFM were involved in the aftermath of the Bali bombings in Indonesia, the devastating tsunami that we saw across Thailand in late 2004–05 and the earthquake in Nepal. There was the work that VIFM undertook with one of our closest neighbours in Timor-Leste exposing the

clandestine graves where many Timorese who resisted occupation and were slaughtered as a consequence were left buried. There was the support that VIFM gave the Philippines for Typhoon Yolanda, stretching out to Africa to support work as part of the Ebola epidemic in Liberia and also the important work that VIFM did in supporting the aftermath of the MH17 aircraft, which was shot down over Ukraine when 30 Australians lost their lives. These sorts of activities by an institute like VIFM allow us as Victorians to be incredibly proud of the role and function that this institute can play in supporting those around the world.

It is not just emergency response internationally that VIFM has been engaged in, but it has also been about capability building as well. The institute has been involved in conjunction with other agencies in the establishment of the African Society of Forensic Medicine, which was set up in the last 15 years. In a similar time period VIFM has also been involved in and supported the creation of the Asia Pacific Medico-Legal Agencies in Indonesia. It is through these relationships that we are able to support other nations with the expertise that we have and build capability in those places so that they can undertake these sorts of activities as well.

I mention these here to give a bit of a sense of the range of expertise and support that the Victorian Institute of Forensic Medicine has been able to provide not only to those here within the Victorian community, where it has ably served for the last 30 years, providing a range of important services, but also the role that it plays particularly in disaster-related support and difficult identification but then also the broader development task of supporting our neighbours and friends around the world who seek to have this capability established on their own.

One of the things we have touched on very briefly is the changes to the board. We have a governance structure where the VIFM council has 13 members, many of whom represent specific stakeholders. The bill will establish a new skills-based board as VIFM's governing body with a set of criteria as laid out in the act. Hopefully this skills-based board will have a collective skill set that will enable them to govern the institute more effectively and reduce conflicts of interest in line with best practice corporate governance. The board will be accountable, under the terms of the statute, to the Attorney-General.

VIFM obviously plays an incredibly important role supporting medical research, forensic research and analysis in our justice system. It is important that the act that supports it is maintained and updated, and this legislation does just that.

**David LIMBRICK** (South-Eastern Metropolitan) (15:04): This bill is primarily another governance update bill. In general I like this kind of legislation. When the government are simply tweaking the governance settings of institutions, they are not expanding the size of the state, restricting freedoms or increasing taxes. While Libertarians are always considering institutions that are not really needed or ways that we can reduce the size of government, the Victorian Institute of Forensic Medicine (VIFM) is not where I would start. They perform an essential function of the justice system. It would be possible to slim them down a bit by altering some other laws, though. One way would be to reform our unjust drug driving laws by adopting a regime that focuses on impairment rather than simply the trace presence of certain illicit substances. There may be other functions that could be reduced, but some of the important functions that they perform assist the police in effectively prosecuting serious violent and sexual crimes.

Concerns were raised in the other chamber about delays and other issues with forensic examinations related to sexual assaults. This is a very serious matter, and I share these concerns. It is difficult enough for a person to go through the process of seeking justice for these crimes, and if the government is making it more difficult through operating a system that puts more of a burden on victims, that is simply unacceptable. I understand that there have been recent changes seeking to improve this, and perhaps the minister can update the house on whether or not these are having the desired effect. Too many rapists get away with their crimes, and government mismanagement should not be assisting them in this. I never spoke about it during the pandemic, as I did not want to advertise to predators weaknesses in the system, but the way that forensic examinations were conducted during that period

was abysmal. These matters do, however, primarily sit outside the functions of the legislation before us today.

The main concern I have with the bill before us is around the information-sharing provisions. I maintain my concerns about the digital medical information sharing scheme that the government has set up. In general, the government should not have our private information without our consent. I can see reasons why the information held by VIFM might be useful and contribute to a better understanding of influences on crime and safety, so the questions are really: who is going to get access to the data, what is the data going to be used for, what standard data protection measures are in place for handling sensitive data at VIFM and what additional safeguards will be put in place to ensure sensitive data is de-identified and that privacy is preserved? These are important matters, and I will be seeking clarification on these issues from the Attorney-General during the committee stage of the debate. I will not be opposing the bill on the second reading and will await further clarification on privacy and data protection safeguards during the committee stage.

**Michael GALEA** (South-Eastern Metropolitan) (15:03): I also rise to speak on the Victorian Institute of Forensic Medicine Bill 2024. This is a bill which replaces the existing act, the 1985 act, as the Victorian Institute of Forensic Medicine's enabling legislation. It carries on the proud legacy of previous Labor governments in supporting this very, very important service for Victorians. The new enabling legislation that we are discussing today will help the VIFM to maintain its status as a world-leading forensic medical institution. Indeed this government already has a strong record of supporting VIFM. In 2021 we saw \$93.1 million provided to the agency to build its capability and essential service delivery, which also included – as I believe some other speakers have made reference to – the implementation of some MRI capability as well as lab equipment, infrastructure improvements and new case management systems. This was further supplemented in 2023 with a further granting of \$19.47 million for the VIFM to transition to a new CFM – clinical forensic medicine – service delivery model that meets victim-survivor needs and expectations and ensures a sustainable and efficient service. As a next step before us today in supporting the agency, the government has reviewed the VIFM act to ensure that it remains well positioned to continue providing best practice forensic services. The bill also implements key findings from the review that was conducted and is a key component of the funding and reforms being delivered to ensure that this vital service is fit for purpose going forward.

I think it might be illustrative to go into some of the context for what has led to us being here today. We know that in 1975 the then Attorney-General Vernon Wilcox QC established the Coroners Court Review Committee. That committee was tasked with investigating whether existing arrangements for the identification of deceased persons, post-mortem examinations, forensic toxicology and analytical services were satisfactory for the needs of the time and indeed for future needs. In its final report, which was submitted in 1977, the committee recommended that all coroner autopsies in Victoria be performed by or under the supervision of a qualified pathologist who had access to ancillary services such as toxicology, serology, histopathology, microbiology and radiology.

Consequently, as a result of that the VIFM was established in 1985 through legislation to provide forensic pathology and scientific services to the State Coroner and the Victorian justice system. Since then, significant scientific and medical advancements have shaped and grown the services that VIFM provides to the community, and today the VIFM is a world-class facility – a world-class forensic medical institute that supports coronial, criminal and other legal processes. It oversees the Donor Tissue Bank of Victoria and it engages in teaching and research to improve public health and safety, and again it does so as part of an ecosystem that we are very blessed to have here in the state of Victoria, where we are one of the medical research capitals of the world. The top three are Boston, London/Oxford and Melbourne.

We are in a very fortunate spot here with the medical research industry. There are a number of very exciting things going on, whether it is at the Parkville precinct or whether it is at the Monash precinct, closer to my region – a precinct that is booming not just with the synchrotron but with the new

medicines manufacturing facility that has just been opened down there at Clayton, a very exciting space for that area to be in. It is all the more reason why it is so critical that that region gets serviced by a heavy rail connection, which this government is delivering under the Suburban Rail Loop. That is a very, very important part of our city and our state's medical research, and obviously that research – in direct and many, many indirect ways – goes through to supporting the work of all manner of public health and forensic inquiries, such as those conducted by the VIFM.

It was the Cain government in 1982 which saw the fast evolution of forensic medicine infrastructure in Victoria, most notably of course through the new VIFM implemented, as I said, in 1985. This was the basis for this institute and the act that we are now updating and modernising through its repeal and replacement today. The institute itself, the Victorian Institute of Forensic Pathology, opened in 1988. It provided Victoria with a purpose-built facility for the provision of forensic pathology services to the coroner, the courts and the wider community. It was indeed a groundbreaking step forward. John Cain Jr declared it a 20-year leap into the future. It brought together forensic, medical and scientific expertise under the one roof, and it included formal academic activities in its operations.

The VIFM also oversees the crucial work of the Donor Tissue Bank of Victoria, partnering with the Australian Sports Brain Bank to investigate post-mortem examinations of people who have participated in sports – with a risk of repetitive head injury, as one such example. It engages in teaching and research to improve public health and safety for all Victorians. Touching back on the very important role that Victoria plays on the world stage when it comes to medical research, that research then goes on to help many others in jurisdictions far beyond our territory here. It engages in teaching and research to improve public health and safety and research into sexual assault to help us protect the community from this means of offending. Today the VIFM is a world-class medical institute that supports these processes. In the event of a death that needs to be investigated, they can conduct a routine screening test for 327 different illicit substances, prescription drugs and other poisons. Bloods are usually taken but hair strands and eye fluid can also be forensically examined. Cases can either be straightforward or very complex; some can be recent deaths and others cold cases.

Since its inception almost 40 years ago the institute has done an incredible job of advancing forensic medicine in Victoria and worldwide. We want to ensure that they continue to do this, which is why the reforms before us today are so important in laying the legislative groundwork for them to continue their operations and reform in the 2020s. The reforms that we have before us in the bill today will guide the VIFM to exercise its powers and functions in a modern way. These will require any person performing a functional power of the VIFM under the act to have regard to, as far as possible, the meeting of professional standards relating to scientific integrity and ethics; pursuing benefits to the community and justice system; recognising the significant value of the events to which the institute's services relate and the need to be sensitive and responsive to persons affected by those events; promoting public health and safety in the process; promoting the administration of justice; respecting the cultural beliefs of persons affected by the events to which the institute's services relate; and indeed, complementary to that, recognising the diverse needs of our Indigenous communities in Victoria.

We will also see a new governance structure in this act which is designed to meet best practice standards for public entities. Key reforms to this structure include moving to a skills-based governing board and introducing two key leadership roles: a chief executive officer and a director of forensic medicine. The bill enables the concurrent occupation of both the chief executive officer role and the director of forensic medicine to maintain flexibility for the board in determining the VIFM's leadership. The move to a skills-based board is important, as it reflects the findings of the Commission of Inquiry into Forensic DNA Testing in Queensland. This inquiry found that it is necessary to preserve forensic medical and scientific expertise in the leadership of these agencies to ensure that organisational decisions do not impact the integrity of forensic services. The bill requires the board to establish a stakeholder advisory group to assist in its decision-making and the performance of all its functions. The establishment of this advisory group reflects the transition from the current representative VIFM council. It will also help to ensure that stakeholders can advise the VIFM board

on matters related to the act's principles, objectives and various other functions. It will also streamline the statutory objects, functions and powers to reflect the VIFM's growth in service delivery over time. We have seen that since its establishment almost 40 years ago the work of the VIFM has grown significantly, and it now provides forensic medical and scientific services on a much larger scale – indeed, as my colleague Mr Batchelor was recently outlining, in the work it does in supporting us through all sorts of other events as well, including those disasters when they may befall us.

The reforms in this bill outline several objects that create a framework within which the VIFM will deliver its functions. These objectives are drafted to allow for the evolution of the agency's services over time. They are intended to be flexible enough to support the expanded scope of services whilst keeping pace with scientific and medicinal advancements and also making sure that the VIFM's services align with those priorities outlined in the bill and the expectations that the government, acting on behalf of the people of Victoria, rightly have for it to fulfil those duties. Furthermore, another reform will also establish the VIFM's functions to clarify the coverage of services provided by the agency, ensuring it is in a position to support the Coroners Court, Victoria Police and other public entities through its services and to clarify its role in conducting research, teaching and training, as well as supporting other entities in policy development and research. These functions are designed to align with the objectives and capture the full suite of services delivered by the VIFM. Similar to the objects, the functions are drafted flexibly to support the scope of services as they evolve over time.

One final area that I will briefly discuss too is the information-sharing framework, which will also be implemented under the bill that is before us today. Currently the collection and curation of information through coronial processes is as directed by the Coroners Court, various police investigations as requested by VicPol and other functions. The new powers under the bill before us today will allow for the VIFM to use or disclose information it holds about an individual for teaching, training and research; in order to support other entities in developing policy; and in conducting research, with appropriate safeguards. By clarifying these information-sharing abilities, it will be better positioned to support other entities with the development of public health policy and research. Again, going back to the ways in which we can export the incredible knowledge that is gained here in Victoria in the field of medical research specifically as it comes to forensic medicine, we can actually export that as one of our most burgeoning industries in fact. But also, importantly, by codifying it into the legislation we can do so in a way that locks in those safeguards for the way in which that information is used and that ensures that it is in compliance with acts such as the Health Records Act 2001 and the Privacy and Data Protection Act 2014, because as we do look to the VIFM spreading its expertise and showcasing the very best of Victorian medical research and innovation, it is critically important that of course that is done in a way that is very cognisant and mindful of people's personal information and does not involve the inappropriate sharing of personal or identifying details. So by having a legislative framework around that, we can ensure that that particular aspect of the agency's work can be done at an expanded level but at one which will guarantee the privacy of Victorians.

There are many good aspects to the legislation before us today. I look forward to seeing further debate on this bill and look forward to voting in favour of this bill when the time comes, in perhaps the next hour or so. I do commend the bill to the house.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (15:18): I too rise to speak on the Victorian Institute of Forensic Medicine Bill 2024, and might I first start by commending those who work so diligently in this field of forensic medicine in Victoria, and the doctors as well, who are completely run off their feet in trying to do their work in this forensic field. Having had family work in a field where they have had to look at victims of crime and consider the situation that they find themselves in and make reports, I understand the importance of this being done and done well. It has probably been said from the outset that we are looking at amendments, but we are also looking at not opposing the bill as it is at this point in time. But I must add that there are a number of little red flags here for me, and I am not sure that this particular bill is going to adequately address these issues. One of them is the number of complaints with WorkSafe, with the Victorian Institute of Forensic Medicine (VIFM)

having dangerously long working hours. That really bothers me, because I happen to know, particularly in the medical field – and I would say this is outside the nursing field, where they have obviously worked very hard to have very strict hours and to be paid for the hours they work – of the number of people that work in the medical profession, for example as doctors, who work an enormous number of hours, and they do not get paid for all the hours that they work.

When it comes to this sort of field, it often requires them to go above and beyond. That is why we saw the report that we did – which many of my colleagues and others in this house and this place have mentioned – about a woman that found herself waiting for more than a whole day, having to wear soiled underpants while she was waiting to be examined forensically. It is simply not good enough in a First World country and in a state like Victoria, which was once the jewel in the crown of Australia, to have a woman – or a child or any person – go through a situation where they are required to remain bloodied and soiled and stay in that space for hours and hours and hours on end because this government has failed to put enough money into this field and also to have enough personnel working in the field and to have an environment that helps them to be able to do their job and do it well. It is not that there are not people interested in working in the field of forensics but simply that this has not been managed really well.

I look at the purpose of this bill and I see a few red flags myself. For instance, it is introducing new governance and guiding principles for the VIFM. The idea of sharing information is a concern – I know that others have mentioned that as well. But also if you have a person in a role where they are only being paid for one job but are performing the role of two, in the VIFM at a leadership level, that bothers me, because that might mean that the person who needs to be doing that role is not the person doing the role or that they are overworked or the VIFM is understaffed. We are really not effecting positive change if we are introducing legislation that is going to tie this in. It could allow the VIFM – the forensic side of it – to be politicised and used as a weapon instead of actually doing the job for which it was supposed to be set up. I, for one, would hate to think that victims of the most horrendous crimes would not be able to see justice because the legislation is not addressing their needs appropriately or not addressing them enough.

Of course we do need to reform the legislation – it is out of date – and of course we do need to support forensic medicine, because clearly not enough has been done in this space to help victims of crime. It really bothers me to think that we would expect or even think it is appropriate in any shape or form to have to have people waiting for forensic examinations. Speeding up the process is extremely important, and I am not entirely convinced that this bill is adequately addressing that process. Sure, it is a start, and sure, there may be the potential for greater oversight.

It bothers me too that we are locking people into five-year contracts. If the system is not working appropriately and effectively, what happens then? I noticed that the bill allows people who are seen to be the right fit to be brought in to get the work done, but there are no parameters for the type of field or experience that they necessarily have to have. When they are dealing with such sensitive data, I would hate to think that that information could get into the hands of the wrong people simply because they were able to be employed in this field.

These are some of the little red flags that I noticed when I was reading through it. But, again, the main reason why I did want to speak is because it was only two years ago this September that we were finding out about this very brave victim who was speaking out about the fact that she had to wait for nearly 30 hours to be examined, remaining in bloodied and soiled clothes. I know that men get raped too, but for women, it is such a personal and intimate thing to have happen. And to have to stay in soiled clothes waiting for an examination, you could not be human if you did not actually feel a tremendous empathy and recognise that something significant has to be done.

I also have to take note of the fact that – and I do want to mention it when we look at this – the Law Institute of Victoria also has concerns regarding the use and disclosure of information pertaining to individuals. They do not believe that there are sufficient safeguards in this bill. I think too that the

concerns about being able to have a forensic report and not have it reported to police – there is something valid in that. Maybe that data will be helpful at a different time, but I think that there is a space for that.

I also feel when I am looking at this bill that there are a number of things that come up with the data and the way that it is used, and I just felt that it was important to mention that we have not as a coalition ourselves prepared something in particular beyond our amendments for this. We are not going to be opposing this. We have not done the work that the government has recently been doing in this area and in this field, but we do see it as incredibly important. We do see it as something that needs to be addressed, and we certainly do not want Victorians to be suffering any more than they currently are.

My contribution at this point in time will be very brief, but I did want to just shout out to those who do work in this field. It is a very difficult field to work in, and what happens to people in circumstances when they are victims of crime is the trauma that they suffer does not need to be perpetuated by legislation that does not adequately address the needs of the services that we provide in this state. So I do look forward to seeing positive change. As I said, I am not convinced that this bill is going to provide enough of that positive change in the areas where it is most needed. However, I am very pleased to be able to speak on it and read about it and about what is being done. I will be looking to see in the future who is actually employed and how that is actually working – in what context and framework that is working – because that will be an indication of how well this is actually going to roll out for the state of Victoria and in particular for our victims of crime.

**Sheena WATT** (Northern Metropolitan) (15:28): I rise today to speak on the Victorian Institute of Forensic Medicine Bill 2024. I have followed a range of speakers here in this chamber who have paid recognition to the crucial role that the Victorian Institute of Forensic Medicine plays in Victoria's public health and legal systems. That is why it is important that its guiding legislation reflects the contemporary standards of public sector governance.

The Victorian Institute of Forensic Medicine Bill 2024 will replace the Victorian Institute of Forensic Medicine Act 1985 to ensure that VIFM's approach to service delivery is people-centred and its world-leading status is maintained. The bill clarifies the functions and power of the VIFM to improve alignment with its service offerings, ensuring that the VIFM can fulfil its aims. I am delighted to say that this, the 2024 bill, does not reduce the current scope of services. It expands VIFM's functions to clarify existing roles within forensic toxicology, teaching, data, training and research, as well as supporting the disclosure of external research for medical and policy development. Considering that the enabling legislation – my gosh – has not substantially changed in over 30 years, let me just say that the VIFM has expanded its services.

It is important that the new bill clarifies the functions, the structures and the procedures of the VIFM. Although there have been updates to the statutory objectives and functions of the VIFM on a needs basis, what has happened is that the staggering changes have created confusion over the responsibilities and priorities of the organisation. This bill before us today seeks to clarify these functions. The new bill will support the VIFM in fulfilling their roles in both the public sector and the justice system. Under these changes reforms will be made to the governance structure and the board as well as in clarifying employment arrangements. The current board will be replaced with a skills-based board to ensure it is reflective of modern governance standards for public entities and best practice governance standards. I am delighted to see that included. Additionally, the 2024 bill clarifies when and how the VIFM may use and disclose information for purposes other than the primary purpose of collection.

The bill accompanies our government's record \$100 million-plus investment in VIFM since the 2021–22 state budget, which has enabled the institute to build on its capacity and essential service delivery. This allocated funding has supported the addition of magnetic resonance imaging capability – that is a new one for me, but I am glad to see that that is included – infrastructure improvements and a new case management system. The additional boost in funding has also aided in

its transition to new clinical forensic medicine service delivery models across both metropolitan and regional Victoria, ensuring that forensic medical examinations can be available to survivors of sexual assault on their terms at all times. We know that the Victorian institute makes a valuable contribution to the justice system. They work with the legal sector to provide independent forensic medicine and scientific expertise. This can include crucial evidence that underpins safe convictions and appropriate acquittals, and in doing so they are serving both the government and the courts. It is really important in our work to ensure that our legal system is just and that it is fair. That is why this new bill plays a crucial role in strengthening and clarifying the institute's role in government and in the coronial and justice systems.

The new bill establishes principles that guide service delivery, and it clarifies the objects, functions and powers of the VIFM. A key difference between the old act and the new bill is the replacement of the current council of representative stakeholders with a skills-based board who will be the new governing body. In order for a person to be appointed to the board, their knowledge and experience must be within one or more of the fields relevant to the organisation, including forensic medicine or a relevant field of science. This can include commercial, operational, legal or financial matters as well as clinical governance, the criminal justice system or any other field relevant to the functions of the board. Furthermore, it is worth noting that a minimum of one board member must have the financial expertise to ensure that financial management obligations are met. The skills-based board model will ensure that there is a collective skill set for the board to govern effectively and meet the needs of the Victorian Institute of Forensic Medicine. The new bill will also ensure that the board is supported by a stakeholder advisory group who can provide advice and assistance to the board in their decision-making processes.

The bill addresses much-needed reform of the governing structures. It also includes the fact about the replacement of the council, which is currently, frankly, compromised by members who all represent specific stakeholders, and this has created some perceived or actual conflicts of interest. I know that the new governance structure is designed to incorporate some best practice guidelines for governing public entities from the Victorian Public Sector Commission. It includes some robust clinical governance principles. I will just note, as somebody who has been involved in previous government appointments, particularly around clinical governance, how very important this is with these changes, as potentially in the bill we can ensure that stakeholder interests are appropriately represented and appointees to the new skills-based board will have the experience to oversee specific matters. Changes to the governance structure include the replacement of the director of the Victorian Institute of Forensic Medicine with a chief executive officer, who will be responsible for day-to-day operations and management, as well as a director of forensic medicine, who will be responsible for providing clinical guidance to the CEO – that is the position that I just mentioned that is replacing the former director – as well as supervising research and teaching functions. There are a range of public servants working at the institute, and they will now be employed directly by VIFM, whereas the current practice is that they are employed by the Secretary of the Department of Justice and Community Safety. There are some pretty substantial changes in there that I think will make a world of difference.

The new bill also includes an information-sharing framework that will enable the institute to use and disclose information gathered in its operations to support research and policy development. The majority of the data currently collected by the Victorian Institute of Forensic Medicine is produced to support the coronial process as directed by the Coroners Court or police investigations as requested by Victoria Police. Under the current act VIFM does not have the power to disclose data and information for purposes other than the primary purpose of collection. That makes sense when you think about it, but I have got to say it does in fact restrict its ability to contribute data to support public health policy and public health research. By clarifying the data- and information-sharing powers, we can really overcome some of the uncertainty and ambiguity that may already exist in the information-sharing processes. Under the new bill there is a clear framework to overcome current legal ambiguity; apply appropriate safeguards, which is incredibly important; and allow for the institute to extend the use of valuable information for medical and scientific research fields and public policy. Safeguards that apply

to the institute sharing and disclosing information under Victoria's information frameworks are certainly something that has been worthy of consideration and discussion in the bill contributions by members here. What we do know is the institute is bound by Victoria's privacy and data framework, which guides the collection, use and storage of information. Furthermore, it is subject to the Charter of Human Rights and Responsibilities Act 2006, which requires the institute to consider rights when exercising a discretionary decision to disclose data.

Under the bill before us the institute must notify the State Coroner or Chief Commissioner of Police if the proposed use or sharing of information by the institute relates to coronial investigations, criminal proceedings or criminal investigations that have commenced or may be commenced in the future. The State Coroner and/or the Chief Commissioner of Police, as I said, are then allowed 21 days to advise the institute if they consider the proposed disclosure of information is likely to prejudice a coronial investigation or a criminal investigation or proceeding. In the case that the advice received by the VIFM identifies likely prejudice, the institute cannot use or disclose the information unless further safeguards can be implemented to eliminate the risks, in agreement with the Coroners Court or Victoria Police. These changes reflect the evolving environment and support shifts in public governance best practice and the services of the institute.

The changes have come as a result of the 2023 government review of the current action, which engaged key stakeholders including the institute to ensure that they remain well positioned to continue their world-leading status – something that we are a little bit proud of here in this state. With the new governance structures and the data disclosing, this bill will represent best practice governance for public entities. They will ensure that we modernise and continue to meet community expectations as well as support government and the coronial and justice systems.

We did not come up with this alone, of course. In developing this bill, the government consulted with key stakeholders: of course the institute itself, as you would expect; but also the Coroners Court of Victoria; Victoria Police; the Aboriginal Justice Caucus; and other relevant government departments. As I said, the Aboriginal Justice Caucus was engaged, and it is worth noting that this bill also includes a dedicated principle that recognises and reflects the diverse needs of the Aboriginal and Torres Strait Islander community, and the principles acknowledge the importance of self-determination, which I was very pleased to see there. It further requires the institute to respect the cultural beliefs of any person affected by the event to which the institute's services relate. This will ensure that the services provided are culturally safe and culturally responsive and that all engagement with Aboriginal stakeholders is appropriate, with cultural rights considered in the delivery of objectives and functions. For example, this may include giving considerations to culturally sensitive ways of engaging with the families of deceased Aboriginal people.

In fact I wanted to take a moment to talk about that work, because I have previously been involved in the establishment of those protocols for the Coroners Court, as a result of some distress that had been felt by members of Aboriginal families when engaging in the Coroners Court. The appointment of some senior Aboriginal leadership in the Coroners Court and the application and understanding of those protocols in the Coroners Court is something that I am enormously proud of. Having sat in for some coronial inquiries some years ago, I will say that it is quite a distressing environment, so to see that this bill has a range of amendments that include the recognition of Aboriginal and Torres Strait Islander people and self-determination and cultural rights and responsibilities – it brings me some joy to reflect on the changes that are being made. There is in fact a possum skin cloak that exists at the Coroners Court of Victoria, where you will see some of my own words inscribed in that, giving my blessings to Aboriginal families that need to engage with the coronial court and all of the processes of that. I got a little off track there, thinking about that experience and what happened there, but I tell you, that was a very, very tough time for all of us involved.

I will go back and maybe talk a little bit about the Donor Tissue Bank of Victoria with the time that I have got left and thank them for their work, including the support that they receive from the institute of forensic medicine to support our state's legal and public health systems and ensure that safe tissues

relating to medical specialists and Victorian hospitals are involved. I am just so delighted to see this bill in its entirety before us, and I commend it to the chamber today.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:43): In summing up, I would like to thank previous speakers. They have all adequately run through the purposes of the bill. Obviously this is about replacing the current Victorian Institute of Forensic Medicine Act 1985 as VIFM-enabling legislation. We have heard a lot about the wonderful work that VIFM do in the contributions. Thank you, Ms Watt, for the engagement that you have had with the Coroners Court and the principles that you have assisted in – really important work – and the valued contribution that the Aboriginal Justice Caucus have made in that regard as well. I think just for people’s information, the Aboriginal Justice Caucus meet quarterly as the Aboriginal Justice Forum, and representatives of the coroner, if not the coroner himself usually, John Cain, are present there, just showing how connected the Coroners Court is to the needs of our First Nations people.

It is kind of an organisation, VIFM, that is not necessarily front and centre, but it does such critical work. It is often thankless and unrecognised work, but it is of enormous benefit to the public. I very much enjoy my visits to the organisation. I learn something every time I go there, and I am just fascinated by the work that they do, so it is really wonderful that we are able to ensure that legislation is catching up to that organisation to better reflect its governance.

It has also been a really good opportunity for people to talk about the organisation and indeed learn about it if they did not know before, because of course VIFM is not just limited to acting as the state morgue or even to examinations of bodies. It is a world-class forensic medical institute. It works across fields of science and medicine to support coronial, criminal and other legal processes as well as functions that benefit the Victorian community, such as the Donor Tissue Bank of Victoria, and lots of scientific research and teaching in forensic medicine. Their expertise and research is valued nationally and internationally, which does contribute to Victoria’s reputation as a knowledge state. The *Age* today, for instance, talked about the work of Associate Professor Jen Schumann. She is the head of the drug intelligence unit, and the article went into the important work she has been doing over many years in relation to drug checking and indeed the advice that she is able to provide in relation to how you can go about that and why this is so important in terms of identifying emerging drugs and the impacts on people and in being able to provide advice to law enforcement and health authorities through that work.

The sheer breadth of the functions and services that VIFM provide makes it all the more essential that we have modern, fit-for-purpose enabling legislation that needs to keep up with the contemporary expectations of the community and of the public entities that rely on the work of VIFM, recognising and enhancing VIFM’s independence to better perform its critical role in the justice system. That is why also the government is very proud to continue to invest in VIFM’s work. Over \$93 million was provided in the 2021–22 budget to build their capability and essential service delivery, including through the addition of MRIs, magnetic resonance imaging capability. It is amazing, the great work that important equipment can ensure that they are able to do. We are also investing in lab equipment, infrastructure improvements and a new case management system.

VIFM is a world-leading forensic medical institute. They do participate and are valued across the world. It was only last week that I was there when we had a meeting in relation to pill testing and the issues that are associated with the science behind testing, and the participants from VIFM joined us from Zurich, some of them, and beamed into the boardroom there at VIFM to ensure that they could share their expertise with me and the Minister for Mental Health. In that regard I do want to give a shout-out to the CEO Noel Woodford and chair Margaret Grigg, who are always really welcoming and enthusiastic to share the amazing work that VIFM do but also to help me in my work as Attorney-General in identifying the needs and responding to the needs of VIFM and how they interrelate with the rest of the justice system.

I will use this opportunity to touch on the reasons that we cannot support the opposition's reasoned amendment. I understand that it is still being moved today despite the fact that I think a lot of the issues have been well canvassed, but I will repeat some of those issues at the outset. I do want to reiterate that this bill in its whole is largely a technical governance bill. This is not about the operations of VIFM per se, and therefore it is really about the restructuring VIFM to ensure they can continue to meet the demands of expansion and to ensure they remain at the forefront of increasingly sophisticated technological and scientific advances and continue to provide the highest quality services to the Victorian community.

Given the technical nature of the bill, the government consulted predominantly with VIFM, the Coroners Court, Victoria Police and, as we have heard, Aboriginal Justice Caucus, because it was about the governance arrangements, not necessarily how they interact with the public in an operational sense. I do however want to note that the bill establishes a stakeholder advisory group. The role of the stakeholder advisory group is to provide meaningful input and feedback regarding VIFM operational policy and effectiveness, so I anticipate that many stakeholders, particularly in the health, medical and victim-support sectors, will have the ability to have greater access to continued discussions, consultation and improvements in relation to how VIFM delivers its services. This platform, in my view, will be the most appropriate avenue to ventilate any of the feedback, as opposed to consultation, on a governance-forming bill.

The contributions also from the other place included references to VIFM's clinical forensic model. Survivors of sexual violence of course should always have our support when they need it most, and I want to acknowledge the pain of survivors and the duty we have to ensure that in our response we do not contribute further to that pain. All victim-survivors should be supported to seek justice, treatment and support, and this is an issue that has been on my priority list for some time but particularly when we responded in the 2023–24 budget, which provided \$19.47 million to boost funding to support VIFM to continue its transition to a clinical forensic medicine service delivery model. This model has supported the recruitment of additional forensic nurses and doctors to bolster the existing clinical forensic medicine workforce across metropolitan and, importantly, regional Victoria, where we had identified gaps. It guarantees forensic medical examinations can be available to victim-survivors of sexual assault on their terms 24 hours a day, seven days a week. This year's budget continues to support these vital services, and the new model is delivering much better outcomes for victim-survivors, who are able to choose the gender of their examiner and when and where the examination will take place.

Forensic medical examinations will be available across Victoria in an improved and timely way and available to victim-survivors. This is also for victim-survivors who do not want to or are not quite ready to make a report to police. Of course there is always more to be done in this space, and we will continue to work with victim-survivors, their advocates and experts to ensure the system is delivering the services that are needed across Victoria.

The reasoned amendment also talks about safeguards. I want to put on record that the bill establishes a clear information use and disclosure framework that will overcome the current legal ambiguity, apply appropriate safeguards and allow VIFM to expand access to information that is of high value to medical and scientific research and public policy. Given the nature of the data VIFM holds and collects, there should be proper safeguards, and I acknowledge that. These should be in place to ensure that VIFM data is used and disclosed appropriately. The bill places the requirement on VIFM to consult and seek advice from the state coroner if related to a coronial investigation or from the Chief Commissioner of Police if related to a criminal investigation prior to the release of information. Both parties will have an opportunity to review the information and advise VIFM about whether the disclosure is likely to prejudice an investigation. VIFM must then either refrain from disclosing the information or make appropriate adjustments to the nature of the information such that the risk of prejudice is mitigated.

These are not the only safeguards. There are pre-existing legal obligations in the Health Records Act 2001 and the Privacy and Data Protection Act 2014. These provisions guide the collection, use and storage of information. VIFM is also subject to the Charter of Human Rights and Responsibilities Act 2006, which includes obligations on public authorities, including independent statutory entities providing services on behalf of the Victorian government, to consider charter rights when exercising discretionary decisions to disclose information. As such VIFM routinely de-identifies and aggregates data before sharing it or using it for its own research, although some research will require identifying information.

A further safeguard is that all research applications that involve the use of human tissue, data or live participants go through the VIFM human research ethics committee, which considers research applications supported by VIFM or using VIFM's information. This group must comply with the *National Statement on Ethical Conduct in Human Research* of 2023, which provides a thorough and rigorous consideration process. The committee must consider the protection of privacy for humans participating in research and their data.

There have been contributions from members across the chamber about the world-class nature of VIFM. VIFM provides many services and functions, from forensic medical examinations to clinical forensic medical services provided to victim-survivors of sexual assault and the donor tissue bank, which I have touched on – a fantastic and essential service that provides Australian surgeons with safe and effective tissue grafts for transplants in many areas of orthopaedic and reconstructive surgery and burn care, benefiting many patients every year. Their expertise, as I have touched on, is just so integral to the operation of Victoria's medical and justice system, but it is also sought after nationally and internationally. Some of the recent work that I would like to highlight is capability building in autopsy and mortuary services for the International Committee of the Red Cross in Bhutan, Lebanon, Armenia and Ukraine and managing the national disaster victim identification response for the federal government, which includes international disasters.

It is undeniable that the VIFM is a top-tier institute. The staff are incredibly passionate and dedicated. They do essential yet, as I have said, understated work, but perhaps the more we talk about it, the more people will realise how great they are. They work in the support of the Coroners Court and Victoria Police in particular, but they also have a broader public benefit. As I said, they are an amazing institute – pioneers in the forensic medical and toxicology spaces – and they should have enabling legislation that better reflects the critical work they do. Hence I am very proud to, after quite some time, finally get this bill to the chamber so that we can get on and support them.

**Council divided on amendment:**

*Ayes (13):* Melina Bath, Gaelle Broad, Georgie Crozier, David Davis, Renee Heath, Ann-Marie Hermans, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Richard Welch

*Noes (24):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, David Limbrick, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

**Amendment negatived.**

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee***Clause 1 (16:03)**

**Georgie CROZIER:** Attorney, you said in your summing-up that this is a largely technical bill, yet there has been criticism from various agencies and bodies, such as the Australian Medical Association (AMA) and the Law Institute of Victoria (LIV), to say that they were not consulted and that they have got considerable concerns around the bill. Could you explain to the committee why those two agencies in particular were not consulted as they had expected to be?

**Jaclyn SYMES:** Yes. Ms Crozier, as I indicated in my summing-up, this is a governance bill, and it is not intended to address operational and policy matters. So for that purpose this bill was developed in close consultation with the Victorian Institute of Forensic Medicine (VIFM), the Coroners Court and Victoria Police in particular. The bill creates a stakeholder advisory group, which is the perfect avenue for other stakeholders to provide input into VIFM's operational policies and effectiveness. People like sexual assault services would be certainly a group that I would anticipate would be on there; LIV to a lesser degree might come and go from their views in relation to that. But in terms of police, the AMA and medical-type groups, there is an advisory body that will be set up for that. So this is more of an enabling piece of legislation that would address some of those issue. This bill does not go to the operational issues that those organisations that you have listed would ordinarily raise.

**Georgie CROZIER:** But I would contend, Attorney, that it does go to operational issues. You reference the police as a major stakeholder, who have got obviously a clear role to play in the forensic elements and investigations from the findings of VIFM, from the clinical aspects that are collected. Why have you highlighted the police as a particular agency where those others are not, given you just said they will be forming part of the stakeholder consultancy group that you will have ongoing dialogue with? I would contend that they are equally important in the role of this governance given even the bill provides for the appointment of a chief executive officer, clause 24, and also the role of director of forensic medicine, clause 26, so they do have particular interests given those two areas. Forensic medicine is part of that clinical aspect which the AMA have raised concerns with you about.

**Jaclyn SYMES:** Ms Crozier, this bill is not about those matters. This bill is a governance bill. VIFM provides services to the Coroners Court and police in relation to the forensic work that they do, so those agencies are directly relevant to a governance-type arrangement, not in the service provision in the sense of how you have described it. I would argue that your contention is not correct, because the issues that those groups would raise are not governance-related issues. They would be operations-related issues, and there will be provision for those matters to be facilitated through this bill. This bill is mainly architecture to promote greater consultation for the groups that you have mentioned. Where it is relevant particularly for me and the department to have engaged with Victoria Police and the Coroners Court is in relation to the information sharing, because that is something that is outlined in the bill, so I had to make sure that the practical implementation of the bill worked for those agencies.

**Georgie CROZIER:** Minister, who conducted the independent review that you refuse to provide and make public?

**Jaclyn SYMES:** Ms Crozier, that was an independent internal government review.

**Georgie CROZIER:** There are concerns about that review that you have not made public. You say this is a technical bill and you have gone through the process of an internal review, but you will not even say what the issues or the recommendations were from that internal review. You have brought this legislation to the house. You have not consulted with a large number of stakeholders. You say that there is going to be ongoing consultation with the stakeholders that have raised concerns with you regarding this bill. I think that is a flawed process, I think you have not conducted it properly and I think it is rushed, as the Shadow Attorney-General highlighted in his speech, where he also mentioned the law institute.

I want to quote this, because these are the issues that have been raised. You are saying it is a governance issue, but it goes to the very heart of these bodies that you therefore say the police, the Coroners Court and others have to deal with. The Shadow Attorney said:

The law institute also raises, I think not unreasonably, the question of: what about the consent of the individual where it is their information? What about the consent of the individual's next of kin where the information might relate to a deceased person? If we are talking about personal information, shouldn't there be an obligation not just to contact the coroner or to contact police to see if releasing this is going to interfere with an investigation in some way but to contact the person concerned or the person's next of kin to ask if that is okay too, or to at least consider whether they have got a view?

Aren't they partly governance-related issues that VIFM has to deal with?

**Jaclyn SYMES:** Ms Crozier, if you go through the clauses of the bill, there is nothing that stops some of the issues that you have raised being discussed in future operational decisions. But I think, in a direct response to the issues that you have raised, what I covered in my summing-up was that information is routinely de-identified and the safeguards in the bill are all about addressing some of the issues that you raised.

**Georgie CROZIER:** Did the review highlight any risks to patients or clinicians?

**Jaclyn SYMES:** I think I would require you to be slightly more specific to the question you are asking and to which clause of the bill you would like me to answer that.

**Georgie CROZIER:** I am still on clause 1. I am still raising issues around the internal review, and my question to you is: did the internal review highlight any risks to patients or clinicians regarding some of the aspects around VIFM that you say need to be improved through this bill?

**Jaclyn SYMES:** I repeat that this is a governance bill, Ms Crozier.

**Georgie CROZIER:** Yes, I know it is a governance bill. But I do contend that you have not consulted widely with the stakeholders that you should have. I want to move back to a question time two years ago when I and other members highlighted the case of Ms Stewart, who had been sexually assaulted. At the time, when she was talking around the services for victims, including support in VIFM, you gave the answer that 'if there is anything more we can do in an immediate term, that is something we should do' and 'it is a conversation that I also want to have with the health department and the Minister for Health in relation to ensuring that we have adequate services and the right people'. Has that been undertaken? Have you got those assurances?

**Jaclyn SYMES:** Ms Crozier, I am happy to answer the question. I did cover off on some of this in my summing-up. It is not directly related to the bill, and I know that you know that, but it is an important issue. Of course I spoke extensively to people at that time, including nurses, the nurses union, the health minister, the health department. It was not satisfactory to me to have advice that there were gaps in responses to victims of sexual assault, and we took steps and invested in a new model to address exactly that.

**Georgie CROZIER:** Minister, given that Victoria is the only state that has this particular service under justice when other states have it under health, did the review look at that element and did you consider VIFM being moved to the health department?

**Jaclyn SYMES:** Ms Crozier, I get the question. I understand that Victoria has a unique arrangement. I think it is an appropriate arrangement, but I do not consider myself as Attorney the owner of VIFM. It was only last week that Minister Stitt accompanied me to have conversations with the staff at VIFM and we were joined by the secretary for health and the secretary for justice. Government tries not to operate in silos that prevent appropriate agencies being able to consult with people that they need to, so I just put that on the record. I do not have a territorial ownership of this organisation, but for Victoria it has sat with justice for a long time, and we have not been persuaded that that should change.

VIFM's key role is in relation to supporting the justice system. It ensures the integrative evidence provided to courts and police, and obviously that work is particularly relevant to the Coroners Court. Most of VIFM's key functions are justice system functions, conducting medical examinations at the direction of a coroner or in accordance with the Coroners Act 2008. The Attorney-General has a portfolio of responsibility for the Coroners Court. I can confirm that VIFM and the Coroners Court work very closely; they are physically next to each other. VIFM has a number of other functions which enable it to support the Coroners Court, including to 'receive reports of reportable deaths and reviewable deaths, take possession of bodies and request and receive information from family members of deceased persons to assist coroners'. VIFM is also responsible for providing forensic scientific services to VicPol and other public entities to maintain the integrity of Victoria's justice system. The VIFM board reports regularly to the Attorney-General 'on emerging or actual performance concerns, performance against agreed standards' and any information that is also requested by me.

As I said, I understand why people would sometimes be a little confused about why it is not under health, as there are lots of people in white lab coats and the like. I can assure you in my dealings with VIFM I have never felt that I should not be the responsible minister, considering the work that they do, but it is certainly important to have a crossover with health.

**Georgie CROZIER:** Clause 34 provides that before using or disclosing any information, the institute must notify the State Coroner or the Chief Commissioner of Police respectively of the proposed use or disclosure, and those entities have, as I understand it, 21 days in which to respond. It is also my understanding that the LIV have expressed concern at the use of disclosure provisions, and that the bill assumes that a failure by the CCP or the State Coroner to respond to a notification within 21 days denotes consent, as well as concerns that the tests for whether the informant should be used or disclosed is unclear. Can you comment on those concerns?

**Jaclyn SYMES:** I can confirm, Ms Crozier, that this particular provision was subject to a lot of consultation and there were a lot of views and a lot of hypotheticals that went backwards and forwards, so the issues or the concerns that you have expressed, particularly through the lens of LIV, were well ventilated. This is a compromise position that both VicPol and the Coroners Court believe is workable.

**Georgie CROZIER:** I understand that they think it is workable, but does it go to the point that failure to respond to that notification within 21 days denotes consent? Is that the intention of that clause?

**Jaclyn SYMES:** I was just having a conversation with the box because we have gone through a lot of this in detail ourselves. The way you have described the question – it is not necessarily about does it denote consent or not; it means that no issues were likely to have been identified and therefore not communicated.

**David LIMBRICK:** As I stated in my second-reading speech, I just have a few issues that I would like to get on the record around information sharing. I thank the Attorney-General's office for providing us with some information, but nevertheless I would like to get some of these things on the record. With regard to sharing this information, what sorts of organisations are expected to want access to this data that would be shared?

**Jaclyn SYMES:** In general they will be scientific and medical researchers, academic or within organisations; and VIFM forensic pathologists or clinical forensic medicine clinicians undertaking research, which is a function under the VIFM act used to provide insights – for example, how to improve practice to get better evidence; how to reduce instances of certain kinds of illness, injury or cause of death; and how to improve certain technology in use in practice. It could also be sought by public policy organisations for whom the information will directly inform public policy. It could be organisations such as the McCabe Centre for Law and Cancer, VicRoads for information relevant to road safety regulation and WorkSafe for information relevant to workplace deaths.

**David LIMBRICK:** I thank the Attorney for clarifying that and getting that on the record. Are there any organisations that would not be permitted to access this data?

**Jaclyn SYMES:** Mr Limbrick, noting the range of organisations that conduct medical research and develop public policy, we did not consider that it was appropriate to place a limitation on the types of organisations applying for the release of information. For example, private hospitals may host research functions that produce research that will lead to beneficial developments in medical treatment or practice. We did not want to make it exclude private organisations on that basis. But I would point out that under clause 33(c) of the bill any information released will include an agreement with VIFM that limits the entity's use of the information to the purpose as specified in the agreement, being purposes consistent with the institute's objectives. It is a role that the institute takes very seriously.

**David LIMBRICK:** I thank the Attorney for clarifying that. Just finally, maybe the Attorney could provide some more information on some of the risks and other safeguards that can be put in place and maybe some examples of these safeguards that are in place to protect this type of information.

**Jaclyn SYMES:** It is a good opportunity for me to put some of this on the record, because of course safeguards are incredibly important to apply to VIFM's information. It is inherently private and personal information, but it has such public benefit if used for appropriate purposes. VIFM is bound by Victoria's privacy and data protection framework, which includes the Privacy and Data Protection Act 2014 and the Health Records Act 2011, which guide the collection, use and storage of information. VIFM is also subject to the Charter of Human Rights and Responsibilities Act 2006, which includes obligations to ensure that public authorities, including independent statutory entities who are providing services on behalf of the Victorian government, consider charter rights when exercising a discretionary decision to disclose information. VIFM routinely de-identify and aggregate data before sharing it or using it for their own research, although some research will require identifying information such as ages and sexes, for example.

The bill requires VIFM to notify the State Coroner or Chief Commissioner of Police of the proposed use or disclosure if the information relates to a coronial investigation, a criminal investigation or a criminal proceeding that has been or may be commenced. Similar to the conversation that Ms Crozier and I were just having, VIFM must allow the State Coroner or the chief commissioner 21 days in which to advise VIFM if they consider that the use or disclosure is likely to prejudice an investigation or proceeding. If VIFM do receive advice that that is likely, they cannot use or disclose the information unless further safeguards can be put in place to remove the relevant risks in discussion with the Coroners Court or with VicPol, as is appropriate. The safeguards will ensure that VIFM can contribute to important policy and research development without impacting any related coronial investigations, criminal investigations or criminal proceedings. It is important work that can be facilitated via the information that VIFM holds and can, as I said, in appropriate circumstances provide an immense public benefit. There is also the human research ethics committee, which I alluded to, and their work and the obligations to VIFM under that entity in relation to the advice that they provide.

**Sarah MANSFIELD:** Attorney, with regard to the establishment of the institute's new board, what steps will be taken to ensure that there are members who have relevant clinical expertise to input into that board?

**Jaclyn SYMES:** I can confirm, Dr Mansfield, that clinical forensic medical expertise is very important and it is what you see on show when you visit VIFM. In relation to your question specifically, that type of expertise can be accommodated on the board as it is a field of forensic medicine. Clause 11 of the bill outlines the composition of the board, providing that in making a recommendation to the Governor in Council that a person be appointed to the board the Attorney-General must be satisfied that the person who is recommended has appropriate knowledge, skills and experience in one or more of the listed areas. One of the specified areas is a field of forensic medicine. The criterion highlights the importance of forensic medicine expertise on the VIFM board, and I can personally confirm that it is something that I would be looking for.

**Sarah MANSFIELD:** I thank the Attorney for that response and assurance. As you would be aware – and this has already been touched on by Ms Crozier – there are concerns from stakeholders about VIFM remaining within the Department of Justice and Community Safety rather than being overseen by the Department of Health, as is the case for similar bodies in other jurisdictions. What steps is the department taking to ensure that there will be a health-based, victim-survivor-centred approach to the work undertaken by VIFM, particularly in the setting of the multidisciplinary clinics?

**Jaclyn SYMES:** Dr Mansfield, I did sort of cover this off with Ms Crozier, and to be honest it could sit with either in the way you have asked your question. I would not have thought that the health minister or the Attorney-General would have differing views in relation to victim-centred responses to the forensic collection of evidence. I dealt with the change in model, and I did not speak to lawyers, I spoke to nurses in my capacity as Attorney. In my time in the role no-one has expressly been concerned about me as Attorney having responsibility for VIFM directly, and as I said to Ms Crozier, both the Minister for Mental Health and the Minister for Health are always welcome at VIFM. I do not stamp the passport for other ministers to head down; there is a lot of crossover. But I think the stakeholder advisory group will be invaluable in the input that they give to make sure that anything that is not in my direct line of sight from a health perspective – I am sure that there are people that we could speak to that would always make sure that I am aware of such issues, if it is not the minister herself.

**Sarah MANSFIELD:** This may fall slightly outside the scope of the bill, but again I think it is similar to some of the concerns that have been aired already. Some stakeholders have raised concerns about the model of care that is used, particularly in the multidisciplinary clinics, and I am wondering if the Attorney can provide any evidence that supports the current model of care, which is a nurse-led model of care, in delivering services at those clinics.

**Jaclyn SYMES:** I did have this conversation with Ms Crozier, so I am more than happy to have it with you as well, Dr Mansfield. VIFM's new model for clinical forensic medicine was all about taking a victim-centred approach to the delivery of forensic medical examinations to victim-survivors. I know that some people had views that it should only be doctors, and I was not convinced of that, particularly because I spoke to nurses who were really interested in this work. I spoke to the nurses union about 'Is this an area that you think would be attractive to nurses?' and I spoke to victims who – to be frank, many – said they would prefer nurses to doctors. So with that information at hand, we undertook to revise the model to use nurses as well as forensic medical officers to undertake the examinations, of course with appropriate supervision and training from senior clinicians in clinical forensic medicine. There is always going to be a role for these types of experts, but a nurse-led model was, in our view, a way to ensure greater flexibility and greater coverage around the state and to address some issues that we were unhappy about.

**Clause agreed to; clauses 2 to 61 agreed to.**

**Reported to house without amendment.**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:34):  
I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:34):  
I move:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

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

**Residential Tenancies and Funerals Amendment Bill 2024**

*Second reading*

**Debate resumed on motion of Enver Erdogan:**

That the bill be now read a second time.

**David DAVIS** (Southern Metropolitan) (16:35): This is the Residential Tenancies and Funerals Amendment Bill 2024. I am pleased to rise and make a short and succinct contribution on this bill. The opposition, the Liberals and the Nationals, will not oppose the bill. The bill provides for standard forms to be used for part 4A site agreements, increasing transparency and allowing for more comparisons across the industry. This is a transparency bill. It is a very, very modest bill indeed. It almost looks like the government is desperate to have some legislative program with this particular bill coming through. I mean, they are all very worthy points.

**Jaclyn Symes:** What have you got against funerals?

**David DAVIS:** We are not opposing it. We are making contributions, but if you were thinking about substantive bills, this one probably would not register very much on the Richter scale. This bill will clearly define and tie the CPI that is referred to in the relevant act to Melbourne-based CPI and not any other ABS CPI measurement as used in rent calculations.

When it comes to funeral homes, they will be required to display price lists on their websites and in their premises. Who could object to that? I once was on an inquiry – I think the Family and Community Development Committee from recollection – that looked at funeral homes and the funeral industry more generally. We travelled the state, we looked at funeral homes and we met many in the industry, and by and large I think they are a pretty good industry. But transparency is always a good thing in these matters, and if people can see additional information on the website and on the wall in the funeral parlours, I think that is a good thing. I think we will put that on the record as a step forward – a modest step forward, but nonetheless a step forward. The bill will have limited impacts, though, on the operations of residential park operators and funeral home directors, due to the nature of industry associations already having formal guidelines and requirements similar to those in the proposed legislation. To give the industries their credit, their due, most of them have actually set up schemes not dissimilar to this and are by and large complying with that already, so I put on record the fact that by and large I think these groups are doing a pretty good job.

It is interesting though: if the government wants to help people in this area and in particular when it comes to residential tenancies, there are a lot of other things that are worthy that it could do. For example, at the moment the government has its proposed regulations, the Residential Tenancies and Residential Tenancies (Rooming House Standards) Amendment (Minimum Energy Efficiency and Safety Standards) Regulations 2024. I note the significance of these. They will actually put a very significant burden on landlords initially, which inevitably will flow directly through into higher rents and higher costs for renters. These regulations will mandate certain matters around repairs and replacement of equipment. One of the things we have noted is that the regulations will require that if you have got a gas appliance in a rental home you will not be able to replace it with another gas appliance; you will be forced to put in an electric appliance. Despite the government's announcement yesterday, for example, that it would allow people to continue cooking with gas, that is actually not true. Not only has it banned new home connections but, importantly, in this residential tenancy area

and under similar powers in this bill, it has actually laid out a set of changes that are going to be forced on the residential tenancy sector, which will add to costs very significantly.

It is interesting, when the Real Estate Institute of Victoria looked at this – and I have met with the Real Estate Institute of Victoria and talked to them about this – they made a number of points. They said:

The Victorian rental ecosystem is under immense pressure, with acute shortages of affordable rental stock as –  
rental providers –

... are compelled to exit the market due to increasingly complex regulations and the rising costs of owning and maintaining an investment property in Victoria.

So I think the context of these things is actually important. Where there are layers and layers and layers of new regulation coming in, I think we have got to be very, very cautious. It said:

In effect, the proposed standards, if implemented within their intended timeline, will force –  
retail rental providers –

... to appreciably raise rents to cover costs in an already constricted market. Additionally, it is likely to cause a sizeable cohort of current –

providers –

... to sell their investment properties due to incurred financial burden, an outcome that will destabilise an already volatile ... market.

They went on to say:

According to the RIS released by the government, the main problems that were identified ...

- **Financial impacts on renters from inefficient and more costly appliances,**
- **Health impacts, impacts on renters of inadequate heating or cooling,**
- **Impacts on renters' mental health, productivity, and comfort levels, *and***
- **Environmental impacts from greater emissions caused by inefficient appliances.**

In the context here, we are quite supportive of doing things that help with the environmental impacts, but these have got to be done in a sensible way that does not build an enormous cost. The REIV went on to say that whilst it:

... recognises the need for appropriate energy efficient minimum standards within rental properties, the immediacy of the costs and implementation explored in the RIS indicate that more consideration should be given to how to bring new minimum standards into effect more fairly and effectively.

It went on to point out:

Given the challenging nature of the proposed standards, forcing the financial and logistical capacities of the sector to implement them whilst navigating the current market conditions is likely to result in an accelerated reduction in available rental homes ...

I think that is right. They also went on to say:

Notably, almost 90 per cent of renters live in properties supplied by the private ... market, with a Parliament of Victoria inquiry demonstrating that 71 per cent of property investors ... own a single investment property.

So the residential tenancies bill is fundamentally focused on regulating those investment properties. It went on to say:

The ongoing government approach of increasing regulation and onerous property taxation is actively discouraging “mum and dad” investors ...

This I think is important to see, that we are layering more and more and more requirements. When you get to what it will mean in terms of compliance with the gas rules, I think it is going to be very, very difficult. I think the issue with hot-water systems is going to be difficult too. You have got a standard hot-water system in a rental property. It reaches the end of its days and it has got to be

replaced. You cannot replace it with a gas one; you have got to replace it with an electricity one. That is going to be a significant cost. Then you get to heating, and I think this is going to be the biggest cost of all. You have got a very typical house in the suburbs – three, four bedrooms maybe – gas ducted, as so many houses in metropolitan Melbourne and country Victoria do have, and there would be five, maybe six, maybe seven ducting points that keep the bedrooms and corridors and the lounge and so forth in the house warm. When that gas appliance dies, the government’s proposal is that you will not be allowed to put a gas appliance in its place. You will only be allowed to put an electric appliance in its place. And that will mean that you can replace that six-point gas ducted heating – and people know how quickly and wonderfully you just flick it on and the house is warm in 15 minutes – with a single reverse-cycle air conditioner in the lounge. That is what is going to happen. You will see that it is going to be very difficult for so many renters because the lounge will be warm but the rest of the house will be ice cold, it will be chilly. The kids’ bedrooms will be like iceblocks. And up the other end of the house somebody will have a study which will now have no heating, unless they are going to put three or four or five of these reverse-cycle air conditioners in, in which case the huge energy drain is going to be very costly indeed.

This is one of the problems. Again, you have got all of this regulation applied again and again on residential tenancies, layer upon layer upon layer, cost upon cost upon cost, and then quite perverse effects are likely to occur with these situations. You are going to see a massive, massive impost on renters and cost to renters. Some of the figure work that I have seen – the Frontier Economics work and other work that has been done, genuinely independently of the government – is showing that in many cases the cost of upgrading these rental properties could exceed \$30,000. Someone is going to have to pay for that. That will be clobbering hard on those mum-and-dad investors in the first instance, and then after that it will be passed through in the fullness of time to the renters. The last thing we need in Victoria is to jack up the price of rental properties. It is nuts. So we have got to think very, very carefully about the layers and layers of cost and imposition that we put on the residential tenancies that are part of our state.

I do not have a lot more to say about the bill because the bill itself is, as I say, a very unexceptional bill. There is not anyone who is going to oppose the bill, I do not believe, and I think the bill will be seen as a bill that does a tiny little bit for transparency but not very much at all. It is a bill that will be quietly waved through the chamber and not much heard of again.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (16:47): I rise today to speak on the Residential Tenancies and Funerals Amendment Bill 2024, which the Greens will be supporting. This bill takes some important first steps to address the concerns that have been raised by the tens of thousands of older Victorians who live in land lease villages across Victoria. This is a rapidly growing industry with some dubious operators that are, frankly, taking advantage of people. It is vitally important that beyond the passage of this legislation more be done to equalise the power imbalance that currently exists between residents of these villages, who are often retirees with limited financial means, and site owners. The bill also strengthens consumer protections in the funeral industry to address concerns around pricing transparency and clarity.

Many community advocates have been pushing for years to see these changes, and I commend their work. We in the Greens share their support for standardised site agreements. This will make things clearer and easier for people looking to move into land lease villages. Until now there has been too much scope for complicated, non-standardised contracts to be used by site owners. These have seen residents feeling pressured to sign complex agreements which at times have been, frankly, misleading and unfair. The provisions for defining CPI in rent increases and improving transparency in precontractual disclosure will also make some minor improvements for residents, but they do not address some of the most egregious issues that have been raised. More needs to be done to address the exploitative and unfair fees that residents are facing. Again, many with finite financial resources cannot weather unreasonable increases that put their homes at risk. This is then made worse by the fact that their homes may only be sold with the consent of the landowner.

Victoria needs to come into line with South Australia and Queensland and introduce a registration system for land lease villages and a central record of site owners, along with more data on the location, size and types of these villages across the state. The Greens have long been calling for a retirement housing ombudsman, as the current provisions for dispute resolution are inadequate. At the moment individual residents, often without much money, must take disputes to VCAT and fight against often large organisations with their own legal counsel. This is just unfair and unjust. Residents should be able to access free, fair and binding decisions from a body that understands the complexities of these villages and provides equal standing to both parties.

The bill also seeks to improve consumer protections for customers of funeral businesses. This is in response to concerns around a lack of pricing transparency in the funeral industry raised by consumer advocates and investigated by CHOICE in 2019, for example. This then led to the Australian Competition and Consumer Commission market study and report on funeral services in 2021, which found a number of issues with the funeral sector, including misleading consumers on pricing. These reports highlighted many examples of people finding it difficult to access or understand funeral pricing. Many issues were reported, including pricing that did not include all applicable fees or deals and discounts that were not available in their area, as well as services being advertised as local businesses even though they were part of a national company as well as excessive interest rates for late payments. This bill seeks to improve transparency when it comes to funeral costs, and this is welcome.

The Greens established a parliamentary inquiry into retirement housing way back in 2016 and it continues to be an important issue today that still needs further action. Many older Victorians are getting taken advantage of. We are pleased with these first steps and hope that with the report from the commissioner's research project later this year that we will see further improvements to support the needs of residents of land lease villages. These are important first steps, as I said. We must now continue on this path. I commend this bill to the house.

**John BERGER** (Southern Metropolitan) (16:51): I rise to speak on the Residential Tenancies and Funerals Amendment Bill 2024, and I am pleased to speak on it today. This bill amends the Residential Tenancies Act 1997 in relation to part 4A and to amend the Funerals Act 2006 in relation to funeral goods and services price lists and the coffin price lists and for other purposes. I want to go quickly over some of the formalities of the bill first and when it comes into operation. Clause 2(1) of the bill says that part 1 and section 6 come into operation on the day after the date on which the act receives royal assent. Subclauses (2) and (3) provide that the remaining provisions of the act come into operation on a day or days to be proclaimed and if the bill does not come into operation before 1 August 2025, it comes into operation on that day. It is really important for people to have the right information when they are making the big decisions. This bill includes a bunch of changes that make sure that Victorians know what they need to know when they are dealing with important life events like choosing a place to live or arranging a funeral for a loved one – two different topics but something we all have to deal with at one stage.

I will begin by talking about the better protections for people living in residential parks. The Allan Labor government is committed to helping people living in residential parks so that they can make smart choices about their housing. Residential parks are places where people often own small homes but rent the land. Residential parks which can be covered under part 4A of the Residential Tenancies Act 1997 are often advertised as affordable housing options, especially for seniors. In these parks people usually own a small home but they rent the land under it. These parks are seen as cheaper options for housing, and with the rising costs in the housing market more and more people are moving into these places. But there is a problem. The rules around these parks are not clear enough and people do not have enough protection. This has led to a big growth in the land lease industry.

As this part of the housing market gets bigger, it is important that the government makes sure that there are proper protections for people living in these parks. While councils attract things like caravans and mobile homes, there are not enough safeguards for those renting land in these parks. This bill aims

to fix that. Advocacy groups and park residents have raised concerns that there is not enough transparency. Right now, park agreements do not have to follow a standard format, which makes it hard for residents to compare different agreements and to find what works best for them. These issues came up when the government reviewed the Retirement Villages Act 1986. We will do that by making changes to the Residential Tenancies Act which will give better protection to people living in these parks and make sure that everyone understands their rights.

These changes have come from the concerns and needs of the people living in these parks. The community often does not understand what they are agreeing to when they move into a park, like how much it is going to cost, how rent increases work or what fees and bonds they pay when they move in or out. They are the people who have told us that that needs to be fixed. Because of the growing number of people in these parks, the Minister for Consumer Affairs has asked the commissioner for residential tenancies to team up with the Consumer Policy Research Centre. They are going to review the sector and figure out what needs to change to protect people better.

But we know we need to act now and act now we will, and that is what we are doing. We are introducing things like standard contracts and clearer rules for how rent increases work and making sure people know everything they need to know before signing agreements. This will help people make better decisions when moving out of or into a residential park, and they will be able to compare agreements and find out what is right for them.

The bill will make some changes to part 4A of the Residential Tenancies Act 1997 to give people living in residential parks better protection. The bill will also expand the information that the site owners have to give before someone signs a site agreement. This includes basic things like the owner's name and contact details as well as important financial details, such as the bond arrangements and any other fees they will need to pay when moving in or out. We know there is always more to be done in this space and in fact in the housing space in Victoria. That is why we have made the move on *Victoria's Housing Statement: The Decade Ahead 2024–2034*, where we announced the creation of Rental Dispute Resolution Victoria, or RDRV. This new body will focus on helping people resolve disputes in the rental and housing space. We know that conflicts happen about rent increases, unclear contracts or issues with site owners. That is why we are working on building up the RDRV and looking into its role in helping residential park tenants.

It is important to think about all the different housing issues in one big picture. We do not want to create too many separate dispute resolution bodies that might overlap; instead we want to make sure we are taking a holistic approach to resolving these problems in a way that makes sense for everyone involved. As I say most weeks, that is why we consult widely before our legislation – not to create a haphazard approach but to make the best legislative framework and policy we can. That is why I am proud that we are a government that listens and consults in order to keep making legislation better.

I want to briefly touch on a topic that we will have to deal with at some stage, hopefully for our sakes not for a very long time, and that is retirement. One of the Allan Labor government's main priorities in 2024 is to introduce a new bill which changes the Retirement Villages Act, and we will get this one done. These changes will come from what we have heard from residents, operators and others during public consultation – that important word: consultation. The government is reviewing all the feedback from the review of the Retirement Villages Act 1986, including what we learned from two rounds of public consultation on the draft of the Retirement Villages Amendment Bill. Retirement villages are in a great position to help seniors live well as they age by offering safe and secure housing that meets their care needs. They also provide social opportunities, access to recreational activities and other important services that support a good quality of life. But because of the different roles they play in the market, we need to get the approach right. Residents in retirement villages are usually older, while people living in part 4A parks include not only seniors but also other groups of vulnerable people. Many of these residents choose residential parks because other types of housing are either too expensive or unavailable.

Residential parks are regulated by the Residential Tenancies Act, RT act, which gives them the benefits of the government's recent reforms to strengthen tenant protections. The RT act provides protections for residents at every stage of renting, including entering a site agreement, clear rules about what information has to be shared before signing an agreement and terms that cannot be included. During the tenancy, the act regulates things like rent, repairs, maintenance and when and how landlords can enter the property. When ending an agreement, there are rules about notice periods and how things should be handled. We will get the balance right, and I am looking forward to debating that bill in the future sittings.

This bill also addresses funerals, because the Allan Labor government is committed to making sure people know what they are paying for when they arrange a funeral. The reality is that it is the last thing many people want to deal with or have the mental capacity to deal with. When you are grieving, you do not want to have to deal with the cost of invoicing and budgeting. People have enough on their plates. For the past few years funeral pricing has been a big issue all across Australia. CHOICE, a consumer advocacy group I am sure you are well aware of, reported problems like unclear prices, hidden fees and confusion over who owns funeral companies. In 2021 the Australian Competition and Consumer Commission, or the ACCC, looked into competition and consumer issues in the funeral industry. They found that pricing is often unclear and services are bundled together in ways that limit people's choices. This bill aims to fix that by making funeral homes in Victoria more transparent about their prices, just like in New South Wales and Queensland. It proposes changes to the Funerals Act 2006 so funeral homes will have to display a clear price for all their goods and services both on their website and at their business locations. They will also need to show a separate list of coffin prices. If they do not follow these rules, they will be breaking the law. The bill also sets up a way to decide exactly how the price list should look and what details need to be included, and this will be worked out in future regulations. The department will keep working with the consumer groups and the funeral industry to make sure the rules are fair and do not put too much pressure on businesses.

Right now, funeral companies do not have to show their prices online or in their shops, which makes it hard for families to compare prices. This bill will require funeral providers to post their price lists on their websites and at their business locations. They will also need to show a separate list of coffin prices. If they do not, again, they will be breaking the law. That is a clear signal that we will be bringing to the market by making it easy for people to understand the cost of funerals. As I said, other states like New South Wales, Western Australia and Queensland already have these kinds of laws. It is time for Victoria, and we will now. So I will commend the bill to the house.

**Melina BATH** (Eastern Victoria) (17:01): I am pleased to rise to make a few brief comments on the Residential Tenancies and Funerals Amendment Bill 2024. It is a slim bill by nature, and probably its impact in the wider society is also going to be fairly slim. But the Nationals and, as I heard Mr Davis say, the Liberals will not be opposing this bill. It gives me an opportunity not only to touch and reflect on the bill but also to make some comments that I think are apposite to my region and issues facing funeral directors, funeral homes and also caravan parks and residential caravan parks in my electorate.

When we look at the actual parts of the bill, part 2 amends the Residential Tenancies Act 1997 and part 3 amends the Funerals Act 2006. The bill certainly provides standard forms to be used in terms of residential tenancies and in terms of site agreements, increasing transparency and allowing for more comparisons across the industry. The bill also looks to define clearly and tie the CPI to the Melbourne-based CPI and not any other ABS CPI measurement used in rental calculations. In relation to funeral homes, it legislates the fact that there should be transparency and the display of price lists on funeral companies' websites and at their premises for clarity.

This is a nice little duplex, we will call it, of amendments in relation to transparency and the importance of transparency. It is a little bit like this government is saying, 'We're happy to put transparency out there onto residential caravan parks and funeral parlours, but don't look over here,' because we have seen today there has been a lack of transparency in documents not being presented. But I will not digress too far from the content and interest of my discussion today.

We heard in the flood inquiry the importance of the Victorian Caravan Parks Association, and we heard from the president David Pratt and the CEO Scott Parker. They had some real and relevant data that I thought would be good to share with the house in relation to that association. Clearly, they do not represent all registered caravan parks, but they do represent 80 per cent of the registered caravan parks in this state – and well represented they are. It was formed a bit before I was born and a lot before the Acting President was born, in 1964, so this caravan parks association has certainly been around for a long time.

Collectively that 80 per cent of the market actually contributes \$2.4 billion in gross state product – a very worthwhile and worthy industry, an important industry for a raft of reasons – and they employ around 17,000 people. That is not inconsequential in terms of that industry and that generation, and of course many of those caravan parks are in Eastern Victoria Region and are in our regions. Why? Because, one, they can be multi-use of course. They can be there for the tourism industry and for people to go and bring their camper trailer and plug in or go off grid, but also they can be there as a form of permanent housing for people – and a very important part of that.

I had the pleasure of popping up to Queensland over the break with my mum. We visited my eldest cousin; he is considerably older than I am. They have chosen to live in a beautiful spot on the Sunshine Coast, and they live permanently in a residential caravan park. It suits their needs. They do not want the hassle of a large house and grounds and the like. They like the company. In fact I think they are very well known not only for their community spirit but for looking in on other people who are more elderly than they are – they are not elderly – and being in that community that actually often sits in those residential caravan parks. It is well maintained. I did wonder how I would ever get all my shoes and clothes into that very small section of wardrobe, but I admire them for it. It is hot and beautiful up there, naturally, all the time so that you do not need the coats and jackets that we have in Victoria – not that I do not love my coat and jackets.

This is very real for many people. Indeed in Victoria, residential accommodation – short-term accommodation or ongoing residential accommodation – is in the vicinity of 12,000 people across Victoria inhabiting caravan parks and residential land lease communities. So this is a very important factor in that. One of the comments that we heard, I think it was from David Pratt during our inquiry hearing, was how devastating it was for those affected in flood-prone areas under those massive floods. It really impacted over 70 of those caravan parks. He said that one-fifth of their members sustained property damage and many others were isolated by the impact of road closures and service interruptions, and 1800 caravan park residential and holiday dwellings were impacted. I have my colleague behind me Mrs Broad, and we certainly went and had a look in Seymour. We saw, and it is very much true to form of residential caravan park owners in general, that they are overwhelmingly – I think the figures are around 60 per cent – mum-and-dad investors. I think these people were grandpa-and-grandma investors. They had been in caravan parks virtually all their working lives. They had come there to use it as a retirement or a slight slowing down, and there they were up to their gunnels in mud and debris. It was very heartbreaking for them because they had to basically start again.

There are some issues I will touch lightly on but not in great depth. Approximately 30 of the worst affected Victorian border caravan parks experienced combined asset repair and asset replacement costs of \$45 million. When that flood hit it actually decimated those areas and those caravan parks, and the thing is the lost bookings. We certainly saw those lost bookings during COVID in caravan parks as well. Thousands of people were impacted, and some of those parks at the time when we interviewed them were still to be opened. I am sure my colleague the member for Euroa could give me an update on that fantastic caravan park there.

I am getting to the topic around pricing and putting pricing as a transparency measure for people who are seeking residential caravan parks as an option. Some of the in-built cost is of course the loss to business when caravan parks are closed for whatever reason – floods or COVID – but also the imposts. There were some considerable issues in relation to accessing grants and the fiddly nature of accessing those grants.

My last comment on this particular topic, and this was a recommendation that was multiparty and all agreed, is that recommendation 64 of that flood inquiry was that the Victorian government recognise caravan parks as essential businesses in disaster-prone areas and as providers of housing and emergency support and ensure support is available, including grants under disaster relief funding arrangements to caravan park operators, including those operating on Crown land. There were some significant issues around Crown land.

The other point that I raise – I have just had a look at the Parks Victoria submission, and this is my final one on this topic – is that VicParks spoke to the issue of how the industry contributes significant economic benefits to regional Victoria. They cited some examples: 15,000 people in regional Victoria and \$2 billion in gross state product. So thank you to all those park operators who do so well in meeting the needs not only for tourism and people going on holidays and family togetherness but also providing that roof over a head, and a very important one.

I had a conversation today with a chap I have known basically all my life. He is the lessee of the Waratah Bay Caravan Park. It is a fantastic area. I want you to all go and visit there – it is just a beautiful place in Gippsland – and all the other places around as well. He said that he is very focused on compliance, as are the other caravan parks in the area. This caravan park does not have long-term residents. It is Crown land; I think it is owned by Parks Victoria. One of the things that he raised as a concern is the desperate nature of the requests from people begging for housing, from people displaced and homeless. He said that these people often have a decent car. They are not necessarily the poorest of the poor approaching, but they are displaced. They cannot find a rental property or, for whatever reason, they have been displaced. He put the point that people in those situations can be in that situation for 59 days straight. He certainly finds himself renting out his accommodation, his permanent vans, to mothers with kids who just cannot find a roof over their heads. He is greatly concerned by that and was emotional when he spoke to me.

The other thing, and I know Acting President Berger spoke about the housing statement, is that last year Victoria – I will not say the government – built 55,000 homes. This year we are on target for about 53,000. We had the property council in to speak to us recently, and they spoke about 53,000. That is well short of the 80,000 that this government was spruiking from the treetops a little while ago, and it does not look like it is going anywhere near that figure.

To the funeral homes in my last few moments: I also want to thank Dave Hastie. Dave Hastie is a fantastic chap from the Latrobe Valley, and he is the Victorian president of the Australian Funeral Directors Association. He spoke about some of the impacts that are occurring, and he very much supported the need for this transparency. He said other states – including New South Wales, which we know about, and South Australia – recently legislated about transparency of pricing on their websites et cetera. He was in support of that – he is the president, so he was speaking from that point of view – as a whole.

One of the things that he finds quite concerning is that there seem to be some funeral options thrown up in the system that are non-attendance funerals. They are called direct burials and direct cremations. He raised the issue that some of these are quite cheap by comparison, but often they are not meeting needs. People really are caught short. They do not realise mum and dad go in one way and then a period of time later come out in a cremation box. Sometimes this actually adds to the grieving process rather than being able to holistically look and work through things if your parents or grandparents, whoever your loved ones are, are alive – having the opportunity to discuss their death and burial and what that would like. He said that sometimes there is a miscommunication between generations and that it is really important for people to sit down and look at those options and have those honest and dear conversations. That can help on both sides – those who are elderly or those who are terminally ill but also the family who are left behind.

He also said that the funeral business is actually a very expensive business and to buy a new hearse is around \$190,000. We do not see that; we travel behind our friend or loved one. Also, he is about to

build a new mortuary that will have an exposé that you can walk through with your family and actually see from start to finish what that process will look like. He said it is well over a million dollars to build that, and in that there will be qualified embalmers and the like. I think he was wanting to share his thoughts around the importance of being very professional and also meeting the needs of people. He often supports people who really are on a very low budget to still honour and respect their loved ones as they go to the other place.

With those few comments, I want to thank the people I have spoken with: Dave Hastie and also Jim Harry. The Nationals will not be opposing this bill.

**Sheena WATT** (Northern Metropolitan) (17:16): This is actually a tough bill to speak on, because it brought me to some reflections on funerals and some reflections on loss and grieving and in fact a phone call I only received last night from a loved one. It was peppered with some words that are entirely unparliamentary about when the bill came in for the costs associated with burying her father.

In May this year, someone very, very dear to me passed. I had just about no idea of the extraordinary costs and the hidden costs – the sudden costs – associated with funerals, because in my family we had a loss that we knew was coming and we planned for it and we were ready for it. But when these losses come suddenly and unexpectedly, and at a time of enormous grief and loss, families are often not ready to have those conversations, so the process of purchasing funeral products can be a really trying time. In our efforts to make sure that everyone in the family is looked after and cared for, well, we just agree to whatever it is that is put in front of us by some of these providers. For my family, we made some decisions that now are really tough to take. So I was really kind of delighted to see that I was up to speak on this today and could reflect their experiences, particularly reflecting the extraordinary cost of funerals for those from our faith-based communities.

I have recently been in very profound conversations with some leaders from, frankly, our funeral industry – those supporting faith-based services in our community out in the eastern suburbs and also in the northern suburbs. Like Ms Bath said, there are extraordinary costs associated with organisations putting together services appropriate to the cultural, emotional and religious care of communities at this time. To them, I say thank you for doing what you do. I am hoping that this bill means that your period of perhaps supporting those at their most vulnerable is eased a little bit, because it is a tough conversation to be a part of. As someone who just spoke on the last bill – about coronial inquests and the cultural rights afforded to communities at that time and how challenging they can be – and is now thinking about funeral costs and how challenging they can be and the bills that come up and wanting so desperately to honour your loved one for eternity, I know that that can come at an extraordinary cost at a really unexpected time.

With this bill before us we are going to make it a little bit clearer and a little bit easier and also encourage some compliance around funeral pricing. Some of these prices are just extraordinary. I have contributed to more GoFundMes for funerals than any other charitable giving in the last 10 years. The GoFundMes that come around into my inbox, into my Facebook feed and into my messages are extraordinary. They are from communities in distress. They are from communities who have been suddenly hit with the enormous cost of funerals and they are not ready. They are vulnerable and they are grieving. So to the families of community members that in desperation need to set up GoFundMes, I am hoping that this bill will make life a little bit easier for you. Sorry business is a really tough, tough time, and the bills come and they hit hard. In a week when we are marking suicide awareness, I have got to say that all too frequently those GoFundMes are for funerals of young people whose lives have been taken by suicide. So it is mums in deep distress and it is cousins, brothers, uncles and aunties in deep distress that set up these GoFundMes because the enormous price of honouring their loved ones comes so suddenly. The fact is that we are often just not ready for it.

I hope that this goes just some small way towards making life easier at a time of profound grief and sorrow. Those bills when they come sometimes are like grief all over again, because you are selling the possessions of your loved one to pay for their eternal memory. I know, having just paid many

thousands of dollars to get the lettering on my father's plot refreshed, that the prices are absolutely extraordinary and disgusting. Some regulation around this and some penalties for noncompliance and extraordinary pricing needs to happen, and it needs to happen now. I know that this will be welcomed by many members of the community. I am hoping that we can get cracking with this, frankly, as soon as possible. I look forward to calling that friend who called me last night in deep distress to say that I hope what I did today by voting for and supporting this bill will make life just a little bit easier for the next member of our family or the next member of our community when they are going through profound grief, loss and sorry time. I cannot commend this more. I will leave my remarks there.

**Wendy LOVELL** (Northern Victoria) (17:24): I rise to speak today on the Residential Tenancies and Funerals Amendment Bill 2024. This bill aims to increase protections for Victorian consumers by requiring certain service providers to give information to consumers in a clear and transparent format so that they can make well-informed decisions about their purchases and the contracts they enter into.

Specifically, the bill will first amend the Residential Tenancies Act 1997 so that owners of residential parks who lease sites to residents will have to draw up their site agreements in a prescribed standard format that is clear. They will also have to disclose certain information and follow a prescribed method for determining and increasing the rent of the site. People who live in caravans or mobile homes on a site in a residential park can often come from vulnerable cohorts, perhaps because they are older, retired or struggling to find work or a home to rent in the middle of the Allan Labor government's housing crisis. These new requirements will make the site agreements more transparent as well as clarify the rights of tenants and the obligations of site providers. Secondly, the bill will amend the Funerals Act 2006 to require funeral providers to display a price list of their coffins and funeral services both at their business premises and on the business website. This is a short bill. It is straightforward and uncontroversial, and the Liberals and Nationals will not be opposing it.

However, I do have some criticisms to make about the weakness of this bill, because in several ways it just does not do enough. The stated aim of the bill is to increase protections for Victorian consumers by making contracts and prices clear and transparent, with the idea that when consumers are better informed they will be able to shop around and get the best price. But at the same time as the Labor government is saying it is trying to help consumers with clearer price information, it is actually the Labor government that is hurting consumers by making prices higher. We are all well aware that there is a cost-of-living crisis at the moment, and this reckless government's spending is contributing to inflationary pressures that are making prices go up across all areas of the economy. Spiralling inflation is one of the most destructive things that can happen to a nation's economy. Both federal and state Labor governments are now stoking inflation with subsidies and high spending rather than exercising responsible fiscal restraint to bring inflation back down.

If Labor really cared about consumers, they would do something about their inflationary policies that are hurting consumers by driving prices higher. Consumers also have less money to spend, because this greedy Labor government is taxing Victorians more than ever before. Since 2014 there have been 55 new or increased taxes under the state Labor government – 55 new taxes that take money from the pockets of hardworking Victorians and put it into the pocket of the Labor government for them to waste billions in Big Build blowouts. Because of Labor's taxes, ordinary Victorians have less disposable income and less money in their savings accounts, while the cost of everything is going up, which makes a farce of Labor's rhetoric, because while Labor claims this bill is helping consumers, all of the government's other policies are in fact hurting consumers.

I have been speaking about the economy and prices in general, but let me come specifically to funeral prices, which is the topic of this bill. Sections 21 and 22 of the Funerals Act already require that a funeral provider produces a price list of funeral goods and services and that the provider makes that list available to anyone who asks for it. This bill currently before the house will amend the Funerals Act in two small ways. First, it will insert new section 23A, which will require a funeral provider to display their price list on the website and also display the list prominently at the business premises. This is a commonsense requirement. In 2024 most people do their research online before making a

big purchase, but when it comes to funerals I wonder whether they really will do that research. I believe that when people are organising a funeral – and from personal experience – it is that personal touch that is needed by the funeral directors, so I do not expect that many people will be in the mindset of researching and comparing prices when they are dealing with grief. But in saying that, it should be an option for those who would want to use it.

Funeral choices are often forced upon us unexpectedly, and it is necessary to make immediate decisions at a difficult time when we are going through deep emotional turmoil and might struggle to think clearly. A moment of profound grief, sadness and often family tensions is not an ideal time to be purchasing a service or a monument that will be very expensive and last a long time. So it is especially important the consumer process for family members engaging with funeral providers is as simple, clear and painless as possible. Requiring funeral providers to display their full price list on their website so the purchasers can more easily find a service they like or compare a price with a quote they have received is a commonsense improvement to the act. This amendment will also bring Victoria into line with other jurisdictions like New South Wales, Queensland and South Australia so that those who are living interstate from their departed loved ones can have a seamless experience.

The second way this bill will amend the act is by giving power to the Governor in Council to make regulations for the particular format that those price lists should take. But just as I have been talking about the cost of things going up in this state and the impact that the government's policies are having on household budgets and on the cost of living, we can talk about the cost of dying also going up. News reports tell us that the data shows one in four Victorians will experience financial distress as a result of arranging and paying for a loved one's funeral. This bill might help some consumers in knowing what the prices are, but consumers will still be left in the dark as to why those prices are so high. That is why this bill does not go far enough. It could do more to ensure transparency for consumers so that they know why the cost of dying is going up.

But Labor do not want transparency on the issue, because they are the reason that the cost of living and the cost of dying are getting so expensive. In a recent desperate cash grab the Labor government is running a process that shows that it is planning to increase the cost of probate fees by up to 650 per cent. That is a massive hike. It is nothing less than a death tax by stealth. Labor cannot manage money, and now it is trying to fix the budget by making grieving Victorian families pay the price at their most vulnerable time. Not even dying is enough to keep Victorians safe from Labor's new taxes – they will take money from you beyond the grave. And that is just probate fees.

When it comes to funerals, the government has been directly involved in approving the increase to fees that cemeteries charge, and some of these increases have been exorbitant. Consider Remembrance Parks Central Victoria, which operates many cemeteries across my electorate – in Bendigo, Eaglehawk, Kangaroo Flat, White Hills, Axedale, Pine Lodge, Kialla West and Donnybrook. Back in May 2022, RPCV tried to impose new fees that included price rises of as much as 270 per cent for burials. The RPCV trust modelled those price increases on prices set up for metropolitan memorial parks, which failed to take into account the standard of cemeteries in regional centres, which differ from memorial parks in the metropolitan Melbourne area, and also ignored important factors like average household income being lower in regional Victoria. I led the fight against those price increases, and together with a vigorous backlash from funeral directors and the community, we thwarted the attempt to increase those prices.

But that has not stopped Labor trying again. Just a few months ago, in May and July just this year, the government gazetted big fee increases at the Shepparton Public Cemetery. Funeral directors advise me that the fee has increased the total cost of interments by up to 438 per cent. The funeral directors were shocked and said that price increases of this scale had never been seen before. The cost of plots jumped up, the price of grave sinking went up and interment fees increased. The government even got creative and instituted a new late fee that no other cemetery charges, and these are government fees. Normally fees are put forward by the cemetery trusts and approved by the government. But in this case a member of the cemetery trust told me that they had reached out to the department to set the fees,

so these fees were set by the government. It is hard to see these fee increases as anything other than a cash grab by the Labor government, who really do not care about the impact these fees are having on the cost of living for Victorian families.

The department's official manual for cemetery trusts states that fees should be consistent, transparent, affordable and aligned with community expectations. But these new and increased fees at the Shepparton cemetery are not affordable and do not align with community expectations in a regional town with a socio-economic profile like Shepparton's. Such price rises are exorbitant and unconscionable. Consumers need to know that it is the Labor government that endorses and approves cemetery fee structures, and it is directly implicated in the big jump in the cost of a funeral. But this bill, which aims to introduce clarity and transparency into funeral pricing, leaves consumers in the dark about why those prices are so high. This is all part of a larger pattern of mismanagement at government cemetery entities that calls into question the competence of those in charge, meaning those who are appointed by the Minister for Health to run the cemetery trusts.

For the last three years each year has started with a scandal involving Remembrance Parks Central Victoria, which manages the cemeteries in my electorate. In 2022 the scandal was the board's plan to increase the costs of burials. There was a big community backlash. The board blamed the CEO. He departed the organisation, and the price increases were quashed. In 2023 it was the desecration of graves as cherished family mementos and memorials were removed from gravesites, and that resulted in the resignation of another CEO. Then in January 2024 the parents of a son who had died went to visit his grave only to find it looking like an excavation site where deep holes had been dug and steel rods pushed through into the earth. One of those rods had gone straight through the foot of their son's coffin and fragments of wood and the metal from the coffin were found in the dirt on the surface of the grave. Throughout these scandals the RPCV trust has had numerous governance failures. They failed to lodge annual reports and they failed to hold annual general meetings on time, sometimes holding them up to six months late, and for certain years there is no record of a meeting even being held. There is something rotten in the state of funerals and cemetery management in Victoria, and the Labor government has done nothing to clean things up; in fact they keep endorsing this trust, which is incompetent and should be sacked.

This bill requiring funeral providers to display their prices on their website is not even a bandaid for the problems that Labor is creating in the cemetery and funeral industry. The government's stated aim of the bill is to increase protection for consumers, but where is the protection for consumers against the Allan Labor government's greed, financial mismanagement and incompetence?

**Jacinta ERMACORA** (Western Victoria) (17:38): I am pleased to speak on this bill, and I will make a very brief contribution. This bill strengthens the regulatory requirements for information in two key sectors: residential parks and funeral homes. My focus will be on residential parks, such as it is. The amendments to the Residential Tenancies Act 1997 go towards strengthening and enhancing protections for residents of residential parks. People living in residential parks are covered under the caravan parks and moveable dwellings provisions of the Victorian Residential Tenancies Act 1997, provided at least one dwelling in the park meets the legal definition of a moveable dwelling. Residential parks are regulated under part 4A of the Residential Tenancies Act 1997. Typically, residents own a movable dwelling or a small house and rent the land that sits underneath the dwelling. The land is usually owned by a body corporate or a land lease company. Sometimes the land is perhaps not owned but may be managed by a council.

With the existing pressure on Victoria's housing market, more Victorians are living in residential parks. There has been substantial growth in the land lease industry. The Allan Labor government is responding to this quite legitimate growth sector, and this bill is needed to ensure that there are sensible protections in place for consumers. This market is currently not well regulated, which presents risks to both residents and companies. For example, residential park site agreements are not currently required to be in a standard form and can vary across operators. This makes it difficult for residents to

easily compare terms and conditions and, importantly, be assured they are getting the most appropriate arrangements for their situation.

Precontractual disclosure requirements do not currently support residents to properly understand their obligations, and this includes the financial costs involved in living in or exiting a residential park, nor do they include how rent increases are calculated or how bond arrangements are formulated. This bill amends the Residential Tenancies Act to bolster consumer protections and clearly sets out all rights and responsibilities for these residents. This will require that all residential park site agreements are in a prescribed form as determined in regulations. This will mean that the consumers can more easily understand agreements and make their own decisions. It will expand the types of information that a site owner must disclose to a prospective site tenant before entering into a site agreement. This includes simple things like the name and contact details of the site owner or the site owner's representative at the park and the prescribed entitlements and financial matters and obligations for when someone enters into and leaves a residential park. This will include, but is not limited to, bond arrangements and requirements around fees and charges. It will require that rent increases occur by a fixed amount explicitly set out in the site agreement, including the formula and method for calculating a rent increase. In short, these requirements will allow prospective residents to fully understand exactly what they are entering into and what the costs and obligations will be. Not only will these lease conditions be codified and uniform in their structure, but they will include greater protections, and therefore certainty, for their living arrangements. These reforms will bring more clarity and certainty for owners, and I support the bill.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (17:42): I also rise to make a very brief contribution on the Residential Tenancies and Funerals Amendment Bill 2024. The bill amends the Residential Tenancies Act 1997 and the Funerals Act 2006. With regard to both bills the aspect that they have in common is the reference to transparency. The new bills allow for increasing transparency within their respective industries. The irony for me is the call for transparency. It is not lost on me that this is a government developing bills that require transparency of others, expecting family and small businesses to be transparent, when this government feels the need to regularly avoid transparency themselves and its habit of not recalling or not releasing reports or reviews in a timely manner or not at all or perhaps providing reports that say very little if anything of any significance or substance leaves the public and the Parliament to be consistently denied vital and important information.

Changes to the residential aspect of this bill allow for increasing transparency in aspects, particularly in the residential parks industry, with the use of standard forms to allow people, particularly the 4A residents, to compare the offering of one residential park with another, make more informed decisions and make comparisons across the industry.

I did notice, however, that there was a mention across the chamber of lease conditions, park owners' names and contacts and the method used for rent increase, and I have to say that I find these sorts of limitations quite invasive for anybody. Whilst it might be interesting to know who owns those parks, is it really vital to be able to access the owners themselves? I am not sure, particularly in some of the cases where these things are developed, that it is actually a really good thing for people who own these businesses to be that transparent. But having said that, we will not be opposing this bill. I think that transparency to a degree is warranted. However, transparency that puts people at risk of being harassed in any shape or form is not great transparency.

Changes to the funeral industry include the transparency provided in terms of funeral costs and the prices that are listed on websites and in the funeral parlour, as I understand that, so people – loved ones, families, close relatives – who are all vulnerable usually at a time when they have lost someone will be able to organise a funeral by looking at the costs that they need to, readily available to them, and will be able to calculate and make decisions about what they can afford and what they want before they even enter into a meeting with the funeral directors. I can say for myself, as a person who recently lost their father, that we made the effort to go to the funeral parlour the very next day, and it was too soon. What we did not think about was the overwhelming situation we found ourselves in, where we

were having to make decisions and there was also money involved. It is hard enough trying to come to terms with some of the simple decisions that you have to make without realising that there are substantial costs involved in a funeral.

I welcome the transparency here, and I think that this is a great opportunity for people to be able to do some of the work in their own home. Being able to access information through a website is going to be extremely helpful for people in a time of grief. They can then make some decisions about whom they want to go to, what it is going to cost them and how they might be able to make the funeral arrangements. It is quite traumatic having to sit down and make so many decisions at once when you have no understanding of what those costs might be. For anyone who has had to go through that experience, and I see some heads nodding on the other side of the chamber, it is quite overwhelming. It is difficult enough making the decisions about how you want to honour the person who you have lost without having to suddenly be looking at the costs of even, for instance, the coffin.

As I said, the Liberals and Nationals do not have a formal position. We have not worked on this document. We have read it, and we are aware of it. We are not planning to oppose the bill. We welcome and support the transparency. We will look to see how it unfolds, how it rolls out and how it helps. As I said, in the area of funeral costs and prices I hope that this is not going to be detrimental to the business of the funeral industry. At the same time, for me personally this would have been extremely helpful had we already brought this in and had it been available to me in the situation when I was grieving and having to make decisions for my family, so I do welcome it.

I do want to give a shout-out to Bethel Funerals for the wonderful work that they did and all of the funeral directors that are out there, who can be so incredibly respectful and kind in a time of grief. I think it is a very difficult industry to work in, and to have people speaking calmly and organising things for you and sometimes even thinking of those little things that we do not think of ourselves can make all the difference. I do want to give a shout-out to Bethel Funerals and all the other funeral businesses out there. I only mention Bethel because that is the one that we recently used for my father. As I said, for those who are experiencing unexpected loss this bill is going to help you and your family.

**Ryan BATCHELOR** (Southern Metropolitan) (17:48): Some brief remarks from me today in relation to the bill. Before I go to my own contribution, I just want to reflect on the incredibly moving and heartfelt contribution that Ms Watt made earlier. I think it spoke very deeply, very eloquently and very sincerely to very significant issues that many in the community who may not have the means face when they are suffering through the grief of loss, only to be confronted with the harsh realities of the costs of that loss. I think Ms Watt spoke very well, as others have, but in particular I just want to make mention of that contribution and reflect on that contribution and the very real effects that these matters clearly have. I will not in my brief contribution today touch on the funeral aspects. Others have done that particularly well.

I just want to say that I think the changes that are being made to the Residential Tenancies Act 1997, part 4A, which is being amended by this bill to increase the consumer protections for residential park residents, are exceptionally important. I think they are going to help provide a degree of consumer protection and a degree of certainty to strengthen the provisions around this form of accommodation that many in the community – many older people in the community and those who have lower incomes and who do not have an asset base behind them – face. What you see from the government, again and again and again, is that this Labor government is committed to delivering increased consumer protections for those who need to rent, whether they are renting in standalone dwellings, whether they are renting in units or whether they are renting in these types of caravan park or residential park arrangements. It is a bit shocking that some of the things that other renters would take for granted in terms of standard form contracts, some form of pre-contractual disclosure and certainly the protections that exist in longer term leases with respect to certainty of rent increases do not apply to residential park residents. That is a real shame and a real disgrace I think. What this legislation is doing is fixing the problems with that part of the rental market in the same way that this Labor government has taken strong and repeated action over many years to increase protections for our renters.

This Labor government stands up for renters in our community. We will continue to make sure that renters in Victoria have strong consumer protections and strong rights and are able to live the kind of life that they deserve in accommodation that meets appropriate standards; makes them safe, not sick; and ensures that they have got a place that they can call home. That, fundamentally, is what our strengthening of renter protections is all about. We will continue to crack down on the dodgy practices and dodgy providers that bedevil the rental sector here in Victoria. This bill is dealing with it in residential parks, but we know right across the board there are too many people who seek to exploit the conditions that renters face and the state of the residential rental market. An inquiry by the Legal and Social Issues Committee delved into some of these issues, and our report last year made some pretty strong recommendations about how to better protect renters here in Victoria. I think it is great to see, yet again, that this Labor government is delivering better consumer protections for renters here in Victoria. This is a great improvement for this particular segment of the renting community. I strongly support it and I support the bill passing today.

**Michael GALEA** (South-Eastern Metropolitan) (17:53): I also rise to share a few words on the bill before us today, the Residential Tenancies and Funerals Amendment Bill 2024. Like many others, I will at the outset say that I will keep my remarks relatively brief and succinct. I note that our colleague the first opposition speaker, Mr Davis, said that, and I will not go nearly as close to 15 minutes. However, I will just say a few words on what is before us today. I think other colleagues have already extensively gone through that this is a very straightforward bill but a very sensible bill, and I am very pleased to see that it is one that is enjoying broad support in the house.

Firstly, with regard to funeral arrangements, there is perhaps no more stressful time for someone than when dealing with the loss of a loved one. It is a time at which having clear, accurate information is so, so critical. The reforms and improved regulations that will be set out under the reforms in this amendment bill will ensure that those families who are going through the grief that comes from losing a loved one will have clear, accessible information and will know what they are up for in terms of the cost of a funeral, a coffin or anything else. That is a very simple thing to improve but a very important thing, because it is a perfect measure of where effective regulation can work hand in hand with the free market to actually make that free market better for people, more accessible to people and more likely to allow them to make an informed choice that is best for them. That is something that should be welcomed by the funeral industry as much as it should be welcomed by those of us, which is indeed all of us at one point or another, who engage with the funeral industry when it comes to making arrangements for the funeral of a loved one.

The other part of it of course is residential tenancies, specifically as it relates to those residential park arrangements again. Mr Batchelor probably said it perfectly succinctly in his remarks, but it does go to underscore the importance that this government places on effective protection measures for rental consumers. We have seen the raft – well over 100; 190 I believe – of reforms to make renting easier in the state of Victoria, make it more stable and make it more secure. These reforms add to that, specifically for those people in those residential park tenancy arrangements, because they are quite a unique type of living arrangement. It is really important that, irrespective of what living arrangement you are in, you have those basic rights and those basic protections, and that is exactly what this bill will do by providing a more uniform approach to avoid people falling through the cracks and finding themselves exposed or in bad situations where they are at a financial or other disadvantage. Particularly as we place an emphasis on responsibly growing the stock of housing in this state, be it in the outer suburbs, in the inner city or in the regions, be it social housing, be it private housing or be it alternative living arrangements, such as liberalising the construction of granny flats across Victoria – indeed we are seeing more people live in residential park arrangements – it is absolutely critical that as we are doing that, and as we are providing for that growth to accommodate the vast demands for housing that Victorians have, that we are doing so in a way that ensures that all people are looked after and all people have the same rights under what is very fair legislation that is set out with everyday Victorians in mind. So I do therefore join my colleagues in endorsing this bill and commending it to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (17:57): I move, by leave:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

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

*Adjournment*

**Gayle TIERNEY** (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (17:57): I move:

That the house do now adjourn.

### **Fire Rescue Victoria**

**Wendy LOVELL** (Northern Victoria) (17:57): (1114) My adjournment is for the Minister for Emergency Services, and the action that I seek is that the minister ensure Fire Rescue Victoria do not make an alteration to the allocation of the pumper platform fire truck that was to be delivered to fire station 75 in Shepparton, where all firefighters have been trained to operate it. Shepparton firefighters have been eagerly expecting a new pumper platform for several years, but a recent decision to divert it to Sunshine means Shepparton will lose out on receiving the new fire truck, which will be sent to Sunshine in metropolitan Melbourne. In 2019, prior to the creation of Fire Rescue Victoria, the CFA ordered new firefighting vehicles, including a multimillion-dollar pumper platform appliance that was destined for Shepparton. Three pumper platform trucks were ordered, with Shepparton given the highest priority to be the first to receive their new pumper platform appliance, and Warrnambool and Mildura to receive the other two.

Significant negotiations took place at the time of the transfer of CFA assets to FRV to ensure the new appliances ordered by the CFA would be delivered to the stations they were ordered for. Risk assessments conducted during the planning phase for new pumpers identified Shepparton as having the highest risk profile and therefore the greatest need for a new pumper of this kind. Pumper platform appliances perform general firefighting duties and also have a long extendable arm with a platform that can be raised to enable firefighting from a height and also rescues at height.

When fire services reform was proposed, concerns were raised that this would lead to resources going to Melbourne at the expense of regional cities, and those concerns appear to have come to fruition, as under this state Labor government rural and regional communities in Victoria are once again being overlooked in favour of metropolitan Melbourne. Diverting this crucially important appliance is short-sighted and dangerous and is ignoring the risk analysis that was originally done when the pumper platform trucks were planned and ordered. Shepparton has numerous facilities that require the use of fire trucks with an aerial platform, including many of our large food manufacturing facilities, cool stores and greenhouses. Furthermore, the growing number of tall buildings around Shepparton means the city desperately needs to have a pumper with a high aerial platform to fight fires and perform rescues at height. There are now nine buildings in the city over 25 metres in height, and some much taller, including Goulburn Valley Health, the Shepparton Law Courts and the Shepparton museum.

This new pumper platform is vitally important for future fire safety and rescue in Shepparton and throughout the north-east, but the last-minute decision has left Shepparton in the lurch, and the government will send this pumper platform to Sunshine. The closest aerial platform is at the Bendigo station, an hour and a half away from Shepparton, and there is now genuine concern of the risk to Shepparton and surrounds. *(Time expired)*

### Free tram zone

**David LIMBRICK** (South-Eastern Metropolitan) (18:01): (1115) My adjournment matter is for the attention of the Minister for Public and Active Transport. In recent weeks a bidding war has emerged between candidates for Lord Mayor in the upcoming Melbourne City Council elections. Lord Mayor Nicholas Reece and candidate Arron Wood are overextending the free tram zone. One wants it extended to one area and the other one wants it extended a bit further. It is likely that this is just political opportunism, appealing to the many foreign students who live in the city and, strangely, have the right to vote. It is also highly cynical from both of these candidates, as it is a promise they do not have to keep. They know that the government is not going to expand the free tram zone, so it is an empty promise.

The Legislative Council held an inquiry into this just a few years ago which recommended against this measure, except for one stop to the arts precinct and one stop to the Melbourne Convention and Exhibition Centre. It noted existing issues with the free tram zone, including overcrowding, uncomfortable passenger experiences, safety issues and boarding issues for passengers with mobility issues. The last point is particularly of note, as the ongoing disruptions in the city are having the same impact on the elderly and the disabled who rely on public transport. It would also cost about \$15 million, and I am sure as everyone is well aware by now, there is not exactly a lot of spare change in the coffers of Treasury right now. Wisely, the government rejected the recommendations for expanding the free tram zone to the arts precinct and the Melbourne Convention and Exhibition Centre. I can assure you that the residents of Frankston and Dandenong could not care less about the free tram zone. The residents of regional Victoria would likely care less, even though they are still paying for it. They would likely see it as just another circumstance where people in the city get high-quality services and they get the scraps.

In their submission to the inquiry into the free tram zone the Public Transport Users Association themselves noted data suggesting that the increased patronage in the free tram zone primarily came at the expense of walking and cycling. They also noted that the current cost of the free tram zone was about \$10 million to \$13 million per year. Not only did they not support the expansion of the zone, they actually called for it to be scrapped and for the savings to be reinvested in improving public transport overall. We are, however, in a different budget position now and the government are looking for savings wherever they can be found. Therefore my request for the minister is that she resists the calls from Melbourne City Council candidates to expand the free tram zone and instead considers abolition.

### Health funding

**Richard WELCH** (North-Eastern Metropolitan) (18:03): (1116) My adjournment matter is for the Minister for Health. The severe financial mismanagement of the Allan Labor government continues to jeopardise our health system and the wellbeing of Victorians. Recent documents reveal that the health minister Mary-Anne Thomas was forced to scramble for an urgent \$422 million cash bailout for the state's hospitals at the end of the 2022–23 financial year. This desperate plea bypassed the cabinet, highlighting the chaotic state of healthcare funding under this government. More than 20 health services were forecast to end the financial year in the red, with major hospitals like the Royal Melbourne Hospital and the Austin Hospital facing deficits of \$100 million and \$50 million respectively. The Allan Labor government's belated provision of an additional \$1.5 billion in hospital funding has not resolved the ongoing crisis, with warnings of job losses, bed closures and delays in essential services like surgery and breast screening continuing to plague our healthcare system.

It is a dire condemnation of this government that Victorians have to worry about whether or not their local hospitals can afford to keep their doors open and their staff paid. It is a dire condemnation of the management of the health service that any health organisation cannot have reliable cash flow in place to pay doctors' and nurses' salaries. The action I seek from the minister is to provide a clear timetable by which we will be out of this health crisis and the measures that have been taken to ensure MICA coverage is reliable, but most particularly, to explain how cash flow management of organisations under her purview can be short of salaries at the end of any pay period.

### Public transport

**Katherine COPSEY** (Southern Metropolitan) (18:05): (1117) My adjournment is for the Minister for Public and Active Transport, and the action that I seek is to reform Melbourne's public transport network with more frequent services that will get more people on board. Our car-centric transport system is one of our biggest sources of climate pollution, and what is more, cars are one of the biggest regular expenses for households, costing more than \$20,000 a year on average to run and maintain. Without better bus and train services in our suburbs and more safe paths for walking, rolling and riding, people are stuck using cars for many trips that do not actually need to be performed. The Climate Council's new report *Race to the Top: Australia's Clean Energy Momentum* shows Melbourne is well behind Sydney on the share of travel using public transport. New South Wales got Climate Council's gold medal for shared transport, with 13.1 per cent of trips in Sydney by train, tram or bus, while we were a distant second, with 8.5 per cent. We often hear excuses for why Melbourne cannot have a world-class public transport network like other great cities of the world, with people saying we are not London or we are not Amsterdam. But Sydney is a comparable-sized city within our own country, and they are mopping the floor with us – a crying shame.

Transport is the biggest contributor to climate change pollution after energy. Passenger transport is dominated by cars, with little investment in shared and active transport. Only around 4 per cent of passenger trips are by walking or bike riding. Victorians should be able to enjoy the benefits of cheaper, cleaner public transport and by doing so slash the cost of living and climate pollution at the same time. We know building more roads to address car traffic congestion simply increases the number of cars on the road, as traffic fills the available road space and increases climate pollution. It is possible to change this. We have the infrastructure to run more trains more often in the middle of the day, in the evenings and on weekends, when currently wait times can be as long as 40 minutes on many lines. We can reform our bus networks, creating direct and frequent routes that connect people to their destinations quickly. We need to do better. We should be going for gold, creating a world-class network that can beat our neighbours to the north and doing what is right for our health, our household costs, our communities and our planet.

### Navarre green power hub

**Bev McARTHUR** (Western Victoria) (18:08): (1118) My adjournment for the Minister for Environment concerns the devastating environmental impact the proposed Navarre green power hub would have. I visited the site with Mr Davis, so I have seen with my own eyes what is under threat. First, there is the scarcely believable scale – more than 18,000 hectares. Second is the location, directly adjacent to Kara Kara National Park, Mount Bolangum flora and fauna reserve and Morrl Morrl Nature Conservation Reserve and in close proximity to Stuart Mill and Big Tottington nature reserves and Little Tottington state forest. All of these are internationally recognised key biodiversity areas between which species, particularly birds, travel. Third is the impact from approximately 100 turbines around 280 metres tall, kilometres of overhead 220-kilovolt transmission lines, a battery energy storage system, two substations and significant construction damage, including onsite quarries.

The following rare and endangered birds face turbine strike and devastating habitat loss: the swift parrot, the barking owl, the bush stone-curlew and the black falcon – all critically endangered, according to the federal Environment Protection and Biodiversity Conservation Act 1999 and Victoria's flora and fauna guarantee listings. The speckled warbler and the hooded robin are

considered endangered. The powerful owl, the brown treecreeper, the diamond firetail and the painted honeyeater are listed as vulnerable. Migratory birds are threatened too, and other animals – endangered tree goannas, vulnerable pink-tailed worm lizards, golden sun moths, eastern bent-wing bats and squirrel gliders. Vast swathes of their habitats face destruction. Populations face extinction. Plant life, too, faces destruction, including many endangered orchids. The wipe-out of native vegetation is extraordinary – 135 hectares no less. This includes 23 hectares of grey box and native south-eastern Australian grassland, 5 hectares of white box, yellow box and Blakely's red gum grassy woodland – and I am quoting the project proponent's own report here; it is staggering.

Elsewhere in Victoria councils and farmers jump through hoops if there is the smallest danger of impacting tiny areas of native vegetation. Minister, end this hypocrisy. Admit the truth openly: renewable developments such as this inevitably cause enormous environmental degradation. And I could go on if I had more time.

### TAFE enrolments

**Sheena WATT** (Northern Metropolitan) (18:11): (1119) I would love to talk about renewable energy projects, and you know what, they are powered by workers that learn their skills in Victoria's TAFEs, so my adjournment tonight is for the Minister for Skills and TAFE. I have got to tell you that Victoria's TAFEs are regarded as some of the best in the country, and they offer practical, hands-on education that aligns with industry needs and workplace shortages. They have a wide range of vocational courses available to Victorians, young and old, and these institutions provide pathways into various fields such as health care, construction, engineering, business and creative industries, and they are also fuelling the renewable energy future. One of the key advantages of Victoria's TAFEs is their focus on employability, with strong links to local industries and employers. Students gain some real-world experience, enhancing their job prospects upon graduation.

These institutions are spread across the state. They are just about everywhere. I heard today in the minister's statement that we are in fact building a new TAFE in Sunbury, which I am delighted to hear about. These TAFEs offer flexible learning options, including part-time, online and on-campus classes. They allow students from diverse backgrounds, including those balancing work and family commitments, to pursue further education. Government investments in TAFE, including initiatives like free TAFE, are for priority industries to further elevate their appeal by removing financial barriers to key courses. We are encouraging more people to upskill or retrain in fields with strong job growth. Victoria's free TAFE initiative offers over 80 courses that are free of tuition fees. These cover some really high demand industries and aim to address skill shortages across the state. In 2024 new courses have been added into fields such as hospitality, youth work, kitchen management and tourism – I know all are being taken up with gusto.

There are also opportunities for multiple study pathways within the same occupational field – for example, from a certificate III in individual support you can progress to further qualifications like a diploma of nursing – allowing Victorians to progress their careers and education. Free TAFE in our state is open to Australian citizens and permanent residents living in Victoria, and you can enrol regardless of your prior qualifications, which I think is very important.

As I said, my adjournment matter today is for the Minister for Skills and TAFE Gayle Tierney, and I would like the minister to update me on enrolment numbers generally, but also I am specifically interested in understanding enrolments for culturally and linguistically diverse students, women and people with disability in TAFE across our state.

### Bicultural and bilingual workforce

**Samantha RATNAM** (Northern Metropolitan) (18:14): (1120) My adjournment matter is for the Minister for Multicultural Affairs, and I ask that she develop a plan for the bilingual and bicultural workforce across Victoria and ensure this plan is fully funded. During the last budget process there was significant concern in the community sector, including the family violence sector and women's

health centres, that funding cuts would result in job losses for bicultural workers. As a result of considerable advocacy and effort, these service sectors did end up receiving an extension of some temporary funding for a further two years. This thankfully allowed them to keep their bicultural worker roles. However, that funding was actually a cut in real terms when accounting for inflation, and it is a two-year timeframe, meaning bicultural workers continue to face job insecurity. This is simply not sustainable for the workers or organisations or our community.

Bicultural workers are critical to bridging the language and cultural gaps between migrant and refugee communities and the services trying to support them. They help break down barriers to accessing all sorts of social services, including housing, health care, legal, family support and family violence services and more. In the family violence sector, decades of practice and research has shown us that culturally safe services can save lives. Despite this, we still have significant underfunding of multicultural family violence organisations. Not only should we invest in the bicultural workforce, we should be funding better jobs for bicultural workers – jobs that recognise the important role these workers play in delivering effective services, building trust within communities and raising the cultural knowledge base of their workplaces; and jobs that provide training opportunities and support over time.

The work that bicultural workers do is not easy. They often have high workloads. They are expected to do all the cultural work within their organisations, and they are expected to work within workplace cultures where managers are not often equipped to talk about race, culture and privilege. Bicultural workers also face obstacles in career progression and commonly have to stay in low-level roles because funding models do not create opportunities for development or progression. There is no statewide coordination of the bilingual and bicultural workforce, which means organisations have to take ad hoc approaches. This results in loss of duplication across organisations and ultimately leads to poorer quality outcomes for the community.

The government needs to take an active role in workforce planning and ongoing coordination so that the bicultural workforce have the support they need to meet the needs of a rapidly changing demographic statewide. Bicultural roles have been long underfunded, and we are seeing an enormous amount of unpaid labour done by bicultural workers and volunteers, who do not want to see their clients and communities abandoned. When the government does not properly fund bicultural workers in community services, migrant and refugee people pay the price. Minister, I ask that you develop a plan for the bilingual and bicultural workforce across Victoria and ensure that this plan is fully funded.

### Energy policy

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (18:17): (1121) My adjournment is for the Minister for Energy and Resources. Before I go into the action that I seek, Minister, the increasing burden of high energy bills is of significant concern for many Victorians, and this was outlined recently in the quarterly report which was released by the energy and water ombudsman Victoria. I will be particularly referring to the April to June period for this year, but the action I seek is for the minister to show me the proactive steps being taken to alleviate the pressure and provide support to Victorian consumers, particularly those in my electorate, in the South-Eastern Metropolitan Region, who are struggling to pay their energy bills.

I want to quote Madeleine Heffernan, who in the *Age* of 22 August said:

There has been a surge in Victorians seeking help for rocketing energy costs, with data showing the number of people complaining about “bill shock” jumped 22 per cent in a year.

In the area of Frankston alone I spoke to people working in soup kitchens and brekkie clubs, and they said there has been an increase in the number of people having to go and get food because they are having to decide how they are going to spend the little money that they have. They need to be able to keep their heaters on, they need to be able to keep their electricity on and so they are going to find food from other sources in order to be able to pay the bills. This is absolutely shameful.

In my request to the minister and the action that I seek I am asking the minister so I can inform my constituents: (1) what specific actions the government is taking to address the rising cost of energy and its impact on Victorian households; (2) what plans there are to increase funding or streamline the process for accessing utility relief grants, the URGs, and other government support programs; (3) to explain how the government is working with energy retailers to ensure they are providing adequate assistance to consumers experiencing payment difficulties; and (4) to indicate any plans to review the current energy market regulations to address issues of consumer protection and affordability.

In the Energy and Water Ombudsman report the following points are showcased. There were 4012 cases which were recorded in the April to June quarter. They have gone up by 17 per cent compared to the same quarter last year, with 3428 cases in April to June 2023 but 4012, as I said, this year. Cases about electricity were up 26 per cent; that is 2316 compared to 1837 last year. Cases about gas were up by 4 per cent; that is 1255 compared to 1199. Billing cases were up by 15 per cent, and that is 48 per cent of the total case load. Credit cases were up by 7 per cent and supply cases were up by 97 per cent. So the ombudsman's case load fell from last quarter – *(Time expired)*

### Companion animals

**Georgie PURCELL** (Northern Victoria) (18:21): (1122) My adjournment matter is for the Minister for Health, and the action I seek is to allow for companion animal interments in cemeteries. Currently it is illegal to have your beloved companion animal's body or cremated remains buried in a human cemetery. It is often a dying wish of owners to have their pet, once passed, buried alongside them. As we all know, Victorians view their furry friends as part of their own families. Yet upon their death, pets are cast out from cemetery services and separated from their families – an agonising pain for all involved. Funeral directors are having to break the law, sneaking urns of pets' ashes into coffins. An elderly man sought to bury his beloved deceased dog next to his wife's grave. The couple had their dog for 16 years together. They were never able to have children, so this little dog was the only family this man had. All he wanted to do was bury their fur child alongside his wife. I know I myself could not refuse this man, in the greatest grief of losing his entire family, and tell him he must dispose of the dog's remains elsewhere. But this is the reality that funeral directors around this state are facing every day. The need for this service is so high that such practices have become commonplace despite cemeteries having to risk penalties for doing so.

No-one is asking that this be free. Victorians are simply asking that their family stay together. For all of the unconditional love they give us and the bonds we share, the very least we can do is let them lay in eternal rest together. Families are otherwise having to dispose of their companion animal or create backyard burials. However, the decaying bodies and toxins of euthanised animals pose serious risks to other animals for up to a year after. Pet crematoriums are currently unregulated. There are no laws preventing multiple animals being cremated together and the owners being sent back a mixed bag, so to speak. We have also seen racing greyhounds who have disappeared off the register wind up in crematoriums, with their remains mixed in with other companion animals, removing all evidence of their death. It is a simple request to let the dead rest in peace with their loved ones and to have a common place for the living to attend to their losses. Victorians are just asking that our beloved furry friends that we share our homes, hearts and lives with be granted the same respect and place in their death. I ask the Minister for Health to rid us of this heartless law, legalise the joint burials of companion animals with humans and regulate to protect the proper practice of animal cremation.

### Planning policy

**David DAVIS** (Southern Metropolitan) (18:23): (1123) I want to raise a matter for the attention of the Minister for Planning tonight, and it concerns the government's announced declaration of 10 zones, three of which are in my area: Moorabbin, Chadstone and Camberwell. I think these names are actually quite misleading. They should be called Boroondara, Stonnington–Monash and Bayside–Glen Eira – or Bayside–Kingston would be a more accurate reflection. There are tens of thousands of households that are being impacted here, literally tens of thousands of households, and the density that

is proposed is huge. Essentially in some central nub, or hub, there are at least 12 storeys being proposed. In the so-called catchment area, which I think is an Orwellian description, there are up to six storeys as of right now being proposed. So for normal, everyday suburban streets, neighbourhood residential zones, which were imposed by Matthew Guy to protect areas, are going to be overturned. It will be open season on six-storey development. I say that councils and communities should have been consulted. They should have been told about this before it was promulgated, before the process began. Councils and communities should have been absolutely central to any process to change the planning arrangements because this has the potential to destroy the character of many of these areas in Melbourne. In my area, in the Boroondara hub, it sweeps way down – it is many kilometres long. In Moorabbin, sweeping across into Bayside, down into Sandringham, across into Glen Eira and Kingston, these are huge –

**Georgie Crozier** interjected.

**David DAVIS:** The residents are very concerned. Ms Crozier and Mr Rowsell were at a public meeting the other night about the Suburban Rail Loop, but many are equally concerned about these very big and dense developments. I have also heard from the mayor of Maroondah and from other councils that the government did not consult with anyone on the declaration of these catchment areas. So you have got Maroondah, which I have asked about, and down into Glen Eira it has been quite clear. Stonnington has made commentary, and Bayside and Boroondara. All of them have made direct commentary that the catchment areas that are described – up to six storeys as of right – have not had any consultation at all. So what I am seeking for the minister to do is to pause these, to stop these and to go back through a proper process of consultation. The minister should meet with the councils and meet with the community before any further steps are taken.

### Syphilis

**Sarah MANSFIELD** (Western Victoria) (18:26): (1124) My adjournment is for the Minister for Health, and the action I am seeking is dedicated funding for syphilis prevention and increased screening. This month is world Sexual Health Month and an opportune time to look at the growing problem of syphilis in our community. While syphilis is often considered a disease of the past, suspected of afflicting historical figures from Lenin and Nietzsche to Oscar Wilde and Al Capone, Victoria is currently in the midst of a syphilis epidemic. In 2022 there were 1716 cases of infectious syphilis notified in Victoria. In 2012 that number was only 466. In 2002 it was 29. After years of no cases of congenital syphilis there were two in 2017 and there were three congenital syphilis cases in the first half of 2023. Two of these resulted in fetal death.

Syphilis is an infection caused by bacteria spread by different forms of sexual contact, also to babies via pregnancy, and via infected blood such as through transfusion or sharing needles when injecting drugs. While it has been known to affect men who have sex with men at disproportionately higher rates, rates in other populations have climbed significantly, with an 11-fold increase in rates in women. Many people do not know the symptoms of syphilis infection, but there are various stages. Untreated in adults it can cause irreversible brain, heart and nerve damage, often many years down the track. Pregnant people with syphilis are at risk of congenital syphilis, which can result in pregnancy loss, stillbirth, preterm birth seizures and severe physical and cognitive impairments in babies.

But syphilis is readily diagnosed and is completely curable in a functioning healthcare system. Evidence shows that increased prevalence of sexually transmitted infections like syphilis is driven primarily by lack of access to services rather than sexual risk behaviours. Syphilis is cured by injecting a special penicillin and sometimes other antibiotics. Testing is primarily via a blood test and is routine in pregnancy because the infection of the fetus has such a high mortality rate. Congenital syphilis can be an indicator of breakdown in a healthcare system, highlighting many missteps for detection and intervention. Currently, testing outside of pregnancy is typically conducted using a risk-based approach, either based on symptoms or risks of acquiring the infection, but given the changing epidemiology of syphilis, screening needs to be widespread and testing should be done across a broad

range of clinical presentations and should be universal in pregnancy. This would catch much of the disease early, reducing its spread in the community and the harmful impacts on individuals. The resurgence of syphilis in Victoria represents a significant public health challenge and one that I urge the health minister to do more to address.

### Central Immunisation Records Victoria

**Georgie CROZIER** (Southern Metropolitan) (18:29): (1125) My adjournment matter is also for the Minister for Health and it is in relation to the Central Immunisation Records Victoria, or CIRV, system. CIRV is the cloud-based immunisation management system built by the Department of Health that councils are required to use to register all vaccinations administered. When CIRV was rolled out two years ago, councils received correspondence in 2022, almost two years ago, guaranteeing that:

The CIRV program will be supplied and supported by the Department of Health to users free of charge. The program, eLearning modules, ongoing support and maintenance, and text messages will remain free of charge throughout the lifecycle of the platform.

But less than two years later, local councils across Victoria have been told by the Department of Health in a letter dated 31 July 2024 that a new co-funding model will commence on 1 October 2024, in a couple of weeks time. This consists of a base fee of \$6000 per year plus \$2 per immunisation. This is nothing more than another desperate tax grab by a Labor government that cannot manage money and cannot manage health. Instead of cost shifting onto local councils, the Allan Labor government should be working with local government to ensure access to immunisations for the community.

Councils provide 45 per cent of all immunisations carried out in Victoria for children aged two months to four years of age and around 90 per cent of immunisations due at school age. With this new measure being introduced in a few weeks time by the Allan government – as I said, in a desperate cash grab because the budget is in a dire situation – the councils will now be forced to absorb those costs, which will then mean a reduction in services in those local council areas, or the ratepayers will be paying for the costs. The costs will be passed on to the ratepayers at a time of a cost-of-living crisis. So the action I seek from the minister is to immediately review this decision; to support local councils and those communities and, importantly, support those immunisation programs; and to prioritise this but to not cost shift and force councils to have to forgo services or force an ongoing payment onto ratepayers to pay for these ongoing charges.

### Mental health workforce

**David ETTERSHPANK** (Western Metropolitan) (18:32): (1126) My adjournment is for the Minister for WorkSafe and the TAC in the other place. The Royal Commission into Victoria's Mental Health System recommended the establishment of mentally healthy workplaces, promoting good mental health in workplaces and addressing workplace barriers to good mental health. If anyone is entitled to a mentally healthy workplace, it is those charged with caring for our mental health patients. By a long stretch, nurses are the most employed group of professionals working in the mental health sector. In hospitals and residential and community outreach settings nurses are the backbone of our public mental health sector. Like many in this place, I recently met with a delegation of those dedicated professionals and listened to harrowing stories of the occupational violence and aggression they face every single day. The real and constant threat of injury inhibits nurses' ability to feel safe at work and obviously impacts their mental health. They believe the rise in violence and aggression is partly due to so many experienced staff leaving the sector. Recent graduates with little experience are being sent into understaffed wards to look after patients with acute needs, and it is no wonder that 25 per cent of nursing graduates leave the sector after only 18 months. Reporting incidents is onerous and time consuming. Nurses are loath to take time off the ward to fill in forms, potentially leaving other team members to manage a violent patient without appropriate support. Unfortunately, this in turn leads to under-reporting and gaps in evidence.

The government has committed to implementing a statewide framework to support mentally healthy workplaces. This includes the delivery of psychological occupational health and safety regulations to

strengthen Victoria's occupational health and safety framework. Mental health nurses, who can be subject to abuse and violence in their workplaces on a daily basis, demand to see these regulations enacted. Not having these regulations in place makes it very difficult for someone suffering vicarious trauma from assault to have their matter prosecuted under the current Occupational Health and Safety Act 2004, because the act is simply so vague. So I ask the minister to release the long-overdue psychological occupational health and safety regulations. The government has committed to implementing all of the royal commission recommendations. The least it can do is afford protection to the workers whose very job is to give life to those recommendations.

### **Tarneit public transport**

**Trung LUU** (Western Metropolitan) (18:35): (1127) My adjournment matter is for the Minister for Public and Active Transport. Residents of Tarneit and surrounding areas have voiced their concern about the limited public transport options. My constituents in the area highlight the lack of a reliable bus service in the Tarneit area, and established development is causing significant challenges for residents, impacting their daily lives and economic stability. So the action I seek is for the minister to commit to providing a more frequent and reliable transport service for the community of Tarneit. This issue is particularly common in the community of Tarneit North, where commuters are required to walk 30 minutes to reach the Tarneit train station. While a temporary FlexiRide service has been introduced to address the problem, the demand for public transport in the area is from a population of nearly 12,000 people, going way beyond what the FlexiRide service can handle. The current situation indicates that the Allan Labor government is out of touch with the community's needs.

If Premier Allan believes that the FlexiRide service is sufficient to cater for the community of Tarneit North while spending \$216 billion for the Suburban Rail Loop in the east, she is out of touch. Considering the population growth of the Wyndham Vale area, with nearly 110 to 130 babies being born every week, the transportation infrastructure gaps will only become more intensified. To address this, it is crucial that we increase the bus service and the train service as well as the frequency of services in Tarneit. A viable solution to these issues would be to review the bus route to cater for the growing and changing residential developments and provide residents with an adequate bus service and additionally to increase the frequency of train services, such as by having trains arrive in Tarneit every 10 minutes instead of every 20 minutes, which would better meet the demand. So I urge the minister to address the issue for my constituents in the west and commit to increasing the frequency of bus and train services in the Tarneit area. This will not only provide residents with a reliable public transport system but also contribute to making Tarneit a more livable place for all residents.

### **Ringwood East train station**

**Nick McGOWAN** (North-Eastern Metropolitan) (18:37): (1128) Minister, it is that time of the night – it is toilet time. You know what I am talking about. Do not pretend you do not, Minister, but if you do not, I am going to give you the benefit of every doubt there is in this place.

**Harriet Shing** interjected.

**Nick McGOWAN**: Minister, I am glad you have no doubts. That is exactly what I want to hear, because toilet time is critical to me. It is critical to the people of Ringwood East in my electorate of Ringwood as well. I am glad you are here today, because I have very much looked forward to this opportunity. I received a letter from your colleague last Friday, although he pinged it on Thursday, and in that letter he explained why I cannot have a toilet at Ringwood East train station. Apparently it is a local station.

**Harriet Shing**: Which colleague?

**Nick McGOWAN**: It was colleague Danny Pearson, the Assistant Treasurer with his box of assorted chocolates of other portfolios. He said this is a local station and therefore I cannot have a toilet and neither can the people of Ringwood East and the people of Ringwood and so on and so forth. This

is a very sad state of affairs, and I want to read a passage of this letter. This does cover your area of equality, so I am coming to that. I have got a couple of minutes, I am glad to say. In this letter I have, your dear colleague says:

Toilet facilities are not provided at unstaffed stations –  
which I get by now; I get it, it is not a premium station –  
due to concerns around potential risks to community safety ...

What? What is he saying? It is very cryptic. And then he goes on:

... vandalism and the inability to provide immediate staff assistance if required.

Well, hang on, I do recall in government we gave them PSOs at every station, including Ringwood East. I think that is more than adequate at that station; that is my personal view, but if you could pass that on to him as well that would be great. We have PSOs, we have an abundance of cameras, two level crossing removals later and a brand new train station. And the irony here, Minister, is they actually have toilets at the station for the PSOs – that is right. They have toilets at the station separate from those toilets for the engineers, the signallers and so forth. So there are actually two sets of toilets at this billion-dollar station, a conglomerate of what has occurred.

**Harriet Shing** interjected.

**Nick McGOWAN:** A billion dollars. You might have missed it, Minister, when you were just chatting to the President there, but that includes the two level crossing removal projects and the new station, you see. But of that billion dollars, the good people of Ringwood East cannot get one measly little toilet – not even like those in Amsterdam, the public urinals they have; they cannot even get that. I have used that – that is horrific; we do not want that. We actually want a self-contained, self-cleaning urinal and toilet bowl. I know that seems like a lot to ask at this time of the night. That is what we are after – there is a serious point here – for women, for those who fear for their own safety. At the moment the toilets are 190 metres away, up two dark laneways. It is not safe. It in no way lends to this state being a state that actually takes equality seriously for anyone, much less women and much less people with a disability. I will ask you and your colleagues to take this matter to cabinet and to implore the minister to change the status of the station from local to premium if that gets us our single toilet.

### School saving bonus

**Joe McCracken** (Western Victoria) (18:40): (1129) Equality in Victoria – it is non-negotiable. That has been the catchcry of this government. The problem is it is so far removed from the truth. Equality in Victoria is entirely negotiable. Equality in Victoria is dependent on your identity, because this government loves to drive wedges between members of the community, develop classifications and classes and treat those classes of people in favourable or unfavourable ways. We see this in almost every facet of policy making. But when we see the victims of this rigid approach are children, surely even those in the government must feel a sense of shame.

The government's \$300 school saving bonus, which is meant to be a cost-of-living measure, is a classic example. In order to qualify, you have to go to a government school or have a healthcare card. There is no means testing. There is no test for financial hardship. There is no rigour around a socio-economic indexes for areas index. The only criteria are your attendance at a government school or a healthcare card. Why the government decides to discriminate in this way is unknown, but it is an utter disgrace. Meanwhile, those who attend an independent or a Catholic school continue to be ignored – irrelevant to this government.

Last time I checked, the cost of living hit people equally; it did not depend on what your religion is. The price of electricity does not change if you attend a Catholic school or a public school. Petrol prices are not different for attendees of Jewish schools or public schools. Grocery prices do not alter if you are Hindu, Islamic, Christian, Shinto, Buddhist or any other religion. So why wouldn't the

government's solution, especially from a government that claims to be inclusive and progressive, also be available to everyone? Why discriminate against and exclude people based on their religion or their school choice, especially when those losing out are young children? How is this fair? How is this moral? How is this equal or progressive?

The action I seek from the Minister for Education is simple: apply the school saving bonus to every student in the state – do not discriminate. Almost 35 per cent of students in Victoria attend an independent or a Catholic school. Those opposite are turning their backs on a large chunk of that. Equality in Victoria is entirely negotiable, entirely subjective and entirely based on discrimination and division.

### **Drug rehabilitation services**

**Gaelle BROAD** (Northern Victoria) (18:43): (1130) My adjournment is for the Minister for Health. Recently I attended the opening of a new site for Bendigo Community Health Services providing alcohol and other drug programs in Bendigo, and I heard directly from the team about the valuable work that they do to help people overcome addictions. While over \$4 million was spent on the project, there has been no increase to the number of rehabilitation beds available at Nova House residential support services next door. Despite Bendigo being a regional city that services much of central and northern Victoria, the residential support facility only has five beds. Over many years nearly 3000 patients have come through the unit, and I commend Sheenah and the team for their ongoing work to help people through alcohol or drug withdrawal. Without medical staff available after hours, residents at the facility are left to care for themselves overnight and residents with more complex cases have to go to Melbourne for appropriate care. In the last decade Labor has failed to provide adequate residential rehabilitation beds, leaving thousands of people in Victoria on waiting lists. In the last four years under this government Victoria's waitlist for drug and alcohol services has grown by 40 per cent.

Drugs are causing significant harm in our community, and Bendigo has become the state's biggest hotspot for meth trafficking. Victoria Police have said that meth is a significant driver of crime across the state and that illicit drug use can act as a springboard to more serious criminal behaviour. The alcohol and other drug service at the Bendigo Salvation Army treated more than 650 clients in non-residential rehabilitation programs in the last year, and they have highlighted the significant shortage of health services in regional areas, including bulk-billing GPs and psychologists.

In 2022 the Liberals and Nationals put forward a comprehensive plan to deliver 180 new alcohol or other drug rehabilitation and withdrawal beds across the state along with support measures to assist dependent drug users to break the cycle of addiction. The Victorian Labor government has a terrible track record on drug and alcohol support services – you only have to look at the botched injecting room next door to a primary school, the failure to meet demand for pharmacotherapy-based drug treatments and the lack of investment in additional drug rehabilitation and withdrawal beds in regional Victoria. The action I seek is for the minister to increase the number of residential rehabilitation beds in Bendigo and to support people in regional areas seeking to overcome drug and alcohol addiction.

### **Greenvale pedestrian safety**

**Evan MULHOLLAND** (Northern Metropolitan) (18:46): (1131) This could be for the Minister for Equality; I think I might direct it towards the Minister for Roads and Road Safety. I know, since I have been for almost two years now getting around the northern suburbs, that we have never seen so many ministerial visits to places like Greenvale, Kalkallo and Broadmeadows. I actually seek the action of the Minister for Roads and Road Safety. It is an invitation to come with me to inspect the abysmal conditions of pedestrian infrastructure on Somerton Road in Roxburgh Park, particularly the connection between Pascoe Vale Road and Aitken Boulevard, and to provide proper footpaths on Somerton Road for many residents, particularly those living in Roxburgh Park and Meadow Heights.

Access to public transport is a daily necessity. Somerton Road hosts two key bus stops to serve these two suburbs, and yet the glaring problem is that there is no proper pedestrian access to these bus stops

on a busy main road. Residents on both sides of the road are forced to navigate uneven nature strips to reach these bus stops. The lack of proper pathways forces commuters to risk tripping and falling and potential serious injuries. The absence of a pedestrian crossing means that anyone needing to cross Somerton Road is left to brave fast-moving traffic on a busy arterial road. Many elderly residents, particularly in Meadow Heights, have come into my office to speak to me about this situation – about the fact that they cannot actually reach the bus stop with a walker.

What makes this even more frustrating is that this is yet another example of Labor neglecting the northern suburbs while funding goes to other seats, like the \$216 billion Suburban Rail Loop in the eastern suburbs. We see money being diverted away from crucial infrastructure projects that Melbourne's north clearly needs. Labor is consistently neglecting the growth areas of Melbourne, so people in the electorate of Greenvale cannot even get to an existing bus stop. There are no shelters, by the way, at these bus stops. They have to go over uneven nature strips to get to the bus stop to take the bus. Many residents in Meadow Heights and Roxburgh Park are elderly. Many do not have a car or do not have a licence and so therefore rely solely on public transport to be able to access services and live their day-to-day lives. I seek the action of the minister to provide basic pedestrian infrastructure that we have all come to expect and to put an end to the neglect of the electorate of Greenvale, particularly for residents of Meadow Heights and Roxburgh Park.

### Literacy education

**Renee HEATH** (Eastern Victoria) (18:49): (1132) My adjournment is for the Minister for Education, and the action that I seek is for the removal of excessive compliance requirements in our schools and the restoration of education that prioritises reading, writing and arithmetic. According to an article in the *Herald Sun* this week there are at least 3468 education positions advertised on the government's job portal, including for teachers, principal roles and support staff. Schools and students in our region of Eastern Victoria are suffering. They are faced with chronic teacher shortages and are unable to fill positions or cannot even at times find relief teachers. This means that schools are constantly finding various ways to cope, including merging more classes, telling students to stay home, providing more non-teacher-specific events and even having students study under the principal's supervision in boardrooms. One of the reasons that teachers are leaving the workforce is they are being stretched beyond their limits. They say that excessive red tape is one of the issues. They say that their role goes well beyond the traditional role of teaching kids a curriculum that is going to prepare them for their future. Recently I spoke to a local principal who explained that in his 25 years of teaching there has never been this level of regulatory burden on schools, a lot of which has to do with ensuring school policies satisfy the government's inclusion guidelines, with many others having to deal with the ongoing risk assessments and mandatory reporting standards. This principal told me that education has become more about political ideologies and trying to navigate this minefield to avoid getting sued or deregistered and that it has stopped being about delivering educational outcomes for children.

Thirty per cent of Victorian schoolchildren are not meeting standards. This is an absolute devastation. The Grattan Institute found that one in four Victorian children cannot read properly and this increases to half across areas like mine – rural and remote areas. Minister, schools, teachers, principals and parents are already being pushed to the limit. Schools are struggling to find the resources to fulfil their responsibilities, and parents who are working hard to earn money to cover the rising cost of living are trying to cope with uncertainty on a daily basis, which is making it difficult for them. Minister, when will this government ditch the stranglehold of needless regulation and get teachers back teaching the basics so kids can be prepared for their future?

### Responses

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (18:52): There was a total of 19 adjournment matters this evening. We were one off from hitting the maximum, so perhaps we can pitch a little more ambitiously the next time I am on duty.

There was one matter which Mrs Broad raised for the Minister for Health. President, I would seek some guidance from you. It did relate to residential rehabilitation beds. They have traditionally sat with the Minister for Mental Health, so if you are amenable to it, that might be able to be referred on to Minister Stitt.

I just want to say that the award this evening for the most florid exploration of a local matter and an action must go to Mr McGowan and his tireless advocacy for opportunities to ablute in and around public transport networks, particularly in Ringwood East. I am not sure how it is that that spanned the nine different portfolios, Mr McGowan, that you did refer to in the course of your contribution, but to that end I am sure that Hansard and indeed the people who will read from the public record in generations to come will be grateful for your enthusiasm, if not the lack of clarity. That is it from this side of things. They will be referred to the relevant ministers in accordance with the standing orders.

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

**House adjourned 6:52 pm.**