



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Thursday 8 February 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, Gaele	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira <sup>2</sup>	Western Metropolitan	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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**Thursday 8 February 2024**

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

*Announcements***Photography in chamber**

**The PRESIDENT (09:33):** I advise members of the chamber that there will be a professional photographer in the galleries today taking action shots, so we are looking forward to some action. Any members who want to access any of those photos whatsoever can go through the clerks.

*Members***Richard Welch***Swearing in*

**The PRESIDENT (09:34):** I am pleased to report that the house met with the Legislative Assembly yesterday to choose a person to hold the seat in the Legislative Council which was rendered vacant by the resignation of Dr Matthew Bach. Mr Richard Welch was elected to fill the position in this place in the Legislative Council.

**Richard Welch introduced and oath of allegiance sworn.**

*Committees***Integrity and Oversight Committee***Membership*

**The PRESIDENT (09:36):** Can I advise the house that I have received a letter from Jackson Taylor, member for Bayswater, resigning from the Integrity and Oversight Committee effective today.

*Papers***Papers****Tabled by Clerk:**

Community Visitors – Report, 2022–23 (*Ordered to be published*).

Fire Rescue Victoria – Report, 2022–23.

Fisheries Act 1995 – Report on the disbursement of Recreational Fishing Licence Revenue from the Recreational Fishing Licence Trust Account, 2022–23.

Office of Public Prosecutions – Report, 2022–23.

State Electricity Commission of Victoria – Report, 2022–23.

Statutory Rules under the following Acts –

Australian Crime Commission (State Provisions) Act 2003 – No. 6.

Livestock Disease Control Act 1994 – No. 5.

Victorian Collaborative Centre for Mental Health and Wellbeing – Report, 2022–23.

*Business of the house***Notices**

**Notices of motion given.**

*Adjournment*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (09:41): I move:

That the Council, at its rising, adjourn until Tuesday 20 February 2024.

**Motion agreed to.**

*Members statements***Lunar New Year**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:42): Today I would like to acknowledge our strong Vietnamese community right here in my in my electorate of Northern Metropolitan and across our great state. At this time of year Têt is being celebrated by Victoria's Vietnamese community, with 2024 being the Year of the Dragon. Last Wednesday I had the pleasure of attending a Têt New Year celebration in Richmond. It was great to be there alongside our Premier the Honourable Jacinta Allan and the Minister for Multicultural Affairs my colleague Ingrid Stitt and many other colleagues from the other place. It was an afternoon which also paid respect to Australian and Vietnamese veterans. The event was expertly organised by the Vietnamese Museum Australia, who are in the processes of delivering Australia's first Vietnamese museum right here in Victoria with the support of the Allan Labor government. This project will honour Vietnamese heritage in Victoria and provide Vietnamese Australians an opportunity to share and preserve their stories. I want to give a special thankyou to Tammy Nguyen, Bruce Mildenhall and everyone at the Vietnamese museum who contributed to a wonderful event. May the new year bring you an abundance of good fortune.

**Maria Cameron OAM**

**Bev McARTHUR** (Western Victoria) (09:43): Port Fairy's Maria Cameron has at last been recognised for her service to veterans and to the community. The Order of Australia Medal has been rightly awarded to Maria for her strong sense of empathy and unrelenting passion to fight for those who are in need and without a voice. Her work ranges from identifying and protecting lost World War I Aussie diggers lying in foreign fields to marking the graves of paupers in her local cemetery. One of her many great accomplishments was her successful challenge to change French president Emmanuel Macron's plans to build wind turbines on land near Bullecourt, France, over the remains of thousands of Aussie diggers. Under intense media pressure President Macron capitulated and scrapped the wind farm plans, allowing the dignity and memory of Australian soldiers to live on. The Port Fairy researcher has successfully taken on many multinational companies and red tape bound bureaucracies. Refusing to accept payment for her work, Maria says that the gratitude of family members and those she researched was reward enough. Maria, thank you for all your efforts to preserve Australian history and restore the dignity of our Aussie diggers. Congratulations – you are certainly most deserving of this prestigious award.

**Medicinal cannabis and pill testing**

**Rachel PAYNE** (South-Eastern Metropolitan) (09:44): Last Sunday, a very hot day here in Melbourne, I got to meet with many of my constituents and friends who wanted to come and meet with my colleague David Ettershank and me to discuss how our first year as Legalise Cannabis MPs in Parliament has been, as well as some of the progress that we have made here. Front and centre in that conversation was the topic of the government's closed-circuit track trial, and people wanted a bit of an update on what is happening with this closed-circuit track trial: 'How do we get involved? Where is the government at?' Unfortunately, I was unable to give them any sort of an update because I have not really received one, some 12 months on from us bringing this into Parliament. I do look forward to presenting more of a case to the minister and getting some progress on that matter, particularly for



my constituents. What that really highlighted for me was that this is a real front-and-centre issue, and this is impacting patients' ability to live and to have agency in their lives.

Secondly, I spoke to a lovely mum named Sally who was really curious about how we are going with pill testing. For her – she has teenage kids – it was really important and a no-brainer for her just to provide that security and safety, particularly to young people. I think it was a really engaging conversation we had around more broadly how we approach harm minimisation.

Finally, I got to speak with a young man named Jake who suffers with MS. He has recently become a medicinal cannabis patient, but he had to advocate with his doctors in learning more about that space. Thank you to everyone who came along on the day.

### **Lunar New Year**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:46): We are now in the midst of preparations for many celebrations for the Lunar New Year, the spring festival and Tét, amongst others. I would like to wish everybody who is celebrating and who is coming together with family, remembering those who have passed and celebrating the prosperity that we have *gōng xǐ fā cái* and *chúc mừng năm mới*. May there be food, celebration, good health and prosperity in this year of the wood dragon. Thank you so much to our multicultural communities who have opened hearts and homes, and indeed menus, to make sure that everybody can get involved. We are such a rich and wonderful multicultural society, and it is really wonderful to see so many celebrations happening across the state as people travel from far and wide.

### **Black Saturday**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (09:47): We are marking the anniversary of the horrific Black Saturday bushfires at present, and with more than 1.1 million acres of land destroyed, 173 lives lost and thousands of buildings razed to the ground 15 years ago, I want to send my love and my thoughts to and express my shared pain with those who continue to remember and indeed to grapple with the trauma of so much lost. To everybody who continues to move through this, this work goes on to make sure that we have fire preparation and emergency resilience front of mind now and into the future.

### **Lord's Prayer**

**Evan MULHOLLAND** (Northern Metropolitan) (09:48): The Liberals and Nationals support continuing the tradition of reading the Lord's Prayer in Parliament. We believe that this tradition holds a special place in our democracy, reflecting the Judaeo-Christian heritage and commitment to individual rights. It is these individual rights that underpin our state and have enabled it to become home to one of the most multicultural societies in the world. We also believe that reading the Lord's Prayer is consistent with Victoria's diverse community, recognising the roots of our Westminster system and acknowledging its history. Continuing it demonstrates that we live in a tolerant society where our history is acknowledged.

As a practising Catholic myself, I recognise that the Lord's Prayer in the Parliament is not a Catholic one, but I still recognise and partake in it. I do not oppose people that boycott the Lord's Prayer, but it shows the intolerance of those who do boycott it that they would seek to force others to partake in some sort of secular replacement. Labor are the first to preach tolerance, but also the first to show how intolerant they really are. Any attempt to secularise the prayer will be fiercely opposed by the opposition. Leaders in multicultural communities and multifait communities that I have spoken to, especially in the seat of Greenvale, where 80 per cent of people profess a faith, know that we should continue with the Lord's Prayer and would oppose any attempt to secularise the prayer.

### **Regional Victoria**

**Rikkie-Lee TYRRELL** (Northern Victoria) (09:49): Over the summer I took the time to enjoy the beautiful outdoors we have in the Northern Victoria Region. From rodeos to camping and fishing, my

family and I took advantage of some of the amazing activities regional Victoria has offered for generations. Sadly, though, with the Australia Day celebrations as a prime example, minority groups are being appeased by our governments, destroying our regional Australian traditions and eroding the culture that makes this nation unique. Northern Victoria prides itself on being an accepting and welcoming Aussie culture, but it will not tolerate that being inclusive will cost us the celebrations and traditions we hold so dear – and nor should it. People are attracted to the north for what it has to offer, be it outdoor activities in our pristine environments or the amazing country events we hold to bring visitors and locals together. Our city-centric governments need to realise that it is regional Victoria, including my northern electorate, that keeps this state going.

### **Brighton Secondary College**

**Ryan BATCHELOR** (Southern Metropolitan) (09:50): This morning I unfortunately cannot be at the high achievers assembly and morning tea being held almost as we speak at Brighton Secondary College to celebrate the achievements of their students who have been studying units 3 and 4 and those who have received ATARs of above 90. I want to commend the students and the staff at Brighton Secondary College, who are working tirelessly to uphold the high standards of education that the students at the school have received. This is reflected in their excellent VCE results and tertiary entrance offers, which are consistently above the state average.

Late last year I had the pleasure of attending their presentation night to celebrate the achievements of the students in years 7 to 11, and the future is definitely bright. Then later in the year I visited with the member for Bentleigh to announce some new facilities to be built at the school as part of the Labor government's Inclusive Schools Fund. The school will be receiving nearly \$300,000 to create a new outdoor multipurpose space with special sensory areas where students can learn, connect and develop. Brighton Secondary is an excellent school with excellent academic results and improving facilities and has a very bright future indeed.

### **Black Saturday**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (09:51): Yesterday we commemorated the bushfires of 15 years ago, and I want to extend my thoughts to those who have suffered so much and have had to pick up the pieces of many lost ones, and also homes and properties, in that time.

### **Australia Day**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (09:52): On 26 January we had the opportunity to celebrate Australia Day. Some did and some did not; I did. But on Sunday 28 January I had the great privilege at the invitation of the Australia Day Council (Victoria) of laying a wreath at the Melbourne Shrine of Remembrance to remember those who lost their lives for our democracy and our freedoms. This is an important thing for us to continue to do. Lest we forget.

### **Lunar New Year**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (09:52): The Springvale Lunar New Year Festival was absolutely outstanding. I want to congratulate the Springvale Asian Business Association, SABA, which always does a fantastic job of bringing the community together and worked so hard to deliver a fantastic festival, at which I had the great privilege not only of speaking but also having a marquee and being able to meet so many of the local people. I want to thank them for their hospitality, which they continue to extend to me and to others and to their whole community.

### **Sri Lanka Independence Day**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (09:53): A celebration for the 76th anniversary of the republic of Sri Lanka took place on Sunday. As co-founder of the Parliamentary Friends of Sri Lanka, I am pleased to represent the Sri Lankan community – (*Time expired*)

**Schools funding**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (09:53): School has just gone back for 2024, and like most years, parents were scrambling to get all the supplies their kids needed to start the year: uniforms, backpacks, water bottles, lunch boxes, you name it. Buying these supplies is often a squeeze on the family budget, but at least parents can feel content that their kids will receive adequate supplies and services from our wonderful public schools. But wait – some parents of public school kids have been asked by their schools to contribute money for services such as first aid equipment, nurses, maintenance, locker hire and even their libraries, which begs the question: why aren't our public schools adequately funded for the basic needs of students? We know that public schools are underfunded and private schools are overfunded. The Labor government need to fulfil their responsibility and ensure that Victoria's public schools are not falling behind. Our public schools and our students deserve better.

**Cost of living**

**Michael GALEA** (South-Eastern Metropolitan) (09:54): Cost of living is an issue which is front of mind for my constituents in the south-east. It is why the Allan Labor government has delivered four rounds of the power saving bonus while we have made three- and four-year-old kinder free as well as delivering hundreds of free TAFE courses across my region alone. It is also why I welcome the federal government's announced improvements to the stage 3 tax cuts from July this year. Without the change, the tax cuts would have disproportionately benefited the top end of town, with low-income earners completely missing out. Under federal Labor's changes now every taxpayer will receive a tax cut, and 92 per cent of taxpayers will be better off than they would have been under the Liberals' plan. The tax relief for an average income earner of \$80,000 will be almost doubled under Labor's plan. People in my region will stand to benefit the most from this, with a recent analysis by the *Guardian* showing that the Casey South region will benefit from Labor's changes more than anywhere else in Victoria. These changes will mean more money in my constituents' pockets at a time when it is needed the most.

**Black Saturday**

**Michael GALEA** (South-Eastern Metropolitan) (09:56): On another matter, I also wish to join colleagues from both sides of the chamber in acknowledging that yesterday was the 15-year anniversary of the Black Saturday fires. Like so many Victorians, it is a day I will never forget, nor the sacrifices made by so many of our amazing firefighters as well. I join members from across the house in acknowledging where we have come in the 15 years since.

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

**Lee TARLAMIS** (South-Eastern Metropolitan) (09:56): I move:

That the consideration of notices of motion, government business, 202 to 298, be postponed until later this day.

**Motion agreed to.**

***Bills*****Justice Legislation Amendment (Police and Other Matters) Bill 2023*****Second reading***

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

That the bill be now read a second time.

**Jacinta ERMACORA** (Western Victoria) (09:57): This bill strengthens community confidence in our hardworking Victoria Police members. It amends several acts, strengthening integrity within the

police disciplinary system, and ensures that those officers discovered doing the wrong thing are appropriately held to account as well as increasing public trust in the police disciplinary system by ensuring clear communication of behavioural expectations to the communities that police serve. This bill also aims to bolster Victoria's firearms regulations, expands police operational circumstances when a vehicle-immobilising device can be utilised and supports the functions of the Countering Violent Extremism Multi-agency Panel.

This bill amends the Worker Screening Act 2020 and the Child Employment Act 2003 to bring police custody officer requirements for working with children checks into line with other Victorian police roles. It also amends the Fire Rescue Victoria Act 1958 to ensure rights, responsibilities and obligations for non-assigned staff are aligned with legislated rights, responsibilities and obligations of assigned staff. It also amends the Victorian Civil and Administrative Tribunal Act 1998 to address a potential ambiguity in section 77 of the act. The amendment clarifies a court's power to extend any limitation periods.

I will now make some remarks about the importance of strengthening and supporting police integrity. We know that the vast majority of Victoria Police members uphold the values and professional standards expected of them. And they enjoy the confidence and respect of the communities they serve. Policing is a challenging job in all environments and situations, and I thank police members for their hard work and dedication. The Allan government is committed to working alongside Victoria Police, ensuring that they continue to have the best available equipment, and to supporting the growth and development of the dedicated officers of Victoria Police. However, in 2022 Victoria Police reported an increase in disciplinary hearings for both breach of discipline and criminal offences by officers. This bill seeks to strengthen Victoria Police's disciplinary system by enshrining the power of the Chief Commissioner of Police to issue a binding code of conduct for prescribing a failure to comply with the code of conduct as a breach of discipline. It sounds like a minor thing but is extremely important. We might as well give the code of conduct some teeth. It is important too that those officers being disciplined face appropriate consequences. This bill will ensure that officers facing discipline understand that their behaviour needs to change to meet community standards.

Victoria Police members are entrusted with highly confidential police information. This information is, for example, names and addresses of victims of crime and perpetrators and information being collected on a progressive basis during an investigation. Again, most members of Victoria Police ensure that the confidential information they hold is dealt with appropriately, sensitively and securely. However, in some cases that information has been misused or inappropriately disclosed. In October 2022 a Victorian Inspectorate special report identified that family violence perpetrated by an officer occurred after that officer accessed privileged information. This allowed the perpetrator to expose the survivor to ongoing family violence. This is an example of intentional misuse of information. In fact the intentional misuse of information was purposefully used to facilitate criminal behaviour. This crime had a significant impact on the victim.

Auditing and investigations into misuse of police information can be lengthy. In some cases the existing statute of limitations runs out on those investigations. The bill increases the statute of limitations on section 227 of the Victoria Police Act 2013 from 12 months to three years. This ensures that those who misuse police information are held accountable as the broader community is held accountable.

Some misuses of information are inadvertent, however, and reflect more a cultural lack of awareness rather than intentional as referred to above. I recall an embarrassing situation at my local police station last year. I will say that I was there to get something signed. There were several customers waiting, like me, in the foyer. The foyer is quite small, which makes it impossible not to hear everything that is being said between the police officer at the counter and a community member. I was uncomfortable when I had to listen to a woman describing the intimidation from a rural neighbour. They were a farming family, and she and her family were being regularly intimidated by their neighbour. From what I could hear, her family had been experiencing this for some time and this was not the first time

the police had been involved. I was embarrassed for her that I had to listen to her personal information, as were the other people in the foyer. I truly wanted to melt into the wall and pretend I was not there. I do not think the officer was aware that we were all embarrassed or that the woman may have felt humiliated to tell her story in front of strangers, and what was particularly disappointing was that two confidential meeting rooms were right there, a couple of metres away, and they were not used. It was also concerning that she was not offered a confidential place in which to tell her story. After all, one of the bystanders may have been known to her or the person she was making the report about.

This is a common scenario in a regional community. I do not believe this scenario was intentional or even careless; I suspect it reflected simply a cultural lack of awareness. This bill seeks to strengthen the police act to support participants in the restorative engagement and redress scheme for Victoria Police. The amendment exempts the Secretary of the Department of Justice and Community Safety from reporting matters suspected to involve corrupt or improper conduct or misconduct. This will ensure participants in the scheme are not retraumatised. It will address risks of privacy breaches and stop the erosion of trust felt by participants affected by those breaches. The scheme already includes a voluntary reporting option for corrupt conduct.

Here in Victoria we have some of the strongest firearms regulations worldwide, and we in the Allan Labor government are committed to ensuring that our regulations remain current and are able to respond to changing community needs. The bill amends the Firearms Act 1996 to allow for licensed firearms dealers to take possession of a firearm from an unlicensed person to sell, register or destroy it. This bill therefore gives greater security to licensed firearms dealers to actively participate in the national firearms amnesty. I think this provides enormous strength to the ongoing reduction of the number of guns in our community. It does not limit the restriction of gun ownership or guns floating around our community to a particular set of dates but provides ongoing ability for firearms dealers to accept arms as they come in at any point, which is extremely positive – a huge safety mechanism. We know that occasionally the connection between mental health issues and ownership of firearms can be an issue. This allows for family members to bring a firearm to a dealer and ensure that their family is safe or that the risks are reduced.

We are proactively ensuring community safety when it comes to large-capacity detachable magazines from firearms by limiting the opportunity for misuse of firearms like bolt action shotguns. The bill places conditions on certain category licence-holders, the holders of A and A and B licences. They may not carry a detachable magazine with more than five shots in combination with a bolt action shotgun except where they are participating in a chief commissioner approved event.

The bill also enhances Victoria Police's operational response for community safety. It expands situations where vehicle-immobilisation devices may be used. Where police have suspicion on reasonable grounds that a person, by driving or attempting to drive, is likely to endanger or cause injury to themselves, police or others, vehicle-immobilising devices may be used. This will ensure greater community safety through pre-emptive action to prevent harm to the community.

The bill seeks also to strengthen the Countering Violent Extremism Multi-agency Panel operations to ensure that the CVEMAP and other schemes can run efficiently and effectively. Restrictions on information sharing have created barriers to the sharing of risk information when a CVEMAP member is unavailable. The amendments will provide that information is able to be shared in a timely manner. Critical case management decisions can be made appropriately with all available information. This is a commonsense change, and it also provides for appropriate emergency response rather than delays in emergency response – we all know that acting quickly in an emergency is what it is all about.

An amendment to the Worker Screening Act 2020 and Child Employment Act 2003 to exempt police custody officers and police custody officer supervisors from requiring a working with children check is also included in this bill. This brings the requirements into line with the frontline Victoria Police roles. It also amends the Fire Rescue Victoria Act to enable the minister to ensure that the allocation

of rights, liabilities and obligations for staff not assigned to a particular situation is captured, ensuring consistency with arrangements already legislated for staff assigned to a particular situation.

It also amends the VCAT act to address potential ambiguity as to the operation of section 77. The recent court decision on Krongold Constructions (Aust) Pty Ltd raised the question as to the power to extend limitation periods applied to third parties who were not joined to a VCAT proceeding. That proceeding was referred to court under section 77 of the act. This bill clarifies that when a matter is referred to a court under section 77 of the act, the court will have the power to extend any limitation period, including to any party that was not joined at the VCAT proceeding.

In closing, these amendments are sensible, logical and most importantly go to the heart of protecting our community and confidential police information, upholding the integrity of our police officers and encouraging confidence in the operations and conduct of our police for our community, and I support the bill.

**Trung LUU** (Western Metropolitan) (10:12): I rise today to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2023. Before I do, I would just like to take the opportunity to welcome and congratulate my colleague Richard Welch, member for North-Eastern Metropolitan Region. Welcome to the chamber.

The bill focuses on a range of policing reforms that aim to strengthen the integrity of one of our state's greatest institutions and discipline systems: that is, the Victorian police force and other agencies that maintain community safety. This bill will achieve several amendments, such as to the Child Employment Act 2003, the Fire Rescue Victoria Act 1958, the Firearms Act 1996, the Road Safety Act 1986 and the Terrorism (Community Protection) Act 2003.

I would like to speak about improvement, and I will focus on the internal improvement of Victoria Police's discipline process and the restoration of the engagement and duress scheme by supporting participants' privacy, strengthening Victoria Police's capacity to regulate firearms, expanding the circumstances in which Victoria Police can deploy a vehicle-immobilising device and supporting the functions of countering violent extremism. This bill will enable police to have greater capacity to protect our community and to re-establish rapport and the community's confidence, which Victoria Police somewhat in many ways lost or overlooked during the long COVID lockdowns that we experienced in Victoria. In their defence, as a police officer, and for all of those in service, I understand part of their role and duties is to follow orders and take directions from those above. Certainly police integrity and demonstrating that police have the community's best interests at heart would be a good start in the right direction in regaining community trust and confidence, and this is what this bill does. It enables police to show the community the integrity that police have.

Before I continue, I just want to emphasise that we are amending the police integrity section. We talk a lot about that, but I want to clearly mention that when we speak about police integrity, 99.9 per cent of police out there do the right thing and act with great integrity. It is that 0.1 per cent that has occasionally a lapse of judgement or maybe goes in the wrong direction. Overall the police force and all its members have always acted with great integrity in relation to carrying out their duties.

This bill will also strengthen police capacity to provide community safety. In supporting the countering of violent terrorism, expanding the capacity to deploy immobilising devices is a great capacity which the police can utilise in supporting our community. I will give you an example of why I say they need this additional amendment. Not long ago we experienced something that for many in the community was unheard of and unforeseen, the Bourke Street mall incident, when many innocent lives were lost and many more Victorian lives were affected – and still are to this day. The capacity of this amendment in this bill will enable police to prevent future incidents like the ones which Victorians have experienced in the past. The crime rate is increasing, as we are experiencing currently, and new sorts of vehicles can be extremely dangerous. People say firearms are weapons, but you have to understand that in the hands of a person with great intent to harm people a vehicle can be just as deadly. When a

vehicle is utilised in that way, this bill will give police the power to be prevent such incidents happening.

I must stress that regardless of what legislation we pass in this house, without police officers – the manpower, the people who carry out and execute this legislation – the law is just words on paper, law and legislation without substance. I say this because at the moment Victorians are experiencing increasing crime, particularly youth crime, an increase in violence and, sadly, an increase in overdoses and drug use. Statistics show that this has effects across the entire state, not just in my area. I will give an example in relation to Western Metropolitan, the constituency which I represent. Crime stats from Melbourne's west show Wyndham Vale has one of the fastest growing communities in Victoria. It had 13,833 reported incidents over the year, an increase of 14.9 per cent on the previous year. I will just pick a few, because I cover quite a few communities out in the west, being a member for Western Metropolitan Region. From Maribyrnong City Council there was an increase of 5.9 per cent over 2022–23 in total criminal incidents reported. The suburb next to it had an increase of 8.1 per cent over 2022–23; last year there were 12,864 criminal incidents reported. Moving further out, as I mentioned, Wyndham Vale has the fastest growing population in Victoria. It had 14,396 criminal incidents reported, an increase of 15.9 per cent.

What is more disturbing is the cases that are unsolved in these areas. Fifty-two per cent of crimes are unsolved in Brimbank, 62 per cent of crimes are unsolved in Maribyrnong and 52.7 per cent are unsolved in Wyndham Vale. What this is saying is not that the police are not doing their job. It is all in relation to the manpower and the capacity – having police there to follow up on these crimes that are reported. Police are doing great job, but we have got to enable them to do so, and that is with manpower and resources. At the moment, while crime rates are going up, our police numbers are unfortunately falling, and there are many factors in relation to why police numbers are falling. I have stressed in this house, and previously through the years, in relation to advocating for more police in the area, what the government can do for police in Victoria. Due to the population increasing, we do need extra resources to manage that.

I will go back in relation to what effect it has on the community. Only recently in January – that is last month – a councillor from Brimbank, a municipality where I used to be a councillor, actually went out and spoke up in relation to what is happening in her area. She stated that recent attacks, coupled with rising crime statistics, have left the community feeling increasingly unsafe:

The crime statistics are up, but police numbers are down and continuing to fall. When I've met with residents in Brimbank they tell me that they're terrified of home invasions and rising youth crime.

People are terrified of home invasions, especially those living on their own and elderly residents.

That is coming from the grassroots, where a councillor is actually speaking to people on the ground. Where Casey had an opportunity to speak to people in our municipality, we actually got to people who were speaking on the ground, and that is a concern at the moment, especially in my region; that is a great concern to me. This is something I would like to point out: not only is the crime rate increasing and are violent attacks regularly reported, but people like councillors need to speak up and go to the paper and stress the issue arising with police numbers – the constant decrease in police numbers to execute and carry out their job, to enforce the laws as required. I will state that with all legislation, when people carry it out, it is just ink on paper, and until the law is passed it is without substance.

Let me put some stats in relation to what I have been saying. Police are down, and I will give you examples in my area. I know there is a crisis around Victoria. Every policing service area has a certain designated police station which services that area. They need a core number per station to manage that, including managing the station, going on patrol, having investigators and having police attend incidents. Now I am going to read you some numbers in relation to the police stations in my region in the west and the core numbers for those stations to operate. This is from just last year. I will start from the bottom. Williamstown police station: the core strength required to operate that service area is 36. The actual number is 33, so they are 8 per cent down. That is the start. Moving forward to Altona: core

strength is 46 to operate their service area. The actual number is only 32 – 30 per cent down. Then we move out to Werribee: core strength is 92 police officers to man the area. The actual number is only 64 – 28 vacancies; that is 30 per cent lower. Sunshine: core strength is 100, and they only have 61 actually working there; there are 39 vacancies, 39 per cent down from core strength. Caroline Springs: core strength 40, and we only have 28. There are 12 vacancies – that is another 30 per cent down. So you can see that throughout the west every police station is down, from 8 per cent to 30 per cent of core strength. I understand there are various reasons – people are sick, people are on secondment – but with population numbers increasing, we have got to increase the police numbers, not decrease essential services. So I will stress again and again in this chamber: the government needs to do better to increase the police numbers and provide opportunity and resources for Victoria Police to service the community. I hope, in relation to the amendments, this bill will be able to point out very clearly what is required to make the community safe, what is required to enable the government to pass legislation so our community can feel secure. This bill, in relation to integrity and police rapport with the community, is heading in the right direction.

I will quickly mention before we wrap up firearms that this bill is also going in a great, positive direction in relation to reducing firearms. There are a lot of drive-by shootings which are not reported in the paper but which police are aware of. Believe me, having served for 28 years, there has been an increase in drive-by shootings, which is not really reported in the paper. But there is an increase of firearms in our community, and what this bill does is give us the ability to reduce these firearms in our society. I commend that. That is a great amendment in relation to the capability of people to surrender firearms and lessen the opportunity to do more harm to our community. In closing, I support this bill.

**Samantha RATNAM** (Northern Metropolitan) (10:26): I rise to speak to the Justice Legislation Amendment (Police and Other Matters) Bill 2023. The Greens support this bill as it is a step in the right direction, including small improvements to the internal disciplinary processes of Victoria Police plus a range of other issues. Among the range of changes proposed by this bill, of particular note are the extension of the statute of limitations for IBAC from 12 months to three years to investigate offences of accessing, using or disclosing police information following IBAC and Victorian Inspectorate reports; the amendment of the Victoria Police Act 2013 to support participants in the restorative engagement and redress scheme for Victoria and to allow for the secretary to provide deidentified and thematic information from the redress scheme to IBAC; the expansion of court powers to extend the limitation period for federal jurisdictional matters referred to them by VCAT; and the amendment of the Firearms Act 1996 to allow a licensed firearms dealer to receive a firearm from an unlicensed person – this supports the ongoing national firearms amnesty. The bill will also allow Victoria Police to attach conditions to a good behaviour bond for PSOs who have committed a breach of discipline or a criminal offence.

We note the provision to amend the Victoria Police Act 2013 to include the Victoria Police code of conduct and prescribe noncompliance as a breach of discipline; however, we remain concerned that little will actually change in practice. We know that the current Victoria Police code of conduct is non-specific and vague and that existing legislation already requires police not to engage in conduct that is likely to bring Victoria Police into disrepute. As we have advocated for some years, further work is still required to properly review and strengthen the Victoria Police code of conduct.

But the elephant that is in the room is what is missing from the overall reform agenda: IBAC was not designed as, nor is it fit for purpose as, the oversight mechanism for police. Attorney, I know that you have flagged that police oversight reform is on the agenda for this year, and we look forward to working collaboratively with you. We encourage you to base those reforms on the proven, successful model of the police ombudsman in Northern Ireland. Without an independent police ombudsman, even with the changes in this bill, Victoria Police still get to set their own rules and police themselves. An independent police ombudsman such as the world's best practice that operates in Northern Ireland would be able to investigate and provide binding recommendations on police disciplinary processes.



I will now move on to amendments that we have for this bill, and I ask that they be please circulated now.

**Amendments circulated pursuant to standing orders.**

**Samantha RATNAM:** These amendments come from consultations both within community legal services and particularly a support group of victims of police misconduct. That group includes a number of current and former police employees. They have put forward these amendments to provide clarity and certainty for police employees wishing to make a lawful disclosure to IBAC. They do support the proposed amendments to sections 266 and 227 as pro accountability but suggest that clarity from these amendments is also required. Currently IBAC assesses whether a disclosure is protected or not and whether IBAC has jurisdiction after the police officer has made their disclosure. The stakeholders have expressed concerns about making disclosures to IBAC without it being first very clear that they would not be found in breach of their duties if IBAC assesses their disclosure as outside jurisdiction or not protected. This amendment clarifies this issue.

It takes a lot of courage to be a whistleblower, particularly for those in institutions of power like the police. To ensure police officers know they are not in breach of their police duties by disclosing to IBAC at the time of disclosure would support them. This will promote transparency and accountability by helping current police raise concerns about police culture and systemic issues, such as racism or practices having potential adverse impacts on particularly vulnerable groups, which may or may not be protected disclosures.

My colleague Katherine Copsey, who is our justice portfolio holder and is unwell today, and her team have had detailed discussions with the minister's office about the wording of this amendment. The advice the minister's office received was that section 227 already provides that a current or former member of Victoria Police personnel must not, without reasonable excuse, access, use or disclose any police information if it is not directly related to the member's functions or duties as a member of Victoria Police personnel. The stakeholders that are advocating for this amendment we have proposed have advised that the wording was carefully considered prior to proposing the change. The issues for the members of the group were and remain clarity and safety, given 'a reasonable excuse' has been a term misused in both directions by Victoria Police in the past. One victim-survivor said in their case 'a reasonable excuse' was used to justify disclosing an escape plan to a police perpetrator's manager. It has also been used to accuse members of misconduct for speaking up in other cases.

The advice also included that there is an intersection of the Public Interest Disclosures Act 2012. Section 39 establishes an immunity for making a public interest disclosure and whistleblowing conduct. However, our advice has been that the wording of the Public Interest Disclosures Act is not clear. In fact this demonstrates why the amendment is needed. In short, if officers think they may possibly be charged for making a disclosure to IBAC, they will not make a disclosure, and that undermines police integrity and transparency. So I recommend our amendment, and we will speak further to it during the committee stage.

**Ryan BATCHELOR** (Southern Metropolitan) (10:32): I am pleased to rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2023, a bill which seeks to make a range of amendments to a range of acts, including the Victoria Police Act 2013, the Firearms Act 1996, the Road Safety Act 1986 and the Terrorism (Community Protection) Act 2003, to introduce a range of reforms aimed at maintaining community safety and improving community safety by increasing Victoria Police's capacity to regulate firearms, making administrative enhancements to the operation of the Countering Violent Extremism Multi-agency Panel and expanding the circumstances in which police officers are authorised to use vehicle-immobilising devices. The bill also includes a range of reforms aimed at strengthening the integrity of the police disciplinary system and ensuring that Victoria Police personnel operate in a way that is consistent with community expectations. The bill will also enhance the privacy of participants in the restorative engagement redress scheme for Victoria Police and make minor technical amendments to other Victorian legislation.

In Victoria this Labor government is committed to ensuring that everyone is safe in their communities, and the backbone of our efforts to ensure community safety and ensure that people are safe in their homes and in their businesses and in their communities is Victoria Police and its 20,000 employees, including police officers, sworn officers and protective services officers. They are the backbone of ensuring community safety here in the state of Victoria. As I mentioned yesterday in the chamber in debate on a motion on youth offending, this Labor government over the course of the last nine years, since 2014, has been continuously investing in the capability of Victoria Police. We have been providing them not only with resources for additional officers but improving the equipment that they have available to them so that the resources that Victoria Police have at their disposal to ensure that our community are safe are first class – more police, more PSOs, upgraded police stations and the best kinds of technology.

As a result of that and I suppose commensurate with the investments that we are making to ensure that Victoria Police has the tools at its disposal to do the job that we ask of it, we do have underpinning that systems to ensure that policing effort is done to the highest possible standards and with the strongest integrity and accountability mechanisms taking place. That is why some of the accountability mechanisms and the administrative mechanisms that are put in place in this bill are so fundamentally important, because confidence in Victoria Police, and confidence in any policing system, is one of the cornerstones of effective community safety. So commensurate with the additional resources and additional emphasis on the sorts of powers that police need to do their job effectively is a commitment to ensuring that that action is underpinned by the most robust systems of integrity that we can possibly have here in the state of Victoria. That is why some of the amendments that we see in this legislation to the Victoria Police Act seek to improve and strengthen some of those systems of accountability with respect to the way Victoria Police does things like dealing with consequences of breaches of its code of conduct to ensure that when there are, for example, failures to comply with a binding code of conduct issued by the Chief Commissioner of Police, this can result in disciplinary action but also importantly ensure that that code can be adaptive, responsive and updated in line with community needs and expectations, which is why it sits in a legislative framework sense where it does rather than in the principal act. It is a specific legislative design to ensure that those codes and those frameworks can be kept up to date, that we have this culture of continuous improvement and that we have systems in place that facilitate the continuous improvement of culture rather than things being stuck in time.

There are further amendments that are made to authorise discipline inquiry officers to direct police officers and PSOs subject to disciplinary inquiries to undertake medical assessments, which are important to evaluate both medical and physical fitness to ensure they are fit to participate in hearings. So we have got a range of tools available to us so that disciplinary hearings are not unnecessarily delayed whilst there are ill-health reasons. There are also a range of matters which can be said to attach to good behaviour bonds for police who may find themselves on the wrong side of a disciplinary proceeding.

The legislation will also extend the statute of limitations for the offence of accessing or using or disclosing police information. One of the things that we have in the sworn officers of Victoria Police is special obligations and trust that reside in them for accessing certain types of information, and obviously we want to make sure that the systems and rules are in place to make sure that that is not misused. This legislation will extend the statute of limitations on those offences for a longer period of time.

The other thing that this legislation seeks to do and we think is particularly important is continue to show the government's support for participants in the restorative engagement and redress scheme by making improvements to their privacy and their autonomy in reporting. The redress scheme is designed to make improvements to the way Victoria Police does its work. The reality is that often participants in the scheme report to it in order to improve the culture of Victoria Police. They are seeking to add their voices and lend their experience to the process of continuous improvement of

police culture and operational practice, and it is important for them to be able to do that in a private and non-adversarial setting.

Under the changes proposed by this legislation, the scheme, which is operated by the Secretary of the Department of Justice and Community Safety, will not be required to provide information to police oversight agencies that could lead to the identification of participants. By removing these requirements from the secretary of the department in terms of providing information to police oversight agencies with respect to the reporting of behaviour which is potential improper conduct, we can ensure that the redress scheme is actually focused on what it is trying to achieve, which is to give participants in that scheme the confidence to come forward and that the information they provide will be dealt with in an appropriate way and to reduce the risk of breaching their privacy or retraumatising them, having made the important step of deciding to come forward and tell their story. We hope that these changes will ensure that these participants, or potential participants, are not dissuaded from coming forward, and that is what they are designed to do.

There are a range of other amendments that are being brought forward in this legislation, including to the Firearms Act, which I mentioned briefly at the outset. I think it is fair to say that some of the world's strongest firearm controls are right here in Victoria, and I think all Victorians should be proud of the strict nature of the firearms controls that we have in place in this state. We have been, unfortunately, in our past victims – as a community and with individual loss of life – of incidents where individuals have taken multiple lives using firearms. I think what our history demonstrates is that the Victorian community have said repeatedly that those sorts of things are not acceptable and are willing to support, and do support, controls on firearms to ensure that those events never happen again. That is why a well-regulated firearms industry is so critical and important, because firearms do exist in our community; we do understand there are some, particularly in the agricultural and farming sectors, who need to use them. But it is about ensuring that firearms are in the hands of people who are responsible and not allowing firearms to slip into the hands of those who would use them for nefarious purposes.

There are two main changes that this legislation is making to the Firearms Act to assist that. Firstly, the bill seeks to provide licensed firearm dealers the ability to receive, accept and take possession of a firearm from an unlicensed person for the purposes of sale, registration or destruction, which brings Victoria into line with the national firearms amnesty and helps ensure that there are not barriers to getting dangerous weapons off the streets, which is ultimately what should be the goal here. If someone does have an unregistered firearm, we want to make sure that they can do the right thing and hand it in and make it safe without fear of arrest or prosecution; that is the whole point of having a firearms amnesty. More to the point, not only is it the right kind of policy setting, but we have got actual evidence that it works. Since the nation's first implementation of the buyback and amnesty scheme, more than 650,000 weapons have been surrendered. No-one can doubt that our community is safer for the removal of firearms from our streets and from our community, particularly those that are unregistered.

The second important change the legislation seeks to make is to restrict the use of bolt action shotguns paired with detachable magazines that have a capacity of greater than five shots by individuals who hold specific licences. Bolt action shotguns are not needed for recreational activities. Certainly many of us, including yourself, Acting President Galea, have had some familiarity with recreational activities involving the use of firearms in the last 12 months, and it is very clear that bolt action shotguns, for example, we do not need, we do not require, and recreational activities do not require guns that can cycle through ammunition that fast. Under the amendment in this act, those who have obtained category A or A and B long arm firearm licences under the guise of hunting and sports cannot have a bolt action shotgun with a large-capacity detachable magazine. They are important amendments to be making to ensure firearm safety across the community, and all credit to the minister responsible for this. They have been based on extensive consultation across the community with a lot of interested groups, and we think fundamentally that they will support community safety.

Very briefly, there are some amendments that we are making to the Road Safety Act 1986 to improve circumstances where police are authorised to use vehicle-immobilisation devices, such as road spikes and Stop Sticks. Instead of the reactive use of these devices, police will be able to implement pre-emptive measures in the presence of a reasonable suspicion – another reform that is being made to try and keep our roads safer. We know that there are too many lives lost on our roads, and this legislation is giving us another tool in the toolkit to make crucial changes on how police can use their powers and tools to prevent dangerous driving. We have seen in other states, particularly in Western Australia in the last year or so, why changes like this are so important and critical to the safety of our police officers and to safeguard the roads from dangerous users.

There are a range of other amendments to the Terrorism (Community Protection) Act 2003, which I do not have time to go into. This legislation is being driven by one approach, and that is to make our community safer, and I commend the bill to the house.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (10:47): I also rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2023. Like my colleague, I also would like to start by taking the opportunity to welcome our new colleague on this side of the chamber Richard Welch. Welcome to the house. It is good to have you here.

This particular bill is an interesting one. Like so many in a situation where a government is in chaos, this one is a conglomeration, like others that we have had, of a number of different things that have been put into a justice legislation amendment bill. It covers a range of different topics, again showing the chaos that this government continues to leave us in and with, and this is like some of their solutions to deal with many of the situations that are now arising and have been arising in our society to perhaps put some measures in place.

The first purpose of this bill is to amend the Child Employment Act 2003 in relation to a working with children check and also to amend the Worker Screening Act 2020 in relation to exemptions from a working with children check. I must say that there are other professions, like teaching, where you do not need to have the working with children check because you do the police check and it is assumed then that as part of that role you have that working with children check. I understand that this has been built into this particular bill on that same understanding and premise that there are particular vocations where, yes, the person needs to be safe, they need to be checked, they need to be monitored – there are very strict rules around that – but sometimes going through all the documentation and adherences, they are actually a little bit on the obsolete side. It is like you are doubling up, and so my understanding is that that is why that has been put into the bill. I do not have any problems with this. I do want to say, though, at the outset that as the Liberal Party we are really against governments controlling and being in people's faces and having big government telling everybody what to do and putting massive restrictions on everybody. We do not like that. That is why we have the Liberal Party, the word 'liberal' recognising the freedom of the individual. However, having said that, we live in very challenging times when serious incidents have taken place over the last 20 years to do with terrorism and to do with safety.

I can say that in my area of the south-east there are ongoing challenges, as I continue to doorknock and speak to constituents, with crime and with people needing to feel safe, and we need the police to feel empowered to do their job and to do it well. I hesitate though, also knowing that in the south-east, the area which I represent, there are a number of people who are uneasy or feel uncomfortable with treatment that they have encountered in times gone by, when there has been a feeling of being bullied or harassed. So there is that sense of discomfort that comes with tightening the laws. It is a fine line when tightening the laws to empower the police to do their job and to do it better and to provide safety for them in their roles, which I think is incredibly important.

I might add that one of my daughters seriously looked at becoming a policewoman. She has finished school. She has not yet done that, but it is certainly a vocation that is right up there as something that she thinks would be really worthwhile and would be a wonderful thing to be able to engage in. With

my maternal instincts of course I would want my daughter to be safe – I would want everyone's daughters and sons and the people that are in the workplace in the police force to be safe and to have the powers they need to be able to catch those who are criminals and who are doing things that make others unsafe. This is what this particular bill will address. It will be interesting to monitor it to see how effective these changes are and whether in the future additional changes will need to be made or modified to allow even police within the force to feel heard, listened to and treated with respect.

I think most people that go into the police force do so with tremendous intentions, good intent and a desire to keep their community safe. Maybe they know a person in the police force that they have admired and respected and that they feel made the job very appealing. To all of the people that work in the police force I just want to say: thank you very much for the work that you are doing. We certainly need you to put yourselves out there and to keep us safe.

I do want to address, again, some of the things that are in here. If we move back to the actual purpose of the bill, one of the other things it talks about is the Fire Rescue Victoria Act 1958. This particular bill is going to provide for the allocation of certain property, rights, liabilities and obligations of the Country Fire Authority to Fire Rescue Victoria. Having been the Shadow Minister for Emergency Services, I am well versed in some of the tensions, anxiety and disappointments that the merge and the changes have caused to people in the CFA. I do appreciate the work of both the FRV and the CFA. I have had the tremendous opportunity of being able to take part in Fire Ops 101, and I am very, very grateful for that. I think it is a tremendous vocation to be in. If you are in the FRV, in my opinion it is a wonderful profession and you are very privileged to be in that position too. But I also want to shout out to the CFA, because they do a tremendous job of putting themselves out there. The majority of them who have not been part of the CFA working within the FRV realm are working as volunteers, and they put themselves out. They have to, unfortunately, work with very old resources which really could do with an upgrade. That would be an important thing to address. I am not sure how the CFA completely feels in terms of all of these things, but I guess that will be determined in the future as debate on this particular bill unfolds and it moves through the houses and becomes an act.

This bill is also to amend the Firearms Act 1996 in relation to the surrender of firearms to licensed firearm dealers and also special conditions for long arm licences. Now, as many have mentioned in this chamber, it is also going to restrict the number of bullets, basically, that you can have. There is I think a five-capacity limit that will be able to be shot in combination with a bolt action shotgun. This is on the lower end of the range that was originally proposed by those who were actually consulted, but given that we have had situations here in Victoria that have involved firearms, I do take the point that five shots are and should be sufficient in terms of what is taking place on a farm with an animal. I personally have had to watch a cow being killed with a shotgun for food, and unfortunately it did not die with the first bullet. It is one of those things you do not forget, especially when you have made eye contact with a dying cow or a dying animal. It is something you do not really forget. But I think five bullets is adequate – more than adequate. I know that was one of the concerns: in farming situations, would you need that extra capacity? Five is a lower limit, but this is the range that has been proposed in this bill. I guess this is going to be one of these things that we are going to have to continually be looking at in terms of category A or A and B long arm firearm licences and the use of these particular guns.

I also note that this bill looks at the Road Safety Act 1986 to provide further for the use of vehicle-immobilisation devices. I guess many of us have watched these car chases in movies where the police are trying to get someone – sometimes actual footage. Situations where people will try to make that unnecessary getaway can be quite dangerous – or when their car has not completely stopped – and I can see why this is being put in place. Again, this is going to be one of those things that we have to continually be looking at, but I think this is more going to be another way to lay a charge. I am not sure that for a person who is really wanting to get away this is going to stop them from attempting that. Perhaps that was not what was in mind when it was put in place.

The Terrorism (Community Protection) Act 2003 is also going to be amended by this particular bill:

- (i) for the procedures and operation of the Countering Violent Extremism Multi-Agency Panel ...

This is obviously a good thing, I would I think. Again, it needs to be monitored. And:

- (ii) for the powers of the courts and the Secretary's delegates in relation to support and engagement orders ...

Look, nobody in this day and age wants to live in a situation where they do not feel safe and where they do not feel that they can be protected. I cannot help, though, remember that it was under a Labor government that we had rubber bullets being fired on civilians at the shrine. That was not for an act of terrorism; that was simply a peaceful gathering. I was not there, but I can say that I had at the time turned on my TV for a break from the screen at work. I turned it on and I watched it live, and I could not believe what I saw. I actually cried. There were tears rolling down my eyes to think that in Victoria it had come to this. It was so unnecessary. So many people being shot at in the back – honestly, I do not think that is an image I will ever forget. Having said that, I know that our police do a great job and we need to have laws that will protect them and civilians.

There are a number of minor and technical amendments in this act as well. Again, as I said, these are all things that we are going to have to continue to monitor. As a Liberal, as I said, I do not feel comfortable with constantly putting things in red tape to put more and more restrictions on Victorians. But I do want Victorians to be safe, and I do want police to be empowered to do their job. As has been mentioned in this chamber, the majority of police are fantastic. They do a wonderful job with great intentions. There is just the occasional person where power can actually make them difficult, and they can make other people's lives difficult as well and unnecessarily so.

In terms of the Victoria Police Act 2013 this bill is going to amend the code of conduct for Victoria Police personnel. It is going to amend the medical assessments of fitness and the conditions that may be imposed on a police officer or a protective services officer for a breach of discipline. Again, these things all concern me if they are done in a way that is actually an abuse of power or in a way that is unfair, but if they are done in the right way with the right reasons and the right restrictions then I do not have a problem with that. The restorative engagement and redress scheme for current and former Victoria Police personnel will also be amended, and the unauthorised access and use and disclosure of police information will also be amended by this. The Victorian Civil and Administrative Tribunal Act 1998 in relation to the federal subject matter and, as I mentioned earlier, the working with children check for the Worker Screening Act will also be amended.

So there are a number of things that this bill actually does address, and we are not opposed to them as an opposition or as a coalition. But we will be watching to see how these things are administered in public and in the domains for which they are intended.

**David ETTERS HANK** (Western Metropolitan) (11:03): I rise to make a brief contribution on the Justice Legislation Amendment (Police and Other Matters) Bill 2023. I will limit my contribution to the amendments aimed at strengthening police accountability. These amendments have been introduced in the wake of the Victorian Inspectorate's special report entitled *IBAC's Referral and Oversight of Emma's Complaints about Victoria Police's Response to Family Violence by a Police Officer*. Briefly, the special report finds that IBAC, the organisation tasked with police oversight in Victoria, seriously failed in its handling of Emma's case. Victoria Police became aware that Emma was being abused by her husband, a senior constable, in 2018, and he was subsequently charged with family violence offences in 2020. Emma had provided confidential information to a family violence officer, including her plans to escape with her children interstate. That confidential information was leaked to her abuser, forcing her to abandon the plan and putting her and her children at considerable risk. When Emma took her concerns about the handling of her case to IBAC, rather than investigating, IBAC referred her complaint to Victoria Police's professional standards command for review. Aside from the danger this placed Emma and her children in, the delays in dealing with her case meant that

the officer who leaked her information could not be prosecuted, due to the existing statute of limitations on disciplinary action for the offence of unlawfully accessing, using or disclosing police information.

None of the opportunities to look closely at systemic issues within Victoria Police – the possible corruption within the force, the conflicts of interest affecting the independent investigation process and the evident unwillingness of officers to act against their own – were pursued. The inspectorate's report exposed fundamental failings in our system of police integrity and oversight in this state. This bill addresses some of those issues. Enshrining the Victoria Police code of conduct and expressly stating that noncompliance can constitute a breach of discipline is commended. I feel that the use of a more forceful verb such as 'does' would be more effective, but it is a good first step. Authorising a discipline inquiry officer to direct a police officer or PSO to undertake an independent medical assessment of their physical and mental fitness to participate in disciplinary proceedings will prevent officers from avoiding or delaying the disciplinary process simply because they are on leave and will bring Victoria Police disciplinary procedures into line with other workplaces.

The extension of the statute of limitations for the offence of accessing, using or disclosing police information from 12 months to three years has been welcomed by stakeholders. Under section 227 of the Victoria Police Act 2013 it is an offence for personnel to access, use or disclose police information when it is not in line with their current duties. So to contextualise this: all police data is stored on their law enforcement assistance program database. Currently an officer who accesses the LEAP database without authorisation, which offenders may do for the purposes of stalking ex-wives or women in general, as was the case in Emma's situation, will avoid criminal sanctions if they are not charged within 12 months. The problem is that these offences are often only discovered when the relevant officer is being investigated for other or more serious offences.

While the extension is a positive step, it does not really address the issue of poor internal data auditing within Victoria Police. This is 2024, after all. In any other organisation – certainly in our financial and medical institutions – when a person tries to access unauthorised material, there is an immediate alert because this is an unauthorised invasion of privacy. The Victoria Police database, which stores highly sensitive and confidential information, has no such proactive checks. We are forced to rely on police training and the line 'Our officers are told not to breach the code of conduct'. Well, what could possibly go wrong with such an approach?

Members may recall the long debate that took place last year on the Health Legislation Amendment (Information Sharing) Bill 2023 and the need for proactive data security and auditing in the public health sector. We were assured that it is both entirely possible and absolutely necessary. Well, if it is good enough for health workers, why wouldn't we want to see that applied to our police officers? So why isn't it happening? Victoria Police employs state-of-the-art surveillance equipment, including facial recognition, drones and all sorts of high-tech gadgets, but when it comes to the internal monitoring of people's privacy it is apparently not seen as a priority.

This goes to a broader issue of police accountability in this state. Victoria Police's own Chief Commissioner of Police has recently acknowledged a rise in the number of police officers facing disciplinary hearings for misconduct ranging from family violence and drink driving to releasing confidential police information. Despite a catalogue of reports and recommendations, including the 2018 parliamentary committee report into police misconduct, the Royal Commission into the Management of Police Informants, the recommendations of the Yoorrook Justice Commission and the government's own departmental review of police oversight, which seems to have quietly died sometime in 2022, this government has made no substantial change to the way complaints against police are handled. While IBAC was rightly chastised for its handling of Emma's case, the fact is IBAC is not set up to be a police complaints body. IBAC handles at most only 2 per cent of all complaints made against police and refers the rest back to Victoria Police for internal investigation.

Legalise Cannabis supports this bill. As I said, it is a step in the right direction and is better than nothing, but it does not go far enough. We are also supporting the Greens amendments, which aim to give some certainty to those Victoria Police employees who make a complaint to IBAC regarding police misconduct that they will not be found in breach of their duties in doing so. Victoria Police need to address the systemic failings within their organisation if they are to maintain the trust and confidence of all Victorians. It should not be left to police to investigate their own. Ultimately Victorians deserve an independent police complaints body.

**John BERGER** (Southern Metropolitan) (11:10): Today I rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2023. This bill seeks to update and improve disciplinary standards and procedures for Victoria's brave police men and women. The bill also increases Victoria Police's capacity to regulate firearms and make administrative enhancements and improves the operation of the Countering Violent Extremism Multi-agency Panel, or CVEMAP. It will also expand the circumstances where Victoria Police officers are authorised to use vehicle-immobilising devices. The bill addresses many aspects of police discipline but mainly engages with enforcement of the Victoria Police code of conduct. It does this by amending the Victoria Police Act 2013, the Firearms Act 1996, the Fire Rescue Victoria Act 1958, the Terrorism (Community Protection) Act 2003, the Road Safety Act 1986, the Victorian Civil and Administrative Tribunal Act 1998 and the Worker Screening Act 2020.

Before I begin my contribution on the substance of this bill and what amendments it will make, I want to say this: our men and women in blue are incredible. It is important to commend the vital and difficult job that Victoria Police officers and public safety officers do every single day across Victoria. Victoria Police, through its over 20,000 employees, delivers policing services to over 6 million Victorians, with about 14,000 interactions with the public daily. From officers in Southern Metro to those working in single-officer stations in all corners of Victoria they are essential to the preservation of safety in our community, often putting themselves at risk to do so. I have had the privilege of meeting many police officers across Southern Metro and in my community. I am truly lucky to have such fine people protecting them and their safety.

Our police do a very difficult job, but it is essential that Victoria Police have a comprehensive discipline system to maintain the highest standards of integrity. To this effect the Allan Labor government has found it preferable to enhance and affirm the importance of the Victoria Police code of conduct. The bill will amend the police act to enshrine several disciplinary mechanisms, including the capacity of the Chief Commissioner of Police to issue a binding code of conduct for Victoria Police and subsequently establish noncompliance with that code of conduct to be a breach of discipline. This will ensure that our police force is held to a standard of behaviour and conduct that should be expected of our state's protective services.

To ensure equity and fairness in the prosecution of discipline inquiries, the bill makes alterations to the procedure surrounding medically justified adjournments. In discipline inquiries police officers or PSOs under investigation may request an adjournment on the basis of medical grounds. The officer or PSO requesting the adjournment will of course be required to provide a medical certificate. This is because the officers conducting discipline inquiries are not medically trained and therefore they would be sometimes unable to determine if an adjournment is genuinely required. Currently adjournments can result in delays of more than a year. This is unacceptable in any case, including cases where an officer is suspended with pay. Because of the potential for these delays, it is imperative that cases only be adjourned out of necessity. To address the impact that medically justified adjournments can have on delays to discipline inquiries, this bill will enable officers and PSOs subject to discipline inquiries to produce an independent medical assessment on their capacity to participate in the discipline inquiry.

The police act currently requires that a police officer or PSO who violates the code of conduct or commits a criminal offence be placed on a good behaviour bond. This bill seeks to improve the functioning of good behaviour bonds in the Victoria Police disciplinary system by including a list of conditions that can be imposed as well. The bill includes mechanisms for testing for drugs and alcohol



in cases where the conduct that constituted the breach of discipline resulted in a positive test result for drugs or alcohol; the completion of a training, education or professional development program; the completion of a health and wellbeing program; or the undertaking of an action designed to address harm caused by the breach of discipline. The list is not exhaustive and is to be used at the discretion of the chief commissioner. It is also expected that the conditions imposed would align with the nature of the breach of conduct or criminal offence. That is to ensure that the response to the police misconduct is effectively addressed on a case-by-case basis. To this effect, the condition attached alongside a good behaviour bond must be reasonably linked to the conduct of the officer subject to the disciplinary action. Additionally, Victoria Police is expected to take all actions reasonable and necessary to ensure that this occurs. For most bonds and conditions a time limit will be set to a period of 12 months, except for drugs and alcohol testing, which may last for a period of two years. The bill also outlines the actions to be taken in circumstances where the officer or PSO subject to disciplinary action breaches their bond or condition.

This bill will also implement reforms to introduce a more stringent disciplinary code for our police force. It is not unreasonable to expect that our police force is held to a high standard, a standard that I know Victorian police officers will exceed and meet every day. The Victorian police force is dedicated to preserving public safety, and these amendments are being introduced for that exact purpose – for the benefit of the public and for the benefit of the 99 per cent of the Victorian police force that put the uniform on every day to do the right thing. These amendments will ensure that those who fail to recognise the gravity of their appointment are held to the appropriate account.

At this stage, the statute of limitations has played a role in limiting the opportunity for appropriate prosecution of the crime of wrongful or inappropriately accessing, using or disclosing police information. It is important to remember when discussing topics like this that it is in no way reflective of the nature of the police force. Victoria Police is an organisation comprised of brave and selfless individuals who sacrifice their time and safety to protect the community – brave officers like Sergeant Gary Silk and Senior Constable Rodney Miller, heroes in Southern Metro. Silk and Miller were tragically murdered on the job just over 25 years ago and are remembered in a memorial plaque outside Prahran police station just metres from my office. May they rest in peace.

Another amendment within this bill seeks to empower the anti-terrorism and anti-extremism mechanisms within the state. We are lucky in Victoria to have very robust protections against violent extremism, from the federal counterterrorism agencies to our very own Victoria Police and Department of Justice and Community Safety. Victorians can rest easy knowing that every measure is being taken to prevent unnecessary violence. One aspect of the system is deradicalisation programs. Early intervention against radicalisation functions on the basis of acquiring time-critical and sensitive information. The amendments this bill will make to the Terrorism (Community Protection) Act 2003 seek to remove barriers to information sharing in relation to cases of individuals who prove a low to medium risk of engaging in terrorism or violent extremism.

This bill also amends several other laws and acts outside the expressed intentions to improve Victoria Police's code of conduct and disciplinary mechanisms. This bill will amend the Firearms Act 1996 to allow a licensed firearms dealer to receive a firearm from an unlicensed person who does not satisfy the valid exemption. This is in accordance with the national firearms amnesty. Victoria's firearm controls are world leading. This government is eager to introduce any measure that will help facilitate the procedure of the ongoing national firearms amnesty. Licensed firearm dealers are contributing greatly to the amnesty. This aspect of the bill seeks to clarify the scope of what their role in the amnesty in Victoria is. This should help to improve the ability of each individual licensed firearms dealer to assist in a smooth and successful amnesty to improve community protections and VicPol's ability to enforce community safety.

This bill makes amendments to powers relating to vehicle-immobilisation devices, or VIDs. At this stage Victoria Police are only permitted to use VIDs as a tool to prevent a driver from escaping custody or arrest and other limited circumstances in which it is necessary to stop a motor vehicle moving. The

bill extends the right and capacity of Victoria's police to deploy the use of VIDs if they reasonably suspect that a person is intending to drive or actively drive a vehicle in such a manner that is likely to cause harm, or more harm, to themselves or any other person, including a police officer. In doing so, police officers will be required to take the necessary steps to inform the individual operating the target vehicle of their intention to deploy the VID. This standard of expected communication effort is also extended to the deployment of the VID and subsequent removal of the VID. Exceptions are held if it is impractical or impossible for the officer or officers involved to do so safely. Both the requirement of suspicion on reasonable grounds and this information are present within the design features of this expanded access to VID. It is important to strike a balance between the right of every Victorian under the Charter of Human Rights and Responsibilities to freedom of movement, which may in some respects be limited, and the life-saving road safety impacts that the expanded use of vehicle-immobilisation devices will garner. This will ultimately have major benefits and outcomes for the community. If operated incorrectly or recklessly, motor vehicles of any size can be dangerous to individuals, something I have learned all too well from my time as a branch secretary of the mighty Transport Workers' Union of Victoria. To that effect, it is incredibly important that the police force, which exists to protect the safety of every single Victorian, is given the tools and mandate to do so.

Additionally, the Worker Screening Act and the Child Employment Act 2003 are to be amended to extend the exemption many Victorian police employees are subject to in relation to working with children checks. Currently police custody officers, also known as PCOs, are not exempt from being required to obtain a working with children check, despite being held to the same security vetting requirements as police officers and protective services officers.

This bill will also make amendments to the Fire Rescue Victoria Act, particularly in relation to the transition of staff from the Country Fire Authority to Fire Rescue Victoria. This is in relation to the 2019 reforms of the fire services. The FRV act gives the minister the ability to direct an allocation statement for the rights, liabilities and obligations to be transferred from the CFA to Fire Rescue Victoria. Transferred staff are divided into two categories: those belonging to a specific station and those not. The FRV act currently does not allow for the minister to allocate rights, liabilities and obligations for FRV staff not assigned to a particular station. The bill seeks to ensure that the minister's abilities are consistent for all employees of Fire Rescue Victoria.

The final amendments made in this bill are to the VCAT act. The bill's amendments to the VCAT act are minor technical changes that offer clarification of the potentially ambiguous description of the operation of section 77. This is following a recent amendment that extended to the limitation period of federal matters being seen before VCAT. This bill provides clarification that for a matter referred to in the court by way of section 77(3) the court has the power to extend limitation periods, including those not joined to any VCAT hearing before the matter referred. This is due to some confusion in relation to the courts' power over third parties.

Before wrapping up this speech I would like to say a few things about Victoria Police. We are truly lucky in this state to be protected by some of the hardest working men and women in this state. I have been lucky enough to meet many of the officers across my electorate of Southern Metro, and every time I have been in awe of the commitment that they have to our community. I have met with police officers at stations like Prahran station, right near my office, and over at Boroondara and Camberwell police stations. Thank you to my friend Minister Carbines for coming along with me to chat with frontline workers giving it their all every day to protect our great state and my community.

The Allan Labor government recognises the hard and essential work that our police officers do every day for civilians like us. Rather than gutting and destroying the police force like the opposition's predecessors did under Jeff Kennett with the sell-off of Victoria's public services, the Allan Labor government believes in empowering police to do the best that they can do. The Allan Labor government invests in Victoria Police so we can make their job easier. We do not cut funding to make an already dangerous and difficult job harder. It is important to acknowledge that police do more than protect and defend our community. They are also an important outreach into the community. From

neighbourhood and safety programs to early intervention programs against youth crime, Victoria Police know that a modern, holistic approach to policing will always result in a safer community.

I would also like to commend police officers across Victoria for their tireless work and invaluable contribution to our greater community. I would also like to thank the police commissioner for the cooperation he has offered in the construction of this bill. I remember from my time at the Transport Workers' Union that Victoria Police were very helpful and respectful. In short, I am sure that everyone will join with me in commending this bill.

**Jeff BOURMAN** (Eastern Victoria) (11:25): I will give a very brief contribution. This bill does a number of things which we have covered. It covers a lot of, I guess, disciplinary things to do with the police. No organisation exists in any endeavour that has no misconduct of any sort. I guess in this instance it is tidying up some loose ends. Frankly, some of it is pretty good. I did note one member's contribution complaining about the lack of police oversight and so on, and then they said that the number of complaints that have been investigated has risen. Clearly if it is rising, things are happening and people are making them. There is a system, and it is working.

But anyway, the main crux of what I want to talk about today is the Firearms Act 1996 changes. Some of them are good. I am flagging an amendment that I will circulate in the committee stage. There is a provision to allow firearms dealers to basically take an unregistered firearm from an unlicensed person to get it out of the system – an amnesty, for want of a better word. This has only been probably, I do not know, two centuries in the making. This should have been done from day one. Any amnesty that gets an illegal firearm out of the community is good. It should always be that way, and I know that other states in this country do not do that. But you are either serious about getting them out of the system or you are not. The part that I will move an amendment to is clause 14, to do with bolt action shotguns. I will have a couple of questions in committee.

There are a lot of other things in this bill. There is something to do with the Road Safety Act 1986 to deploy vehicle-immobilising devices – to hopefully cut down on pursuits – and a whole lot of stuff to do with FRV. With the limited time I have available to me, I will wrap it up there.

**The ACTING PRESIDENT (Michael Galea)**: Thank you, Mr Bourman. May I compliment you on your tie as well. I must now interrupt business pursuant to a resolution of the house on 28 November 2023, and I will leave the chair and suspend the sitting. I ask members to make their way to the Assembly chamber for a special sitting to consider a motion for a parliamentary apology to past care leavers.

**Business interrupted pursuant to resolution of Council of 28 November 2023.**

**Sitting suspended 11:28 am until 2:02 pm.**

### *Members*

#### **Minister for Skills and TAFE**

#### *Absence*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:02): I will accept questions on behalf of Minister Tierney for her portfolios of skills and TAFE and regional development should any be forwarded to her in her absence.

### ***Questions without notice and ministers statements***

#### **Victoria Legal Aid**

**Evan MULHOLLAND** (Northern Metropolitan) (14:02): (406) My question is to the Attorney-General. Attorney, the Labor government provided \$341,604 in Legal Aid funding to Environmental Justice Australia in the last financial year. The Victorian taxpayer funded organisation recently appointed Alina Leikin as its principal solicitor. Ms Leikin's conduct while at the Environmental

Defenders Office was slammed by Federal Court judge Natalie Charlesworth in a January 2024 judgement which found she had been distorting and misrepresenting what an Indigenous informant had said and that her actions constituted a form of subtle coaching of other Indigenous witnesses. Attorney, why is the Allan Labor government now funding the salary of an environmental legal activist whose professional reputation has been shredded by a judge of the Federal Court of Australia?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:03): I thank Mr Mulholland for his question. I am not familiar with the individual that you have raised, nor am I familiar with any legal contracts or arrangements that she has been engaged for. But there are appropriate mechanisms if people have complaints about the legal profession, and if there is an appropriate complaint that anybody would like to make, that is where you direct it.

**Evan MULHOLLAND** (Northern Metropolitan) (14:04): Attorney, many Victorians are unable to access Legal Aid despite being desperate for legal help. Victims of family violence and people facing jail report being unable to qualify for Legal Aid funding due to a lack of resources. Why does your government fund the legal activism of Environmental Justice Australia at the expense of women fleeing domestic violence in the home?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:04): I reject the premise of your question, Mr Mulholland. It is not a decision of mine; I do not dictate to departments which lawyers they should use. That would be incredibly inappropriate. In relation to Legal Aid, there are several funding sources, including state and federal government, that go to Legal Aid. I have a good relationship with them, talking to them regularly about their budget, ensuring that access to justice is provided through VLA to people that need it in Victoria.

#### Wildlife Act 1975

**Georgie PURCELL** (Northern Victoria) (14:05): (407) My question is for the Minister for Environment in the other place. From a media release in February three years ago the government in their own words said that they were undertaking the most comprehensive review of the Wildlife Act since its introduction more than 45 years ago to ensure that it keeps pace with contemporary issues, changes in policy settings and community expectations. An expert panel was assigned, who reported back to the government by the end of 2021. Since then, there has been crickets on the issue. This expert report was never published, and the government never responded. Does the government intend to keep the commitment to modernising the Wildlife Act?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:05): Thank you, Ms Purcell. I reckon I can get that directly to the Minister for Environment rather than going through the acting minister, and I will take that on board.

**Georgie PURCELL** (Northern Victoria) (14:06): Thanks, Attorney, for referring that on. My supplementary question is: when will the government release the report from the expert panel, or will it just be another process of using taxpayer money and resources for inaction on our native animals?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:06): Ms Purcell, I will get an update from the minister to respond to your question in relation to the timing or otherwise.

#### Ministers statements: community safety

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:06): I rise today as Minister for Multicultural Affairs to acknowledge the ongoing distress in our community as a result of the conflict in Israel and Gaza. I think it is a timely reminder to remind ourselves of our role in this place as elected representatives of some of the most diverse communities in the world. Many thousands of people have made Victoria home after fleeing conflict and persecution. This state has been a safe haven and a new beginning for many diasporas, and I am proud to represent them both as minister and as a member for Melbourne's west.

I believe that in times of conflict we have an even greater responsibility and indeed a duty to bring Victorians together and to be unified by our common values. I know many community leaders are doing this, but their efforts can be hindered by the careless grandstanding and rhetoric of a small minority. I speak regularly with leaders from the Islamic, Palestinian and Jewish communities, and I know they all continue to share a sense of fear for their communities here in Victoria. We must all show leadership during this particularly challenging time to promote peace, empathy and understanding within and between our communities. Our state's social cohesion is too important to play politics with. I would like to acknowledge and thank all of those community and faith leaders who have committed to continuing to support people impacted by this tragic conflict for many, many months now, and I call on everyone here in this place to be part of spreading a message of unity and empathy within our community and to work to bring all Victorians together at this particularly challenging time. Regardless of our politics, we should all be working to ensure Victoria is a place where every member of our community can feel safe and represented.

### Fire Rescue Victoria

**Melina BATH** (Eastern Victoria) (14:08): (408) My question is to the Minister for Emergency Services. The total cost of operating Victoria's fire services is the most expensive in Australia at \$2.2 billion – about a third greater than New South Wales and double that of Queensland. At the same time your government has cut the volunteer funding base by another \$3 million this financial year, reducing the total funding to an insufficient \$310 million for the over 1200 volunteer brigades that serve Victorian rural communities. Is the huge increase in expenditure to the FRV for paid firefighters because of the loss of CFA volunteers, the cuts to the budget and the fact that you have disrespected Victorian volunteers?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:09): Absolutely not.

**Melina BATH** (Eastern Victoria) (14:09): Minister, over the past 10 years the government has increased expenditure on fire services by nearly 47 per cent, yet Fire Rescue Victoria has recorded a \$170.3 million loss in the 2022–23 year, worsened by the ballooning expenses on employees, now costing more than \$887 million. If the government cannot manage money, it cannot manage the FRV budgets, it cannot resource the Victorian CFA volunteers properly, how can Victorians have an expectation or the confidence that this government will keep them safe during bushfire and fire events?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:10): Ms Bath, with a minute it is going to be hard to get through a comprehensive response to that.

**Melina Bath** interjected.

**Jaclyn SYMES**: Well, you should have asked that question first. Victoria is known around the world as one of the most fire-prone areas, and that is why we have an amazing turnout of community volunteers, because they know that they need to help protect their communities, and they do a fantastic job. I love meeting with brigades; they are passionate community-involved people.

The fire services agencies have continued to perform strongly, and we do not make any apologies for providing appropriate funding to ensure Victorians are safe. We have the best turnout rates in the country, and so your assertion –

*Members interjecting.*

**The PRESIDENT**: Order! The minister's time has expired. She did not get to finish her answer because of the interjections.

### Medically supervised injecting facilities

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (14:12): (409) My question today is to the Leader of the Government. In 2020 your government committed to accepting all of the recommendations of

the independent Hamilton review of Victoria's first medically supervised injecting room trial in North Richmond. One of these recommendations was to establish a second medically supervised injecting service trial in the City of Melbourne. Can you please confirm to the house that your government still stands by this commitment to establishing a second supervised injecting room in Melbourne?

**The PRESIDENT:** Mr Puglielli, getting back to me reading the rulings book, there have been rulings that the Leader of the Government –

**Jaclyn Symes** interjected.

**The PRESIDENT:** Yes, it was you. There have been rulings that the Leader of the Government is not seen as the same as the Premier in the other house, who can answer every question. But what is fortunate – and she can tell me if it is wrong – is that the Minister for Mental Health would be the person with responsibility for that question anyway. So if you are happy for that question to be directed to that minister, I will call her.

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:13): I thank Mr Puglielli for his question. Of course this is not a new question; I have been asked in this place and publicly in the community about these issues on more than one occasion. The issue of the government's commitment to establishing a second safe injecting room in the CBD is a complex one. It is also an extremely important thing for the government to continue to consider in a thoughtful way. There is significant drug harm occurring in the CBD, there is no question about that, and as well as the review that the member refers to we are of course in the process of considering the Ken Lay report, which has been looking at these issues in great detail. The report, alongside the government's response, will be released in due course.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (14:14): Thank you, Minister, for the response. I will note just then in the response you acknowledged that this is a commitment of the government, so in terms of my substantive question I am interpreting that as a yes, that you are standing by that commitment. By way of supplementary, we have seen comments from the Premier that have been made in the media over the past week about a resolution to this issue being in place by the end of this year, so I ask: what does this resolution mean? In terms of policy, will an overdose prevention centre be available in the Melbourne CBD this year?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:15): Thank you for that supplementary question. I will not be drawn on those issues because I have quite clearly articulated on a number of occasions now that these issues are under active consideration and are the subject of discussion between colleagues. When we are in a position to respond to Ken Lay's report, we will be releasing that report and the government's response to the recommendations.

#### **Ministers statements: corrections system**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:15): I rise to update the chamber on the recent release of the Productivity Commission's 2024 *Report on Government Services* for corrections. The report focuses on the efficiency and effectiveness of the provision of government services across Australia, including correctional services. Our government has invested over \$4.7 billion of new funding into the Victorian corrections system. The *Report on Government Services* shows that Victoria's strong history of investment in the corrections system is paying dividends. Victoria continues have one of the lowest rates of imprisonment in the country, at 125 people in custody per 100,000 adults – well below the national average of 200. Our strong investment in correctional infrastructure means our prison capacity exceeds demand, meaning we are well placed for the future. Our investment in reform and rehabilitation also means that we have the highest prisoner employment rate and the second-highest rate of prisoners in education and training across the country. These investments are working to break the cycle of offending and make Victorians safer. Reoffending rates remain below the national average

and the completion rate of community correction orders in Victoria has increased. Victoria continues to have the lowest rate of return to corrections for people who complete their community-based orders.

Our focus on crime prevention and addressing offending behaviour is working. Victoria's corrections system is also efficient and cost effective. Our corrections system has the equal lowest per capita expenditure in Australia, almost 20 per cent below the national average. Victoria's corrections system is delivering positive outcomes. We are holding offenders to account while supporting them to find better pathways for rehabilitation. Our investments are making Victoria safer.

### Water policy

**David DAVIS** (Southern Metropolitan) (14:17): (410) My question is for the Minister for Water. Minister, will you confirm that Melbourne Water has struck a deal with the Wadawurrung and that that will give them culturally specific rights over Melbourne's Western Treatment Plant, and will you outline what those rights are?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:17): Well, Mr Davis, you are nothing if not utterly predictable, because one of the things that I knew was going to happen when I opened the paper this morning to see your various theories on cultural heritage management plans was indeed a precursor to another conspiracy by you as to the way in which decisions are taken by water authorities.

**David Davis:** On a point of order, President, question time is an opportunity for government ministers to answer questions, not to go on a frolic about the opposition.

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

**Harriet SHING:** Mr Davis, one of the great challenges that I have, and one of the great difficulties that I have, with this line of questioning, which I think is more than a little nastier than earlier questions that you have asked about the way in which allocations, dividends and payments are made and decisions are taken by water authorities is that this might well be forgiven for being considered an ugly little patch-up for a decision taken by the coalition to walk away from a commitment to treaty made last October.

**David Davis:** On a point of order, President, the minister is defying your ruling. The job of ministers in question time is to answer questions, not to attack the opposition.

**The PRESIDENT:** I am not so sure that she defied my ruling, because she did go to how decisions are made in her portfolio, but I will call her back to the question.

**Harriet SHING:** Mr Davis, let us talk about the engagements and partnerships with First Nations communities, leaders and people around the state, including as they interface with water. For avoidance of any doubt and to perhaps pre-empt any disinformation or misinformation, authorities, agencies, departments and indeed I would hope all levels of government partner with First Nations organisations and communities to make sure that we are in the process of meeting legal requirements for the work being undertaken. That includes a suite of environmental, health and safety and other obligations that inform this work. I know, and Melbourne Water has been clear, that it makes absolutely no apology for working closely with the community and stakeholders, including traditional owner groups. So individual projects are guided by government policy, and therefore within the realms of each discussion about each project and the way in which those decisions are taken, close engagement happens, Mr Davis, in a way that is perhaps a little more intricate than you might appreciate –

**Nick McGowan:** On a point of order, President, further to standing order 8.07(1), the minister is now clearly going off on a different frolic of her own. The question was very specific about the nature of the agreement in this instance, so I would ask you to draw the minister back to that question.

**The PRESIDENT:** I do not uphold that point of order. People need to be questioned on longwinded preambles too, because they form part of the question, and so the minister –

**A member** interjected.

**The PRESIDENT:** Well, I will take back that terminology – long preambles. The chamber needs to accept there are many rulings that preambles form part of the question, so I do not uphold the point of order. The minister is being relevant to the question.

**Georgie Crozier:** On a point of order, President, I do not want to defy your ruling, but I am just wanting an explanation. We have to give some context to the question. Mr Davis needed to do that, and I would say that this was not a long preamble, as you describe, to the question. It was very simple – one sentence and then one question. I do not want to defy you, but I do think there needs to be an understanding about context when questions are asked.

**The PRESIDENT:** Ms Crozier, I did withdraw the word ‘long’, and I accept that maybe I misused it. Presidents Chamberlain, Atkinson, Smith – these are not my rulings. Probably greater people than me have made these rulings, so I bow to my great predecessors on some of these things. Anyway, take the preamble away, I still determine that the minister is being relevant to the question. I will call the minister to continue.

**Harriet SHING:** Thank you very much. So, Mr Davis, if you would have a look on Melbourne Water’s website, you would actually see the partnership agreements that Melbourne Water has, including with traditional owner organisations. That has been informed as much as anything else by the discussion in this Parliament back in 2016, a discussion that you actually voted to support, in relation to cultural heritage and the work that is being undertaken to enable greater enforcement in relation to those who do not respect Aboriginal heritage and those who do not comply with the cultural heritage management plans. Melbourne Water is proud to support those partnerships, and that work goes on and will go on.

**David DAVIS** (Southern Metropolitan) (14:23): My question was actually very specific about rights: will you outline what those rights are? The minister has defiantly failed to do that. But in that circumstance, I will ask the following question: will the minister confirm that the Wadawurrung have certain veto powers over key management decisions in respect of Melbourne’s sewage treated at the Western Treatment Plant?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:24): What a disappointing follow-up from you, Mr Davis. The discussions that we have across the board and through organisations and entities that operate under state legislation are guided and ought to properly be guided and informed by principles of respect and a move toward self-determination. That may well be a concept increasingly anathema to those opposite who do not accept that there is a proper basis upon which to consider and indeed to activate a transfer of power and decision-making to traditional owners –

**Nick McGowan:** On a point of order, President, under 8.07(1) the answer has to be relevant from the minister. This question is very specific about whether there is a veto right in respect to management decisions. It is a very specific question; it is not about our position or previous positions. I ask you to bring the minister to order.

**The PRESIDENT:** There is no point of order. The minister is being relevant to the question.

**David Davis:** On a point of order, President, this is actually a very straightforward question; it is a yes or no question, and the minister should answer with a clear answer.

**The PRESIDENT:** It is not for the President to force the minister to answer in any way other than how she sees fit. I still believe she is being relevant to the question.



**Harriet SHING:** Mr Davis – and this is going to be hard for you to swallow – it is plain wrong to suggest that any agreement with traditional owners will have an impact upon Melbourne’s water supply. In fact the way in which authorities roll is to provide water, sewerage, drainage and catchment and waterway management, and agreements do not actually compromise this obligation.

#### Water treatment

**Moira DEEMING** (Western Metropolitan) (14:26): (411) My question is for the Minister for Water. Last year I spent three days at Ecoforum learning from world-class experts about PFAS, the environmental contaminants that so plague my Western Metro Region. As we know, Victorian state government run corporations, such as Melbourne Water, process sewage water for redistribution to the agricultural industry via the circular water economy. The biosolids and recycled water produced are used to irrigate and fertilise farmland that produces fruit and vegetables for human consumption as well as to grow feed crops for livestock sold for human consumption. Given that in early November 2023 international experts thoroughly reviewed the published literature on PFAS and in particular PFOA and reclassified PFOA from ‘possibly carcinogenic to humans’ to ‘definitively carcinogenic to humans’, what action has the government taken to prevent human consumption of PFAS in general and in particular PFOA from application of contaminated biosolids and recycled water to agricultural land, such as in the Werribee basin?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:27): Mrs Deeming, I am really happy to give you an answer in relation to Werribee and the Werribee recycled water projects that you have talked to, but this also appears to be a question – when you talked about PFOS and PFOA more generally – for the attention of the Minister for Environment. I am happy to answer it in relation to water.

**Moira Deeming** interjected.

**Harriet SHING:** Okay. That is all right. That is fine. Should you want to get any general information, I am also happy to facilitate that for you as well. Thank you for raising this issue, and thank you for talking about recycled water and the way in which it forms a really important part of circular economy work and for identifying biosolids and other by-products that can and indeed do form a really important part of meeting our energy needs as well as opportunities to make sure that our productive land becomes even more productive.

The Werribee irrigation district, as you would well know, is one of the foremost areas in Australia for the production of –

**Moira Deeming:** On a point of order, President, I just said ‘such as in the Werribee basin’. The substantive question was: what action has the government taken to prevent human consumption of PFOA from the circular water economy?

**The PRESIDENT:** I will bring the minister back to the question. I think, Mrs Deeming, you were advised the question was best addressed to the Minister for Water, and the Minister for Water has indicated that maybe that was not the right thing and that the Minister for Environment would be best to answer it as a global issue. It is not in our purview that there might be an issue here, so I am happy to take advice from the minister if it would be better, if it is to be talked about globally, for it to be to the Minister for Environment.

**Nick McGowan:** On the point of order, President, the question gets to the treatment of the water. That is the crux of the question, so therefore it is squarely, in my view, absolutely within the purview of the Minister for Water.

**The PRESIDENT:** I understand, and I am trying to make sure that Mrs Deeming gets an answer to the question that satisfies her, so I am taking advice from the minister.

**Harriet SHING:** Thank you, President. Mrs Deeming, I am in no way trying to actually give you anything other than what will assist you in this regard. Water is, however, one way in which PFOS and PFOA can move through the system. So to the extent that that covers the water portfolio, I am really happy to provide you with information about treatment, about testing and about the way in which recycled water forms part of that system, whether it is reverse filtration or triple UV treatment.

**Moira Deeming:** On a point of order, President, do you want me to just read the last little bit? I am not sure if, because I had a long preamble, perhaps the substantive part was missed. Or is it the wrong minister? Do you want me to put it to a different minister?

**Harriet SHING:** I can give you information, but you might want broader info from the minister for this one.

**Moira Deeming:** I specifically just want information about what action the government has taken to prevent human consumption of PFAS, and in particular PFOA, from the circular water economy.

**The PRESIDENT:** I will direct that to the Minister for Environment for this purpose. I am not setting a precedent, but maybe we could reset the clock to make it easier to get –

*Members interjecting.*

**The PRESIDENT:** You have helped very much. I am not being rude.

*Members interjecting.*

**The PRESIDENT:** So you can get the answer you want – unfortunately the Minister for Environment is not here – you will get a written response. I will call the Leader of the Government, and she will probably refer it to the Minister for Environment.

**Jaclyn Symes:** Mrs Deeming, I think we owe you a comprehensive response to the question that you have asked, and we will pass it to Minister Dimopoulos.

**Moira DEEMING** (Western Metropolitan) (14:31): I am assuming this will go in the same kind of direction. It seems to me that the science on the dangers of PFAS compounds in general has been available since 2017, so my supplementary question is: when did the government become aware that Victorian water corporations knew that there was PFAS, and in particular PFOA, in the recycled water used in our circular water economy?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:31): I think Mr Dimopoulos's office will work with Minister Shing's office and just get you all the relevant information.

#### Ministers statements: social services

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (14:32): Vulnerable Victorians deserve to have their needs and concerns met, and in fact there is no more important matter for government than ensuring that their needs and concerns are met. It is important to note that from 1 July 2024 the Social Services Regulation Act 2021 establishes a new framework for social services in Victoria, and the initiatives that were in this act, to remind the house, include supporting the safe delivery of social services, ensuring social service providers understand their role in protecting the rights of social service users, defining roles and responsibilities of social service providers, giving a new regulator monitoring and enforcement powers so they can respond to risks of harm and improving information sharing across regulators so that they can identify and respond to any risks of harm to service users. This will mean that Victorians have streamlined registration and reporting requirements, a common set of social service standards and a single independent regulator.

I am very pleased to inform the house that this week I have announced that the new social services regulator will be Jonathan Kaplan. Mr Kaplan was previously the CEO of the Victorian Registration

and Qualifications Authority, which regulates education and training in schools and vocational education and training providers and of course enforces the child safe standards in schools. From 1 July Mr Kaplan will oversee the establishment of a single set of social service standards and a single registration process for the hundreds of community organisations that work tirelessly day in, day out to protect the needs and concerns of vulnerable Victorians. The regulator has the capacity to identify shortcomings in service delivery and work with providers to improve standards, issue fines to providers and initiate criminal proceedings for aggravated breaches of the standards where there has been wilful or serious noncompliance with those standards. Importantly, the new regulator will replace the human services regulator and provide decision-making separation between the responsibilities of the Department of Families, Fairness and Housing and the decisions that are being made by the regulator.

Importantly also, the disability services commissioner will merge with the new social services regulator this year, with similar reforms being planned for the Victorian disability worker commissioner and the Disability Worker Registration Board of Victoria within the next two years. It is so important that all of our social services users – (*Time expired*)

### Water policy

**David DAVIS** (Southern Metropolitan) (14:34): (412) My further question is to the Minister for Water. Minister, the Thomson Reservoir is Melbourne's biggest and most important water source, and I refer to Melbourne Water's partnership agreement with the Gunaikurnai Land and Waters Aboriginal Corporation, which will, according to the agreement, establish cultural and operational objectives for the Thomson River, including the reservoir and catchment area. The agreement specifically states that Melbourne Water will start discussions on water leaving Gunaikurnai country. In fact the agreement specifically identifies water taken off Gunaikurnai country. In that context I ask the minister: will you provide an ironclad assurance to the house and to Melbourne Water consumers that no restrictions whatsoever will be placed on the transfer of water from the Thomson Reservoir to Melbourne under any circumstances by this agreement?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:35): Firstly, Mr Davis, it is a little telling that you cannot even pronounce the names of the First Nations groups who are part of this longstanding partnership and engagement. The Gippsland land and waters Aboriginal corporation includes Gunaikurnai representatives, Mr Davis, and Daniel Miller and others from GLaWAC have worked incredibly hard to forge a partnership grounded in mutual respect and in an understanding of the innate connection between the oldest continuous culture on earth and country, which includes water. Mr Davis, whenever you go along, should you wish to go along to any Gunaikurnai events or indeed to have any conversations or discussions with members of Gunaikurnai communities, you will perhaps understand that in developing frameworks for partnerships between entities such as Melbourne Water and First Nations organisations, First Nations communities and families within those communities, the discussion around self-determination and around partnership is something which goes beyond perhaps the quick gotcha moment that your question suggests.

Mr Davis, when I look to how best to assist you in understanding the way in which this works, I would direct you to *Water Is Life*, a road map for traditional owner access to water. This is an agreement for the next 50 years, a framework within which we can have a good understanding, good discussions and respectful, good-faith engagement on the way in which traditional owner access to water occurs. When Melbourne Water or indeed any other entity within the remit that we are talking about, the state of Victoria, engages with First Nations communities, it is with a view to understanding how we can have a collaborative and shared understanding about access to water and about how different needs, histories, cultures and priorities can be met.

Mr Davis, the question presupposes an interruption of supply occasioned by, supported by or facilitated by First Nations engagement and indeed some form of contractual obligation. That is a nasty

line to run. That is a nasty assertion to be making, that you would suggest that First Nations communities are in fact a reason for any future issue – even a scintilla of doubt about the security of water supply to the Melbourne grid. Shame on you, Mr Davis. This is in fact not about creating any doubt. It is about a shared pathway. It would do you well to walk that pathway – *(Time expired)*

**David DAVIS** (Southern Metropolitan) (14:38): This is shameful obfuscation we have got over here, where the minister just cannot plain admit that this does provide some veto or control power over water coming from the Thomson into Melbourne. That is the truth of the matter. The minister does not want to face it, and Melbourne people are entitled to know the truth and hear honest answers from this outrageous minister. I therefore ask: under the agreement, the Gunaikurnai land and waters corporation will have a formal management role over the Thomson Reservoir and water being moved off country. Minister, will you explain to the house how the formal co-development agreement will operate to protect the water supply of Melbourne?

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:39): Mr Davis, again, I have pointed you to *Water Is Life*. I would perhaps direct you – it might be helpful if you are inclined to even pick it up and crack the spine of it – to look at the water plan and to look at the way in which the Gippsland sustainable water strategy, the work around a long-term multidecade process to make sure that water security is delivered and that we have a plan for adaptation and for resilience as our climates become drier, is informed by and enhanced by partnerships with First Nations organisations. It speaks volumes, Mr Davis, to your abject lack of respect for the connection that First Nations communities have to water that you would seek to create a narrative that says that through some nasty conspiracy First Nations people are going to impose a veto over Melburnians' access to water. You are an absolute disgrace, Mr Davis.

**David Davis:** I move that the minister's failure to guarantee the supply of water to Melbourne be taken into account on the next day of meeting.

**The PRESIDENT:** I am actually not going to put that question. You would have to put that question by leave, because the only question you can put at this point is that the chamber takes note of the minister's answer.

**David DAVIS** (Southern Metropolitan) (14:41): I move:

That the chamber takes note of the minister's answer.

**Motion agreed to.**

### **Red imported fire ants**

**Jeff BOURMAN** (Eastern Victoria) (14:41): (413) My question is for the minister representing the agriculture minister, who I believe is the Attorney-General. Red imported fire ants are one of our most destructive introduced pests, with significant impacts for recreation, agriculture and infrastructure. The arrival of the red imported fire ant, or RIFA, would seriously impact on our ability to work and play in our backyards, forests, local schools, camp sites, rivers and roads. We only have to look at Texas to see that the cost to farmers there has reached US\$1.2 billion every year. So, Minister, how is Victoria contributing to the national effort required to ensure that RIFA are contained to our northern states and does not spread to Victoria?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:41): I thank Mr Bourman for his question. I will certainly pass that on to Minister Spence for her answer for you. She can give you a comprehensive briefing. It is something she has been focused on. These are nasty, nasty little things, and we certainly want to keep them out of Victoria for the purposes that you have raised. Not only do they impact agriculture and the economy, your everyday life can be impacted by these critters.

I am aware that the minister has announced \$70 million to contribute to the national effort, and that is the full amount that was requested to put everything towards containing these to Queensland. We are

quite concerned following the rain events across the country. They make rafts out of themselves and they go down waterways. They are scary, and I know that the Minister for Agriculture is very much focused on this issue and participating in full in relation to the national approach. She has gone up to Queensland to see for herself how important it is that we keep them out of Victoria.

**Jeff BOURMAN** (Eastern Victoria) (14:43): I thank the Attorney-General for her referral and answer. My supplementary is: what is Victoria doing currently to stop materials that may contain RIFA from crossing into our state?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:43): I will allow Ms Spence to give you a comprehensive briefing in relation to the biosecurity measures that are designed to keep fire ants out of Victoria.

### **Ministers statements: Triple Zero Victoria**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:43): I want to update the house on how the government is backing our 000 call takers and dispatchers with the resources that they need to continue giving Victorians the help they need in their time of need. Over Christmas I visited the Tally Ho centre, and last week I went to the Ballarat communications centre. I think you have heard me speak on a number of occasions in this house about how much admiration I have for Triple Zero staff. They are a highly skilled and valued emergency workforce. They deliver 24/7 operations. In Ballarat they now have over 250 call takers and dispatchers at that facility. I am happy to update the house that we are now officially Triple Zero Victoria. That kicked over and became the formal name following the legislation that passed this Parliament. The organisation has a new board headed by Dr Alex Cockram, an experienced board director and former commissioner to the Royal Commission into Victoria's Mental Health System. Our government provided a record \$363 million to Triple Zero for 400 new staff, building better support and surge capacity and supporting critical technology upgrades. Their hard work has ensured that ambulance call-taking performance has exceeded the benchmark every month since August 2022. The latest *Report on Government Services*, which has got a fair run in this place this week, I have got to say – that data confirms that Victoria has the best ambulance call-answering performance in the country. I look forward to continuing to work with CEO Deb Abbott and the new board to ensure Triple Zero is best placed to serve the community now and into the future.

### **Written responses**

**The PRESIDENT** (14:45): Minister Symes has got three members to chase up questions for under the standing orders: Ms Purcell for environment, two questions; Mrs Deeming for environment, both her questions; and Mr Bourman, two questions directed towards the Minister for Agriculture.

### ***Constituency questions***

#### **Eastern Victoria Region**

**Tom McINTOSH** (Eastern Victoria) (14:45): (649) My question is for the Minister for Ageing. Minister, how is the government supporting people to age well in Eastern Victoria? Eastern Victoria is full of amazing lifestyle destinations from the Mornington Peninsula in the west across to the Gippsland Lakes in the east. These places are great for people of all ages, especially for those at retirement age. There are huge benefits as people live longer and enjoy their retirement: contributing to the economy, supporting multigenerational families and, through huge amounts of volunteering, supporting thriving local communities. We should always continue to improve people's experience of ageing, and there are issues that become more prominent as people get older. I alongside Paul Mercurio recently met with the Peninsula Advisory Committee for Elders, otherwise known as PACE, to learn more about it. We discussed the issues of elder abuse and positive ageing as well as how these issues can be better understood to achieve better outcomes for older people. I want to thank the team at PACE for the amazing work they do in highlighting the importance of looking after those who have looked after younger generations before them.

**Western Victoria Region**

**Bev McARTHUR** (Western Victoria) (14:46): (650) My question for the Minister for Development Victoria concerns the compulsory acquisition of 32 hectares of land for the Twelve Apostles precinct development. Minister, this acquisition of privately owned land is against the will of the owners and will damage their tourism business. It will cost hundreds of millions of dollars of taxpayers money despite the family's willingness to develop tourist facilities privately. Worse still, confiscation ditches normal safeguards requiring prior reservation, a process of public consultation with affected landowners. Such exemption is envisioned for minor acquisitions or for cases of special urgency, yet this is a vast and long-term project. Minister, your coercive and expensive state takeover requires total transparency. Given the long-term planning must clearly have happened already, I ask: will the land acquired by Development Victoria be leased or sold to any third party, for example the Eastern Maar corporation or an overseas entity?

**Western Victoria Region**

**Sarah MANSFIELD** (Western Victoria) (14:48): (651) The summer festival season is still well underway in Western Victoria, with thousands of people gearing up to head to various overnight festivals like Pitch and Golden Plains over the March long weekend. Volunteer first aiders who work at these festivals have reached out to my office, concerned that the 'Just say no' approach to drug harm is failing. There are reports of increasingly severe drug overdose presentations, which is traumatising for all involved, yet the Labor government continues to kick the can down the road, waiting for innocent festivalgoers to bear the brunt of harmful drugs, rather than implementing proven harm reduction strategies. My question to the Minister for Mental Health is: when will this government introduce pill testing in Victoria?

**South-Eastern Metropolitan Region**

**Michael GALEA** (South-Eastern Metropolitan) (14:48): (652) My constituency question today is for the Deputy Premier Ben Carroll in his capacity as Minister for Education. Fourteen brand new schools have opened for term 1 this year, including Topirum Primary School in my region in Clyde North. This will of course be complemented by an integrated kindergarten facility early next year as well as two more primary schools in the Clyde North area and a public high school currently under works. My question is: how will these new schools and other school openings to come benefit students and families in Clyde North within the South-Eastern Metropolitan Region?

**Northern Metropolitan Region**

**Evan MULHOLLAND** (Northern Metropolitan) (14:49): (653) My constituency question is directed towards the Minister for Public and Active Transport. There is a dire lack of public transport in areas surrounding the airport. I know that from my own constituency in the electorate of Greenvale, which is actually 12 minutes drive from the airport, it takes over an hour to get there by bus – in fact you have to get two buses. The *Age* reported recently that the majority of the 18,000 people that work at the airport have to get there by car, making it hard for businesses to hire staff because people have to drive there. Young people miss out on job opportunities. This government needs to improve public transport for areas surrounding the airport, so I ask: does the government have any active plans to improve the terrible bus services in Greenvale and connectivity to the airport?

**Western Metropolitan Region**

**Moira DEEMING** (Western Metropolitan) (14:50): (654) My question is for the minister representing the Minister for Health. Laudably, the state government has invested money into an autism state plan which highlights the need to make sure autistic people do not miss out on health and mental health supports. This has included disability liaison officers in hospitals on weekdays from 8 am to 5 pm. However, on 1 October 2023 my constituent, a 23-year-old male with autism, intellectual disabilities, anxiety and depression, was transported to Sunshine Hospital in regard to his mental health on a weekend. He was discharged with no plan, no supports and no guidance – no

support to link him into or lay out a pathway for his mental health recovery. The only help he received was via his mother Despina, who was given flyers for carers groups. This vulnerable family need the help of a disability liaison officer, because autism does not stop on the weekends. So my question is: will the minister please ensure that disability liaison officers are available 24/7 rather than only on weekdays 8 to 5?

### Northern Victoria Region

**Gaelle BROAD** (Northern Victoria) (14:51): (655) My question is the Treasurer, following the issue of land tax assessments. I would like to know why primary producers are receiving bills for land tax when they are exempt and what actions the state government is taking to prevent this from happening. Many primary producers have paid the bill without understanding that they can apply for an exemption. Under Labor Victoria now has the highest debt of any state, and this government has introduced over 50 new taxes and charges since coming to office a decade ago. After further tax changes last year many are paying land tax for the first time and find it difficult to get advice. As the Labor state debt continues to grow to over \$170 billion and interest repayments just to service the debt have increased to \$24 million every day, the state government must ensure that innocent people do not end up paying more tax than they should.

### North-Eastern Metropolitan Region

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (14:52): (656) My question today is to the Minister for Transport Infrastructure, and it relates to the North East Link toll road. In the tunnels urban design and landscape plan for this disastrous toll road part of the design intent of the project is 'touching the earth lightly'. Let me say that again for the people in the back: the 20-lane North East Link toll road claims that it will touch the earth lightly. Minister, can you please outline how this project can possibly meet this intent for the people of Banyule and Whitehorse and Manningham and beyond when this toll road is tearing the environment and communities to shreds? I think instead of 'touch the earth lightly' you actually mean 'create a scorched earth hellscape'.

### Southern Metropolitan Region

**David DAVIS** (Southern Metropolitan) (14:53): (657) My matter for the constituency questions today concerns an inquiry I have had from somebody in my electorate, Matthew Roberts, who wants to see the final report of the social housing regulation review. He is interested particularly in the matters as they apply to Albert Park and the public housing around there. He has FOIed the final report on social housing regulation review and has had that application refused by the government. So I ask very simply for the minister: will the final report of the social housing regulation review ever be made public? If so, on what date, and if not, why not?

### Northern Victoria Region

**Georgie PURCELL** (Northern Victoria) (14:54): (658) My constituency question is for the Minister for Environment. Like all native animals, this government also hates kangaroos and joeys, and over the break one of the main wildlife shelters in my electorate was given notice to close for failing to meet a series of unfeasible improvement requests. My region is home to an extraordinary number of native animals, and Hepburn Wildlife Shelter is their lifeline. The demands on them include drastically reconfiguring their set-up to ensure birds are not in sight of paddock animals and no animals are housed indoors. These are common practices for many shelters and pose no threat to the welfare of those in care. Caring for wildlife is extremely challenging work, and rehabilitators do their absolute best with minimal support provided by this government. We are headed into one of the busiest periods with increased holiday road strike and the threat of bushfires. My constituents want to know if the minister will intervene to resolve this issue before Hepburn Wildlife Shelter is forced to close.

### Eastern Victoria Region

**Melina BATH** (Eastern Victoria) (14:55): (659) My question is to the Minister for Health. A Langwarrin constituent of mine has gone into complete renal failure only recently. He requires kidney dialysis three times per week, and he is waiting on a kidney transplant. Dialysis is an outpatient service and takes up to half a day, and the closest hospital to my Langwarrin constituent is Frankston, which has eight units – or seats – for the dialysis unit and is overseen by the Alfred hospital. The dialysis is oversubscribed, and his life now consists of waiting for a phone call from the bed coordinator, who is in the unenviable position of trying to find more dialysis units than they have available. He also thanks the hardworking people at the hospital, which is chronically underfunded in our system. I want to know and my constituent wants to know: will the minister increase funding to increase the dialysis units in the Frankston Hospital to support kidney dialysis?

### Western Victoria Region

**Joe McCracken** (Western Victoria) (14:56): (660) My constituency question is for the Minister for Multicultural Affairs, and it concerns the commitment at the last state election to support the construction of a Hindu temple at Ross Creek, just south of Ballarat, in my electorate. My question to the minister is: what is the minister doing to ensure that this temple is actually built? I have met up with the Ballarat Hindu Temple & Cultural Centre, known as BHTCC, and they have reported to me that they are experiencing delays – delays in planning and delays in a lot of different areas – so they are struggling to get the actual temple built. They have tried to reach out to various supports but have not had much luck. I am wondering what the minister will do to intervene to make sure that this commitment is actually carried out. I had a great conversation with Pradush Narayanan, who is the president of BHTCC, and there is a broad concern that this will go on and on and on and on without much progress. So I hope that the minister can intervene.

### South-Eastern Metropolitan Region

**Ann-Marie Hermans** (South-Eastern Metropolitan) (14:57): (661) My question is to the Minister for Police. Minister, since recent newspaper reports indicate that Greater Dandenong's crime rate has soared by an astronomical 17.5 per cent, placing it in the top five of the state, is it viable that areas in my electorate of Dandenong, where my office is, have had their police reception hours reduced, with the nearest open police station in most cases being more than 5 kilometres away? Will the minister also advise how long these cuts in hours are to be enforced, and whether more stations in the Greater Dandenong area are to have their reception hours reduced as well?

### Northern Victoria Region

**Wendy Lovell** (Northern Victoria) (14:58): (662) My question is for the Minister for Housing, and it concerns the need for an Education First Youth Foyer in Bendigo. My question is: will the minister commit to funding the establishment of an Education First Youth Foyer in cooperation with Bendigo TAFE? Since the Baillieu Liberal government established Victoria's three Education First Youth Foyers, hundreds of young people who were previously homeless and at risk of disconnecting from education or employment have had the opportunity to continue their education, pursue employment opportunities and establish themselves through the stability of the subsidised housing and support services the program provides. However, it is disappointing that there are still only three youth foyers in the state. Other communities are crying out for this program. The government has recently committed to establishing two further youth foyers, in Wangaratta and Wodonga, but Bendigo has been overlooked. In a recent discussion with Bendigo TAFE, I was advised that they have identified a site and desperately want a youth foyer to provide opportunities for young people in the Bendigo community.



*Bills***Justice Legislation Amendment (Police and Other Matters) Bill 2023***Second reading***Debate resumed.**

**Sheena WATT** (Northern Metropolitan) (14:59): I rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2023. The bill will introduce important reforms to maintain community safety and strengthen the integrity of the Victoria Police discipline system to ensure that Victoria Police personnel operate in a way that is consistent with community expectations. The bill will also enhance the privacy of participants of the restorative engagement and redress scheme for Victoria Police and make technical amendments to other Victorian legislation. While most interactions with Victoria Police are positive, it is essential that there is a robust discipline system in place to ensure police officers are held to the highest standards of integrity and that the community has confidence that this occurs.

The bill amends the Victoria Police Act 2013 – the police act, as it is known – to enhance Victoria Police’s discipline system. In 2022 Victoria Police reported an increase in disciplinary hearings for police officers and protective services officers, known in the community as PSOs, who were charged with a breach of discipline under the police act or a criminal offence. It is important that Victoria Police has a robust discipline system. Police officers have significant power to maintain and protect community safety, and it is important for everyone that there is a strong protection for members of the public in relation to the use of these police powers.

The Victoria Police code of conduct is an important organisational standard that establishes the Victoria Police values and the professional obligations that then flow from them. The bill amends the police act to ensure the Chief Commissioner of Police’s ability to issue a code of conduct for Victoria Police that is binding on Victoria Police personnel and to expressly prescribe that failure to comply with this code of conduct can constitute a breach of discipline. These amendments will consolidate the importance of the code of conduct as an organisational standard as Victoria Police establish clear consequences for failing to comply professional obligations set out in the code of conduct and ensure that Victoria Police’s behavioural expectations are communicated to the community they serve.

Police information is highly, highly sensitive in nature, and it is important that the police act strongly protects access to and the use of information. Victoria’s integrity agencies have emphasised the importance of maintaining confidentiality of police information in several recent reports. I will draw your attention to October 2022, when the Victorian Inspectorate published a special report on IBAC’s referral and oversight of Victoria Police’s response to a matter involving family violence perpetrated by a police officer. As the Victorian Inspectorate identified, violence occurred from an inappropriate disclosure of police information. Section 227 of the Victoria Police Act establishes an offence for current and former Victoria Police personnel to access, use or disclose police information when it is not in line with their current duty to do so. It can be difficult to identify this type of offending as it is often well concealed by the offender and not easily identifiable through traditional auditing processes. The offence is often only uncovered during the investigation of more serious offending, by which time the 12-month time frame for charging a person with an offence under section 227 may have expired. Delays can also be caused by a variety of issues, including lack of knowledge, complexity of circumstances or the safety concerns of the complainant, which, for example, may come about in family violence situations.

To ensure the confidentiality of police information is protected and in recognition of the seriousness of the consequences which can flow from the misuse of police information, the bill extends the statute of limitations for the offence established by section 227 of the police act from 12 months to a period of three years. These reforms aim to ensure that the discipline system continues to reflect the expectations of the chief commissioner and the broader Victorian people. I would like to acknowledge

the brave advocacy efforts of individuals who have had experiences of Victoria Police breaching their duty to protect the confidentiality of police information, which has informed the need for these reforms that we are discussing here in the chamber today.

In addition to the amendments to the police discipline system, the bill amends the police act to support participants in the restorative engagement and redress scheme for Victoria Police to maintain their privacy and autonomy in reporting. The redress scheme is available for former and current Victoria Police employees who have experienced workplace sexual discrimination or sexual harassment. Since the redress scheme commenced operating, information privacy and confidentiality issues have continued to emerge. Participants share private and sensitive information to seek personal support and redress in a private, non-adversarial and non-inquisitorial setting. They do not intend to disclose information for the purposes of reporting wrongdoing or to inform disciplinary criminal or other legal proceedings.

This bill also amends the police act to exempt the Secretary of the Department of Justice and Community Safety from a requirement to notify IBAC of any matter that they are aware of which is suspected to involve corrupt or improper conduct. Mandatory reporting of information shared in applications to the redress scheme would undermine the victim-focused nature of the scheme. It would risk retraumatising participants, breach privacy, erode trust and reduce the likelihood of eligible applicants applying. The scheme provides participants with an opportunity to access personal support and redress in a non-adversarial setting without the requirement to make a formal complaint or to pursue legal proceedings to access a scheme. Of course participants already have the option, as would be known, to voluntarily report possible corrupt conduct with Victoria Police to IBAC.

This amendment will ensure the privacy of participants and that they retain ownership over their personal and sensitive information. However, in recognition of IBAC's important role in identifying themes of potential misconduct, the secretary will be authorised to provide de-identified and thematic information from the redress scheme to assist IBAC to perform its education and prevention functions, exempting the Secretary of the Department of Justice and Community Safety from the requirement to provide information to IBAC that could lead to the identification of participants.

The proposed amendments reflect the reality that many participants do not disclose information for the purposes of reporting wrongdoing or to inform disciplinary, criminal or other legal proceedings; in fact participants often make reports to the scheme because they want to improve the culture of Victoria Police. Let me just say, however, the government understands that any penalties for information breaches that may harm the community need to be balanced with protections for whistleblowers who are making genuine and well-intentioned disclosures. Section 227 of the police act provides that police information cannot be accessed, used or disclosed without a reasonable excuse if it is not directly related to the member's functions or duties as a member of Victoria Police. The offence is designed to protect the privacy and dignity of those involved in police matters, including victims and witnesses.

Section 39 of the Public Interest Disclosures Act 2012 actually establishes immunity for making a public interest disclosure, or whistleblower conduct really, and section 227 does not exclude the application of this immunity. Therefore the government believes that the current legislative framework achieves the right balance between accountability and public interest. I have heard from constituents in the Northern Metropolitan Region, in fact all of Victoria, and I need to say that they have been very clear with me about their expectations that institutions charged with protecting and maintaining community safety will have all the necessary checks and balances in place to provide a safe environment. We know that when communities trust that their issues will be heard, their privacy protected and their rights respected, we gain better outcomes for all of Victoria's people.

Community safety will always be our priority. The Allan Labor government is proud to work with Victoria Police and police command to ensure that Victoria Police have all the tools and resources they need to keep Victoria safe, and the Justice Legislation Amendment (Police and Other Matters)

Bill 2023 is another example of us delivering on our commitment to the Victorian community. Since coming into government, we have made record investments of more than \$4.5 billion in Victoria Police to deliver Victorians the modern, world-class policing service they deserve. I would like to perhaps highlight something that speakers before me may have, and that is the slashing of \$100 million from the Victoria Police budget by those opposite. Our government absolutely understands that the community benefits from a well-resourced police force. This includes additional police, new and upgraded stations right across the state and investment in new technology to ensure that Victoria Police continues to be a modern, fit-for-purpose organisation into the future.

The Allan Labor government is committed to continuing police accountability. This bill seeks to reform the police act in significantly meaningful ways now – another example of our government delivering on our commitments to the Victorian people for their safety, security and wellbeing now and very much into the future.

**Adem SOMYUREK** (Northern Metropolitan) (15:09): I rise to say a few words in support of the Justice Legislation Amendment (Police and Other Matters) Bill 2023. The bill before the house proposes to amend various acts to implement a range of policing reforms aimed at strengthening the integrity of the Victoria Police disciplinary system and supporting Victoria Police and other agencies to maintain community safety. The specific objectives of the bill are to improve the internal Victoria Police disciplinary process, to strengthen Victoria Police's capacity to regulate firearms, to expand the circumstances in which Victoria Police can deploy a vehicle-immobilising device and to support the function of the Countering Violent Extremism Multi-agency Panel.

Robust integrity measures are indispensable for ensuring that our police force, or indeed any police force throughout the world, operates in a manner that is ethical, lawful and aligned with the current values of the society that it seeks to serve. On the other hand, it is also very important that the police force is empowered to tackle new challenges such as challenges presented by technological innovation. The bad guys seem to sometimes be ahead of the curve in terms of adapting new technology for their nefarious ends, and it is important for our police force to be empowered to be able to catch them quickly. There are also societal changes that the police force needs to be able to adapt to. So therefore reforming, modernising legislation such as this that deals with integrity issues and deals with empowering the police force is vital in the functioning of our law enforcement agencies. Therefore, I support the bill; however, I have been convinced, not with a gun to my head by the Shooters party but through sheer logic and coherent, intellectual argument – now there is an oxymoron – by Mr Bourman to support his amendment.

I think he has a point. I have been at this end, and I think sometimes when you seek to do reform you can be overzealous in your reform, and it is quite easy and it is quite tempting to try to change everything, to fiddle with many things. Sometimes you might end up changing things or trying to fix things which are not broken. Mr Bourman assures me that his amendment seeks to stop the government from breaking something that ain't broke. I do not know much about firearms. I do not know anything about rifles and firearms. I do follow geopolitics and I know something about military hardware and military technology, but I guess I am digressing a little bit there. So again I say I do not know much about guns, I do not know much about rifles and I do not know much about firearms. I have listened to the persuasive arguments – again, not with a gun to my head – and he persuaded me through sheer reason to support his amendment. If the amendment fails, it will not be a game changer as far as I am concerned. I will be supporting the bill, and I will not be entertaining any other amendments put up by anyone else.

**Rachel PAYNE** (South-Eastern Metropolitan) (15:13): I rise to speak to the Justice Legislation Amendment (Police and Other Matters) Bill 2023. I would like to speak specifically on the amendment to extend the statute of limitations for the duty of Victoria Police not to access, make use of or disclose police information. This reform comes in the wake of the Victorian Inspectorate special report about IBAC's referral and oversight of Emma's complaint about the Victorian police. This report shone a light on serious police misconduct, a systemic misuse of police information and a 12-month limitation

period that prevented those affected from being able to take action. This reform comes at a time when one in six women have experienced stalking in Victoria and 39 per cent have experienced physical or sexual violence since the age of 15. The need to extend the limitation period stems from countless case studies showing that access to and the use and disclosure of police information is often only exposed well after being used to stalk, harass and control.

The amendments are a good start, but they do not address the systemic issues of police accessing the law enforcement assistance program, or LEAP, and using the database for unauthorised purposes. As my colleague Mr Ettershank detailed in his contribution, LEAP is an outmoded system with no proactive checks to flag suspicious activities – for example, when an officer searches for information about an ex-partner. In the hands of an abuser, unchecked access to the LEAP database has terrifying consequences. Time and time again there are instances of women having their and their families' personal information accessed by police officers. It is unclear just how many police officers have had unauthorised access to the LEAP database, which is really concerning, but anecdotal evidence from those who have worked with survivors of family violence – specifically that perpetrated by police officers – indicate that in almost all cases LEAP had been used and weaponised to control and abuse victims. We know that Victoria Police do not lack the resources to improve systems and protect those being targeted by police. Further restrictions on access to information via LEAP and the ability to flag suspicious searches in real time could go a long way to preventing harm before it occurs. I hope that this bill is just the start of proactive improvements by Victoria Police to ensure police information is not misused.

This issue is something that is close to my heart. I am the granddaughter of a police officer. My grandfather was actually a senior officer, and he was also an incredibly abusive man to both my grandmother and his children, my mother and her sisters. This abuse did not go unreported. It did not go unnoticed, particularly by my grandfather's colleagues. However, nothing at that time was done to stop this. No apology has ever been made, and it took my grandmother years to flee this violence and feel safe to be able to do so. It was long after my mother and her siblings had moved out, and it was after years and years of insidious abuse. Thankfully, we live in a different time now, and we do aim to do better – something that I have reflected on when remembering these stories of my mother and of my grandmother. I do applaud Emma especially for her strength and her courage. Her unwavering tenacity to keep fighting to be heard, to be supported and to push and shift change is so commendable.

**Michael GALEA** (South-Eastern Metropolitan) (15:18): Today I also rise to speak on the Justice Legislation Amendment (Police and Other Matters) Bill 2023, and I rise to speak in favour of the bill. This is a bill that will introduce significant measures that will enhance the operational capabilities and overarching safety framework of Victoria Police, allowing them to do their jobs more effectively and efficiently. Through a comprehensive approach, this bill seeks to introduce critical reforms that promise to elevate the standards of policing, accountability and, by extension, community trust.

This bill's amendments focus on enhancing police operations and community safety, demonstrating this government's commitment to police and public service. It also calls us all to contribute towards a safer and more secure Victoria. At its core this bill is instrumental in bolstering public safety. By refining police procedures and operational capabilities it ensures a more responsive, efficient and effective law enforcement mechanism. The emphasis on preventative and responsive strategies enhances the police force's ability to protect citizens, thereby contributing to a safer and more secure community environment. Indeed I note my comments on a motion yesterday – prevention of crime was at its heart – and the considerable efforts already achieved in the space of youth justice, as I referred to extensively in my speech yesterday. I acknowledge Minister Erdogan, who is in the room with us today, for the continuing efforts, which see youth crime, as a proportion of all crime, currently sitting at 12.7 per cent, which is markedly down from the 20 per cent it sat at just 10 years ago when this government came into office.

I will go through bit by bit the various different acts that the amendments within this bill will seek to amend. Firstly, there is the Victoria Police Act 2013. As members I am sure will appreciate across the

chamber, Victoria Police officers stand as pillars of safety and serve at the heart of our community. They dedicate their lives to the service of over 6 million Victorians. Each day these officers, numbering over 20,000, engage in approximately 14,000 interactions with the public, reflecting that commitment and that diligence. It is a role that carries immense responsibility and often significant risk. Acknowledging the sacrifices and the dangers that police officers in our state face daily is not just a matter of respect, it is a crucial step in ensuring that their welfare and support are prioritised.

The proposed reforms to the police discipline system and the amendments to the Road Safety Act 1986 and the aforementioned Victoria Police Act are reflective of a broader commitment to not only upholding the highest standards of integrity and service but also ensuring that officers who commit themselves to our safety feel supported and valued. These legislative changes are designed to improve the operational framework within which police work, thereby enhancing their ability to serve effectively while ensuring their actions align with the values and expectations of the community they protect. Additionally, disciplinary process reforms such as allowing a Victoria Police discipline inquiry officer to direct medical assessments; specifying breaches of the Victoria Police code of conduct as disciplinary breaches; and extending the statute of limitations for accessing, using or otherwise disclosing confidential police information underscore this comprehensive approach to maintaining what is and what should be a very high standard of police integrity. These reforms, which have been developed in consultation with relevant stakeholders, aim to balance the necessity of a robust disciplinary system with the rights and wellbeing of police personnel.

Protecting participants' privacy in the restorative engagement and redress scheme through amendments to the Victoria Police Act 2013 ensures the confidentiality of sensitive information shared by current and by former employees. This measure is crucial for the scheme's success because it will encourage reporting and participation by offering a non-adversarial avenue for support and redress.

These legislative changes, which are endorsed and put forward here today by the Allan Labor government, demonstrate a steadfast dedication to enhancing road safety, refining police disciplinary processes and ensuring that the privacy and dignity of individuals engaged in redress schemes are maintained at all times. By delivering on these commitments the government reinforces its pledge on police accountability and the continuous improvement of law enforcement practices for the safety and confidence of all of us in the Victorian community.

In addition to that, this bill will also make some improvements and amendments to firearms regulations, as others have already noted in their contributions, including my colleague Mr Batchelor, and Mrs Hermans, who made some interesting comments about firearms as well. The tightening of firearms regulations is a critical component of this bill aimed at curbing the illegal use and illegal circulation of such firearms. Specific amendments to the Firearms Act 1996 focus on stricter licensing regulations and requirements, enhanced background checks and more rigorous controls over firearms storage. These changes are expected to significantly reduce the potential for firearm-related incidents, contributing to a safer community environment. I also do at this point wish to acknowledge the genuine and robust participation of various parts of that industry in discussions with the government. I know the Sporting Shooters Association of Australia are very keen proponents of safe firearm usage. They obviously want people to participate in their sport, but they want it to happen safely and they do not want to expose their members, or indeed anyone else in the Victorian community more broadly, to risk.

Beyond this, there are also amendments to the Road Safety Act 1986. These amendments bring us to the discussion of what are known as vehicle-immobilising devices – VIDs – which is a bit of a bureaucratic-sounding name, I am sure you would agree, Acting President McArthur, for what is a very important tool that our police have to contribute to road safety and to prevent potentially critical, and potentially fatal, incidents before they can happen.

This government recognises the importance of driver safety as a critical priority, and I note the many and various initiatives currently being pursued by the Minister for Roads and Road Safety, Melissa Horne, in the other place as well. One life lost on the roads is one too many. Unfortunately, we are in a state at the moment not just in Victoria but across the nation where, rather than coming down, the road toll is actually still increasing. I know it has certainly got the focused attention of Minister Horne, as with many others in our government, as to how we accurately and best tackle this problem to ensure that all Victorians can be safe on the roads, be they drivers, passengers, pedestrians, public transport users, cyclists or whoever else. To address these concerns, this bill will introduce amendments to authorise police officers to use these VIDs, such as road spikes and Stop Sticks, under new circumstances, aiming to curb dangerous driving behaviours more effectively. Again, just as we talk about in health, the best remedy is prevention, and the same applies when it comes to road safety.

Previously the police deployment of VIDs was limited to preventing drivers from escaping custody or arrest and stopping a moving vehicle under restricted situations. The proposed changes that we are faced with today in this bill will expand these powers, allowing police to use these Stop Sticks et cetera – these VIDs – pre-emptively, when there is a reasonable suspicion that such action is necessary to protect individuals or to prevent a driver from fleeing. Situations that may warrant the pre-emptive deployment of VIDs include roadside alcohol or drug tests, vehicle inspections for compliance with the Road Safety Act, efforts to effect an arrest, or in response to what is generally referred to as hoon road offences.

These amendments are a response to the tragic incidents that have highlighted the dangers posed by reckless driving, including of course the death of a young police officer recently in Western Australia. By granting these new powers, the bill aims to enhance the ability of Victoria Police to safeguard the community, prevent harm to police and the public and to manage the dangerous use of vehicles on roads. Including a reasonable suspicion requirement seeks to balance the need for increased community safety with the very important protection of individual rights. Furthermore, the development of this amendment involved consultation, just as other parts of the bill did too. Consultation has taken place with key road safety partners, including the aforementioned Minister for Roads and Road Safety, Victoria Police, the Transport Accident Commission, the Department of Transport and Planning and the Department of Justice and Community Safety, ensuring a comprehensive approach to improving road safety through this bill across Victoria. This collaborative effort underscores the government's dedication to leveraging expert insights and resources to foster a safer road environment for us all.

Another key component of this legislation are amendments to the Terrorism (Community Protection) Act 2003. The significant updates to this act are pivotal in bolstering our defences against the multifaceted threat that terrorism can very much still pose to us. They refine the legal tools at our disposal, ensuring our national security approaches are current and comprehensive. These amendments aim to streamline and clarify the processes around information sharing within the framework of the Countering Violent Extremism Multi-agency Panel, otherwise known as CVEMAP, an essential body advising on early intervention strategies for individuals at risk of radicalisation. By addressing feedback from CVEMAP members, the bill seeks to refine the operational framework, enabling more effective case management and assessment of at-risk individuals. This enhancement of information-sharing protocols is expected to significantly improve the MAP's decision-making efficiency, risk management and advisory capabilities. Crucially, it aims to bolster the panel's responsiveness to escalating risks, thereby reinforcing community safety by enabling proactive interventions against potential acts of violent extremism or terrorism. These amendments reflect a comprehensive approach to countering radicalisation, emphasising both the identification and mitigation of underlying causes, and they represent a decisive step towards safeguarding public security whilst respecting the balance once again of civil liberties.

The bill also introduces exemptions to the Worker Screening Act 2020 and the Child Employment Act 2003 for police custody officers, aligning them with police officers to streamline custody

processes and acknowledge Victoria Police's comprehensive background checks. It also amends whistleblower protections, extending the statute of limitations for police personnel misusing information to three years, balancing the need for accountability with protections for genuine disclosures. This also reflects the government's commitment to police accountability and community expectations, emphasising similarity within the force and protecting the privacy and dignity of individuals whenever they may find themselves involved in police affairs. By enhancing investigative powers and emphasising interagency cooperation this bill aims to pre-emptively address potential threats whilst of course safeguarding the fundamental rights and freedoms that are the hallmark of our democratic society.

I will take a moment to address some of the potential criticism and some concerns that have been raised around various aspects of the bill. When approaching these reforms I think it is important that we consider that evidence-based findings have informed the creation of these amendments as well as the necessity and efficacy of what these legislative changes will actually provide. There are potential concerns that this bill overextends police powers over individual freedoms. Whilst I understand that, I think it is important that we draw attention to the fact that these concerns are also mitigated by the bill's stringent safeguards and oversight mechanisms designed to protect citizens' rights whilst enhancing public safety. Moreover, there are questions about the effectiveness of such legislative changes in reducing crime rates or improving police community relations. However, I do believe it is essential to highlight the comprehensive consultation and research that underpinned the bill, demonstrating its alignment with best practices in law enforcement and community safety. *(Time expired)*

**Tom McINTOSH** (Eastern Victoria) (15:34): I was looking at the clock just wondering what was going on there, but anyway, he was making a fine contribution, so I am glad he had the time he did to put that forward. It is an important issue for us to be making contributions on and one that I am proud to be supportive of because I think all of us in here would agree and acknowledge the incredibly important work that Victoria Police do for our community and broadly for society. Having the best possible police force that we can have is key to that society piece. We know that where we do not have good law and order, where we do not have respect not only for law and order but for each other more generally, that is when we are at risk of breakdowns in society. We have seen throughout history various examples, whether they be nations or states or societies, over many, many centuries of human existence – where that respect is not there things can get out of hand, and of course that leads to terrible situations where people do not feel safe in their communities.

I think why this bill is important, and the work that we are doing is important, is that it ensures it is a two-way street. I for one am incredibly respectful of and thankful for our police force, because it is important that we are able to maintain the security, the safety and the feeling of peace that we have in our society here in Victoria. Indeed, where there are police forces around the world, they enable things such as protests, which should be able to occur respectfully so people are able to say their piece, but at the same time they ensure that respectful protest does not cross over the border, as we see around the world on occasion, into looting or theft or just outbreaks of activity or behaviour that does not fit a modern society. I am so grateful to live in a society like we have now where we can have respectful debate in a place like this. We talk about dark ages and whatnot, but we are not in a period where respectful debate cannot happen, and I am glad that we are in a state like Victoria where respectful debate can occur – where we disagree but no-one has to or no-one should worry about their personal safety.

The bill will introduce reforms to maintain community safety by increasing Victoria Police's capacity to regulate firearms, make administrative enhancements to the operation of the Countering Violent Extremism Multi-agency Panel – that is the CVEMAP – and expand the circumstances in which police officers are authorised to use vehicle-immobilising devices. The bill also includes a range of reforms aimed at strengthening the integrity of the Victoria Police discipline system and ensuring that Victoria Police personnel operate in a way that is consistent with community expectations.

That is what I was talking about before, that two-way street. I think if Victorians have confidence in the way that our police operate, then that is a really good thing, and in return Victoria Police can expect the respect of our community. I think it is a huge respect we should give them. Growing up with people who went into the police force, I have got a huge amount of respect and admiration, because it is a tough job with big hours, and it is one that, like many of our frontline roles, is hugely demanding. We all depend on it so much when the chips are really down, whether that is an emergency situation of any sort, and I think that respect is absolutely always owed. It is in those situations where we need people, where we need those emergency services workers – in this case police – that you do realise just how deep that respect is. Having lived alongside friends of mine in the force, with the situations they have had to go through and some of the trauma with that, I have just got a very, very deep respect.

The bill will also enhance the privacy of participants of the restorative engagement and redress scheme for Victoria Police and make minor technical amendments to other Victorian legislation. It amends the Victoria Police Act 2013, the Firearms Act 1996, the Fire Rescue Victoria Act 1958, the Terrorism (Community Protection) Act 2003, the Road Safety Act 1986, the Victorian Civil and Administrative Tribunal Act 1998 and the Worker Screening Act 2020. As I said before, it does not matter what shift police are on or what the weather is, they are out there protecting our safety and being called out in circumstances where people are in distress.

An issue that I often speak about in this place and that I am incredibly proud of is the work we have done around family violence. I think there has been a lot of work done on that with Victoria Police and the police force as first responders and how they are able to engage and work with referrals and ensure that people, predominantly women and children, who are caught up in the situation of family violence, are safe, are heard and are directed to the supports they need and that those supports that are there –

**Jacinta Ermacora** interjected.

**Tom McINTOSH:** Yes, as Ms Ermacora points out, huge improvements. I know, from personal experience many years ago, of a distressing situation. I was not involved in it; I had heard about it. The story had not necessarily been held in private ways, which again comes back to this training and this deep understanding through the force about what is needed and what is required to get the best outcomes. I think is just a small – well, it is a big example, actually.

That is why I talked before about friends of mine who are in the force. It is what they and their families give – the shifts that they work and the hours that they work. Again, to come back to family violence, we see a lot of the worst situations occurring not between 9 and 5, Monday to Friday, but it might be on public holidays, it might be at Christmas, it might be at 3 in the morning, and these are difficult times to be working. Again I come back to that point: if we have got a two-way understanding of respect between Victoria Police and the community, when the police are out serving the community, when the police are out late at night, if we have got people coming out of nightclubs or whatever – if that respect is ingrained and instilled within us and it is generally held from the time of childhood – then I just think when we have situations, whether it is between the public and the police need to intervene, where there are confrontations or whatever it might be, that we are more likely to resolve issues well and quickly.

I am proud that this side, the government, has continued to invest in Victoria Police since coming to government. It is an investment of more than \$4.5 billion in Victoria to deliver Victorians the modern world-class policing service they deserve. You can only imagine the systems that were available to our police, particularly thinking back to when I was a kid, whether it was the vehicles they had, the communication systems they had, the small rural police stations. They have upgraded that all over time to enable our police force and indeed our emergency services more broadly to communicate efficiently, to travel efficiently, to do their job to the best of their ability. It is absolutely money well spent. As I said, this money has provided new and upgraded police stations right across the state, as well as that technology. As part of the 2022–23 Victorian budget we invested \$342 million to deliver



502 new police officers and 50 PSOs and build on the more than 3100 additional police already on our streets. I think having that greater presence of police is good for a feeling of community wellbeing, but it is also good for our police to ensure that when they need their downtime – which they are absolutely entitled to; they are an incredible workforce, and as I have said before, their families have to give so much additionally to those working – they can have that time off and there is a workforce around them to support them in the quantity they need to keep the state safe. We have also invested in new equipment for our police, including \$215 million to roll out tasers to all frontline police officers and PSOs, ensuring they have another nonlethal tool at their disposal to respond to potential violent offenders, and we have invested almost \$1 billion to deliver new and upgraded police stations. As I said before, it is just so important for their place of work to be a place that is safe, healthy and clean for them.

Investing in intervention programs – we had a lot of conversation about this yesterday. If we can prevent people from being on the wrong side of the law in the first place, that is an incredibly good spend of money. The intervention programs include \$12.4 million in the most recent budget to continue and expand the important work of the Aboriginal youth cautioning program and the embedded youth outreach program. Through crime prevention programs we have also invested more than \$40 million to prevent youth offending through the youth crime prevention program and more than \$100 million in over 948 initiatives since forming government, because our government understands that the best way to keep people out of the criminal justice system is to prevent them coming into contact with it wherever possible. We are talking about, particularly on a day like today, identifying where people are at risk of being in touch with that system for whatever reasons might put them in that situation, whether that is a family situation, trauma experienced or other issues in their lives. On mental health, again, I am so incredibly proud we had the royal commission into mental health alongside the one into family violence so that we could identify the issues and invest in the training and the support. I think it is incredibly important not only for the community but also for Victoria Police that when people are presenting with mental health issues they understand how to respond and there are the services there that can deal with that alongside the initial contact.

The latest crime statistics show a stabilisation of the offence rate, following a period of lower crime rates. We spoke at length about this yesterday – about the rates that we are seeing here in Victoria really leading the nation. As I said before, there is that investment we are making, that preventative outreach and that engagement. I think something incredibly important that police officers do across a range of specific communities around Victoria that are at risk is reach out and build those connections. I think it is about that whole understanding of the other, who might seem distanced from Victoria Police, so if there are issues and they know each other, they have that ability to engage so we do not see confrontation, or worse, crimes being committed where they could have been avoided.

The bill will make four key amendments to the Victoria Police Act to reform the police discipline system. The first amendment will empower a Victoria Police discipline inquiry officer to direct a police officer or protective services officer to undertake a medical assessment if they are satisfied that the assessment is necessary to determine whether the officer is physically and mentally fit to participate in a discipline inquiry. Currently a police officer or PSO who is the subject of a discipline inquiry can request an adjournment of the inquiry on medical grounds, and there is not a process for DIOs to verify any medical evidence provided. Guidelines will be provided to DIOs to assist in determining whether the threshold to exercise this power has been met. *(Time expired)*

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (15:49): From the outset I just wish to state how pleased I am to have the opportunity to sum up what has been a very respectful and insightful debate from across the chamber from all sides. I wish that all our debates in this chamber were of that form, so thank you very much to all members in this place. I also want to thank key stakeholders who have played a vital role in the Justice Legislation Amendment (Police and Other Matters) Bill 2023, in particular Victoria Police, the Police Association Victoria, the Department of Transport and Planning for their work on the vehicle-

immobilisation device provisions, road safety partners and the Victorian Firearms Consultative Committee. I also wish to thank the Minister for Police Minister Carbinas and his office and department officials for their work in developing and leading consultation on the bill.

From the contributions you will recognise that this bill is primarily justice legislation, but it does incorporate many more aspects that are very important to our community safety and to making improvements to legislation across our state. The bill does introduce a range of reforms aimed at strengthening the integrity of Victoria Police's discipline system and ensuring that Victoria Police personnel operate in a way that is consistent with community expectations. I know that is very important, because for people to have confidence in a fully functioning criminal justice system, the conduct of law enforcement, of course the conduct of the judiciary and the conduct of the legislature are all very relevant to people's confidence in community safety in a well-functioning democracy.

The bill also includes reforms to maintain community safety by increasing Victoria Police's capacity to regulate firearms, making administrative enhancements to the operation of the Countering Violent Extremism Multi-agency Panel and expanding the circumstances in which police officers are authorised to use vehicle-immobilising devices. The importance of these devices cannot be overstated. We are seeing these days, with the advent of technology, the filming of such conduct does play into people's perception of safety and also of incidents of safety. It is being recorded, and we are seeing this kind of misbehaviour. Police are on the front line apprehending people, and for that I thank them, because without them on the front line keeping us safe, this behaviour and these offenders would not be accountable. Police are that front line in holding these people to account.

The bill also enhances the privacy of participants in the restorative engagement and redress scheme for Victoria Police and makes minor technical amendments to other Victorian legislation, such as for fire services, as Mr Davis spoke about in his contribution. These are important reforms because at the heart of them they are about improving community safety, improving conduct, holding people to account for wrongdoing and making sure that there are processes that follow natural justice principles, so people are held to account appropriately.

What impresses me about some of the changes that are in this bill are improvements to the code of conduct and giving the Chief Commissioner of Police express powers to make improvements to that code of conduct. Obviously, the code of conduct does not just apply to police officers in the general sense. It does apply to all police officers, but further, to chief commissioners, deputy commissioners, assistant commissioners, protective services officers, police recruits, police reservists, Victorian public service employees of Victoria Police and special constables. So these changes and code of conduct improvements will have a big effect on a large workforce in our state.

Why do we have codes of conduct? Codes of conduct are about setting a level of expectation for those in that field and stating how we would like to see people conduct themselves, and obviously they also provide an opportunity to lead to improvements. In many regards much of our legislative framework is about setting minimum standards, but this is about much more than that – it is about expected conduct as well. Much of the legislation is technical, but what we expect to be included in the new code of conduct are clear standards of behaviours that are expected of Victoria Police personnel to ensure that any failure to comply with the new code of conduct can constitute a breach of discipline.

Behaviours that could be included or captured by the new code include the handling of police information and social media use, and we are seeing this social media use in terms of conduct for employees in other settings as well. For those of you that follow industrial relations or federal employment law, there have been many cases of public servants and people in the private sector where private social media use can interact with their duties or employment contracts. I think this is an emerging trend. Unfortunately, it is an emerging trend for criminal activity as well, with people filming and using social media as a platform to display that behaviour. Illicit drug use is an issue that people should be well aware of, as are family violence offending, predatory behaviours and managing conflicts of interest.

It is important to state that as part of these reforms there was broad consultation, and I touched upon some of the stakeholders who engaged very closely with the government in developing these laws. It is important whenever reform such as this is undertaken that the relevant stakeholders are engaged proactively. Victoria Police was consulted, and the Department of Justice and Community Safety, the police association, the Police Registration and Services Board, the Independent Broad-based Anti-corruption Commission and the Community and Public Sector Union have been consulted in the preparation and construction of a new code of conduct, and that is important because they pretty much capture most of the parties that will be directly affected. We are all affected by the code of conduct of law enforcement, the code of conduct of the judiciary or the code of conduct and the behaviours of people in the legislature, because we all play a part in our legal framework.

There are many other aspects, as I was stating, to this legislation that are important and are important improvements to what we have in terms of giving greater powers for good behaviour bonds and in terms of disciplinary settings and clarifying the process for dealing with noncompliance. That is important, because we talk about holding offenders to account, giving people opportunities to address their offending behaviour. That sounds good, but it is to make sure that there is a mechanism in place to enforce that, and that is what this legislation does. There are a number of amendments to the Victoria Police Act 2013. They do not specify the types of conditions which may be attached to a good behaviour bond on a police officer, and they currently do not provide a clear process for dealing with noncompliance, so what these changes will do is provide that mechanism.

The bill as a whole has a focus on the justice settings around Victoria Police, but it does have many more aspects to it, such as the statute of limitations. A number of my colleagues in this place did touch upon the need to extend the statute of limitations in accessing, using or disclosing police information. This is a matter of great public interest. We know about the IBAC report *Unauthorised Access and Disclosure of Information Held by Victoria Police* and that misuse in these circumstances is usually not detected until an investigation of more serious misconduct or corruption action occurs. Victoria Police share these concerns with IBAC, and they have advised that by the time a report is made about a breach of section 227 and a preliminary investigation has identified misuse of police information, it is common for the 12-month statute of limitations to have expired or be close to expiring, meaning those that have misbehaved will not be held to account in those circumstances. That of course affects the community's perception of and the community's experience with the justice system.

Victoria Police advised that in the majority of these cases offending is difficult to identify as well as very well concealed by the perpetrator and not easily identified through traditional auditing processes. Often it is only uncovered when more serious offending behaviour is being investigated. In these circumstances Victoria Police's initial focus is on investigating the more serious and often ongoing element of offending, resulting in delays to the investigation and/or prosecution of section 227 offences. In cases where there is a complainant, Victoria Police and IBAC have both reported significant delays between the act itself and when the initial complaint is made, due to a lack of knowledge and of safety concerns of the complainant. Victoria Police has noted that this is particularly problematic in the family violence context, where complainants are often coerced or unaware of the information being accessed or disclosed until after a relationship has broken down.

It is very important reform. It is reform where many have touched upon examples, such as Emma's complaint. It is really distressing reading that scenario, but if that was to occur and the perpetrator or the offender is not properly held to account, that is what expanding the statute of limitations is for. Three years is an important time frame. It is greater than the one year that normally occurs in these circumstances, because the majority of the investigations occur within a three-year window, and this extension will allow for the majority of the offending to be captured. The three-year time limit is consistent with previous time extensions to comparable summary offences under sections 252 and 253 of the Victoria Police Act – offences of bribery and corruption by police officers or protective services officers are again offences that similarly affect people's confidence in the justice system and in law

enforcement. so that extension of time is important protection for the public. I think that is what people expect us to do.

Why is the wording being changed? I think that is important because I said that this legislation was technical. It does respond to a number of IBAC reports, in particular *Operation Dawson: An Investigation into Alleged Misconduct by a Former Victoria Police Superintendent*. IBAC recommended that section 226 be amended to impose a clear standalone obligation on police personnel to maintain the confidentiality of police information without reference to separate policy documents with a clear instruction that access must be directly related to their current duties and functions. The offences established by sections 227 and 228 of the Victoria Police Act are being updated to ensure they align with the changes made to section 226.

We have talked about redress schemes, and today a significant announcement was made by the Premier. In line with that, in the past we have made an announcement about a restorative engagement and redress scheme for Victoria Police, in particular in relation to former personnel. It is important that this bill makes reforms that make improvements to our system of justice. It does this by giving victims of these offences confidence in their privacy and confidentiality being respected. I think that is important. Without these protections people might be more reluctant to come forward, and I can understand that, because most of them have had pretty harrowing, terrible and tragic experiences. These reforms go a long way to providing an additional level of protection and privacy to people.

I know that other reforms in this bill may not appease everybody in this chamber, although for the most part, as we have heard from a number of contributors, people do agree with this bill. There are also amendments to the Firearms Act 1996. There is a firearms amnesty in place. That is an important public policy, and there is a central rationale here to encourage as many licensed firearms dealers as possible to participate in the national firearms amnesty. The Australian federal government's Department of Home Affairs partnered with Crime Stoppers to launch a permanent national firearms amnesty. All states and territories are participating in this campaign. The national firearms amnesty has been highly successful in removing unregistered unwanted firearms from the community, preventing firearms from being obtained by criminals. As of October 2023 the total number of firearms and parts surrendered as part of the national firearms amnesty, I am pleased to report, is 2382.

There are significant protections in place as part of this legislation as well, but I think we understand the reason why we want firearms that are not being used taken out of people's hands. They can be handed in. We encourage people to hand them in without fear of consequence and with appropriate protections. As part of the changes to the firearms legislation, the Firearms Act 1996, there are some changes to bolt action shotguns which we understand are reflective of innovations and technological improvements in the way traditional bolt action shotguns are used. Admittedly, they are clearly much more efficient than they were in the past, and as such they are quicker to load and reload and can fire more shots. This design, although more efficient, in combination with large capacity detachable magazines, is of concern because of the potential consequences of misuse, and it may present a community safety risk. In light of that we are suggesting some changes there.

There are a number of other reforms as well of a technical nature, such as the Fire Rescue Victoria Act 1958 changes, and many others such as amendments to the Countering Violent Extremism Multi-agency Panel. I will not go into the detail of those; many contributors have already discussed the importance of those reforms. What I will say is that I commend the bill to the house, and I thank everyone for their support and participation in this process.

**Motion agreed to.**

**Read second time.**

**Committed.**

*Committee*

**The DEPUTY PRESIDENT:** Before we start, the government and Mr Bourman are yet to circulate their amendments. It may assist the committee if they circulate those amendments now.

**Enver ERDOGAN:** The government does have house amendments, and I ask that they now be circulated.

**Jeff BOURMAN:** I would like my amendments circulated too.

**Clause 1 (16:07)**

**David DAVIS:** I am just keen to have some discussion with the minister before we get to any of the points around amendments, and perhaps it might be convenient to deal with some of these points in the purposes clause. With the part 4 amendment to the Firearms Act 1996 the bill places a special condition on the holder of a category A or B long arm firearm licence who has obtained the licence for the reason of hunting or sport or target shooting. The special condition states that the licensee cannot carry, possess or use a detachable magazine with a capacity greater than five shots in combination with a bolt action shotgun. Apparently Victoria Police has specifically requested that, so you might want to confirm that. According to them it is an emerging issue, but the government told the opposition during the bill briefing that there is no hard evidence or events to support this. Given the bill briefing and that there is no hard evidence, why is the government making the change?

**Enver ERDOGAN:** From the outset I might be able to answer the first question: yes, Victoria Police did request this change. I think what this change is about is reflecting recent innovations in traditional bolt action shotguns, where straight-pull forward and eject-assist functionality enable the user to cycle through ammunition with less manual interaction than a traditional action shotgun. So it responds to the fact that it is much quicker to load and reload and the user can fire more shots faster now. Technological improvements have made these types of bolt action shotguns more efficient, and obviously the design in combination with a large-capacity detachable magazine is of concern because of the potential consequences of misuse and it presents community safety risks.

**David DAVIS:** Thank you, but I think you perhaps also confirm that there is actually no real hard evidence.

**Enver ERDOGAN:** I might seek clarification in relation to that.

It is my understanding that there has not been any incident as of yet, but Victoria Police have identified this as a potential future risk. So it is about preventative action, because obviously the innovation is relatively recent.

**Jeff BOURMAN:** If it is all right, even though my stuff relates to further down the track, like clause 14, I will just do it in paragraph 1, if I could. Minister, bolt action shotguns – that is very specific. What does this bill mean by a ‘bolt action shotgun’?

**Enver ERDOGAN:** I thank Mr Bourman for his interest and his question. A bolt action shotgun is a type of gun that requires the shooter to push the bolt forward to load the firearm. The bolt then needs to be manually pulled backwards to eject the spent cartridge after firing. Bolt action shotguns are a category A shotgun. A category A shotgun is, I guess, the legal definition in terms of bolt action shotguns being within the category A framework.

**Jeff BOURMAN:** Based on your last comment, this is meant to encompass all shotguns that are repeating that are category A, correct?

**Enver ERDOGAN:** I will seek some clarification for you, Mr Bourman.

Mr Bourman, these reforms are targeted to bolt action shotguns only because, as you would appreciate, they already apply for lever action shotguns.

**Jeff BOURMAN:** I think the government has made an error here, but I am not here to fix it for you. I am just going to leave it at that. When we get to clause 14, I will go through my amendment.

**The DEPUTY PRESIDENT:** If there are no further questions on clause 1, Mr Bourman, I invite you to move your amendment 1, which amends clause 1. I might just note that this amendment does test all your remaining amendments as well.

**Jeff BOURMAN:** I so move my amendment:

1. Clause 1, page 2, lines 10 to 11, omit all words and expressions on those lines.

I think it is fairly straightforward: removing clause 14. This is fixing a problem that does not exist. I do not know why the government did not try and just put a limit of 10, which would probably be acceptable, but to move it to five is not fixing a thing.

**David DAVIS:** The opposition will support Mr Bourman's amendment.

**Enver ERDOGAN:** I want to thank Mr Bourman for his engagement with us in relation to this. What I will say is that the government did consult the Victorian Firearms Consultative Committee. As I tried to outline to Mr Davis, my understanding is that there has not been an incident yet, but I think this is a preventative measure to come into line with the improvements in bolt action shotguns.

**Council divided on amendment:**

*Ayes (16):* Melina Bath, Jeff Bourman, Gaelle Broad, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Adem Somyurek, Rikkie-Lee Tyrrell, Richard Welch

*Noes (20):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

**Amendment negatived.**

**Enver ERDOGAN:** I move:

1. Clause 1, page 3, line 5, omit "unauthorised".

As I stated in my closing remarks, I want to thank everyone for their feedback on and contribution to the construction of this bill. I think it is important, on matters of public safety, that we do work together. There was some discussion about making sure that there are appropriate whistleblower protections, and I know some on the crossbench wanted reassurance. I felt it was important that reassurance come from the government in relation to removing any ambiguity that may exist about disclosure protections. The act does have protections in place for whistleblowers – in section 227, for example, if information is disclosed without reasonable excuse, 'reasonable excuse' being to justify disclosure, so as a protection. There is also section 39 in the Public Interest Disclosures Act 2012, which provides protection and immunity for whistleblowers for public interest disclosures. So this just builds on that and provides reassurance that I believe the government should provide.

**Samantha RATNAM:** I rise to speak in support of this amendment put forward by the government. We welcome this amendment from the government in fact because it is identical to the one the Greens team, led by Katherine Copey, who unfortunately cannot be here today, have proposed. It is important to understand why this amendment is needed, as the minister has alluded to. Currently IBAC assesses whether a disclosure is protected or not and whether IBAC has jurisdiction after a police officer has made their disclosure. A number of current and former police employees have suggested this amendment to provide clarity and certainty for police employees wishing to make a lawful disclosure to IBAC. They wholeheartedly support the proposed amendments to sections 226 and 227 as pro accountability. However, they have expressed concerns about making disclosures to

IBAC without it first being very clear that they would not be found in breach of their duties if IBAC assessed their disclosure as outside jurisdiction or not protected.

This amendment clarifies this issue. It takes a lot of courage to be a whistleblower, particularly those from institutions of power like police. To ensure police officers know they will not breach their police duties by disclosing to IBAC at the time of disclosure would support them. This will promote transparency and accountability by helping current police raise concerns about police culture and systemic issues, such as racism or practices having potential adverse impacts on particularly vulnerable groups, which may or may not be protected disclosures.

I commend this amendment. My colleagues and I have put a lot of work into considering and drafting amendments such as these. We welcome a conversation with the government about how we can work constructively to get amendments across the line like this. In this case the government has chosen, and I might say at the eleventh hour, to put forward their house amendment. I will say that it is identical, as we have heard from the Deputy President and from the clerks and the running sheet; however, it does put us in a difficult position when amendments come so late that are so substantial. Given we have done the work, we are confident in this amendment because it looks very similar. It has had some slight tinkering to how it is laid out, but otherwise it looks substantive in nature, but this does not give us the time to look at the consequences of it. We trust that it is identical in nature because of the great work by the table office, but it does put us in a very unfair position when amendments come at the eleventh hour.

I would welcome the government actually embracing a new approach of working collaboratively across this chamber, given that we have done the work. If identical, the government could in fact support non-government amendments, have the same outcome and save hours of government staffers' time. That would be such a welcome change in 2024 to demonstrate we can work across the chamber. Because we have done our due diligence, we have looked at the consequences, and we believe and trust that the amendment is identical. Despite the slight semantic difference in the way it is laid out from the one that we had proposed, it is identical in substance. We hope it does not have any unintended consequences, because we had thought about all the consequences of how we laid it out. But we would welcome the government working with us, saving a whole bunch of time. It seems like for the mere sake of not giving ground to another non-government party having passed an amendment in this house, they go to all the trouble of coming up with a house amendment at the eleventh hour. We could save a lot of time and effort and build a lot of trust and reassurance in this community if the government just opened their approach to include us all.

**David DAVIS:** The opposition will support this amendment. In the first clause they are identical amendments proposed by the Greens and the government. The substance of the amendments for the following clause is identical too. In that sense we welcome the outbreak of agreement and the flurry of activity by the Attorney. The truth of the matter is that this is an amendment made by the government on the coattails of the Greens proposal. We often do not agree with the Greens, but I am also happy to point to occasions where we do.

I will get to the substance of why we support the amendment – from wherever it comes: it will strengthen the position of whistleblowers. It will give clarity to the position of whistleblowers. It will not leave them with uncertainty, and to that extent we will support it. We note that the government will move the amendment first, so we obviously support what is presented to us in the order it is presented, but we do note that it does come on the coattails of the work, on this occasion, of the Greens.

**Adem SOMYUREK:** I am less interested in the procedural niceties than I am the fear of misleading the house. I did say during my speech that I would not be entertaining any amendment except for Mr Bourman's amendment. I did have a look at the Greens amendment. I thought it was just the Greens being the Greens and product differentiating, so I treated that with the haughty contempt that it deserved, I thought. But since everyone is in agreement and since it would cause a

delay in time if I were to walk out of the chamber and then come back, I will also be supporting this amendment. I think essentially there is not much difference at all; it is non-consequential.

**Jeff BOURMAN:** I too will be supporting this, and it has actually saved me the problem of deciding whether to support the Greens or not. It is so rare that I agree with them that it was becoming quite a battle inside my head, but it has been solved, so I thank the government for that at least.

**Amendment agreed to; amended clause agreed to; clauses 2 to 57 agreed to.**

**New clause (16:31)**

**Enver ERDOGAN:** I move:

2. Insert the following New Clause to follow clause 57 –

**‘57A Other authorised access to, use of or disclosure of police information**

After section 231(1)(a) of the **Victoria Police Act 2013** insert –

“(ab) the disclosure to the IBAC of police information that relates to the conduct of a member of Victoria Police personnel or a systemic issue within Victoria Police;”.

**New clause agreed to; clauses 58 to 63 agreed to.**

**Reported to house with amendments.**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:33): I move:

That the report be adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:33): I move:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

**The PRESIDENT:** Pursuant to standing order 14.28, a message will be sent to the Assembly telling them that the Council has agreed to the bill with amendments.

**Land (Revocation of Reservations) Bill 2023**

*Second reading*

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

That the bill be now read a second time.

**Evan MULHOLLAND** (Northern Metropolitan) (16:34): I rise to speak today on the Land (Revocation of Reservations) Bill 2023. This bill aims to revoke permanent reservations at 13 locations across metropolitan Melbourne and regional Victoria, with distinct purposes for each revocation. The primary purpose of the bill is to revoke permanent reservations at specified locations, with the intent of either selling land or aligning the legal status with its actual use. Ten of the revocations are driven by potential intention to sell the land, while three aim to bring the legal status of the land in line with its long-term use. The Crown Land (Reserves) Act 1978 prohibits the sale of reserved Crown land, making this a necessary preliminary step for any sale proposal. The sale of



Crown land in Victoria is subject to such legislative and policy requirements, ensuring adherence to strategic assessments and consideration of traditional owner rights.

In specific cases such as Haunted Stream, Alexandra Park and the Melbourne City Baths, the revocations are proposed to align the land's existing legal status with its actual use. I will go on and highlight a few sites that will be impacted by this in a moment, because the government seems obviously to be intent on making quite a few changes to land status in places like Shepparton, Toolangi, Seaspray, the port of Geelong, Clunes, Walhalla and obviously Melbourne as well, in my electorate, but it seems to be very slow on other matters regarding the status of land and when it comes to changing the zoning of land. They are very good at talking about doing things but not very good at following up.

I want to go on to just briefly speak about a housing project which the government announced back in 2017 – the inclusionary housing pilot project. It was announced in 2017 with great fanfare by Daniel Andrews at the time, and this predated the government's sudden interest in housing through the housing statement. The idea was to deliver social and affordable housing. Six owned sites were announced as part of it to be sold to developers at a discount, provided they provided 100 social houses, many of them in my electorate of Northern Metropolitan Region.

In Reservoir a site was set aside for development, but it was actually land designated to be a highway. The government have had since 2017 to rezone that land so they could build social and affordable housing, which of course we would support. It seemed like a good announcement. But the Minister for Planning has not even bothered to rezone land so it could be used for housing, even though they announced it back in 2017. So we have been waiting, what, seven or eight years? Is it going to be 10 years before the government gets off its backside and actually rezones the land? I know constituents in my electorate have been asking about that as well. But we are apparently expected to believe that they can go ahead and build 80,000 homes a year – 220 homes a day every day, including weekends and public holidays – when they are not even doing the work required to change the status of land, which would be quite simple, to rezone it for housing.

There is another one as well in my electorate. In Broadmeadows 65 houses were proposed for the site on Nicholas Street, but my friends at Hume City Council have stated that they know little about it, what is being planned or how many social and affordable homes will be built. Again, this was announced in 2017 for development with both public and private dwellings. It was said at the time that construction would commence in 2018 – quite a while ago. Nothing has happened so far. We did not see anything in any preceding years at that site. I am not sure what the government was doing. They had every intention of following through with that promise. They are very good at media releases, but my constituents in the Northern Metropolitan Region, particularly in Broadmeadows, are wondering what is happening with that. I know Hume councillor Sam Misho has been vocal about it and has said there needs to be transparency in regard to a construction time frame. The government seemed like it was being quite transparent when it said construction would begin in 2018, and it is still a vacant block. So it is very difficult to see how the government can really live up to their housing promises when things that are on the minister's desk, like the rezoning of land, do not even get done. They are probably still sitting there.

Residents in Reservoir would quite like there to be more social and affordable housing, I would think. As a former resident of Reservoir, as a former Reservoir local, I have a long family history in that suburb, and I am sure they would love more social and affordable housing. But a promise that was made in 2017 – surely they could follow through on this. Surely you put out a media release and then maybe get some advice from the department, get a briefing and sign off on it. I would maybe give the government three months to make a change such as that – I would even give them six months. But it just does not happen. It has been 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024: eight years – seriously. And yet we expect the planning minister and this government to be able to fulfil their housing promises. It just shows a shocking contempt for the Victorian people that they would make announcements like this and promises like this and fail to deliver them. It is a failure.

There are a few revocations I want to run through. Victoria Park Lake in Shepparton is very ably represented by Kim O'Keeffe as well as Wendy Lovell in this place. The revocation aims to enable the purchase and refurbishment of a caravan park to boost tourism in the Shepparton area. We have also got a former potato research station in Toolangi, a revocation prompted by the closure of the research station in 2008, exploring future uses and potential sale of land. We have got Merriman Creek in Seaspray, a revocation to rectify a survey error and potentially sell land to the adjoining landowner with consultation required by traditional owners. And then we have the port of Geelong, a revocation prompted by changes in the Corio Bay foreshore position with the intention to sell part of the port of Geelong while maintaining the rest as a government road.

We always hear from those opposite particularly on privatisation; my new colleague Mr Welch will soon hear the lectures on privatisation from this Labor government. But as I have often stated before, no-one loves privatisation more than Labor. Joan Kirner actually began the sale of Loy Yang B back in the day. They privatised a whole bunch of things. They talk about the SEC and privatisation – they are the ones that actually began it. Of course they also sold the Port of Melbourne. They sold the last remaining parts of the State Bank as the Commonwealth Bank to the Commonwealth. They sold part of VicRoads and, would you believe it, they even sold Federation Square. One would think that privatisation is actually in the DNA of those opposite. They just love privatisation. They really, really do. It is in their blood. They can talk all they want in contributions read from their speaking notes, but they really, really love privatisation. We know that to be true, and this bill does foreshadow a bit of that going on. We know it is in the Labor Party's heart of hearts. It is in their DNA. Of course it was Ms Gillard, a former Labor Prime Minister, who sold the last remaining shares in Telstra as well. They absolutely love privatisation. So do not ever listen to those opposite lecture about privatisation, because you just know they love it. It is in their DNA.

We have also got the revocation of Borough Chambers Reserve in Clunes to allow the sale of land to the tenant Wesley College Melbourne subject to agreement with traditional owners. The Dja Dja Wurrung Clans Aboriginal Corporation must consent to any proposal to sell the land within the agreement area.

We have got Stringers Creek in Walhalla – and can I say that part of the world is very well represented by the Liberal member for Narracan Wayne Farnham. He is a very, very good local member and I know he gets around, including to Walhalla, quite often. This revocation at Stringers Creek addresses unsatisfactory arrangements for the current occupants, allowing the sale of occupied land after a due diligence process.

We have Alexandra Park in Melbourne, in my electorate. The revocation aims to align the legal status of a small section of the park with its current use following upgrades to the Swan Street bridge. Following the completion of upgrades to the Swan Street bridge a small section of permanent reservation forming Alexandra Park was incorporated into the bridge's structure. The revocation aims to align the legal status of the land with its current use. A small area of Alexandra Park on the banks of the Yarra River remains reserved for public recreation purposes. It is set for revocation.

The Melbourne City Baths are a great part of our city. This revocation aligns the legal status of a small area of the Melbourne City Baths reserve with its historical and current use as a government road. A small area of the Melbourne City Baths reserve permanently reserved for public baths and washhouses is set for revocation. The land's long-term use as a government road prompts the revocation, aligning the legal status with its historical and current use.

We have also got the revocation of five redundant permanent reservations for mechanics institutes, with the intent to sell the land following a due diligence process. They are Darlimurla in Gippsland South, Haunted Stream, Mirboo, Narracan and Wombelano. They are ably represented by my colleague the Deputy Leader of the Nationals Emma Kealy. That amendment revokes five redundant permanent reservations for mechanics institutes at various locations. The mechanics institutes have not functioned for many years and the land is now used for various purposes, including a pine

plantation and grazing. Other than the site at Narracan, all the trustees for the reserves are deceased. One of three trustees for the Narracan mechanics institute and free library is alive and has provided written confirmation that he has no objection to the land no longer being held by a trust. Following revocation of permit reservations and restricted Crown grants and the due diligence process associated with the sale of Crown land, the sites at Narracan South, Darlimurla, Mirboo and Wombelano are proposed to be sold, probably to adjoining landowners. Consultation with the adjoining landowners would occur following the passage of the bill.

As I was saying, there is a bit of a fire sale going on on the other side of the chamber. For all the lectures on privatisation and selling off things that this side of the house gets, they are having a bit of a fire sale over there because they have racked up the debt. Spending is out of control. We are due for a horror budget – another horror budget – according to the Treasurer, so the outgoing Treasurer is doing everything he can to try to make the books look a little better. As I said, that side of the house absolutely loves privatisation, and what we see here is a bit of a fire sale going on. They love privatisation. It started with Joan Kirner and Loy Yang B and continued on amongst Labor governments with things like the Port of Melbourne, part of VicRoads – and even Federation Square, this government sold off. They love selling things off. I know those opposite really love selling things off, so this bill goes a long way toward doing this. I suppose they have got the budget in mind, Victoria's debt position in mind. They have ratings agencies knocking at the door.

They have the North East Link. I remember a time when the North East Link was going to cost about \$6 billion or \$7 billion. Then it cost \$10 billion – and I note it is a very important project in Mr Welch's electorate – and now it is going to cost \$26.1 billion for the North East Link. If this was a private company, if the government was a private company, the person in charge of that project would be sacked. Yet Jacinta Allan, who was in charge of that project, was actually promoted for that. And there is the Suburban Rail Loop, of course, a \$9 billion blowout before the project has even begun – before it has even begun – so they have obviously got to find the money from somewhere.

There is lots of intent to sell certain properties in this bill, so the outgoing Treasurer is doing his very best to make this supposed horror budget, as he has flagged it will be, a little bit better. He might have to just keep growth area contributions locked away for a third year in a row, as he has been doing the past two years, to make his budget seem a little bit better as well. I know in my electorate, and in Mrs Broad's electorate as well, my communities are owed millions of dollars in growth area contributions. The City of Hume is owed about \$80 million; Mitchell Shire Council is owed about \$7 million by the government, but Tim Pallas is keeping it in a locked box. Those in growth areas are crying out for infrastructure. The bus networks are hopeless, and yet our growth areas – you have got towns like Wallan growing quite fast; one of the fastest-growing regions in fact, where you have got tens of thousands of people living – are still on V/Line trains. Most people have to drive down to Craigieburn to get a semireliable service. I note government media releases actually state that V/Line is the fastest-growing regional rail service. I wonder why that is. It is because of this government's failure to provide Metro services to metropolitan suburbs.

And of course they cancelled the *Western Rail Plan*, which would have electrified the Wyndham Vale and Melton train lines. I would state that the only reason it is the fastest growing regional rail service is because tens of thousands if not hundreds of thousands of homes are being built around V/Line trains, around V/Line train stations. The government has some chutzpah talking about the fastest growing regional rail service. Counting in population growth in regional towns, there are not any more regional people using the train than usual. I would say it is the tens of thousands, if not hundreds of thousands, of people that are stuck on a V/Line service in metropolitan suburbs.

As I stated, we are seeing the government on a bit of a fire sale. For all the lectures on privatisation, I will bring them back to this point – they love privatisation. The Labor Party loves it. They cannot get enough of it. Certainly Treasurer Tim Pallas – sorry, outgoing Treasurer Tim Pallas – is a big fan of privatisation.

There are some areas of concern in this bill. We note that there have been no sale negotiations over any sites since the bill has not been passed. A number of sites are contingent on negotiations with Indigenous landowners. Regarding the revocations, there appears to be no concern as on the fact of it a tenant or neighbour has expressed interest in the land purchase. Regarding the alignments, there also appear to be no issues with this proposal. So we do not oppose this bill. It appears to be non-controversial and seeks to address the specific needs of various sites across Victoria, ensuring that land use aligns with legal status and facilitating potential sales.

**David LIMBRICK** (South-Eastern Metropolitan) (16:57): I also rise to speak on the Land (Revocation of Reservations) Bill 2023. I would like to take up a couple of points that my colleague Mr Mulholland was talking about with regard to privatisation. He stated that it is in the Labor Party's DNA; I would have a very negative view of Mr Mulholland if he was actually promoting the Labor Party and trying to get me to vote Labor. But I am sure Mr Mulholland does not need reminding that the dictionary definition of socialism is 'state ownership of the means of production', and privatisation is the exact opposite of that.

Understanding the government's financial position, which I have had many, many complaints about since I have been in this place – many complaints about them spending way too much money – I do not disagree with Mr Mulholland about any of that. They have been spending far too much money and getting into far too much debt. I also share the concern about ratings agencies knocking on our door, because if we get a ratings downgrade, that will be disastrous for issuing new bonds and all that sort of thing. It will directly affect how much it costs to borrow money. As people would know, the state government cannot print money, they can only borrow it, unlike the federal government, so they are dependent on financial markets.

What the government are doing here I believe is actually a sensible thing: they are looking at excess land reserves and are preparing them for sale. I think that it is in the interests of Victorians to take a hard financial decision and sell off some of these assets in order to put us in a better financial position. So I commend the government on going through with this, even though it is probably unpopular; they are probably going to have to make a few unpopular decisions quite soon due to facing financial reality. Nevertheless it is good to be in a position where the government is doing things that I approve of, unlike in the last term of Parliament, when I approved of very little. With that in mind, the Libertarian Party wholeheartedly supports this bill, and we urge the government to make more decisions – some of those are going to be hard – to ensure that this state is in a financially sustainable position so that we do get out of debt and that we do not do it by raising taxes on this state to the point where we are unattractive, uncompetitive and unproductive. We want to be leaders of this nation, leaders of this federation, and that is not going to happen if we are taxing everyone to hell and we are in a weak financial position. So I urge the government to continue making financial decisions that will help fix our balance sheet.

**Sheena WATT** (Northern Metropolitan) (17:01): Acting President, thank you so much for the call this afternoon to join with those before me in making a contribution on the Land (Revocation of Reservations) Bill 2023. The purpose of the bill before us is to remove permanent reservation as Crown land from 13 parcels of land across Victoria as well as six corresponding restricted Crown grants. Further, the bill will provide for new land management arrangements where the land may be reserved for a different purpose, be developed or offered for future sale – in line of course with regulations and obligations under the Native Title Act 1993 and any other relevant legislation.

I note with great interest that all of the sites affected by this legislation are under 6 hectares each, with the exception of the 105-hectare site in Toolangi. In the case of this land bill, we are obliged to consider property rights through the prism of the Charter of Human Rights and Responsibilities Act 2006. I say that as a member of the Scrutiny of Acts and Regulations Committee of course, and in doing so I note the Minister for Skills and TAFE has noted that the bill is compatible with the rights to property protected under section 20 of the charter.

Before I turn to consideration of each of the sites, I believe it is important to acknowledge the importance of land reservations under the Crown Land (Reserves) Act 1978. There are over 8000 Crown land reserves in Victoria, occupying around 550,000 hectares. This land is used for many public purposes, such as public education, public hospitals, mechanics institutes, municipal buildings and lands, cemeteries, racecourses, recreation and a range of community services. In short, it is all good stuff. It is all important infrastructure for the benefit and enjoyment of all.

Of course though, responsible and strategic land use planning demands that from time to time governments should streamline and rationalise reservations on certain lands, ensuring that land resources are utilised efficiently and in the best interests of all Victorians. That is just what this Land (Revocation of Reservations) Bill seeks to achieve in the case of 13 tracts of land. It will remove outdated, unnecessary land reservations, allowing for fresh reservations that more accurately describe the actual uses to which the land has been put, and in some cases open up fresh opportunities for innovation and adaptive land use planning.

I note that the Department of Energy, Environment and Climate Action, or DEECA as some call it, reports that 10 of the reservation revocations relate to the possible sale of Crown land following revocation of the reservation. Now, there is no requirement for land to be sold once a reservation has been revoked. The land may be assigned for another public purpose. Indeed in the case of three of the planned revocations, sale is not under consideration. Can I just reaffirm: that is absolutely not under consideration.

Overall this bill promotes economic development by encouraging the fresh use of land for projects that will generate jobs, stimulate local economies, attract investment and enhance quality of life for everybody. It is important to acknowledge that changes such as those to be brought about by the land bill before us take time. Governments have to hasten slowly, since the management of Crown land is often subject to regulation and legal frameworks. Navigating through these processes can be time consuming, especially when amendments or changes are required. You see, legal reviews, environmental assessments and public consultations are integral parts of the process, and they all take time and careful management by the limited departmental resources. Can I take a moment to give a shout-out to the folks who are involved in that vital work with our community.

Indeed I note that the member for Pascoe Vale Anthony Cianflone spoke during the second-reading debate on this bill in the Legislative Assembly – and what a marvellous hardworking member he is – about the role of Crown land reservations and subsequent revocations and land use changes taking place in the districts of Northern Metro. Over long periods of time from the time of Robert Hoddle stretching through to the present day, as quarries and clay pits changed over the course of many decades to become places of refuse and landfill and then beautiful lakes, parks and other facilities, land reserved once for, well, a prison, has become a fantastic housing estate, shopping centre, cinema complex and one of my very favourite cafes.

Two of the proposed changes in this bill occur in Northern Metropolitan Region. The first has been a long time coming, I have to say. It concerns a reservation first made in 1878, a little bit before my time, yet the land has never been used for the purpose it was reserved for. Since 1860 Melbourne City Baths has provided vital public bathing facilities for hygiene and recreation. It is a celebrated and much-loved landmark to this day and has served Melbourne well, adapting to changing needs. It remains an iconic institution, fostering health and wellbeing in Melbourne's urban landscape. I see that a reservation in 1878 provided for those purposes; however, the City of Melbourne reports that a tiny 10.2 square metres of land on the corner of Swanston and Franklin streets has always been used as a public footpath and not for the public bathhouse purposes for which it was reserved. I am pleased that this 60th Parliament will be putting this to rights by changing the status of this 10.2 square metres of land to reflect its use as a footpath – or in technical parlance I think we call that a government road – there you go.

I am going to talk about a second tract of land now in my district concerning Alexandra Park in the City of Melbourne. You see, part of Alexandra Park, which as members would know is located on the western bank of the Yarra River, was incorporated into the structure of the Swan Street Bridge during the bridge expansion project of 2015 to 2018 – my goodness me. This was a result of Victoria’s Big Build, as the government recognised that the existing bridge needed to be widened to accommodate increased traffic travelling across the Yarra River into Melbourne’s world-class sporting precinct and to provide better access for pedestrians and cyclists. By 2018 the then Andrews government had added a new eastbound lane to Swan Street Bridge, built walking and cycling paths on either side of the bridge, built a new pedestrian crossing on the Alexandra Avenue side of the bridge and installed some feature lighting and painted the bridge. I have got to say that this bill will revoke the current reservation and Crown grant as far as they relate to the area that is now part of the expanded bridge footprint so that the status of the land reflects its use as one of Victoria’s Big Build roads.

Look, I was pleased to read in the second-reading speeches in the Assembly for this bill that the members whose electorates were affected by the reservation revocations of five former mechanics institutes had made some contributions, all of which have not functioned for many years. It is generally reported that they were satisfied that revocations were appropriate and variously expressed interest in the future opportunities unlocked by the changes presented in the bill before us. DEECA reports that there are no structures on the reserves and that the lands are now used for a range of purposes, including a pine plantation, grazing and as part of a surrounding state forest. Following revocation of the permanent reservations and restricted Crown grants and the necessary processes associated with the sale of Crown land being completed, there is some land in places like Narracan and Mirboo that will be likely be sold, potentially to adjoining landowners. In the case of the Haunted Stream site the bill will provide that the land is taken to be dedicated as reserve forest under section 42 of the Forests Act 1958 so that it can be incorporated into their surrounding reserved state forest.

In other parts of Victoria this bill promises to unlock opportunity for economic growth and greater public amenity. Let us take Shepparton, for example. The Greater Shepparton City Council has operated a caravan park on part of Victoria Park Lake, which has been permanently reserved as a public park for more than 60 years. Removing part of the permanent reservation for a public park will enable potential sale of the land to the Greater Shepparton City Council so that it can refurbish the caravan park to cater for the increased tourism to the Shepparton area. I count myself as one of those tourists, having visited only this last weekend. This is very much a win–win.

I need to talk now about the hamlet of Toolangi. The population there is 366 according to the 2021 census, and I have read – it is very timely that I say this – about the impact of the 2009 Black Saturday bushfires on Toolangi and the surrounding state forests. There were, sadly, two deaths and 18 homes burnt. I do acknowledge that it is 15 years this week. The Toolangi Potato Research Station was closed in 2008. As a result 44 hectares of the reserve were excised in 2012 and reserved as a state forest. The remaining 105 hectares of permanent reservation have been identified as potentially suitable for sale. This bill will revoke the remaining reservation, enabling the potential sale of the land and thereby creating local economic opportunity. I note that in addition to this the bill will keep the Victorian Strawberry Industry Certification Authority and the Victorian Seed Potato Authority in the locality until at least 2031 by preserving a 21-year lease granted back in 2010.

Now I will move to the port of Geelong. There were 5.3 hectares of land reserved for public purposes along the shores of Port Phillip Bay and Corio Bay in 1873 – this is one for the history books – and they now also hold the status of government road under the control of the City of Greater Geelong. As you can imagine, land reclamation has progressively affected the Corio Bay foreshore since the late 1800s, indeed so much so that sections of that 1873 reserve are now located hundreds of metres inland, cutting across freehold land owned by GeelongPort. In order to facilitate further development at this vital Victorian port, now home to the *Spirit of Tasmania*, GeelongPort is seeking to purchase 2.1 hectares of the land, dissecting its freehold further. The northern section of the land described in this bill comprises an area of 3.3 hectares and forms part of arterial roads servicing the port of Geelong

and the Shell refinery, so revocation of the redundant reservation will enable a potential sale of Crown land dissecting GeelongPort's freehold, at the same time aligning the legal status of the other section of land with its use as roads.

It should be noted that the Victorian government's strategic Crown land assessment policy, the *Victorian Government Land Transactions Policy* and the *Victorian Government Landholding Policy and Guidelines* require that strategic Crown land assessments must be undertaken to confirm the land is indeed surplus and can be sold. DEECA has completed assessments for all the sites identified for potential sale in this bill before us, with positive outcomes except for this site at the port of Geelong. In this case any sale process will only proceed subject to that strategic Crown land assessment confirming that the land is indeed saleable and surplus. Two of the parcels of reserved Crown land for revocation by this bill are proposed to be prepared for potential sale to long-term tenants on the land – one for a school – and this chamber should note that the revocation and sale proposals do not include part of the permanent reserve occupied by Clunes town hall. These sales will enable long-term existing occupants to continue with economic development in those communities. It will sort out the legal status of some land parcels, with their long-term use as roads.

With the minute I have remaining I will finally go to Merriman Creek, Seaspray, where the owner of the adjoining freehold land parcel constructed part of their house on the reserve because of a private survey error. Revocation through this bill of the reservation will enable potential sale of the land to the adjoining landowner.

In my view the bill before us represents a balanced approach recognising the importance of economic growth and suitable land use realignment while safeguarding natural and beautiful resources for future generations of Victorians. I will take this moment to commend the bill before us to the chamber.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:16): 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 without amendment.

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

*Council's amendments*

**The PRESIDENT (17:17):** I have received the following message from the Legislative Assembly in respect of the Justice Legislation Amendment (Police and Other Matters) Bill 2023:

The Legislative Assembly informs the Legislative Council that, in relation to 'A Bill for an Act to amend the **Child Employment Act 2003**, the **Fire Rescue Victoria Act 1958**, the **Firearms Act 1996**, the **Road Safety Act 1986**, the **Terrorism (Community Protection) Act 2003**, the **Victoria Police Act 2013**, the **Victorian Civil and Administrative Tribunal Act 1998** and the **Worker Screening Act 2020** and for other purposes' the amendments made by the Council have been agreed to.

**Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023***Introduction and first reading*

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

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Domestic Building Contracts Act 1995** and the **Building Act 1993** and for other purposes’.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:18): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Lizzie BLANDTHORN**: I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:19): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Building Legislation Amendment (Domestic Building Insurance New Offences) Bill 2023 (the **Bill**).

In my opinion, the Bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I have this opinion for the reasons outlined in this statement.

**Overview of the Bill**

The purpose of the Bill is to amend the *Domestic Building Contracts Act 1995* (**Domestic Building Contracts Act**) and the *Building Act 1993* (**Building Act**) to improve consumer protection by enhancing requirements for builders to obtain appropriate building insurance.

The Bill amends the Domestic Building Contracts Act to insert two new offences penalising a builder who demands or receives money from or on behalf of a building owner under a major domestic building contract if the builder has not ensured that the domestic building work to be carried out under that contract is covered by the required domestic building insurance.

The Bill amends the Building Act to empower the Victorian Building Authority, or a person authorised by the Victorian Building Authority, to investigate and bring proceedings for a contravention of the new offences. The Bill also provides that builders who are found guilty of contravening either of the new offences may be subject to disciplinary action by the Authority and have their registration suspended or be ineligible to apply for registration for a period of time.

**Human rights issues**

The human rights protected by the Charter that are relevant to the Bill are the right to privacy in section 13(a), the right to a fair hearing in section 24(1), the rights in criminal proceedings in section 25, the right not to be tried or punished more than once in section 26 and the protection against retrospective criminal laws in section 27.

**Power to obtain information or documents**

Clause 11 of the Bill inserts new paragraphs into section 227G(1) of the Building Act expanding the circumstances in which the production of information and documents can be compelled. These new subsections will provide that an authorised person may, by notice in writing, require a person to provide information or produce documents in the custody or control of the person if the authorised person has reasonable grounds to suspect that an offence has been committed under the new offence provisions inserted into the Domestic Building Contracts Act by this Bill. The new offence provisions apply to a builder and concern receiving money from or on behalf of a building owner for carrying out domestic building work



under a major domestic building contract or for carrying out domestic building work, in either case, without holding the required insurance.

Clause 12 of the Bill inserts a new subsection into section 227I of the Building Act, which expands the circumstances in which a Victorian Building Authority inspector may apply for a court order requiring a person to provide information to include where the inspector believes that the person may have contravened the new offences inserted into the Domestic Building Contracts Act by this Bill.

These provisions engage the rights to privacy and protection against self-incrimination in the Charter.

*Right to privacy (s 13)*

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

While not all information required under clauses 11 and 12 of the Bill will be of a private nature or be information concerning a natural person, as opposed to information concerning a corporation to which the Charter does not apply, the expansion of purposes for which a power to obtain information or documents may be exercised may constitute an increase in the level of interference with privacy permitted by the Act. However, to the extent that these provisions do require disclosure of personal information, this will occur in lawful and not arbitrary circumstances. The expansion serves a legitimate purpose, being to facilitate the effective administration of the Building Act and related legislation through investigating suspicions of non-compliance or breach of the regulatory scheme. The provisions are circumscribed in their scope, require the provision of written notice and can only operate to compel the provision of information in the specific circumstances outlined in the sections. These relate to important areas of consumer protection where significant gaps have been identified in relation to industry compliance, exposing consumers to risks of financial harm. The powers will principally apply to registered builders who have voluntarily undertaken to practice in a regulated industry where special duties and responsibilities attach.

Further, confidentiality requirements in section 229J of the Building Act apply to any information gained in the exercise of these powers, as well as the availability of complaint mechanisms under sections 231 to 234A of the Building Act relating to an exercise of power by an authorised person.

I therefore consider that any interference with the right to privacy resulting from these provisions will be neither unlawful nor arbitrary.

*Protection against self-incrimination (s 25(2)(k))*

Section 25(2)(k) of the Charter provides that a person who has been charged with a criminal offence has the right not to be compelled to testify against himself or herself or to confess guilt. It is also an aspect of the right to a fair trial protected by section 24 of the Charter. This right under the Charter is at least as broad as the privilege against self-incrimination protected by the common law. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained prior to or subsequent to the charge being laid.

Clause 11 of the Bill expands the circumstances in which an authorised person can compel the production of information and documents to include where the authorised person has reasonable grounds to suspect one of the new offences inserted by this Bill has been contravened or where the authorised person requires this information or documentation to determine whether one of these offences has occurred.

The above provisions are subject to the protection against self-incrimination by way of section 229G of the Building Act, which provides that it is a reasonable excuse for a natural person to refuse or fail to give information or do any other thing that the person is required to do if the giving of the information or the doing of the thing would tend to incriminate the person. The protection is limited to information only and does not extend to documents which an authorised person can require to be produced.

The privilege against self-incrimination generally covers the compelled production of documents or things which might incriminate a person. Section 229G of the Building Act limits this protection by not excusing a person from producing documents that would tend to incriminate that person. However, it is my view that this limit is reasonable under section 7 of the Charter.

At common law the protection accorded to the compelled production of pre-existing documents is considerably weaker than the protection accorded to oral testimony or to documents that are brought into existence to comply with a request for information. This is particularly so in the context of a regulated industry, where documents or records are required to be produced during the course of a practitioner's participation in that industry and are brought into existence for the dominant purpose of demonstrating that practitioner's compliance with relevant

duties and obligations. The duty to provide documents in this context is consistent with the reasonable expectations of these individuals as persons who operate within a regulated scheme.

These expansions to existing powers enable authorised persons to monitor compliance with the Building Act in relation to the new offences to be inserted into the Domestic Building Contracts Act, investigate potential contraventions, and protect consumers from detriment resulting from non-compliance with the regulatory scheme. It is necessary for authorised persons to have access to documents to ensure the effective administration of the regulatory scheme, being the investigation and detection of money received by a builder pursuant to domestic building work where the required insurance has not been obtained.

There are no less restrictive means available to achieve the purpose of enabling authorised persons to have access to relevant documents, and access to such documents is necessary to ensure the safety of consumers and to protect the financial interests of consumers. To provide for a document-use immunity would unreasonably obstruct the role of authorised persons and the aims of the scheme, as well as give the holders of such documents an unfair forensic advantage in relation to criminal and disciplinary investigations.

Therefore, I consider that the limitation of the privilege against self-incrimination with respect to documents is compatible with the right not to be compelled to testify against oneself or confess guilt in section 25(2)(k) of the Charter.

#### **Suspension of builder registration**

Clause 10 of the Bill inserts a new subparagraph into section 180(b) of the Building Act adding a further ground on which a builder may have their registration immediately suspended, being a contravention of the new offences inserted by this Bill. The expansion of the grounds for suspension of registration is relevant to the right to a fair hearing.

#### *Right to a fair hearing (s 24)*

Section 24(1) of the Charter relevantly provides that a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing. The concept of a 'civil proceeding' is not limited to judicial decision makers but may encompass the decision-making procedures of many types of tribunals, boards and other administrative decision-makers with the power to determine private rights and interests. While recognising the broad scope of section 24(1), the term 'proceeding' and 'party' suggest that section 24(1) was intended to apply only to decision-makers who conduct proceedings with parties. As the administrative decisions at issue here do not involve the conduct of proceedings with parties, there is a question as to whether the right to a fair hearing is engaged.

In any event, if a broad reading of section 24(1) is adopted and it is understood that the fair hearing right is engaged by this Bill, this right would nonetheless not be limited. The right to a fair hearing is concerned with the procedural fairness of a decision and the right may be limited if a person faces a procedural barrier to bringing their case before a court, or where procedural fairness is not provided. The entire decision-making process, including reviews and appeals, must be examined in order to determine whether the right is limited.

Any decision made by the Victorian Building Authority to immediately suspend a builder's registration is made pursuant to a show cause process (section 182 of the Building Act) and is subject to internal review (Part 11, Division 4, subdivision 2 of the Building Act). The builder is provided with the opportunity to provide oral or written representations during the show cause period (section 182A(1) of the Building Act) and on internal review (section 185B(2)) of the Building Act).

Finally, any decision made to suspend a builder's registration by the Victorian Building Authority is subject to external review by VCAT (section 186 and section 186(3) of the Building Act). This affords builders a hearing before an independent and impartial tribunal and satisfies the requirements in section 24(1) of the Charter.

As such, I conclude that the fair hearing rights in section 24(1) of the Charter are not limited by this Bill.

#### **Strict liability offences**

Clause 5 of the Bill inserts a strict liability offence into the Domestic Building Contracts Act. New section 43B(2) relates to a builder demanding or receiving money from or on behalf of a building owner under a major domestic building contract without holding the required insurance. This offence does not require proof of fault (being that the builder did so 'knowingly or recklessly').

The inclusion of the strict liability offence in clause 5 of the Bill is relevant to the right to be presumed innocent under section 25(1) of the Charter.

#### *Right to be presumed innocent (s 25(1))*

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proven guilty according to law. The right is relevant where a statutory provision allows for the imposition of criminal liability without the need for the prosecution to prove fault.

To the extent that this imposition limits the presumption of innocence, I consider that this limitation can be reasonably justified pursuant to the factors in section 7(2) of the Charter. Strict liability offences will generally be compatible with the presumption of innocence where they are reasonable, necessary and proportionate in pursuit of a legitimate objective.

A strict liability offence is considered legitimate where it is directed at preventing loss in particular contexts, such as consumer protection. This offence will deter existing practices within the building industry that have exposed consumers to significant risks of financial harm. This assists to enhance compliance with regulatory requirements and ultimately to protect consumers who may find it difficult to independently verify if the builder holds the proper insurance and who are otherwise vulnerable to losing large amounts of money where proper insurance was not held. It is reasonable that the offence does not require proof of fault given significant consequences and loss that can arise regardless of whether a builder acts knowingly or recklessly.

The offence is reasonable in that it does not exclude the common law defence of honest and reasonable mistake of fact, and it does not attract a penalty of imprisonment. While the offence attracts a fine of up to 240 penalty units for a natural person, which is at the high end of the liability spectrum for what a strict liability offence would generally attract, this is reasonable and proportionate noting the very large values of contractual commitments by builders and their customers under major domestic building contracts, and the significant costs to the community where builders fail to hold the required insurance. Accordingly, this maximum penalty provides a significant deterrent to prevent builders from operating without holding the required insurance in response to identified practices of non-compliance in the industry.

For these reasons, the limitation to section 25(1) of the Charter is reasonable and justifiable within the meaning of section 7(2) of the Charter.

***Right not to be tried or punished more than once***

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which they have already been finally convicted or acquitted in accordance with law. This right reflects the principle of double jeopardy. However, the principle only applies in respect of criminal offences – it will not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa.

Penalties and sanctions imposed by professional disciplinary bodies do not usually constitute a form of 'punishment' for the purposes of this right as they are not considered to be punitive.

The ability of the Victorian Building Authority to immediately suspend the registration of a registered building practitioner (clause 10 of the Bill), for a court to grant an injunction against a person in circumstances where the Court is satisfied that the person has engaged in, or is proposing to engage in conduct that would constitute a contravention of one of the new offences (clause 13 of the Bill) and for a court to impose an order making a person ineligible for registration (clause 15 of the Bill) do not engage this right. This is because the purpose of each of these sanctions, for example an injunction against a registered builder from receiving further money under a contract without holding the required insurance, or suspending the registration of a builder, is imposed to protect consumers from future harm. As these sanctions are for protective rather than punitive purposes, they do not engage the right against double punishment set out in section 26 of the Charter.

As such these provisions are compatible with the Charter.

***Conclusion***

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

**Hon Harriet Shing MP**  
**Minister for Housing**  
**Minister for Water**  
**Minister for Equality**

*Second reading*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability)  
 (17:19): I move:

That the bill be now read a second time.

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

The Victorian Government is committed to ensuring that consumers are provided with strong and meaningful protections when building or renovating their home and that builders face appropriate and commensurate

consequences when they do not meet insurance requirements that provide consumer protection or seek to avoid these protection measures.

Following the collapse of Porter Davis Homes Group on 31 March 2023, it was revealed that more than 500 homeowners, or prospective homeowners, were at risk of losing their entire deposit due to the failure of Porter Davis Homes to obtain builders insurance on their behalf when required. Subsequently, we learned that several other builders that had previously collapsed – including Snowden and Hallbury Homes, among others – also had not obtained insurance to protect their customer's deposits.

In April 2023 the Government stepped in to help Porter Davis customers get back on their feet by compensating those customers who were left without insurance cover for their lost deposits through no fault of their own. Since then, the Government has also set up the Liquidated Builders Customer Support Payment Scheme for customers of other builders whose businesses collapsed between 1 July 2022 and 30 June 2023, where those customers were at risk of losing deposits because the builder had not obtained domestic building insurance.

This Bill will introduce the first initiative to reform the regulatory framework to ensure that consumers and the money they pay builders for domestic building work are protected, and to ensure builders are incentivised to obtain insurance when required. The Bill will amend the *Domestic Building Contracts Act* and the *Building Act* to:

- Insert a set of two new offences, with tough penalties, to ensure domestic builders will comply with the insurance requirements; and
- provide strong powers for the Victorian Building Authority to enforce compliance with the insurance requirements.

The set of new offences this Bill will apply where a builder enters into a major domestic building contract and demands or receives money from or on behalf of the building owner to carry out work under that agreement without ensuring the builder holds domestic building insurance when it is required.

The Bill will provide for significant penalties for any contravention of these new offences. It sets the maximum penalty level for where the offence is committed knowingly or recklessly at 500 penalty units, or approximately \$96,000, for a natural person and 2500 penalty units, or approximately \$480,000, for a body corporate.

Where the offence has been committed under a standard of strict liability, the maximum penalties are set at 240 penalty units, or approximately \$46,000, for a natural person and 1200 penalty units, or approximately \$230,000, for a body corporate.

Following their commencement, the operation of the proposed new offence provisions will be monitored to ensure that the consumer protections are upheld and appropriately balanced with industry interests.

The Bill will also enable the Victorian Building Authority to be the lead regulator to take strong action against a builder for non-compliance with any of the new offences.

The Bill will provide broad powers for the Victorian Building Authority to:

- take proceedings against a builder who contravenes any of the new offences; and
- take disciplinary action against a registered builder for non-compliance with any of the new offences, including immediate suspension of their registration if warranted.

This approach will allow the Victorian Building Authority to take the necessary actions to ensure commensurate penalties are meted out to non-complying builders and minimise ongoing community harm from non-complying builders that continue to operate.

As the general market regulator, the Director of Consumer Affairs Victoria will continue to exercise other regulatory powers and functions under the *Domestic Building Contracts Act* and the Australian Consumer Law (Victoria).

With the Victorian Building Authority taking the lead regulatory role, and empowered to take strong action where necessary, this will send a strong message to industry on the importance of builders adhering to insurance requirements and will, in turn, give building customers greater confidence in the building industry, which will be beneficial for builders, their customers and the wider building industry over the long term.

The collapse of Porter Davis Homes Group revealed an additional issue of multiple agreements being used by builders, often avoiding the threshold for the requirement to obtain a DBI policy. This issue – and further legislative options to address it – will be considered as part of a review of the *Domestic Building Contracts Act*. This review will also consider related issues including whether there should be any changes to monetary thresholds for deposits, the definition of domestic building work and progress payments at various stages of a construction contract.

I commend the Bill to the House.

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

That debate be adjourned for one week.

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

### **Regulatory Legislation Amendment (Reform) Bill 2023**

#### *Introduction and first reading*

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

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Monetary Units Act 2004** in relation to the use of fee units, to amend the **Essential Services Commission Act 2001** in relation to various administrative and enforcement matters, to amend the **Meat Industry Act 1993** in relation to the application of that Act, to amend the **Seafood Safety Act 2003** in relation to transport, to amend the **Food Act 1984** to modernise certain requirements, to amend the **Drugs, Poisons and Controlled Substances Act 1981** in relation to permit exemptions, to amend the **Regional Development Victoria Act 2002** in relation to advisory committee membership and other miscellaneous matters, to amend the **Environment Protection Act 2017** in relation to the emergency transportation of waste, to make miscellaneous amendments to the **Casino Control Act 1991** and the **Gambling Regulation Act 2003**, to make miscellaneous amendments to the **Children, Youth and Families Act 2005**, the **Social Services Regulation Act 2021** and the **Child Wellbeing and Safety Act 2005**, to amend the **Education and Training Reform Act 2006** in relation to various enforcement powers, to consequentially amend various Acts to reflect changes relating to Homes Victoria and for other purposes’.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:21): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Lizzie BLANDTHORN**: I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

#### *Statement of compatibility*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:21): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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

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

#### **Overview**

The Bill amends laws across a range of ministerial portfolios to:

- create a mechanism for the Secretary to authorise persons without the requirements to obtain a licence, warrant or permit by amending the *Drugs, Poisons and Controlled Substances Act 1981*;
- amend the *Meat Industry Act 1993* to:
  - o clarify that the Act does not apply to online sale of dried meat;
  - o clarify licensing for the transport of seafood and requirements for licensing of vehicle-based meat processing facilities;
  - o update references to the *Commonwealth Export Control Act 2020* (Cth) to remove duplication of Commonwealth and Victorian regulatory requirements for branded meat;

- o remove audit requirements for export facilities audited by the Commonwealth government;
- o include a power for PrimeSafe to rescind Codes of Practice to help maintain the contemporariness of the codes;
- o remove requirements for poultry or game processing facilities to include information about quality assurance programs in licence applications that are not necessary in determining a licence application;
- o remove an impractical requirement for issuing of licences for vehicle-based meat processing facilities;
- o allow for delegation to the Chief Executive Officer of PrimeSafe to occur through electronic means rather than made under common seal;
- o clarify that Parts 2 and 5 of the Act apply to poultry and game;
- o update references in the Act to reflect machinery of government changes;
- o provide an additional ground for PrimeSafe to refuse applications for licence renewals; and
- o remove redundant provisions and correct typographical errors;
- amend the *Seafood Safety Act 2003* to clarify that only one type of licence is required to transport both meat and seafood, and to provide an additional ground for PrimeSafe to refuse applications for licence renewals where a person has failed to comply with a licence condition;
- amend the *Casino Control Act 1991* to remove a requirement for casino special employees (CSE) licence applicants to provide evidence of certain former employment that is not relevant to the licensing criteria;
- amend the *Social Services Regulation Act 2021* to enable streamlining of mandatory notifications by registered social service providers to the Social Services Regulator.
- amend the *Environment Protection Act 2017* to clearly enable the Environment Protection Authority to authorise transportation of waste in an emergency situation;
- amend the *Gambling Regulations Act 2003* to provide licensees with remote access to keno systems, allow for a single approval for linked jackpot arrangements installed at the same venue, and correct a statutory reference;
- amend the *Essential Services Commission Act 2001* to:
  - o remove burdensome requirements for ESC to provide notice of price determinations to all regulated entities;
  - o remove requirements of Codes of Practice and their amendments to be published in full in the Government Gazette;
  - o update the definition of “civil penalty requirement” to allow the ESC to use its enforcement provisions to improve outcomes for consumers within embedded networks;
  - o ensure that the ESC can use information gathering notices and powers in respect of the *Water Industry Act 1994*; and
  - o clarify the scope of delegated functions and powers;
- amend the *Regional Development Victoria Act 2002* to update the Regional Development Advisory Committee membership and meeting frequency, update references to Melton City Council, and update references to the name of the relevant government department;
- amend the *Children, Youth and Families Act 2005* to make consequential and transitional amendments to account for changed arrangements under the new social services regulatory scheme;
- amend the *Sale of Land Act 1962* and *Land (Goonawarra Gold Course) Act 1988* to update references to Homes Victoria;
- amend the *Food Act 1984* to:
  - o enable orders to be made on additional grounds prescribed by regulations
  - o prescribe infringements for breaches of the Australia New Zealand Food Standards Code, specifically Standards 4.27, 4.2.8 and 4.2.9;
  - o ensure the Minister for Agriculture has adequate regulation-making powers
  - o allow the regulator to issue directions to the proprietor of a food premises to revise a food safety program;

- o clarify and modernise notice requirements to allow for the addition of electronic transmission and publication of closure orders following the recommendations of the parliamentary inquiry into the closure of I Cook Foods Pty Ltd;
- amend the *Child Wellbeing and Safety Act 2005* to update references to restricted information sharing entities, and clarify the Secretary's power to delegate for restricted information sharing entities under the Child Information Sharing Scheme;
- amend the *Education and Training Reform Act 2006* to:
  - o clarify processes where an authorised officer is unable to discover the identity of a person when seizing documents or items;
  - o clarify requirements for commencing prosecution proceedings for offences relating to apprentices;
  - o clarify when the VRQA must notify an affected person of its intention to publish certain non-compliance information on its website and provide an opportunity for a person to make a submission in response and for the VRQA to consider that submission before the decision to publish is made;
  - o clarify when the VRQA must publish certain information;
  - o expand the circumstances in which an application for reinstatement of registration may be submitted to the Victorian Institute of Teaching (the Institute); and
  - o clarify references to Ministerial Orders with respect to the discipline of students in government schools;
- amend the *Monetary Units Act 2004* to:
  - o allow regulations in Victoria to prescribe small fees in the form of fee units; and
  - o clarify that fee units can be used not just for regulations but other types of legislative instruments that may set fees.

### **Human rights issues**

Some of the proposed measures will or may engage one or more of the following human rights under the Charter:

- right to life (section 9);
- right to freedom of expression (section 15);
- property rights (section 20);
- fair hearing (section 24); and
- rights in criminal proceedings (section 25)

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

### **Right to life (section 9)**

#### *Authorize exempt persons to obtain a licence to obtain controlled substances*

Part 5 of the Bill includes a proposal to amend the *Drugs, Poisons and Controlled Substances Act 1981* (DPCSA) to create a mechanism for specific classes of person (entities) to be authorised to purchase or otherwise obtain certain poisons or controlled substances without the requirement for a licence or permit to use for a variety of purposes including health or industrial services, or to manufacture or supply by wholesale. Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life. The proposed measure engages this right because it safeguards Victorians from harm that might arise from unauthorised access to and use of controlled substances. To do this, it establishes a mechanism for appropriate oversight of entities that are authorised in relation to controlled substances, including a risk assessment before they are legally authorised. The proposed authorisation model would also ensure that those entities are subject to requirements under the Act and Regulations about how those substances are managed (for example requirements relating to record-keeping, storage).

#### *Closing loophole on licence renewals*

Parts 11 and 13 of the Bill promotes the right to life by the inclusion of a proposal to remove a loophole in the *Meat Industry Act 1993* and *Seafood Safety Act 2003* where applicants that are refused a licence renewal can obtain a licence by instead applying for a new licence. Section 9 of the Charter provides that every person

has the right to life and has the right not to be arbitrarily deprived of life. This proposed measure may engage this right as it improves the health, wellbeing and safety of Victorians. This is because the measure will prevent applicants that may have been in breach of various health, wellbeing and safety related legislation from obtaining a licence for the handling of meat or seafood. This can result in reducing the risk of Victorians consuming meat or seafood that is not safe for human consumption.

#### **Right to freedom of expression (section 15)**

##### *Clarifying and modernising notice requirements under the Food Act 1984*

Part 9 of the Bill includes a proposal to clarify and modernise notice requirements in the *Food Act 1984* to allow for the addition of electronic transmission and publication of closure orders. Section 15 of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. This proposal engages this right as it will provide for additional ways that the regulator can provide notice to relevant parties including via posting on the internet, serving by email and affixing an order to the physical premises.

##### *Clarify when the VRQA must publish non-compliance information*

Part 6 of the Bill includes a proposal that clarifies when the VRQA must publish non-compliance information on its website. Section 15 of the Charter provides that every person has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. This proposal engages this right because it will require the VRQA to follow a specific and consistent process for publicly publishing information. A consistent public approach to publication will provide for an improved opportunity for relevant persons affected by decisions of being informed of the publication.

#### **Property rights (section 20)**

##### *Clarify the requirements and processes authorised officers who seize documents must follow*

Part 6 of the Bill includes a proposal to amend the *Education and Training Reform Act 2006* to clarify the requirements and processes which authorised officer must follow when seizing documents or items in the custody of another person when they are unable to discover the identity of the person. The proposal will create a requirement for the authorised officer to leave a receipt of the document or thing they have seized from a person at the premises if they cannot identify the lawful owner or person who has custody of the document or thing.

Section 20 of the Charter provides that a person must not be deprived of that person's property other than in accordance with law.

These measures comply with section 20 of the Charter as the proposal does not deprive a person of their property other than in accordance with law. This is because the seizure of any item is for investigative purposes and will be in accordance with laws permitting seizure of property. Further, any seizure will require officers to leave a receipt for the item at the premises it was seized from allowing for persons the ability to retain their property at a certain time. This proposal will also be consistent with similar provisions in other legislation which requires a receipt to be left if the owner of the property cannot be identified at the time of seizure.

#### **Fair hearing (section 24)**

##### *Clarify when the VRQA must notify an affected person of its intention to publish certain non-compliance information on its website and provide an opportunity for a person to respond before the decision to publish is made*

Part 6 of the Bill includes a proposal that clarifies what the VRQA must do before it decides to publish non-compliance information about an affected person on its website. The VRQA currently conducts an informal show cause notice process before making a decision on whether to publish such information. The proposal will amend the *Education and Training Reform Act 2006* so that the VRQA is formally required to give an affected person notice of the intention to publish such information (along with the proposed reasons and an opportunity to respond) before the VRQA decides whether to publish the information. Section 24 of the Charter provides for a right to a fair hearing including that all judgments or decisions made by a court or tribunal in a criminal or civil proceeding must be made public.

This proposal engages this right because it will explicitly provide a process to follow after an adverse finding against a person is made and when the VRQA intends to publish this information. This ensures that a person affected by a decision to publish non-compliance information will be informed of the intended publication, the reasons for the decision and a time frame in which they have an opportunity to make a submission in response, before publication. The VRQA will be required to consider those submissions before making the decision to publish.



**Rights in criminal proceedings (section 25)**

*Ensuring that the Commission can use information gathering notices and powers in respect of information the Commission may require from a person under the Water Industry Act 1994*

Part 8 of the Bill includes a proposal to allow for the Essential Services Commission to use the information-gathering powers under the *Essential Services Commission Act 2001* instead of the *Water Industry Act 1994* for the investigation of Water Corporations.

Section 25 of the Charter provides for rights to individuals in criminal proceedings including that an individual cannot be compelled to testify against themselves or to confess guilt. This proposed amendment will engage this right because directors of Water Corporations will now be subject to clearer protections against self-incrimination in the *Essential Services Commission Act 2001* compared to *Water Industry Act 1994*.

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

*Second reading*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability)  
 (17:22): I move:

That the bill be now read a second time.

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

The Regulatory Legislation Amendment (Reform) Bill 2023 (the Bill) before the House today is not just a collection of more than 50 opportunities to reform regulatory legislation across 14 Acts and 10 ministerial portfolios. While they may appear to be a collection of relatively simple and straightforward reforms, continuous finetuning of legislation is essential to the Victorian Government's vision of a high-performing state and local regulatory system that supports increased productivity, makes it easier to do business in Victoria, and protects consumers, community health and safety and the environment.

The Department of Treasury and Finance estimates that the reforms will provide over \$2.6 million in annual savings to businesses in Victoria by removing licensing and permit fees and making regulatory compliance easier.

Regular omnibus bills on regulatory issues help modernise legislative frameworks, reduce regulatory burden on businesses, and make other improvements to regulation. This particular Bill, following on from the *Regulatory Legislation Amendment (Reform) Act 2022*, is an example of collaborative efforts across government to finetune regulatory systems, including amendments across fourteen Acts – and ten ministerial portfolios. The Bill has many more benefits which can be found across the four main objectives of the Bill.

Firstly, the Bill will modernise and streamline requirements for businesses and social services providers – without compromising the effective management of harms.

Currently, under the *Drugs, Poisons and Controlled Substances Act 1981* there is no general mechanism for the Secretary of the Department of Health to authorise a health service or another entity type to obtain, possess or otherwise deal with medicines, where this is considered appropriate and does not create a risk. The Act currently requires each entity to apply for and be granted a licence or permit. The Bill will amend the Act to create a mechanism for the Secretary to authorise a class of entity. In doing so the Secretary will be required to make a risk assessment as set out in the proposed provisions, and authorised entities will still be required to comply with provisions in the Act and Regulations, including medicines requirements relating to storage, record keeping, access and administration. This streamlined mechanism will reduce unnecessary regulatory burden on entities and allow regulatory oversight to appropriately focus on high-risk entities. It will also support safe and timely access to medications for Victorians. For example, Victorian Residential Aged Care Facilities (RACFs) cannot currently be supplied or possess antiviral medicines from the National Medicines Stockpile unless they hold a permit.

The Bill will also reduce regulatory burden for businesses to sell dried meat online. The Bill includes an amendment which will clarify that the *Meat Industry Act 1993* does not apply to the online sale of dried meat, which the Act was never intended to do, ensuring that online retailers are treated the same way as bricks and mortar retailers – both being of low risk to consumers. It won't mean that dried meat sale will be unregulated – it will still be regulated under the *Food Act 1984*.

Other amendments to the *Meat Industry Act 1993* include updating Commonwealth and Victorian licencing and inspection requirements to avoid duplication and making it easier for Prime Safe to rescind outdated Codes of Practice allowing for a more efficient way to keep them up to date.

The Bill will also streamline licensing requirements in the *Meat Industry Act 1993* and *Seafood Safety Act 2003* to recognise that refrigerated vehicles are often used to transport multiple commodities. Issuing one type of licence to transport meat and seafood will reduce the regulatory burden on businesses transporting both products. The Bill will also amend the *Meat Industry Act 1994* to remove a requirement that poultry and game processing facilities provide information to PrimeSafe and that PrimeSafe does not actually need or use to assess licenses and license conditions. The Bill will also remove an impractical requirement in the *Meat Industry Act 1994* for PrimeSafe to refuse a licence for vehicle-based meat processing facilities where an application is inconsistent with applicable planning schemes.

The Bill will amend the *Casino Control Act 1991* to remove a requirement for casino special employees (CSE) licence applicants to provide evidence of certain former employment that is not relevant to the licensing criteria, ensuring that there is appropriate alignment between the application process and legislative criteria.

Currently under the *Social Services Regulation Act 2021*, registered social service providers must notify the Social Services Regulator about changes to information provided on registration. The current notification requirement is broader than necessary and may unintentionally result in an over-capture of information being required to be provided to the Social Services Regulator. In addition, the *Social Services Regulation Act 2021* requires registered social service providers to notify the Social Services Regulator of any “serious incident” that has occurred or may pose a serious risk to service users during the delivery of a social service. The Social Services Regulator may exempt a provider or class of providers from this requirement if they are required to give notice of the incident to another body. However, the exemption provision in the *Social Services Regulation Act 2021* is unintentionally broad, as it only enables the Social Services Regulator to exempt a provider from notifying about all rather than some, serious incidents.

The Bill will amend the *Social Services Regulation Act 2021* to enable the streamlining of mandatory notifications by registered social service providers to the Social Services Regulator. The amendments will ensure better targeting of information provided to the Regulator, by only requiring providers to notify the Regulator of changes to information provided on registration that “materially impact service delivery.” The amendments also enable the Regulator to exempt a provider from notifying about particular types of incidents, rather than only having the option of exempting providers from all notification requirements, which is unlikely to be workable in practice. By ensuring the exemption provisions work as intended, this is expected to reduce the notification burden on registered social service providers.

The Bill will improve food safety compliance – and improve food safety for Victorian consumers – by amendments to the *Food Act 1984* to ensure that the Secretary of the Department of Health and local councils can direct a business to undertake improvements to an inadequate food safety program prepared for a specified food premises.

The second objective of the Bill is to improve emergency preparedness. It will do this by amending the *Environment Protection Act 2017* to clearly enable the Environment Protection Authority (EPA) to authorise transportation of waste for the purposes of meeting a temporary emergency, providing for the temporary relief of a public nuisance or community hardship, or enabling the commissioning, repair, decommissioning or dismantling of any item of plant or equipment. This amendment will assist the EPA in emergency response contexts, such as in an emergency animal disease situation, floods or fires and allow the EPA to set proportionate regulatory requirements relating to the transportation of waste in these circumstances.

The third objective of the Bill is to support technology neutral legislation. It will amend three Acts to do this.

Keno licensees will be able to authorise remote access to Keno systems under the amendments to the *Gambling Regulation Act 2003*, reflecting the advancements in technology that mean that access is not required to be physical. The Bill will also make amendments to that Act so that only a single approval is required for linked jackpot arrangements installed at the same venue. A linked jackpot arrangement is two or more gaming machines linked to a device recording a winning result. Currently such arrangements require both the monitoring licensee and the venue operator to obtain approval for one arrangement. This amendment will mean the monitoring licensee can obtain approval for both which keeps the level of regulation but reduces the number of applications.

In line with the recommendations of the parliamentary Inquiry into the Closure of I Cook Foods Pty Ltd, the Bill will amend the *Food Act 1984* to clarify and modernise notice requirements to allow for electronic transmission and publication of closure orders. The Act will also be clarified so that such orders can be given or served by email.

The Bill will also amend the *Meat Industry Act 1993* to allow for delegation to the Chief Executive Officer of PrimeSafe to occur through electronic means rather than made under common seal, ensuring more practical and modern governance processes.

Last and certainly not least, the Bill seeks to make simple and uncontroversial amendments to support an effective and efficient regulatory system through amendments to a variety of Acts.

The Bill will remove an unnecessarily burdensome requirement for the Essential Services Commission (ESC) to serve price determination notices to commercial passenger services resulting in ESC needing to send over 8,000 notices to individuals, resulting in a significant administrative burden that absorbs time that could be devoted higher-value activities. The original policy intent was for these notices to be sent to water and energy businesses where the number of notices that needed to be sent was relatively low. The Bill will amend the *Essential Services Commission Act 2001* (ESC Act) to remove this requirement whilst still requiring the ESC to provide determinations should any regulated entity request it.

Another reduction in administrative burden for the ESC is an amendment to the ESC Act to remove the requirement that entire Codes of Practice and their amendments to be published in full in the Government Gazette. The ESC has been remaking and amending Codes of Practice with compliance to this provision resulting in a significant number of pages being published in the Gazette at a large financial cost to the ESC. Instead, the ESC will be required to publish notice of the change in the Government Gazette with the full changes published on ESC's website. This is also practical for regulated entities and the public noting that the Government Gazette primarily has a more legal or technical audience.

The Bill will make some changes to the ESC's enforcement provisions and its information gathering notices and powers. Currently the definition of "civil penalty requirement" under section 3 of the ESC Act does not include any orders made under section 17 of the *Electricity Industry Act 2000* nor under section 24 of the *Gas Industry Act 2001*. Consistent with recommendations from the Embedded Networks Review, the amendment will allow the ESC to use its enforcement provisions to improve outcomes for consumers within embedded networks. The Bill will also amend the ESC Act to clarify that the delegation power under section 26(1) extends to powers or functions that are set out in orders as well, thereby clarifying the ESC's scope of delegated functions.

Another amendment will allow for the ESC to use the information-gathering powers in Part 4 of the ESC Act rather than rely on section 4G of the *Water Industry Act 1994*. This helps to support compliance while ensuring better checks and balances for licensees against self-incrimination. This will also allow the ESC to exercise a consistent set of information-gathering powers across all its regulated sectors.

The Bill will amend the *Regional Development Victoria Act 2002* to update the membership numbers and meeting frequency of the Regional Development Advisory Committee (RDAC). An increase to the membership of RDAC from nine to 10 people ensures that each region is formally represented. The current model, which includes nine Regional Partnerships chairs and an independent chair, has been managed by requiring one member to temporarily stand aside from formal appointment, including voting rights. A reduction in the number of required RDAC meetings from six to four per year aligns RDAC meeting arrangements with other similar advisory groups.

The Bill will include consequential and transitional amendments to the *Children, Youth and Families Act 2005* arising from changes to the *Social Services Regulation Act 2001*. The amendments relate to definitions in the *Children Youth and Families Act 2005*, such as the definition of "community-based child and family service" to reflect that from 1 July 2024, these providers need to be registered under the *Social Services Regulation Act 2021* rather than the *Children, Youth and Families Act 2005*. Without these amendments, there may be a lack of clarity about the ability to place children at existing services, such as out of home care services.

The Bill will improve information sharing arrangements in respect of the Child Information Sharing Scheme under the *Child Wellbeing and Safety Act 2005* by updating references to restricted information sharing entities and clarifying the power to delegate for restricted information sharing entities under the Child Information Sharing Scheme. The Bill will enable regulations to be made empowering restricted information sharing entities to delegate their powers and functions by instrument in the same way as information sharing entities, which will be administratively more efficient and timely.

The Bill will make several amendments to the *Food Act 1984*. It will update the *Food Act 1984* to enable orders to be made on additional grounds prescribed by regulations to address food safety risks. The Bill will also update the *Food Act 1984* to prescribe infringements for breaches of the Australia New Zealand Food Standards Code, specifically the horticultural primary production and processing standards 4.2.7, 4.2.8 and 4.2.9 approved by the Food Ministers' Meeting later in 2022. The Bill will allow implementation of these standards by providing the Minister for Agriculture with adequate regulation-making powers to enable a registration framework for horticulture businesses.

The Bill will amend the *Meat Industry Act 1993* to clarify that Parts 2 and 5 of the Act apply to poultry and game processing. This will simplify the legislation and help ensure consistency in regulatory requirements.

A loophole currently found in both the *Meat Industry Act 1993* and the *Seafood Safety 2003* will be amended by this Bill. Currently, licence applicants under both Acts that are refused for a licence renewal can obtain a licence by instead applying for a new licence. The Bill will close this loophole and allows the regulator to refuse licence applications where a person has failed to comply with a licence condition.

The Bill will amend the *Education and Training Reform Act 2006* to improve the operations of the Victorian Registration and Qualifications Authority (VRQA) and the Victorian Institute of Teaching (VIT). The amendments will improve the efficiency of investigations, prosecutions, registrations and notification functions. The amendments will:

- simplify the process of reinstating expired teacher and early childhood teacher registrations;
- ensure that requirements for commencing prosecution for offences relating to apprentices are consistent with other provisions in the legislation;
- ensure that provisions in the legislation that relate to Ministerial Orders function properly;
- ensure that authorised officers are able to appropriately seize documents or other things as required by their roles; and
- clarify that the:
  - o VRQA must notify an affected person of its intention to publish certain non-compliance information on its website and provide that person an opportunity to make a submission in response and for that submission to be considered by the VRQA before the decision to publish is made; and
  - o VRQA must publish the original date on which that information is published.

The Bill provides greater flexibility under the *Monetary Units Act 2004* in fee setting. This is achieved through amendments to allow regulations in Victoria to prescribe small fees in the form of fee units by removing an unnecessary prohibition that means a fee less than the equivalent of one fee unit (currently \$15.03), cannot be fixed in fractions of a fee unit. This change will ensure that fee units can be set for small fees and thus indexed annually to keep up with inflation, contributing to more sustainable regulatory systems from a cost recovery perspective. The Bill will also clarify that fee units can be used not only for regulations but other types of legislative instruments that may set fees, thus recognising that fees are set not only by regulations by other instruments.

Finally, this Bill will make minor ‘housekeeping’ amendments to correct inaccurate or outdated legislative or machinery of government references to the *Sale of Land Act 1962* and the *Land (Goonawarra Golf Course) Act 1988* to update references to Homes Victoria, *Regional Development Victoria Act* to update references to Melton City Council and reflect machinery of government changes and the *Meat Industry Act 1993* to remove redundant provisions, reflect machinery of government changes and correct typographical errors.

In summary, this Bill covers a wide range of matters but its objectives are clear and focused on supporting regulatory clarity, flexibility, and sustainability. This includes reductions in regulatory burdens and inefficient processes, where appropriate. As noted earlier, the Bill provides over \$2.6 million in direct savings to businesses, but these direct savings are in addition to other benefits that more difficult to estimate – such as clearer, more modern laws, enhanced food safety and improved outcomes for consumers with embedded electricity networks, and easier access to medications for residents of aged care facilities.

I commend the Bill to the House.

**Georgie CROZIER** (Southern Metropolitan) (17:22): On behalf of my colleague Mr Mulholland, I move:

That debate on this bill be adjourned for one week.

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

**Service Victoria Amendment Bill 2023***Introduction and first reading*

**The PRESIDENT** (17:22): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council ‘A Bill for an Act to amend the **Service Victoria Act 2018** to provide for further powers of the Service Victoria CEO and to provide for the delivery of services by or with non-government entities and for other purposes’.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:22): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Lizzie BLANDTHORN**: I move, by leave:

That the second reading be taken forthwith.

**Motion agreed to.**

*Statement of compatibility*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:23): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

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

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

**Overview**

The Bill amends the *Service Victoria Act 2018* (Service Victoria Act) to enhance Service Victoria’s capacity to act as a central point of access for end-to-end government services by making it easier for more government services to be provided online; enabling simpler, faster and easier access to government services; simplifying and modernising the identity verification process; and improving administrative efficiency throughout the public sector.

The Bill also supports the role of Service Victoria in furthering the digital transformation of the Victorian public sector by ensuring government services can readily adapt to technological changes. The Bill implements a number of recommendations made in the final report of an Independent Review of the operation of the Service Victoria Act, which was undertaken under section 57 of that Act and was tabled in Parliament in June 2022 (Independent Review).

Key reforms to the Service Victoria Act include:

- clarifying the purposes of the Service Victoria Act in recognition of its role of providing a central point for public access to government services and of supporting the digital transformation of government services;
- clearly authorising partnerships between Service Victoria and non-government entities to deliver services jointly or on behalf of one another and other service agencies;
- harmonising the information management and privacy requirements applying to Service Victoria under the Act with those applying to the whole of Victorian government;
- enabling a delegated instrument, the Identity Verification Standards, to deal with the processes governing identity verification so that they are easier to keep up-to-date and in line with modern technology; and
- making a range of minor and technical amendments to support the operation of the Service Victoria Act.

**Human Rights Issues**

The Bill engages the following human rights under the Charter:

- privacy and reputation (section 13);
- recognition and equality before the law (section 8); and
- taking part in public life (section 18).

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

**Right to privacy (section 13 of the Charter)**

Section 13 of the Charter states that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with.

Subsection 13(a) of the Charter recognises that the right to privacy is only affected if the interference is unlawful or arbitrary. Section 13 therefore permits lawful and non-arbitrary interferences with a person's privacy. An interference will generally be lawful where it is precise and appropriately prescribed in law; it will generally be arbitrary only where it is capricious, unpredictable, unjust, or unreasonable, in the sense of being disproportionate to some legitimate aim being sought. Section 7(2) of the Charter recognises that while an interference with privacy will engage the rights contained in section 13, it may still constitute a reasonable limitation on those rights.

A number of the reforms in the Bill engage the right to privacy, each of which is discussed below and has been assessed as consistent with the right to privacy in the terms of section 7(2) of the Charter.

***Removal of minimum standards***

The Bill repeals the minimum standards in the Service Victoria Act, which currently specify the circumstances in which the Service Victoria CEO can collect, use, disclose and retain different categories of information under the Service Victoria Act (clause 28 and 29). This reform is consistent with recommendation 9 of the Independent Review. The Bill also repeals consequential provisions to the minimum standards that would be made redundant by their repeal.

The minimum standards were originally intended to provide additional assurance to stakeholders in relation to the management and use of personal information. However, these requirements are duplicative of and, in some instances, more restrictive than the whole of Victorian government privacy legislation. As a result, the minimum standards can be unnecessarily complicated or restrictive and inhibit the efficient and effective delivery of government services to the community.

In repealing the minimum standards, this reform engages the right to privacy, but does not limit it as Service Victoria continues to be subject to the same rigorous privacy requirements of other Victorian government agencies, being:

- the *Privacy and Data Protection Act 2014* (PDP Act) in relation to the collection, use, disclosure, and retention of personal information, as well as the data security requirements under the Victorian Protective Data Security Standards made under the PDP Act;
- the *Health Records Act 2001* (HR Act) in relation to the collection, use, disclosure and retention of health information;
- the *Public Records Act 1973* (PR Act) in relation to the retention of information. The PR Act incorporates Retention and Disposal Authorities made by the Keeper of Public Records. This includes the Service Victoria Retention and Disposal Authority, developed in 2021 with minimalistic data retention periods to minimise personal information held by Service Victoria;
- the right to privacy in the Charter (section 13);
- the Payment Card Industry Data Security Standards (PCI-DSS);
- oversight mechanisms in relation to the Information Commissioner and the Health Complaints Commissioner;
- additional requirements of the Commonwealth for National Police Checks under Service Victoria's agreement with the Australian Criminal Intelligence Commission; and
- potentially in the future, Commonwealth legislation regarding the Trusted Digital Identity System.

This reform is not arbitrary, but rather is reasonable in ensuring Service Victoria's information management requirements are harmonised with those applying across government. It removes any unnecessary

duplications of the privacy requirements outlined above and any additional complicated and restrictive barriers that prevent Service Victoria from delivering its services as quickly as it could if it were subject to the same standards as other government agencies.

Further, existing offence provisions in the Service Victoria Act (sections 50 and 51) will be retained, which provide an additional layer of privacy protection by creating offences for the unauthorised access to, use of or disclosure of data or information obtained under the Service Victoria Act by any person.

*Removal of other information privacy requirements*

The Bill also repeals other provisions in the Service Victoria Act that restrict and do not accurately reflect the operational practices and requirements of Service Victoria. This includes repealing:

- the requirement that the Service Victoria CEO cannot collect, use or disclose information in a service agency database except for certain listed purposes (clause 30), which are overly limited. This reform addresses concerns raised in the Independent Review. Note that the disclosure of this information will continue to be restricted by privacy legislation except where the disclosure falls into new disclosure categories provided for by the new disclosure provision described below;
- the requirement to establish and maintain a Service Victoria database (clauses 26 and 27). This requirement is not necessary as establishing a database to support Service Victoria's activities is an operational matter and it is not standard practice for the establishment of a database to occur through legislation; and
- the requirement that information in a service agency database be kept separate from other databases, including other service agency databases (clause 31). This reform will offer more operational flexibility for Service Victoria in performing functions for service agencies by removing unnecessarily complex administrative requirements that are more appropriately dealt with at an operational level.

These reforms do not limit the right to privacy as Service Victoria will continue to be subject to rigorous information privacy requirements and oversight mechanisms consistent with those applying to other government agencies.

*New disclosure provision*

The Bill introduces a new provision (clause 32) to ensure that the Service Victoria CEO can, for the purposes of performing a function under the Act, disclose information:

- to the entity ('entity' is defined to include a person under section 38 of the *Interpretation of Legislation Act 1984*) to whom the information relates or on behalf of which the Service Victoria CEO is performing the function, for example, in pre-filling a form with information the person has already provided to Service Victoria;
- with the express or implied consent of the entity to which the information relates or who provided it, for example, to update a customer's address across multiple services when they move;
- to an entity on behalf of which they are performing the function, or to any entity to whom that agency would be permitted to disclose the data under any other law, for example, an employer verifying a Working with Children check; and
- to allow for unforeseen circumstances, to a entity prescribed in regulations for prescribed purposes.

This reform provides greater clarity on how Service Victoria is authorised to disclose information under law (that is, in accordance with Information Privacy Principle (IPP) 2.1(f) and Health Privacy Principle (HPP) 2.2(c)) for the purposes of whole of Victorian government legislation, while explicitly enabling use of information in certain circumstances as necessary for the effective delivery of Service Victoria's services, as outlined in Recommendation 10 of the Independent Review.

Service Victoria's stakeholders require confidence and certainty in the circumstances in which Service Victoria expects to disclose information. The new provision will provide this by clarifying the express circumstances in which Service Victoria may disclose information.

While these reforms engage the right to privacy under the Charter, they do not limit it. Any interference with privacy is not arbitrary, as the reforms have the legitimate purpose of allowing for the disclosure of information where necessary to deliver government services to Victorians. The interference is also not unlawful. The new circumstances in which the Service Victoria CEO may disclose information will be clearly stated in the Service Victoria Act; are generally consistent with the IPPs under the PDP Act and the HR Act; and Service Victoria continues to be subject to Victoria's legislative information privacy framework to handle information for clear, tailored purposes that are necessary to enable the delivery of public services to individuals choosing to transact with Service Victoria.

*Entering agreements with non-government entities*

The Bill makes it clear that Service Victoria may enter into agreements with non-government entities in relation to the delivery of ‘customer service functions’, ‘identity verification functions’, or other functions related to the delivery of government services (clause 15). This reform ensures there are no barriers to creating external service delivery partnerships, and partly implements recommendation 2 of the Independent Review.

This reform will not limit the right to privacy under section 13 of the Charter as it is neither unlawful nor arbitrary. It is not unlawful because these new agreements will be set out in the Service Victoria Act, and the agreements themselves with non-government entities will be subject to current Commonwealth and State privacy laws as set out in the relevant agreement. It is not arbitrary because it is reasonable and necessary to allow Service Victoria’s operations to support the legitimate, defined purpose of providing effective and efficient public services to Victorians by partnering with non-government entities.

In addition, the reform may promote the right to privacy by driving privacy and data security improvements in the private sector so that a non-government entity may comply with the terms of an agreement in circumstances where its existing processes or systems do not adhere to current best practice principles.

Depending on the particular service being provided and how it is being provided, non-government entities may be required under sections 4, 6 and 38 of the Charter to act in a way that is compatible with human rights under the Charter when delivering public services under agreements with Service Victoria, where these functions are or include functions of a public nature, or are being exercised by the non-government entity on behalf of the Victoria Government or ‘public authority’ (e.g. a government service agency). This is because a non-government agency may constitute a ‘public authority’ under section 4 of the Charter when entering an agreement with Service Victoria. *Expanding Service Victoria’s customer service functions*

The Bill will amend the definition of ‘customer service function’ so that it explicitly recognises Service Victoria’s ability to issue an authority or official information document and to receive or make a payment (subclauses 4(2) and (3)). While Service Victoria can already perform these functions if they are prescribed under the Service Victoria Act as ‘customer service functions’, this reform clarifies Service Victoria’s increasing role as a deliverer of end-to-end services, as well as simplifying Service Victoria’s operations by removing the need to make regulations to perform particular functions.

Although performance of these functions may have the effect of increasing the scope of information that Service Victoria has access to, this reform will not impose any new limitations on the right to privacy given Service Victoria can already perform such functions, and must continue to adhere to other privacy obligations under other laws.

For these reasons, I consider that the Bill is consistent with the right to privacy in section 13 of the Charter.

Right to take part in public life (section 18)

Section 18 of the Charter states that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs (directly or through freely chosen representatives), and every eligible person has the right to have access, on general terms of equality, to the Victorian public service and public office.

The right to access the Victorian public service is not defined in the Charter and there is limited Victorian judicial consideration of the full scope of the right (which is modelled on Article 25 of the International Covenant on Civil and Political Rights). It is likely that this right is intended to only apply to a person’s ability to be appointed to or employed in a public service role or public office, and does not extend to accessing public services provided by the Victorian public service. This means this right is unlikely to be engaged by the Bill.

However, if the right does extend to accessing services provided by the Victorian public service, in my view the Bill will enhance Victorians’ right to take part in public life by:

- enabling a faster, more flexible and more seamless digital delivery of services by Service Victoria by removing legislative and operational barriers, including the minimum standards (clause 28) and complex administrative requirements for matters, such as the closure or transfer of a service agency database, that are better addressed at an operational level (clause 8);
- making it easier for Service Victoria to deliver a wider range of services by enabling Service Victoria to enter into agreements with non-government entities (clause 15); and
- supporting Service Victoria’s aim of providing end-to-end service delivery by removing any legal ambiguity, including by amending the purposes of the Service Victoria Act so that it recognises Service Victoria as a ‘central point for public access to Government services’.

In my view, the reforms are reasonable and generally enhance, and do not limit, the right to take part in public life under the Charter, as they seek to support the delivery of accessible, equitable and fair services for



Victorians by increasing the scope of services that Service Victoria can deliver and the way in which it can deliver them. Therefore, the Bill is consistent with the right to take part in public life in section 18 of the Charter.

Recognition and equality before the law (section 8 of the Charter)

Section 8(3) of the Charter establishes what is generally known as the right to equality, stating that every person is equal before the law and is entitled to the equal and effective protection of the law without discrimination. This right ensures that all laws and policies are applied equally, and do not have a discriminatory effect.

Discrimination, for the purposes of section 8, means discrimination within the meaning of the *Equal Opportunity Act 2010* (Equal Opportunity Act), on the basis of one of an attribute set out in section 6 of that Act, such as age, disability, employment activity, gender identity, personal association, political belief or activity, pregnancy, race, religious belief or activity, sex or sexual orientation, or status as a carer. Measures that assist or advance persons or groups of persons disadvantaged because of discrimination do not constitute discrimination.

Discrimination against a person can be direct or indirect, and consists of impermissible differential treatment that is less favourable based on one or more of the attributes listed in section 6 of the Equal Opportunity Act. Under that Act, indirect discrimination occurs where there is a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging a person with a protected attribute, and the requirement, condition or practice is not reasonable. Discrimination may be justified if the criterion for differentiation is reasonable and objective, and has the aim of achieving a legitimate purpose.

However, the right is not absolute and can be subject to reasonable limitation under section 7(2) of the Charter.

It is possible that the Bill engages the right to recognition and equality before the law by enabling or increasing the delivery of digitised services to the public, for example by:

- broadening the scope of functions that Service Victoria can perform by expanding the definition of ‘customer service function’ (clause 4), and consequently the scope of functions that might be performed digitally;
- making it easier for service agencies to engage with Service Victoria and for the Service Victoria CEO to perform functions on their behalf, by removing administrative and information management requirements that are better dealt with at an operational level (clauses 8 and 28);
- allowing Service Victoria to enter into agreements for non-government entities to perform all or part of a function on behalf of Service Victoria or a service agency (clause 15); and
- providing for a fully digitised, more streamlined and more accessible means of identity verification which is better aligned with modern technology by removing provisions creating complex and prescriptive legislative requirements regarding electronic identity credentials and placing these into a delegated instrument, the Identity Verification Standards (clauses 19 and 20).

These reforms could indirectly discriminate against people if they cannot access or use, or have difficulty accessing or using, digital technology due to a protected attribute, as this may result in people having difficulty accessing some public services. These potential barriers will be addressed by Service Victoria and service agencies administratively, such as providing alternative, non-digital means of accessing those services and additional guidance and support for vulnerable Victorians seeking to engage with government. Nothing in the Bill requires or has the necessary effect of any government service becoming exclusively available digitally.

On the other hand, these reforms will enhance the right to recognition and equality before the law by making it easier for people with reduced mobility to access a broad range of government services online.

In my view the reforms are reasonable and do not constitute direct or indirect discrimination under section 9 of the Equal Opportunity Act, and therefore do not breach the right to equality under the Charter. They have a legitimate purpose of making government services more efficient, accessible and convenient by supporting the digital transformation of services across the public sector. In my view, this does not have the effect of preventing Victorians from accessing government services but rather supports the delivery of equitable and fair services to all Victorians (including disadvantaged or vulnerable Victorians) by increasing the efficiency and general accessibility of government services.

Therefore, the Bill is consistent with the right to recognition and equality before the law under section 8 of the Charter.

Other human rights considerations

Non-government entities may be required to comply with the Charter when delivering public services under agreements with Service Victoria by constituting a ‘public authority’ under the Charter, so will need to ensure

where this is the case, that Charter rights are not unlawfully limited or interfered with in delivering public services with Service Victoria or State entities.

Finally, the Bill's reforms may also provide opportunities for the promotion by Service Victoria and government of the Charter's freedoms and rights through improved digital public service delivery.

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

*Second reading*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability)  
(17:23): I move:

That the bill be now read a second time.

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

I am pleased to introduce a Bill which will support the government's continued focus on delivering high-quality public services.

The government established Service Victoria to deliver modern government services designed around people's needs, and to make it easy for customers to transact with government online at a time and place convenient to them. Now, the government has strengthened its focus on the delivery of government services by creating the new Department of Government Services early last year.

Customers have completed more than a billion transactions through Service Victoria. This includes QR code check-ins during the COVID-19 pandemic, car registration payments, ambulance subscriptions, vouchers and cashbacks to help reduce the cost of living.

Customer satisfaction with Service Victoria is consistently high with a customer satisfaction score of more than 95 per cent. The most common word used by customers in their feedback is 'easy'.

The Service Victoria app includes a digital wallet where Victorians can securely store and show a digital Working with Children Check Card, Veterans Card – Victoria, Seniors Card, and more. The Service Victoria app has been installed on more than 7 million devices. The government continues to make more digital services available through Service Victoria, such as a Digital Driver Licence.

As we work to deliver more and more innovative services, we need to keep applicable legislation up-to-date, ready to support the delivery of services that Victorians want.

**Background of the Bill**

Legislation can create unique challenges with establishing one place for customers to go for government services. For example, legislation can:

- Allocate functions and powers to specific agencies or officeholders and limits the scope for another agency to support delivery of those functions.
- Set out application requirements for customers to fulfil that use older hard copy approaches, for example to provide identity documents, that do not contemplate newer approaches such as a re-useable digital identity.
- Impose secrecy and confidentiality requirements for some functions that result in information needing to be held in silos, limiting opportunities for customers to access their information held with government through a central website portal and mobile app.

The *Service Victoria Act 2018* (the Act) aims to streamline customer services through Service Victoria, so customers have one place to go and do not need to present the same information to multiple agencies. For example, instead of proving identity repeatedly, customers can choose to have a re-useable electronic identity credential through Service Victoria.

In June 2022, an Independent Review of the Act by Dr Claire Noone was tabled in Parliament. The Independent Review engaged with over 40 stakeholders, analysed over 100 documents, and included detailed research including domestic and international case studies.

This Bill implements the legislative recommendations of the Independent Review. The Bill will amend the Act to deliver better services built around customer needs, and to bring more services online faster. The Bill will remove legislative obstacles and introduce necessary enablers.

The amendments will better enable the implementation of the *Victorian Government Digital Strategy 2021–2026* and support the digital strategy’s vision of ‘better, fairer, more accessible services’, with a focus on using technology to deliver improved government services designed around customer needs.

These reforms build on amendments made to the Act in 2022 that addressed technical issues identified during the COVID-19 response. Further changes will ensure the Act keeps pace with evolving technology and increasingly high customer expectations of government service delivery. This Bill uses a future-proofing approach, incorporating flexibility into the Act to ensure more services can be delivered and to enhance existing services where required.

I now turn to the reforms in the Bill.

### **Summary of the Bill’s reforms**

The Bill introduces a range of reforms to the Service Victoria Act to implement the legislative recommendations in the Independent Review.

#### End-to-end service delivery

The Bill introduces amendments to better enable Service Victoria to deliver more end-to-end services, without unnecessary handover points to other agencies. This reform will provide clarity that Service Victoria can ‘issue’ documents, approvals and grants for customers.

For customers, that means being able to go to Service Victoria to receive more documents and approvals for more services without being passed around different parts of government. It will support Victoria having one place to go for government services.

This change will also support reduced costs of running government services by avoiding extensive additional work to link up multiple separate information technology systems across agencies to deliver a service.

#### Flexibly responding to new priorities

The Bill ensures Service Victoria can flexibly respond to new priorities and launch new services quickly by taking a less prescriptive and more principles-based approach to Service Victoria’s functions.

For example, Service Victoria will be able to quickly launch a new service when new government support programs are established, such as in response to an emergency, so people who need government support can register to get the help they need. Under the current Act, this requires legal instruments which would not be required in other government agencies, and delays the delivery of services to customers.

More innovative approaches will also support the bundling of services. For example, delivering a suite of outdoor recreation permits including a fishing licence, boat and trailer registration, and a marine licence renewal bundled into a single application. Service Victoria can play a greater role in supporting customers by streamlining these services to reflect common customer journeys.

#### Reducing back-office administration

The Bill removes unnecessary back-office administration. For example, it reduces the need to make regulations to deliver new services and reduces the need to obtain Ministerial approvals for operational matters, such as establishing the underlying technology for a new database to create an improved experience for people applying for a copy of their marriage certificate.

This is about removing unnecessary red tape and making it faster for Service Victoria to deliver more services. This supports timely, efficient and cost-effective service delivery.

#### External delivery partnerships

The Bill enables external delivery partnerships outside government. Working with businesses offers opportunities for customer benefits. For example, allowing customers to re-use their verified record of identity through Service Victoria with organisations, including businesses, so customers do not need to keep providing identity documents again. This also helps to protect sensitive data from being stored in multiple places by third parties.

The Bill will enable Service Victoria to collect charges from businesses benefiting from these services. Any charges would be set in line with government cost recovery guidelines. Further, any engagement with organisations outside government will be designed to protect customer information, including using enforceable provisions under contracts.

#### Flexible options for identity verification

The Bill will enable more flexible options for identity verification.

The Victorian Government has agreed, with other states and territories, to all align to a common standard for digital identification and verifiable credentials. The Bill will provide Service Victoria with the flexibility to

align to national and international standards as they evolve in the future. The Bill will also support possible future participation in the Australian Government Digital Identity System by elevating the Service Victoria Act to be more principles-based and removing inconsistent provisions.

Currently, the Act includes complex provisions about applications, processing, review and issuing of temporary and ongoing electronic identity credentials. The Bill will support these requirements to instead be set out through the Identity Verification Standards made under the Act.

This change also supports more alternative processes for people who are unable to verify their identity online and enables existing services to be moved to Service Victoria more quickly. It supports more customer-friendly processes, for example by repealing requirements to send formal letters with titles such as ‘interim refusal notice’ if more identity information needs to be checked.

The Bill repeals an unused identity verification review pathway to the Victorian Civil and Administrative Tribunal (VCAT). This pathway allows a customer to seek review of decisions about verifying their identity. Since this provision was introduced in 2018, Service Victoria has verified over 1.5 million customer identities, and no customer has sought VCAT review. The Bill will not affect other rights to seek review, such as an internal review by a complaint, a complaint to integrity bodies, or judicial review.

#### Harmonising information management requirements

The Bill supports flexibility and service evolution by harmonising information management requirements across government.

To ensure alignment with the information and privacy requirements that apply to government entities across Victoria, the Bill removes information management requirements that are unique to Service Victoria from the Service Victoria Act. The Bill ensures information will continue to be protected under the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. Information will be held using a minimalistic approach in accordance with Service Victoria’s Retention and Disposal Authority under the *Public Records Act 1973*.

The Bill will continue to ensure there are standards in place through flexible, delegated instruments under the Act, including the Customer Service Standards and Identity Verification Standards.

The Bill will also clarify the limited and reasonable circumstances where Service Victoria is authorised to disclose information. These include:

- To the person the information relates to, for example as part of a pre-filled form, or as part of an interaction with a frontline customer support officer.
- To the partner agency responsible for the service, or to a person who the partner agency is legally authorised to share the information with. This covers a scenario where a partner agency delivering an existing service shares information under their legislation, for example to employers verifying a Working with Children Check, and Service Victoria is engaged in the delivery of this service.
- Where the relevant customer has provided consent.
- To another prescribed person for purposes prescribed in regulations, subject to consultation with the Office of the Victorian Information Commissioner.

Having consistent alignment with the *Privacy and Data Protection Act 2014* and *Health Records Act 2001* across Victorian agencies ensures services can be moved quickly into Service Victoria where the service has already been designed to meet the whole-of-government privacy requirements. This ensures government can keep modernising services to deliver improved customer experience.

#### **Conclusion**

This Bill will implement the legislative recommendations of an Independent Review and in doing so:

- Support faster, more efficient delivery of online government services through Service Victoria;
- Access to more innovative end-to-end services for licences and approvals through Service Victoria;
- Provide for improved experience for individuals and businesses interacting with government by more consistent use of recent digital capabilities; and
- Reduce regulatory obstacles to make it easy to consider benefits from technological change.

I commend the Bill to the House.

**Georgie CROZIER** (Southern Metropolitan) (17:23): I move:

That debate on this bill be adjourned for one week.

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

*Adjournment*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (17:23): I move:

That the house do now adjourn.

**Greenvale Reservoir Park**

**Evan MULHOLLAND** (Northern Metropolitan) (17:23): (686) My adjournment tonight is seeking the action of the Minister for Environment, and the action I seek is in relation to poor access for Greenvale residents to Greenvale Reservoir Park. It is a space which is enjoyed for family and community recreation. Picnics are often held so children can run free with a view of the city skyline despite being immersed in vast parklands which do feel secluded from the big smoke of the city.

Late last year Parks Victoria said on their website the southern section of Greenvale Reservoir Park accessed off Somerton Road remains closed to the public following significant dam wall upgrade works. There is no scheduled reopen date at this time. More recently, that appears to have been removed, but have a look on Google Maps and it says that the parkland is temporarily closed. Locals are astonished that there is no apparent date for when they will be able to access the park from its main entrance. Entry is available through the northern entrance on Venezia Promenade. However, there is little signage advising that the entry to the park is possible, and parking is scarce. Local residents would like to know why a once prominent marvel of the area is now a hidden parkland. Many residents are beginning to forget the significance a simple yet magnificent space can have on an individual's inherent health and wellbeing, with the parkland being a place to exercise, to catch up with friends and for community events. Many residents have described to me the fact that they would roll up with a picnic basket on a nice day and have a nice little family picnic, with maybe a glass of wine for Mum and Dad. Parks Victoria have stated that their vision is to:

... inspire Victorians to protect and enjoy our unique natural and cultural heritage.

How can the residents of Greenvale and its surrounds conveniently enjoy natural and cultural heritage when the park is so limited? Many significant parts of the park are unable to be enjoyed as they are simply too far for some community members to walk or ride to due to the current entry arrangement. Previously it was possible for locals to drive to the park; that is now no longer an option. The park also has gates on the Kolbe college side, but they are not in use and public entry is not permitted, meaning residents must use the northern entrance. That limits access to many areas of the 53-hectare parklands for many members of the community. So what action will the minister take to ensure that Greenvale Reservoir Park is easily accessible to the local community, and will he update locals on when the park's main entrance will be open?

**School cleaning**

**Georgie PURCELL** (Northern Victoria) (17:26): (687) My adjournment matter is for the Minister for Education, and the action I seek is for him to urgently reverse his decision to continue the privatisation of school cleaning in Victoria. For many years school cleaners in Victoria, through their union the United Workers Union, have been campaigning for the Victorian state government to reverse the privatisation of school cleaners which occurred under Jeff Kennett. School cleaners in Victoria work for private companies, where businesses systematically seek ways to cut their costs and present themselves as attractive and cheap options. As a result Victorian school cleaners currently race to perform their work in unsafe conditions, with teachers forced to pick up the slack.

Cleaners are bullied and isolated and often cannot afford to pay their bills. When it comes to changes of contracts, as we have just seen, many do not even know if they will still have ongoing employment. This is happening to cleaners in my electorate and right across Victoria. It is happening to essential workers who protected us during the worst days of the pandemic. They deserve better from this Labor government. By contrast, school cleaners in Queensland, Western Australia, Tasmania and the ACT

who are direct employees of the public education system have the time, resources, respect and working conditions that give them a good quality of life.

The former education minister conducted a review into the current contract model, and he confirmed that the current model is broken and that the only solution is for the state government to directly employ school cleaners. Going against the advice of this review and without personally meeting with school cleaners, the newly appointed education minister unilaterally decided not to go forward with insourcing school cleaning. He instead put the contracts out to tender. This continues the privatisation model and enables companies like Serco to continue profiting off the hard work of cleaners.

Going into Christmas, many school cleaners had their hours cut and pay slashed and lost their conditions, with some workers losing up to 60 per cent of their income. One example is that of a union member having their wage cut from \$49,000 to \$19,000 per year. This is happening on the watch of the government. We must ensure that those who are turfed out of their jobs are given employment and those who have suffered cuts have their hours restored, and we must put an end to the current tender process for 2025 and directly engage government cleaners now. I urge the minister to take action to fix the current crisis in school cleaning that has occurred on his watch and help these vulnerable workers.

### COVID-19

**Georgie CROZIER** (Southern Metropolitan) (17:29): (688) My adjournment matter this evening is for the Minister for Health, and it is in relation to long COVID. Obviously, as COVID is still around, there are still many people who are suffering from long COVID. The action I seek is an update from the minister about what discussions she has had with her federal counterpart around implementing the recommendations of the federal parliamentary inquiry into long COVID that was conducted by the House of Representatives Standing Committee on Health, Aged Care and Sport. I have been contacted by a number of people, and one in particular, who I think the minister is well aware of. But it is a debilitating condition. Around one in 20 people, I understand, have had some form of these symptoms after a COVID infection. They include things like fatigue, shortness of breath, chest pain and insomnia, and that can persist for many months. The experience of long COVID has been found to be associated with those conditions but then also leading to some mental health issues, and it has been very stressful for people to try and get back to work.

I recently spoke to Jordan. Jordan's story is like that of many Victorians who are living with this complex health condition. He is 36, with no pre-existing conditions. He was young, fit and healthy and running up to 70 kilometres per week, he told me. For the last 17 months, since he contracted COVID, he has really struggled to return to the quality of life that he had prior to that infection. He really does not understand. He is very keen to understand what has triggered this – whether he has got some pre-determining factors – and what is happening through the various health departments to assist people in looking at this debilitating condition.

The Victorian government's current advice on its Better Health Channel website for where to get help for long COVID is to visit your GP. Well, that is hardly going to be helpful when the government's health tax comes into play and health clinics have to close down. I have just got off the phone from somebody who is involved in this area, and their clinics have up to 400,000 Victorian patient consultations each year. That health tax is going to have a massive impact. Nevertheless I want to return to the adjournment issue around what the government is doing and what discussion has been had with their federal counterparts. This government actually put so many restrictions on Victorians through the period of COVID – through those dark, dark years that we never want to return to. Now they have dropped the ball on absolutely everything, yet people like Jordan are still trying to navigate their way through and getting no support from government. So I would like to understand, as I said, what the minister is doing to find out from her federal counterparts after that House of Representatives inquiry.

### Foster carers

**David LIMBRICK** (South-Eastern Metropolitan) (17:32): (689) My adjournment matter is for the Minister for Carers and Volunteers in the other place. Today we heard a long-overdue apology from the government towards people who are mistreated in state care. We were told the government has learned its lesson and that it vows to value the welfare of all children. However, earlier this week my office was contacted by a foster carer who has provided a loving home for many children over 20 years. She said she could no longer afford to care for more children because she is expected to cover food, clothing, health and other expenses of a child on little more than \$30 a day. Surely this is not realistic compensation for such an important service, and surely our foster carers and the kids they care for are worth far more than \$30 a day. My request for the minister is to conduct a review into the adequacy of foster carer allowance rates.

### Murray Valley Highway–Labuan Road, Yarroweyah

**Wendy LOVELL** (Northern Victoria) (17:33): (690) My adjournment issue is for the Minister for Roads and Road Safety regarding the dangerous intersection of Labuan Road and the Murray Valley Highway in Yarroweyah, which was the site of the horrific accident that claimed five lives in April last year. The action that I seek from the minister is for the minister to instruct VicRoads to immediately implement a safety upgrade of the intersection that includes the measures I will outline in this contribution. Nine months have passed since the devastating accident that claimed five lives, and still nothing has been done to improve visibility or safety at this intersection. In fact temporary measures that had been installed, such as an illuminated sign warning of the major intersection and a reduction in speed on the Murray Valley Highway, have been removed. The speed limit on Labuan Road has been reduced to 80 kilometres per hour in an attempt to stop Google Maps sending non-locals on this road, but in reality a collision between vehicles travelling at 100 kilometres per hour on one road and 80 kilometres per hour on the other will still be devastating. I am constantly hearing from local residents who witness vehicles failing to stop at this intersection, with one resident witnessing this just prior to Christmas and again on 4 January. The resident said the cars were not speeding, so the reduction in the speed limit has not assisted. These cars just failed to see they were approaching an intersection with a major highway.

This is an intersection with almost zero warning that you are approaching a major highway. The visibility of the highway and the traffic on it is almost non-existent due to a large hump in the road that was the site of an old rail line and trees on the right-hand side of Labuan Road and the southern side of the Murray Valley Highway. The road surface of the intersection is quite degraded, and the rumble strips are in very poor condition, which has reduced their visibility and effectiveness. I am conscious that the accident is the subject of a coronial inquiry that may make recommendations about this intersection, but the reality is that that will take some time, and it is obvious that something needs to be done now.

Some of the safety improvements that need to be carried out at the intersection include the removal of the significant hump in the road just prior to the intersection on Labuan Road, which was the site of the old rail line; changing the status of the controlling signs on Labuan Road from give-way signs to stop signs; installing flashing lights and a lighted warning sign on Labuan Road; resurfacing the approach to the intersection on Labuan Road and restoring the badly decayed rumble strips; the removal of some of the trees on both sides of Labuan Road that currently restrict the driver's view of vehicles travelling on the Murray Valley Highway; and lighting the intersection at night. I ask the minister to instruct VicRoads to ensure a full safety upgrade of this intersection is undertaken as a matter of urgency.

### Herne Swamp

**Samantha RATNAM** (Northern Metropolitan) (17:36): (691) My adjournment matter tonight is for the Minister for Environment, and my ask is that he provides an update on whether the Herne Swamp in Melbourne's northern corridor in my electorate will be restored and protected. This

adjournment might sound like déjà vu to some in the chamber, because I did ask it a few sitting weeks ago but was asked by the minister I directed it to to redirect it to the Minister for Environment, so here I am directing it to the appropriate minister.

The Herne Swamp forms part of a mosaic of wetlands that make up the Wallan Wallan regional park. The swamp has significant ecological value as a home to many important and endangered native species of Australian flora and fauna. It also plays an important role as a headwater region, providing outflows to the beloved Merri Creek. Proper restoration and integrated management of this area would deliver a multitude of environmental benefits, including a reduction of flood risk, erosion prevention, groundwater protection and local heat control. There would also be social benefits to the community, including space for recreation and education and improved visual amenity, and importantly, it could also provide an opportunity for meaningful reconciliation with the traditional owners of the land, for whom healthy waterways are a key concern.

The Herne Swamp sits within Melbourne's northern growth corridor, and the development plans estimate the catchment area will be home to 300,000 people. Despite this scale, developments in the area are commencing without adequate planning and consideration of the flood-prone nature of the wetlands, let alone the other ecological and community value available through the swamp's restoration. There is already urban residential development approved for the northern and western portions of the former wetland. This development will increase flooding risks by reducing the storage volume of remaining wetlands and by increasing stormwater run-offs during storms. This fate has already befallen many former wetlands and flood plains within Melbourne's urban environment, with acute consequences that continue to be felt by many residents who find themselves living in areas now at risk of flooding.

Development in the Herne Swamp area has not yet commenced, so we have the opportunity now to plan strategically for the future. Minister, once construction commences there will not be any turning back. We will not want to see another region of Victoria inundated by floods due to poorly informed planning and a failure to work with communities. So I ask you to listen to the experts and to passionate community members, including those at the Friends of Merri Creek and the Nature Glenelg Trust. They are calling for restoration and preservation of the wetlands through the implementation of the Wallan Wallan regional park model before it is too late.

### TAFE funding

**Joe McCracken** (Western Victoria) (17:39): (692) My adjournment matter is for the Minister for Skills and TAFE, and the action that I seek is for the government to rename the free TAFE program to 'subsidised TAFE', so that it is actually true, fair and accurate. Now, I know the government loves to crow about how much they love TAFE, but the truth could not be further from government spin. A really interesting article came out today, and it was headed 'TAFE funding falls short'. Let me just quote from the article for you:

Victoria's TAFEs remain the lowest funded in the country ...

New data from the Productivity Commission's Report on Government Services shows the state's vocational education and training (VET) providers –

are getting –

... almost 20 per cent less than the national average ...

and significantly lower than the next one up, which is Queensland.

So much for the love for TAFE. It is a bit like Miley Cyrus, actually, coming in like a wrecking ball. That is what this minister has done, and all while students continue to incur expenses under free TAFE. Some of these expenses include accommodation, books, student levies, uniforms, police checks, working with children checks and resources. This is not about trashing TAFE. This is about being honest and fair dinkum and straight up with Victorians, because at the moment this deceptive name,



‘free TAFE’, could not be further from the truth. Free TAFE is not free, and it is about time the government actually admitted that. It is about time the government started being honest with Victorians, because students should not be deceived like this, families should not be deceived like this and Victorians should not be deceived like this. We deserve honesty. It is about time we get it.

### **Ashley Street underpass, West Footscray**

**David ETTERS HANK** (Western Metropolitan) (17:41): (693) My adjournment matter is for the Minister for Housing in her capacity representing the Minister for Roads and Road Safety. However, the matter may also touch on the responsibilities of the Minister for Transport Infrastructure, so I am happy for the matter to be directed to that minister if it is more appropriate. Sorry about that introduction.

My adjournment matter concerns the Ashley Street underpass at Tottenham station in West Footscray. The Ashley Street underpass is simply not fit for purpose. Incredibly and unfortunately, it provides the only access over or under the train tracks for at least 5 kilometres, and it is the only way to cross between West Footscray and Sunshine. The underpass regularly floods when it rains, and during the recent heavy rains we have experienced this summer it has been flooding a lot. However, even on a fine day it is described by residents as ‘miserable and uninviting’, with poor lighting, no security and no bike path.

It is not much better for motorists. The underpass is situated at the intersection of Ashley Street and Sunshine Road. Sunshine Road has five lanes and Ashley Street has four, but the underpass has only two lanes, creating a ginormous bottleneck. This affects the flow of traffic from north to south between Braybrook and Tottenham, but also traffic from the port, from Footscray to Sunshine and through to the west. It is my understanding that the Ashley Street corridor currently has a public acquisition overlay that secures additional land for road widening, which would allow for Ashley Street to become a four-lane road. The need for future road widening was also considered as part of the regional rail link project, which also proposed an upgrade to improve pedestrian access to Tottenham station. The action I seek from the minister is to advise what action is being taken by the government to enhance the accessibility, safety and traffic capacity of the underpass such that it becomes fit for purpose.

**The PRESIDENT:** Mr Ettershank, can I suggest that the minister refers this one to the Minister for Roads and Road Safety, and if you get written back that it is not them, you can blame me.

### **Honeysuckles Beach**

**Renee HEATH** (Eastern Victoria) (17:43): (694) My adjournment is for the Minister for Emergency Services, and the action that I seek is that lifesaving equipment be supplied at the end of the steps leading onto Honeysuckles Beach. There have been over 60 drownings this year in Australia and over 2900 rescues. Six of those deaths occurred in Gippsland in the first 20 days of the year alone. On 4 January this year my friend Danielle went for a run along Honeysuckles Beach. She approached a group of people that looked extremely worried. When she asked them what was wrong, they pointed to three women who were drowning. They had been caught 150 metres offshore in a rip. Immediately Danielle called the Seaspray lifesavers club and the police. Both regretfully said that they would not make it there in time. The situation was critical. Luckily Danielle had served as a lifesaver 20 years ago at Seaspray Beach. The water was dangerous, and she knew she could not go in with any lifesaving gear. In the absence of any, she ran up and down the beach until she found a little girl with a kickboard, who kindly lent it to her – as long as she would bring it back. After that, she went in. She got out to the three women and was able to bring two of them in. With barely enough energy left, she did not know if she would make it out to get the third. At that time a life-saving jet ski had come over from Seaspray and rescued her just in time. The police and the ambulances that attended after the rescue said that if Danielle had not gone in, they would have been recovering three dead bodies that day. This highlights the urgency of the situation. It was miracle timing. If she had not gone at that moment for a run, if that little girl had not had a kickboard and if Danielle had not had the skills to carry out the rescue, there would be grieving families today.

So I asked Dani what we needed to do. She said that the council needs to put up warnings showing how volatile that particular beach is and advising tourists to swim between the flags at Seaspray. The women there had accessed the beach through the road at the end of McLachlan Street, and there is no signage at all. She said that what would have made an immediate difference and for much better safety for her and for the ladies was if there were lifesaving devices at the stairs at that beach, so that is what I am asking for today. Once they are installed potentially councils could then monitor them and look after their upkeep. This would be helpful in the instance that a life-threatening emergency like this happens again. In closing, I just want to give a shout-out to Danielle. You were brave and courageous, and we are so grateful to you.

### **Rural and regional roads**

**Melina BATH** (Eastern Victoria) (17:46): (695) My adjournment matter this evening is for the Minister for Roads and Road Safety. My Eastern Victoria constituent was travelling on the Longwarry Road towards Modella to spend the day on the beautiful Mornington Peninsula – and why wouldn't you want to do that? That is in Eastern Victoria Region. The Koo Wee Rup-Longwarry Road is an important C-class road. It is a regional road that supports locals and the agricultural industry. It connects Central and West Gippsland on towards the Mornington Peninsula. But it nearly turned into a disaster day for one particular family. They were travelling along that road and there was a complete disintegration on one side of the road, a gaping hole so wide you could put a Mini Moke inside of it. Unfortunately, there was another car coming on the other side of the road where the hole was which proceeded to cross onto my particular constituent's side of the road. Thankfully, a tragedy was averted as they missed each other by millimetres, but this highlights once again the fact that the Allan government over successive years have undermined our road maintenance program. They have cut budgets to the program; in fact since 2020 there has been a 45 per cent cut in road maintenance funding and, tragically, we all know the figures.

Last year 296 families grieved the loss of Victorians on our roads, a 24 per cent increase from 2022 and the highest toll in the last 15 years. These are terrible and tragic statistics. Of those, 174 occurred on rural and regional roads, roughly 58 per cent of that total shocking and sad figure. I will not shoot the messenger and I will not say that Regional Roads Victoria is at fault. They get given a budget. The budget only stretches so far. They have contracts that they must fulfil. I am sure there are people in Regional Roads Victoria who would love to invest money in innovation, who would love to produce roads where contracts are designed to ensure we have enduring road surfaces, but there seems not to be the will nor the appetite by this government to care about the country or its roads. So I call on the minister to initiate an assessment on that Koo Wee Rup-Longwarry Road, to start those rectification works and to fill in the pothole that is the size of a Mini Moke.

### **Electricity infrastructure**

**Bev McARTHUR** (Western Victoria) (17:49): (696) My adjournment matter is for the Minister for Government Services and concerns the current Engage Victoria consultation entitled 'Mapping the first Victorian Transmission Plan'. The action I seek from the minister is a review of Engage Victoria's consultation and a commitment to contributors that all existing and future submissions will be published in full and in a timely manner.

Firstly, I should say how shocking it is that this consultation is being run only now. I cannot begin to imagine the anger and despair this will be causing my constituents who have been fighting the blight of the Western Renewables Link for nearly four years now and for their friends whose battle against the VNI West interconnector route is also ongoing. Where was this plan before the route was imposed upon them? Is this government really going back to the drawing board? No, of course not. Typically, though, shamefully enough they are designing the first plan after significant parts of it have already been decreed. Labor's failure to manage the transmission element of the energy transmission-blighted communities, not to mention undermining investment in new renewables technology, is there for all to see. As every new project comes online the problem worsens. The Australian Energy Market

Operator's recent modelling shows 29 per cent of wind generation and 25 per cent of all large-scale solar generation in the Western Victoria and Murray River renewable energy zones, respectively, was wasted last year due to inadequate transmission capacity. This was predictable years ago. Labor's response is just too late. It is like trying to fix the plane when you are already flying.

Now, this sorry tale is not the fault – directly, at least – of the Minister for Government Services, but she is responsible for Engage Victoria's consultation, which threatens to further undermine the trust of those threatened by transmission line construction. Residents have been invited to submit pins on the map marking areas of important habitat, flood zones, biodiversity, agricultural land and other important considerations, but pins submitted do not show up on the map, and when anonymised complaints are made, the generic responses claim – impossibly – that their submission has been received. Others have been told, 'Your pins have now been published; you can view them on the map.' Yet, surprise, surprise, they are not there. This naturally undermines trust. Personally, I do not immediately assume conspiracy is involved, but some do suspect the government would be happy to lose dissenting voices. Even if this is unfair, the failure to publish pins is wasting the time of the original submitters and significant delays in exhibiting markings – (*Time expired*)

### Teacher workforce

**Trung LUU** (Western Metropolitan) (17:52): (697) My matter is for the Minister for Education regarding the teacher shortage in Victoria, especially commencing in term one this month. The actions I seek are to ask the minister what has been done to address the problem and for the government to release the delayed *Victorian Teacher Supply and Demand Report*. The annual teacher supply and demand reports are usually finalised and released in October of each year; however, the government has failed to publish the 2022–23 report. Principals say that these reports are critical in planning and in providing an actual image of staffing and recruitment data about teachers, principals and supporting staff. The data analyses workforce trends and forward projections covering a five-year time frame, allowing school management to actually plan for potential teacher workforce issues. The withholding of the delayed report means educators in Victoria are being kept in the dark on the actual extent of the crisis and parents are being left to wonder if their child's class will have a permanent teacher.

The lack of consistent teachers in the classroom has many adverse effects on students. Consistency is essential and vital for student learning. Consistency is the way concepts are taught. Consistency in teacher expectations is the way students are rewarded for behaviour and success. A permanent teacher always fosters a connection with their students and helps them to feel relaxed and comfortable and increases classroom participation and engagement. Increased participation at school has been shown to have better outcomes for academic success and overall enjoyment of students at school. So I ask again: could the minister please release the delayed teacher supply and demand report and address the issues relating to teacher shortages.

### Flood recovery

**Gaelle BROAD** (Northern Victoria) (17:54): (698) My adjournment is for the attention of the Premier. After floods hit our region again in January this year I visited Huntly, Yea and Rochester to listen to locals talk about the impact on their communities. These communities have experienced successive floods. There is no mental health plan and support is lacking due to staff changes and the short-term contracts that finish in June this year.

Primary producers hit again by floods finally called out for assistance after experiencing significant fencing loss and high costs to recover pastures or resow lost crops. I was told Agriculture Victoria were missing in action. They were not on the ground but simply referred producers to an online tool to collect data. Local councils, overwhelmed by the burden of further flood damage to roads and bridges, cited a lack of funding and a heavy burden of paperwork to again apply for grant funding and prove flood damage. Rather than build back better to aid resilience, they can only rebuild to the same level so history can repeat itself. The standard roads funding made available after the floods is not

sufficient and valuable staff resources are taken up by red tape as councils yet again go cap in hand to the state government for funding.

Huntly residents raised concerns about continued development in flood-prone areas and a lack of adequate drainage and maintenance to keep pace with population growth. After requesting drains to be cleared out and maintained well before the floods, assistance came too late when a fleet of trucks was onsite the week after the floods. In Rochester up to 500 homes are yet to be repaired and locals still live in caravans and sheds nearly 18 months on from the October 2022 floods. The Rochester hospital still needs support to help build a levee around it to create an emergency centre that could be used in future.

Locals are concerned that their calls to the Minister for Water for a review of operations at Lake Eppalock, for more airspace and the installation of gates are falling on deaf ears, and the much-talked-about flood study that was due to be done has not yet started. Given the floods require a multi-agency response, I call upon the Premier to ensure that the state government addresses these issues and supports communities that have once again been hit by floods.

As we talk about the issue of floods, this week marks the 15th anniversary of the Black Saturday bushfires that devastated many parts of Northern Victoria. Our local communities have been hit hard by floods, storms and fires, and work to support their recovery is not lost as we must work together to build a more resilient state.

### Energy policy

**David DAVIS** (Southern Metropolitan) (17:57): (699) Tonight I want to draw attention to the Minister for Energy and Resources. She has made some extraordinary comments in the last 24 hours, comments that are clearly out of touch and comments that I think most Australians, most Victorians in particular, will find very odd. She said that energy prices are falling, and she did some extraordinary actions – down, down. I think we know where those words come from. They might have been in a commercial and there might have even been, I might say, a song along those lines once upon a time. Unfortunately for the minister it is not true: retail energy prices have been surging upwards. It is important in a cost-of-living crisis to be honest, to be accurate and not to be deceptive.

It is important to note that the recent report by St Vincent de Paul and Alvis Consulting said that in the last 12 months electricity prices have surged 28 per cent in Victoria for households, gas is up 22 per cent and green schemes in Victoria are the most expensive in Australia at \$188 per household. These are huge hits on average families. A 28 per cent rise, let us be clear, is not a down, down, it is an up, up, up, up, up, and Victorian families are feeling it. They can really feel it, and they can feel it where it hurts. The same is true with small business. In the case of small business, the retail tracker figures are quite extraordinary. This is an analysis by a reputable authority showing that Victoria had the biggest increases for small businesses at 17 per cent up and 31 per cent up for gas – bigger than any other place in Australia in these increases. Again, it is not down, down but up, up, up. It is very worrying for most Victorians.

I think what is required here is for the minister to correct the record and to apologise to Victorians. She needs to come out and make a statement and say that she got it terribly, terribly wrong. Victorians are feeling it. It is a cost-of-living crisis, and a big part of that is the energy outcomes that are impacting them very, very severely – young families, older Victorians. Did you know that the minister for energy has stripped away benefits from pensioners? Longstanding benefit schemes that have helped pensioners for decades have been stripped away by this energy minister. Their prices have gone up, up, up, not down, down, down. I think the minister owes an apology to every pensioner who has been clobbered by these schemes. The action I seek from the minister tonight is for her to correct the record, to come out make a public statement and say she was wrong and she is terribly, terribly sorry because it has gone up, up, up, not down, down, down.

**Responses**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (18:00): There were 14 matters raised today: Mr Mulholland to the Minister for Environment, Ms Purcell to the Minister for Education, Ms Crozier to the Minister for Health, Mr Limbrick to the Minister for Carers and Volunteers, Ms Lovell to the Minister for Roads and Road Safety, Dr Ratnam to the Minister for Environment, Mr McCracken to the Minister for Skills and TAFE, Mr Ettershank to the Minister for Roads and Road Safety, Dr Heath to the Minister for Emergency Services, Ms Bath to the Minister for Roads and Road Safety, Mrs McArthur to the Minister for Government Services, Mr Luu to the Minister for Education, Mrs Broad to the Premier and Mr Davis to the Minister for Energy and Resources. I will make sure that all of the matters raised are appropriately referred to the ministers for response.

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

**House adjourned 6:01 pm.**