



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 28 November 2023

Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

Leader of the Government in the Legislative Council

Jaclyn Symes

Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

Leader of the Opposition in the Legislative Council

Georgie Crozier

Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew ¹	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 ²	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 ³	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP
			Welch, Richard ⁴	North-Eastern Metropolitan	Lib

¹ Resigned 7 December 2023

² Lib until 27 March 2023

³ LDP until 26 July 2023

⁴ Appointed 7 February 2024

Party abbreviations

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

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

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

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

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Tuesday 28 November 2023

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

Bills

Early Childhood Legislation Amendment (Premises Approval in Principle) Bill 2023

Transport Legislation Amendment Bill 2023

Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2023

Royal assent

The PRESIDENT (12:04): I have received a message from the Governor, dated 21 November:

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

33/2023 Early Childhood Legislation Amendment (Premises Approval in Principle) Act 2023

34/2023 Transport Legislation Amendment Act 2023

I have received a further message from the Governor, dated 28 November:

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

35/2023 Environment Legislation Amendment (Circular Economy and Other Matters) Act 2023

*Questions without notice and ministers statements***Immigration detention**

Evan MULHOLLAND (Northern Metropolitan) (12:05): (366) My question is to the Attorney-General. Attorney, following the NZYQ decision by the High Court that indefinite immigration detention is not lawful, and with 141 people as of yesterday subsequently released into the Australian community, can you provide the house with an update of how many of those released are in Victoria?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:06): Mr Mulholland, it is not actually a matter for me. It is not information that the federal Minister for Home Affairs has provided to me as the Attorney-General. In relation to any community safety risks, any monitoring requirements and things, Victoria Police are well engaged in relation to those conversations. I am trying to be helpful, but it is not a question that I am the appropriate minister to ask, because they are federal matters and it is a police management issue.

Evan MULHOLLAND (Northern Metropolitan) (12:07): I would have thought the lead minister or the first legal officer would have known. Attorney, you might wish to take it on notice to ask questions on behalf of the Victorian community. But, Attorney, how are these former immigration detainees, some of whom have been found to have committed extremely serious crimes, including murder and sex offences, being monitored?

The PRESIDENT: The issue I have is – and I actually made a ruling in the last sitting week – that if an answer from a minister is that it is not a matter for her under the general orders then that is an answer, so it is hard to ask a supplementary on the matter, despite the minister doing her best to assist the chamber.

Evan MULHOLLAND: On a point of order, President, just to rephrase, will the Attorney-General ask the federal immigration minister how these former immigration detainees – as I said, some of whom have been found to have committed extremely serious crimes, including murder and sex offences – are being monitored and report back to the house?

The PRESIDENT: It is not for me to imagine what the minister's answer would be, but I imagine the minister's answer will be similar to her first answer – that it is a matter for the police minister – but I will let the minister answer as she sees fit.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:09): These are sensitive matters, but I think it is incumbent upon you, Mr Mulholland, to understand how federal and state relations work. Also, in relation to these matters, there are the Australian Federal Police, who work closely with Victoria Police, so the information that you seek would be best directed to the federal government in fact, but after that it would be Victoria Police, who for a range of reasons would ensure that information that they release is appropriate to ensure that community safety is paramount. But the information could only be provided by the Minister for Police in the way you have framed your question. You have asked me, and I am not the representative minister for the Minister for Police in this chamber.

Housing

Samantha RATNAM (Northern Metropolitan) (12:10): (367) My question is to the Minister for Housing. Minister, the government is planning to demolish 44 public housing towers across the state. Will there be any public housing rebuilt at each of the 44 sites set for demolition?

The PRESIDENT: The reason I am making funny faces, sorry, is that I do not think the same question can be asked within a six-month period. I can be wrong, but was that question asked in the previous week?

Members interjecting.

The PRESIDENT: I will give the benefit of the doubt that it is not exactly the same, and I will put the question to the minister.

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:11): Thanks, Dr Ratnam, for this question again. As you are aware and as this chamber is aware, we are investing in the redevelopment of 44 sites around metropolitan Melbourne where towers have been since they were first constructed in the 1950s, 60s and 70s. In developing these sites, we will address not only the challenges of an insufficient supply of housing but also the importance of providing support and secure accommodation to people most in need.

Dr Ratnam, I would again caution against any attempt to create a division in the way in which social housing is delivered. I would hate to conclude that the Greens are opposed in some way, shape or form to the delivery of community housing, the delivery of housing for vulnerable cohorts. When we look at the configuration of the sites across Melbourne at the moment, we will be moving from a density capability of about 10,000 up to around 30,000 across those sites. This will be a mix of housing. It will be social housing, it will be affordable housing and it will be market housing that is developed to meet the longer term needs of this state as part of the housing statement's very ambitious and yet achievable target of 80,000 homes a year for the next 10 years.

The answer to your question, Dr Ratnam, is that social housing will receive a 10 per cent uplift across these sites, which –

Samantha Ratnam: On a point of order, President, just on relevance, my question was quite specific. I will not repeat it, because you have warned us in the chamber not to repeat the question. I would like the minister to answer my question, please.

The PRESIDENT: I did not warn you not to repeat this question today. I was just concerned that it was a question being asked within the six-month remit in which you cannot ask the same question. But I think the minister was actually answering the question just before you put the point of order. The minister is being relevant, and I will ask her to continue.

Harriet SHING: We will be investing a record amount of funding into making sure that social housing is delivered across these sites, including with a 10 per cent uplift in the number of homes across these sites.

Again, Dr Ratnam, I would urge you to provide accurate information to people in our communities who you are talking with, as opposed to any campaign of a cheap, lowest common denominator approach that seeks to create division and fear within communities about the fact that social housing delivers accommodation, supports, services and care to people most in need. I would urge you also to perhaps get out and talk with some of the people who provide these services. They do a power of good every day, and they deserve more than to have you decrying their efforts at every opportunity.

Samantha RATNAM (Northern Metropolitan) (12:15): Minister, I note your response, and I think it is quite extraordinary that you refuse to provide clarity and then accuse people of spreading misinformation when you refuse to provide clarity on a very simple, straightforward question. You failed to mention the words ‘public housing’ in your response despite my very direct question on advice and direction previously received in this chamber. Minister, how much land will be privatised either via sale or lease to private developers across all 44 public housing tower sites?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:15): Dr Ratnam, I am going to address the preamble of your supplementary, because frankly it is beyond irresponsible that you come into this chamber and you peddle disinformation – not just here but across communities – about the fact that this housing build is about delivering record housing for people in need.

Samantha Ratnam interjected.

Harriet SHING: I will take up that interjection. You are going to go out there and you are going to say to people that there will not be public housing across our sites. Shame on you, Dr Ratnam. Shame on you for actually seeking to peddle a narrative that could not be further from the truth. Dr Ratnam, when I think about the red brick towers in Carlton, you did not even know that they were empty. The Greens had no idea that they were empty. Just by way of example, those red brick towers, funded by the Commonwealth in terms of redevelopment as part of the \$496.5 million social housing accelerator, will be 100 per cent public housing. Do not let that destroy your narrative, however, that we are not investing in record funding.

Ministers statements: Changing Places

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:16): I rise to update the house on the Allan Labor government’s continuing investment in Changing Places around the state. Last week I was proud to join my colleagues Minister Spence and Kat Theophanous MP, as well as Darebin mayor Julie Williams, to open the new Northcote Aquatic and Recreation Centre. The Victorian government supported the construction of a Changing Place at this new facility, ensuring that people of all physical abilities would have access to its benefits. As members would know, Changing Places have a height-adjustable adult-sized change table, a ceiling tracking hoist and space for two people either side of a central toilet. These facilities are crucial for the 382,000 people who have high support needs and who rely on these toilets to access popular tourist locations, parks and events as well as key services such as education.

The Victorian government is proud to lead the nation in the rollout of these facilities, and our investment, which amounts to around \$10 million since 2015, has supported the construction of these facilities across metropolitan, regional and rural areas. The 2022–23 state budget included funding to further expand the network of Changing Places across Victoria, and as a result 13 new Changing Places will be built in popular tourist destinations and community spaces across the state.

But funding the rollout of these facilities is just one way the Labor government is promoting disability inclusion. Inclusive Victoria’s state disability plan continues to drive systemic change across

government, embedding principles of co-design, accessible communications, universal design and disability confident and inclusive workplaces. Moreover, our transformative investments in education and early childhood demonstrate our ongoing commitment to supporting children and young people through these formative years: \$1.6 billion in the 2020–21 budget to support disability inclusion reforms; an extra \$235 million in this year’s budget to help students living with disability, their carers and their families; and a \$16.9 million boost in 2022–23 for the kindergarten inclusion support program.

Some may try to argue that states and territories have abandoned people with disability; in Victoria this could not be more wrong. Whether it is a new Changing Place facility, more inclusive education or accessible transport, this government is dedicated to making our community more accessible and inclusive.

State Emergency Service funding

Georgie CROZIER (Southern Metropolitan) (12:19): (368) My question is to the Minister for Emergency Services. Minister, the SES yearly operational grants to fund day-to-day operations of individual units have not been paid this financial year. They are usually paid in October; however, SES units have had no communication to explain why payments have not been made. This is leaving hardworking volunteers to pay out of their own pockets for basic costs such as fuel and repairs that they need to undertake so that they can run their own units. Minister, can you assure all SES units they will be paid in full by the end of November in preparation for the busy summer period?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:19): This is a great opportunity to talk about the SES. It is certainly our government’s commitment to ensure that VICSES volunteers are equipped with the resources they need to keep the community safe. I think we all would agree that after recent times anyone that did not know about the SES now does. They have been front and centre of responding to many emergencies in recent times, and I thank those volunteers. Certainly anyone that is considering becoming a volunteer, I would urge you to do so.

Last week I announced more than \$2.4 million in additional funding for the VICSES through the VESEP grants to ensure that units are receiving the equipment that they need. That has been well received across the state, and many people will be connected to their local SES branches and will have heard the good news that was spread last week. In relation to the annual subsidy, VICSES have advised me that they anticipate they will all be received by 1 December, which is one day after your question.

Medicinal cannabis

Rachel PAYNE (South-Eastern Metropolitan) (12:21): (369) My question is for the Minister for Police, represented by Minister Erdogan. In your response to my question on the management of drug-testing dogs with respect to medicinal cannabis, you referred to the police manual and said that the use of sniffer dogs on public transport promoted public safety, crime prevention and public trust in police. These operations do no such thing. They create a climate of fear. For medicinal cannabis patients, the invasiveness of this experience is compounded further as they are treated like criminals for simply taking their legally prescribed medication. So my question is: what evidence does the minister have that cannabis detection has any relationship with public safety?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:21): I thank Ms Payne for her question and her passion on this issue. In line with the practices of this place, I will refer that question on to the police minister in the other place and get an appropriate written response.

Rachel PAYNE (South-Eastern Metropolitan) (12:21): I thank the minister for referral. By way of supplementary, I ask: what steps are you taking to have the police manual updated so that it specifically has a section that relates to medicinal cannabis patients?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:22): I thank Ms Payne for her supplementary question. I will also refer that to the Minister for Police in the other place for a response.

Ministers statements: community legal centres

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:22): I would like to update the house on the government’s continued support for Victoria’s amazing community legal sector. Last Wednesday I had the pleasure of joining many community legal centres at the historic Queen Victoria Women’s Centre for our sixth round table since I have been Attorney-General, but it was the first in person. These round tables provide me with an opportunity to hear directly about the excellent work that our CLCs are doing in the community. The round table theme was community legal education and community development.

Community legal education is a core area of work for our CLCs. They delivered more than 3643 community legal education and community development sessions last financial year, which is essential to help vulnerable people learn about their legal rights. I heard directly about Barwon Community Legal Service’s skill-building program for social services professionals, Eastern Community Legal Centre’s elder abuse awareness program, JobWatch’s continued support of vulnerable workers and Tenants Victoria’s outreach work with multicultural communities, and I particularly was interested in South-East Monash Legal Service’s sporting change program, which is an integrated service where they have put a lawyer into some local schools, providing increased access to justice for young people and for them to learn about their legal rights.

I would also like to thank the CLC sector for the work they do in supporting victims of family violence, including supporting agreements between parties to resolve family violence intervention order matters prior to the first hearing and in some cases providing broader support for family law matters.

Community legal centres are an important part of every community, which is why we provided almost \$14 million in the last budget to continue 19 critical legal assistance programs. I would certainly like to take the opportunity, as I am sure many people would agree, to thank the CLCs for the work they do, the CLCs that presented on the day and the CEOs and staff, who just continue time and time again to step up when people need it most in our community. I look forward to further strengthening and consolidating the government’s relationship with our CLCs, and I do indeed encourage all members of this place to support this fabulous sector.

Country Fire Authority resources

Gaëlle BROAD (Northern Victoria) (12:24): (370) My question is to the Minister for Emergency Services. Colbinabbin CFA brigade captain Chris Ryan has said due to the age of and safety concerns with the brigade’s tanker, the brigade has had to make the decision to remove itself from future state strike team activities. Brigades from Gippsland, Clydebank, Valencia Creek and Tyers East also cannot attend strike team activity because of the age of their trucks. Why won’t the government provide brigades like Colbinabbin with the equipment they need to protect the community from fire and to keep the volunteers safe?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:25): I thank Mrs Broad for her question and obviously her support for the CFA, an amazing organisation underpinned by such dedicated, hardworking volunteers. We do indeed want to support every volunteer in the CFA, and it was just last week that I was in Harcourt celebrating the new vehicle that Harcourt had received and also announcing further vehicles that have been distributed throughout the state. The CFA is currently rolling out 48 heavy tankers and two light tankers funded as part of the CFA’s capability package. The VESEP grants are also contributing to vehicles. There were three for brigades that were part of last week’s announcement. Buying new trucks is not all we are doing. We are also investing \$11 million to upskill CFA firefighters to deliver volunteer driver training and licensing, which includes delivery of dedicated training trucks. In relation to the deployment of CFA

personnel, that is certainly a matter for CFA. In relation to the brigade that you have mentioned, I will seek advice in relation to the information that they are receiving from CFA and the broader support for that region.

Gaelle BROAD (Northern Victoria) (12:26): Thank you, Minister. There are currently 193 CFA fire trucks that are more than 30 years old and 429 that are over 25 years old. Why is the government putting volunteers' lives at risk by not replacing these fire trucks?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:26): Mrs Broad, as I have indicated, there are trucks rolling out to brigades on a regular basis. I am actually going out and visiting brigades all the time in relation to that. In relation to the age of trucks – and I get this question quite a lot – there are dedicated maintenance staff and mechanics who are always on hand around the state to ensure that vehicles are operational and that they are safe. Many vehicles –

Members interjecting.

Jaclyn SYMES: Would you like the information? Mrs Broad is listening. Many of the older trucks have received upgrades in relation to safety and the like, so it is not the same vehicle that was handed out 25 years ago. It is important that we continue to invest in new trucks, invest in the maintenance of existing trucks and make sure that those resources are placed where they are most needed, and that is the advice that I receive from CFA.

The PRESIDENT: Before I call the next question, a previous member of this chamber is in the gallery: Catherine Cumming.

Justice portfolio consultancy expenditure

David DAVIS (Southern Metropolitan) (12:28): (371) My question is to the Attorney-General. Minister, according to the 2015–16 PAEC outcomes questionnaire the Department of Justice and Regulation spent \$55 million in 2014–15 on consultants, contractors and labour hire, yet the 2023–24 budget estimates questionnaire shows that the now disaggregated court services, Victoria Police and Justice and Community Safety expenditure for only part of 2022–23 on consultants, contractors and labour hire was \$147 million, an increase under the Andrews Labor government and Allan Labor government – but I think we will stick with Andrews Labor government on this – since 2014–15 of \$92 million, or 168 per cent. What will the minister do to stop this runaway gravy train of consultancy spending in her portfolio?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:29): Mr Davis, aggregating figures and referring to 10 years ago and the like is one way of asking a question, but in relation to the consultancy use of the department of justice, it is something that I have been working on with the department and the secretary in relation to ensuring that we are reducing as much as possible any reliance on consultancy and outsourcing. I can assure you that in this year I was very satisfied with the level of reduction of reliance on consultancy fees.

There was a lot of need to outsource and seek expert advice during the pandemic, but following those years we are certainly in a position that I am comfortable is demonstrating that we are certainly reducing anything unnecessary or indeed, beyond that, ensuring that it is a last resort where we need that expertise. Sometimes you do, so you cannot bring about an all-out ban in relation to seeking outsourced advice, particularly in delicate areas that many of us have to deal with in our portfolios.

I will provide you with the latest figures, which demonstrate a reduction that I as minister can confirm I was satisfied with – with the direction that was tracking. I am happy to provide you with those figures and see if they satisfy you.

David DAVIS (Southern Metropolitan) (12:30): I thank the minister for her constructive engagement on that. I note that your then colleague the Minister for Tourism, Sport and Major Events said in June, in response to press coverage of the more than \$24 billion spent by the government on

consultants, contractors and labour hire, that the government would cut spending by \$50 million on an ongoing basis, representing a cut of just 1 per cent. Can you please confirm that it is government policy to only reduce its runaway expenditure on consultants, contractors and labour hire by 1 per cent? That amounts to \$1.5 million in your department of justice, so I am hoping it is much more than that – community safety, court services and VicPol.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:31): In relation to the decrease in consultancy spending by the Department of Justice and Community Safety this year, it is \$6.58 million. In relation to Court Services Victoria, I will have to take a closer look at that. As you would appreciate, they are somewhat at arm's length from me. But \$6.58 million is a little bit more than you were hoping, it sounds.

Ministers statements: Tiny Towns Fund

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:32): I rise today to inform the house that the \$20 million Tiny Towns Fund is now open for applications. Last week I visited Talbot, in our historic goldfields region, to launch Tiny Towns at the local arts and historical museum. Marion, the museum's secretary, gave us a wonderful tour of this beloved Talbot institution, which has been upgraded with Victorian government support, playing a vital role in collecting and sharing the rich history and stories of the local community. I also met Patty, who helps run the local farmers market, a drawcard bringing tourists from all over to showcase what Talbot has to offer. Grants of up to \$50,000 will support a wide range of projects, from local markets and museums, hiking trails and splash parks to community hall upgrades, playgrounds and arts projects.

Towns with up to 5000 residents are eligible, and I encourage all to apply. We want to hear from community groups and councils about the best projects that resonate with each town's unique history and genuine local priorities. We all know smaller communities rely on volunteers like Marion and Patty, so we have also made sure that RDV teams will be available to assist. We have extended the applications to late February, giving communities the support and the time they need to bring their ideas to life. This community-driven process is now open via the Regional Development Victoria website to more than 2000 small towns across our state to support them to thrive for years to come. Tiny Towns continues our government's more than \$41 billion of investment in our regions, backing local projects that strengthen regional communities.

Game Management Authority board

Jeff BOURMAN (Eastern Victoria) (12:34): (372) My question is for the minister representing the Minister for Outdoor Recreation in the other place. Minister, the Game Management Authority board's longstanding chair Mr Brian Hine left earlier this year, and I have recently been advised that the deputy chair will also be leaving. Under Mr Hine's leadership the GMA developed into an effective regulator. Can the minister advise what arrangements are in place to recruit a quality new chair for the GMA?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:34): I thank Mr Bourman for his ongoing interest in all matters outdoor recreation, and that matter will be referred to the Minister for Outdoor Recreation.

Jeff BOURMAN (Eastern Victoria) (12:34): I thank the minister for forwarding on the question. Minister, the VFA board has fishers on it, the alpine resort boards have skiers on them and the catchment management authorities have farmers. In recent years the GMA board has included animal rights activists but nobody selected for the knowledge and insight gained from being a recreational hunter. Can the minister assure the house that the one skill lacking from the GMA board will be added?

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:35): President, can I seek some guidance? The first question was in relation to the recruitment of the chair and the deputy chair, and now it has gone to a skill set issue in terms of board membership.

The PRESIDENT: I think it is relevant to his substantive, yes.

Gayle TIERNEY: Fine. I am more than happy to refer that matter, along with the substantive question, to the Minister for Outdoor Recreation. Thank you, Mr Bourman.

Event accessibility

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:35): (373) My question today is to the Minister for Disability. Last weekend Christina Aguilera played her one-night-only show in Melbourne. There are several stories that have been rippling through social media over the past few days from people who went to this concert and did not get to enjoy Christina in all her glory. Several people who use wheelchairs, for instance, spent over 2 hours in the disability access line waiting for a buggy to the stage area. They were still sitting at the entrance, reportedly, when Christina took to the stage. Others have commented that the Auslan interpreters were so far away from those with impaired hearing that they would have needed superpower vision to see what was being signed. Obviously this is not good enough. Everyone should be able to enjoy concerts and festivals here in Melbourne. Minister, what are you doing to follow up on these issues and make sure that all events here in Victoria are truly accessible to everyone?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:36): Thank you, Mr Puglielli, for your question. I did make the comment to my staff earlier that a question in relation to what Victoria is doing to make our state more inclusive would indeed feel a bit like a Dorothy Dixier today in the context of the discussions we are having with the Commonwealth, so I do thank you for the question.

Victoria, as I outlined in my ministers statement earlier, is absolutely committed to making sure that our state is inclusive for everyone, from the investment that we are making in Changing Places, where we are leading the nation to make sure that our events, our tourist attractions and our sporting facilities are appropriate for people with disabilities, through to our *Inclusive Victoria* statement, which is about improving inclusivity in our workforce and in our workplaces, and the investments that we are making indeed in education to make sure our schools are inclusive places as well. Victoria is certainly leading the nation in the investments that we are making to ensure that Victoria is an inclusive state for everybody of all abilities.

In relation to the specific issues that you raise, I am happy to take some of those on notice and come back to you if we can provide some further information. But let this house be assured – and well beyond this house – that Victoria is doing its bit to make sure that our state is an inclusive state for all people, including people of all abilities, and I look forward to continuing to work with everyone in this place and beyond on that into the future.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:38): Thank you, Minister, and thank you additionally for taking part of that question on notice. That would be much appreciated. I appreciate that this may also fall partly into the conduct of the event organisers, but nonetheless it is something worth considering in this place, which is why I have raised it today. With so many more festivals, concerts and major events coming to Melbourne soon, it is critical that these sorts of things do not happen again. Taylor Swift is playing in February. For those who are lucky enough to have tickets – not me – it is important that they will be able to experience the concert and have a fun night. Will you guarantee that Taylor's concerts in Melbourne will be fully accessible to everyone?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:39): I must admit I am also not one of those people that have tickets to Taylor Swift. But I do think it is important for everybody that does have tickets to Taylor Swift that this event is also one which supports people of all abilities, and I am more than happy to again take elements of your question on notice. I must confess I actually do not know where Taylor Swift is even playing, so I will discuss that with the minister for major events and have that discussion with him as well in terms of the state's role. As you correctly identified, some of these elements of providing inclusive events and the responsibility to do so rest with those who are facilitating those events. For the state's part, where the state has a role in ensuring that venues are accessible and that the transport to those venues is accessible, I am more than happy to take up those matters and come back to you again with some further information as necessary.

Ministers statements: prison visitor schemes

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:40): I rise today to recognise and thank the volunteers of Corrections Victoria's independent prison visitor scheme for the vital contribution they make to our system. Made up of volunteers from across Victoria, the independent prison visitor scheme provides a valuable community perspective about the on-the-ground operation of Victoria's prison system.

Last month I had the pleasure of meeting many of the volunteers at the scheme's annual event, where I had the opportunity to thank them in person for the important work that they do. Members of the community observe prison routines and functions and give practical advice to Corrections Victoria that is used to continually improve facilities and procedures. The scheme ensures that prison facilities reflect community expectations. It is a key accountability mechanism we have in place to maintain high standards for people in custody and of course our hardworking staff. Achieving those high standards is why this government has made changes across the custodial system recently. We have improved health services, opened infrastructure and retired old units that were becoming outdated.

I would also like to highlight the work of the Department of Justice and Community Safety's Koori justice unit in supporting the Aboriginal prison visitor scheme to facilitate greater representation of Aboriginal community volunteers. We want an environment where Aboriginal volunteers are able to provide meaningful engagement with Aboriginal people in custody in a culturally safe and sensitive way. The insights provided by community members are crucial. Not only does it help us make sure we are doing the right thing by our staff and people in custody, but it helps us make the community a whole lot safer.

I again want to thank the volunteers of the independent prison visitor scheme for their ongoing service to the community. And if you are listening to this and like what you hear, I encourage you to express your interest in becoming an independent prison visitor so you too can play a pivotal role in shaping our corrections system and making us all safer.

Written responses

The PRESIDENT (12:41): Can I thank Minister Tierney, who will get answers for Mr Bourman's questions from the Minister for Outdoor Recreation, and Minister Erdogan for both of Ms Payne's questions to the police minister. And I think Minister Blandthorn and Minister Symes offered to get additional information outside the answers they gave.

Constituency questions

Eastern Victoria Region

Tom McINTOSH (Eastern Victoria) (12:42): (577) My question is for the Treasurer. Last week I hosted a town hall meeting on the Mornington Peninsula where people young and old turned out to talk about housing and the cost of living. This is part of a bigger conversation about addressing inequality in our community and ensuring that Victorians have a fair go and get a fair chance in life.

The belief that everyone should be treated fairly and given the right to live a fulfilling life is one of the best things about this country. Talking to constituents, this aspect of Aussie culture is deeply cherished by those lucky enough to live in Eastern Victoria. Inequality threatens the fair go, and it also shows up in specific issues like housing affordability, the housing shortage and homelessness. There is no silver bullet for this issue, but proactive policy has a real impact on people's lives in addressing issues including inequality and the cost of living. Treasurer, what steps is the government taking to reduce economic inequality in Victoria, and what is the government doing to put downward pressure on the cost of living?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (12:43): (578) My constituency question is to the Minister for Public and Active Transport, and it is in relation to the continuing and alarming presence of graffiti across the metropolitan rail corridor, notably in my electorate of Southern Metropolitan Region. As I am travelling around, I am constantly seeing an increase in graffiti on overhead rail passes and along rail corridors. It is filthy, it is disgusting and it needs to be cleaned up. I have raised it before around the sky rail that goes across various parts of the electorate, and the graffiti just keeps coming back. I do not know what the government is doing or not doing, but they need to do something. They need to get rid of this graffiti, clean up our public transport corridors and get moving on this issue that is a blight on our community.

Northern Metropolitan Region

Adem SOMYUREK (Northern Metropolitan) (12:44): (579) My constituency question is directed to the Minister for Planning concerning the proposed construction of 65 small residential dwellings in Broadmeadows. I have received complaints from local residents unhappy that their only green open space is being quietly sold to Metricon by the government for the purpose of building housing. Whilst I believe the most important issue facing Victoria at the moment is the housing crisis and actually believe the government must do more to address this very important issue, I also believe that government must always be transparent with local communities, particularly when it comes to housing. Therefore I ask the minister to inform the community of Broadmeadows of any details of the proposed housing development that have not yet been made public and to inform the community of the time lines on when the land rights will actually be transferred by the Department of Transport and Planning.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (12:45): (580) My question is for the Minister for Health. Can the minister please provide information on what can be done to bring forward urgent surgery for my constituents who have been on a knee waiting list for five years. Jennifer, my constituent, has contacted me to share her serious concern over the delay to her medical treatment at Footscray Hospital. She has lived in great pain and with limited mobility for five years and is on numerous pain relief medications. There is nothing worse than being promised surgery and then being told to wait year after year. The problem with Jennifer's knee has caused problems to her hip. Together, these prevent her from being able to walk, sleep or experience a normal life. The longer she waits for surgery, the more her joints and muscles deteriorate through lack of use. The need for surgery urgently cannot wait any longer. She told me that she is willing to do anything. A woman in pain, a woman in desperate need, she is happy to go anywhere to any hospital across the state as long as it means an operation sooner. Can the minister assist my constituent to bring the surgery forward? I am happy to discuss the details with the minister if she is willing.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:46): (581) My question is to the Minister for Education. The Department of Education has a policy which states that schools must not use learning resources created by inappropriate organisations for classroom use. However, public schools in my

region of North-Eastern Metropolitan have undertaken competitions run by STEM Hub, sponsored by BAE Systems, one of the world's largest weapons manufacturers. In the department policy it states that inappropriate organisations include companies involved in the sale or promotion of weapons, including firearms. How can the Department of Education endorse programs used in schools in the North-Eastern Metropolitan Region that are sponsored by companies involved in the sale and promotion of weapons?

Western Victoria Region

Joe McCRACKEN (Western Victoria) (12:47): (582) My constituency question is for the Minister for Casino, Gaming and Liquor Regulation, and it relates to the slowness in the approval of licences and the transfer of licences. I was contacted by Amanda Mead, who owns the Caramut pub. She has just taken over the premises, and it has taken so long for her to get an approval. It still has not happened. Similarly, I was contacted by the Ballarat Turf Club, who have an event – some might know it, it is called the Ballarat Cup – and they are waiting for an approval as well. Now, they are only seeking a temporary approval. So my question to the minister is: why is it taking so long for my constituents to get what has normally been a fairly straightforward process in the past? When COVID happened, approvals happened within days, and now it seems to have elongated to weeks and months. It is just ridiculous.

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (12:48): (583) My constituency question today is for the Minister for Youth Justice. After reading a *Herald Sun* article quoting the figures of people reoffending while on bail – more than 500 jailable crimes per week committed this year alone – a concerned constituent has reached out relating to the disproportionate number of children and teenagers represented within this group. The article quoted that a group of 80 children were charged with 610 counts of committing an indictable offence on bail in the year to June, averaging 6.7 each. Apparently there were also 440 teens aged from 15 to 17 charged 2052 times with committing an indictable offence while on bail in the same period. My constituents would like to know: does the minister still intend to raise the age of criminal responsibility?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:49): (584) My matter is for the Minister for Police today, and it concerns the very worrying upsurge in antisemitism that we are seeing, the very serious targeting of the Jewish community. In my electorate – and Ms Crozier's electorate – there is a very significant concentration of the Jewish community, and I strongly support their position and their contribution. Our multicultural focus should also support the enormous contribution of the Jewish community. But the huge surge in antisemitic activity, signage and rallies cannot be ignored. I ask: will the Minister for Police ensure that in these rallies where there is clearly antisemitic signage there is action and that the law is enforced? We obviously have to balance free speech, but where it becomes hate speech, where it becomes antisemitic material, where it becomes material that is clearly designed to offend and upset members of the Jewish community, I think we need to step in.

Western Metropolitan Region

David ETTERSHANK (Western Metropolitan) (12:50): (585) My constituency question is for the Minister for Health. My constituent is a drug and alcohol support worker in the Western Metro Region who is extremely concerned about the shortage of naloxone in my region. Naloxone is a life-saving medication designed to rapidly reverse opioid overdose. The organisation my constituent works for has signed up to the take-home naloxone program. Under this program community support services are basically able to distribute naloxone for free without a prescription alongside pharmacies; however, the rollout of this program appears to have stalled amid a shortage of naloxone across the state. With over 549 overdose deaths last year in this state – a figure guaranteed to increase with the arrival of fentanyl on our shores – my constituent feels the Victorian government is not responding to this crisis

with the urgency that it would deal with other causes of death. My constituent asks: what is the government doing to address the naloxone shortage and speed up the rollout of the take-home naloxone program in the Western Metro Region?

The PRESIDENT: Just to clarify, Mr Ettershank, the organisation you are talking about is inside the electorate that you represent?

David ETTERS HANK: That is correct, President.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (12:51): (586) My question is to the Minister for Environment. Closed by Parks Victoria in 2018, the Bear Gully Campground has been used for decades by nature-loving tourists and locals as a place to enjoy the Walkerville coastline on the beautiful Waratah Bay. The campground, including pedestrian access to the beach, is closed for campers and day visitors. Noting that Parks Victoria is working with First Peoples to assess the area for cultural heritage sites, my South Gippsland constituents are justifiably frustrated. Five years is an unacceptably long time to wait for an outcome that strikes a balance between cultural heritage sites of significance and public access to a much-loved public land space. Minister, if there is a hold-up in funding, then fix it, please, but will you inform my constituents when the Bear Gully Campground in Cape Liptrap Coastal Park will be open to public access and campers?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:52): (587) The Cardinia shire population is around 130,000 currently and is forecast to grow to 182,000 by 2041. As the Pakenham region grows, infrastructure must increase to meet the need. I have spoken to many concerned constituents who are worried about inadequate roads, schools, parking and other infrastructure, but one thing that continues to come up is the need for health care, in particular the Pakenham community hospital. In 2018 a media release from then Premier Daniel Andrews promised locals that the Pakenham community hospital would be ready by 2024. Construction was promised for 2022, yet it is nearly 2024 and we have not seen a single thing done. My question is for the Minister for Health: will the Pakenham community hospital be built, or is it yet another broken promise to Victorians by this government?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:53): (588) My question is for the Minister for Environment, and it is in regard to the use of the Shepparton Regional Park by cyclists, in particular the Tatura 200 Charity Bike Ride and Walk community. The Tatura 200 has a long-running record of having a positive influence in the local community and has raised over \$100,000 per year for local charities. A group of volunteers recently contacted me because they are deeply distressed by Parks Victoria denying the group's request for a permit for this half-day charity fundraising event. The only reason given for denying the permit is that for 200 metres there is no track, and on this basis the designated trail is illegal. However, there has been pedestrian access through the area for over 30 years and four-wheel drive tracks have developed over the last decade. My question to the minister is: will you direct Parks Victoria to resolve this issue and provide a permit to enable the Tatura 200 charity bike ride to proceed in the future?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:54): (589) My question for the Minister for Energy and Resources concerns the unreported new cost imposed by the Department of Energy, Environment and Climate Action on the Victorian extractive industry sector. A quarry in my electorate has received a recalculated demand for the rehabilitation bond it must possess to remain operational. Given spiralling inflation in Labor-led Victoria, perhaps that is not surprising, but the increase is mind-bending. Previously \$9000, the company must now provide a bond of \$11,923,000. That is \$11 million more for this single operation. In percentage terms it is a 132,378 per cent increase. It does not get bigger or

better than this under Labor. Minister, how many of the 900 work authority bonds will see the same increase? How much money will be extracted by government from the industry in total, and how will this do anything other than trash business?

North-Eastern Metropolitan Region

Nick McGOWAN (North-Eastern Metropolitan) (12:56): (590) My matter relates to an important facility in my electorate of Ringwood. In particular it relates to the emergency department at Maroondah Hospital. This goes back some time, in fact to 12 November 2018, which is now five years ago. Five years ago this government promised an emergency department for the children of not only Ringwood but also Warrandyte, Croydon and the surrounding districts. Five years later they have failed to deliver that, notwithstanding that at the time there were some amazing quotes given. James Merlino said himself:

We'll make sure kids get the quick, dedicated care they need so that they, and their parents, feel better, sooner.

The irony of that is five years later they have not even started. My question to the minister is: when can we expect the delivery of this absolutely vital service for children, the most vulnerable children, in emergency at the Maroondah Hospital?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:57): (591) My question is to the Minister for Housing. I ask why Casey rentals are at their most unaffordable since 2015, and this is especially so for pensioner couples according to newly released statistics. Under the government's Big Housing Build launched in 2020, only 76 social housing dwellings have been built in Casey, with only 70 still underway. Before the 2022 state election the City of Casey called on the government for an urgent investment to stem the significant and growing shortfall of 6000 affordable and social housing dwellings. For low-income earners, there are only two affordable two-bedroom rentals available in the entire Casey council area, two in Cardinia shire and 23 in Greater Dandenong. Homelessness support service Wayss said that the south-east growth corridor has been neglected, with its proportion of public and community housing well below the average for Greater Melbourne. Minister, Melbourne's rental market is in crisis, it is punishing people who have the least and it is only getting worse. Will you provide some advice for those suffering in my electorate?

Petitions

Mount Eliza Secondary College

Matthew BACH (North-Eastern Metropolitan) presented a petition bearing 843 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council deep concerns about the facilities at Mount Eliza Secondary College. The school is nearly 50 years old and areas of the school are inadequate for best teaching practices and student outcomes. The College needs urgent funding for the creation of a science, technology, engineering and mathematics centre, the redevelopment of the senior learning and drama centres and the creation of a dedicated welfare facility. The current science rooms are outdated and contain equipment that cannot be used due to safety risks, the senior learning and drama centres do not have adequate space to meet the needs of student growth and the current welfare centre is small and cramped making it inadequate to run sessions for students that need support. These changes are necessary for the school to provide a safe and conducive learning environment that fosters collaboration, critical thinking, and creativity amongst students and allows the college to have a deeper connection with its community. The redevelopment of these facilities is essential to allow students at Mount Eliza Secondary College to have the same opportunities as other schools on the Mornington Peninsula.

The petitioners therefore request that the Legislative Council call on the Government to provide funding for Mount Eliza Secondary College to create a science, technology, engineering and mathematics centre and a dedicated welfare facility, and to redevelop the senior learning and drama centres.

Matthew BACH: I move:

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

Motion agreed to.

Wild horse control

Wendy LOVELL (Northern Victoria) presented a petition bearing 1087 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Government's policy of using lethal management on wild-living brumbies is opposed, based on flawed population counts, false claims of damage and does not recognise the Heritage value of brumbies.

Peer reviewed research by Dr David Berman published 21 June 2023 examined vegetation and soil disturbance in Bogong High Plains and the Victorian Eastern Alps, revealing that there was no impact from feral horses along 99 per cent of the length of transects in Bogong High Plains and 83 per cent of the Victorian Eastern Alps. Removal of brumbies is unlikely to make any real difference to the environment but will bring to an end an important Victorian cultural icon.

A report by independent biostatistician Claire Galea of 24 May 2023 reveals significant flaws in methodology of population surveys of wild-living brumbies. An example shows that values from surveys conducted in 2014 and 2019 were combined together as insufficient numbers were seen and population estimates done from this one single value meant that population estimates over time are fundamentally flawed. Policy based on flawed reports is flawed policy which must be overturned.

The petitioners therefore request that the Legislative Council call on the Government to immediately abandon the lethal management of wild-living brumbies, commission a population count of horses in the Alpine National Park, recognise the Heritage value of wild-living brumbies, undertake research into the benefits that brumbies bring to the Alpine National Park and develop new management plans.

Wendy LOVELL: I move:

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

Motion agreed to.

Papers

Consumer Policy Research Centre

Report 2022–23

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:00): I move, by leave:

That the Consumer Policy Research Centre report 2022–23 be tabled.

Motion agreed to.

Committees

Scrutiny of Acts and Regulations Committee

Alert Digest No. 15

Sonja TERPSTRA (North-Eastern Metropolitan) (13:00): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 15 of 2023, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.

Legal and Social Issues Committee*Inquiry into the Rental and Housing Affordability Crisis in Victoria*

Trung LUU (Western Metropolitan) (13:00): Pursuant to standing order 23.22, I table the report of the inquiry into the rental and housing affordability crisis in Victoria, including an appendix, extracts of proceedings and a minority report, from the Legal and Social Issues Committee, and I present the transcripts of evidence. I move:

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

Motion agreed to.

Trung LUU: I move:

That the Council take note of the report.

I am pleased to table this report into the rental and housing affordability crisis in Victoria. It is now widely accepted that Australia is experiencing a serious problem with housing. Barely a day goes by without a newspaper article or TV news story about Australians struggling to buy their own home or simply find a safe and secure place to rent. The state government has a role to play, but the solution to the problem we are facing requires a coordinated national approach involving all levels of society, both private sector and government. That is why the major recommendation in this report is this committee's call for the renewing of long-term national housing policy, where the states, territories and Commonwealth cooperate to address our fundamental housing issues. The key question we face is this: do we want to be a nation of home owners or a nation of renters?

Many people want to rent. I think, for example, of young people enjoying the social benefits of sharing a house when they are starting their first job or seasonal workers following agricultural work across Victoria. However, the committee heard that more Victorians are renting not out of choice but out of necessity. Owning our own home is becoming increasingly out of reach for too many of us or just simply starting too late in life. We must take steps to increase supply and improve housing affordability so those who want to can own their own home. As people rent longer, their changed expectations are the main cause of the large backlog in rental disputes currently at VCAT. The committee welcomes the government announcement of a new rental dispute body, rental dispute resolution Victoria. We have made a broad recommendation regarding the new body – that is, that it be properly funded. It has a large job in front of it in clearing the VCAT backlog, and it must be done quickly.

As I stated, the problem with housing has been decades in the making, and it will also take decades to fix. The committee welcomes the recent housing statement, in particular the commitments to building 800,000 homes in the next 10 years and improving the planning system. There are no silver bullets that would fix the housing crisis. Chapter 7 of this report identifies short-term, long-term and medium-term solutions. In the short term we recommend increasing supply through measures such as headleasing and more support to the build-to-rent sector. In the long term we recommend action in areas such as planning and increasing density in Melbourne's missing middle.

An important long-term issue that remains unresolved is social housing. By the government's own admission, it needs to build more social housing in Victoria. The committee has highlighted the priority of addressing the social housing waiting list for two reasons: (1) we need to take care of our vulnerable and (2) people who do not access social housing have to compete with those in the private rental market. Building more social housing will reduce demand in the private rental market.

In closing, in Victoria, as across Australia, we have spent too long watching the problems with housing grow while delaying taking action. The time to fix this problem is now, and the committee urge the Victorian government to respond to the recommendations in this report as quickly as possible.

On behalf of the committee I would like to thank everyone who made a submission to the inquiry and spoke with us at our public hearings. The committee relies on this evidence and your expertise to

understand this complex area and the personal impacts housing policies have on all Victorians. I would also like to thank my fellow committee members for their hard work and cooperation throughout the inquiry. Finally, I would like to give a special thanks to the secretariat – Adeel Siddiqi, Sylvette Bassy, Julia Barnes, Caitlin Connally, Ben Huf and Patrick O’Brien – for their amazing support and assistance.

Ryan BATCHELOR (Southern Metropolitan) (13:06): As a member of the Legal and Social Issues Committee I rise to briefly make a contribution on this very important report. Obviously renting and the housing sector are in crisis, and I do not know that there is a more important public policy issue facing this state than trying to make policy initiatives that will make a difference to improve things for renters and for those seeking to own their own home. I want to thank all of those who contributed to the inquiry over its course. We heard too many stories from renters who are being poorly treated or who are enduring poorly maintained houses. In addition, I think, to a crisis of cost in the rental market we have got a crisis of quality in our rental supply, and we all need to work together to fix it. The report lays out some good recommendations for improvement. Home ownership and housing affordability must always remain a goal, and it is very important, I think, as we learned in the course of this information, that the government’s commitments to deliver more social housing must be delivered on, and that we need to stop the misinformation campaign that is out there about our social housing agenda that is causing too much distress for too many.

These are serious and complex policy issues. In the middle of this inquiry the government obviously announced an exceptionally significant housing statement, which was not released at the time the inquiry had started but was released by the time the inquiry had finished and which certainly had a significant bearing on the shape and the direction of matters. These are issues that need to be addressed as a Commonwealth, a state and a local issue. It is incredibly important. The self-referral from the committee probably did not leave us with enough time, I think, to get into these issues as much as we would have liked, but they are important and they must remain part of the ongoing policy debate.

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:07): I rise also as a member of the Legal and Social Issues Committee to contribute today and to acknowledge the significance of this moment of this report being tabled. It was a huge undertaking of work by a whole team of staff as well as my colleagues on the panel and a vast array of submitters from right across the community, but particularly I really do want to extend deep gratitude to the hundreds and hundreds of renters who submitted and took part both in writing and in live hearings as part of this inquiry process. Their stories were quite confronting, I think, particularly potentially to those on the committee who are not currently renting or are not in immediate contact with someone who rents right now in Victoria. Things are incredibly tough. People are putting off medication, they are putting off food, they are struggling to make ends meet, and some of the contributions that were made as part of this inquiry process really I think clarified for many the human cost, the human scale, of this crisis – and that is what it is; it is a crisis. It is so difficult to rent right now that we must do more. The government must adopt these recommendations that have been issued with this report as part of this inquiry. It is a bare minimum to adopt these recommendations. They must do that and then some. Further suggestions of what the government could do to tackle this crisis have been laid out by the Greens in our minority report as part of this process, but we must do more. We must ensure that renters in Victoria do not become second-class citizens to everyone else. Everyone deserves a safe and affordable roof over their head. You deserve to have the security of the home that you live in and to be near your work, your schooling and things you do in your everyday life. We must do more in Victoria.

Joe McCRACKEN (Western Victoria) (13:09): I am happy to talk on the release of this report as well, also being a committee member. I would firstly like to acknowledge the staff that have put in quite a significant amount of time and effort. Although it might have been a relatively short inquiry, the work that they put in was quite substantial, so I do want to put that on record and acknowledge that and also acknowledge the work of every member of this place who had input, whether they were a participating member or whether they were indeed a full voting member on the inquiry. I think

everyone, regardless of where we come from politically, wants to see the crisis resolved. It is just a matter of how that might be resolved, and we all have different views on that.

In terms of the report itself, there are things that are just true in this. Renters are clearly struggling, but I think we need to have a big focus on the supply side of the situation and ensuring that the private sector has the capacity to really make sure that they can get involved in the market so that they are not restricted from being engaged. Costs are a massive issue that we heard evidence on, and it is really quite astounding to see some of the statistics about where a lot of the supply is going across the country. I can tell you people are leaving Victoria. If they are a rental provider, they are leaving Victoria in droves because of the excess in regulation. That is just a sad fact. We saw that evidence given by a number of different people in the inquiry.

We also heard evidence from a lot of renters that the system is quite often complex and difficult to navigate and that if there are any resolutions that they need to seek because of an issue that they are having, it can be quite burdensome, and the fact is that VCAT has a massive backlog that is very, very difficult to deal with. That does not make things easier for renters and it does not make it easier for landlords when they are trying to seek a resolution on these matters, which should take less time than it currently does. That is a real fault in the system. I encourage everyone to read this report.

Rachel PAYNE (South-Eastern Metropolitan) (13:12): I rise to make a contribution today, as a member of the Legal and Social Issues Committee, on the rental and housing affordability inquiry. Firstly, I would like to thank the secretariat. It is a huge body of work that everyone has contributed to, and we would not be as organised and as thoughtful as we are in a committee process without the secretariat really making sure not only that the administration is taken care of but also all that information is circulated to us in a timely and efficient way, and they are there to provide that guidance and advice. I really think it is super important that we acknowledge the secretariat in this process, because it was an ongoing, long process.

I was a renter and recently bought a home. Hooray! I was a renter for 25 years. I had been a renter since I was 16, so a lot of these stories did resonate with me. But recommendation 2 on the right to housing, that housing should be formally recognised as a human right, I think is incredibly important. I really appreciate the fact that that is a major recommendation within the report. I welcome the consideration of the Victorian equal opportunity and human rights commissioner Ro Allen in this space. A safe, affordable home should be a human right and people should feel as though they do not have to have a fight with their landlord to have access to clean amenity, to a home with no mould or to a home with a front door that locks. These are some of the stories that we heard from renters during that process. I am really appreciative of the fact that I was part of this inquiry and got to share my experiences as well with many who contributed.

Matthew BACH (North-Eastern Metropolitan) (13:14): Mr Puglielli said before that we do not want to get to a situation where many Victorians are living like second-class citizens. I think we are already there. Huge numbers of our fellow Victorians are living right now like second-, third-, and fourth-class citizens. There is a massive crisis – I agree with what Mr Batchelor said – when it comes to the affordability of property for those who want to buy or rent.

Too often in these debates we have pitted one group against the other, whereas I feel like at the moment renters are dealing with immense financial pain, which so often flows on to have huge impacts throughout their lives. I agree in particular with what Mr Puglielli said about the power of the testimony from so many people who were really struggling, who came to us on the record – it is a hard thing to do to talk to a bunch of strangers in suits – about their grave financial problems and then in a very personal way what that meant for them. Also we heard from people who own properties – and property ownership is a good thing.

It is correct to note that we heard from people who are renting that overwhelmingly they were desperate to buy their own home. They would love to be in a position one day to buy their own home

but are a million miles away from that right now. It does not have to be like this. Australia has some of the most expensive property prices right across the world. It does not have to be like this. It is not because of a growing population or COVID or what is going on in China or whatever the normal excuses are that we hear. This is about decades and decades of government failure – local government failure, state government failure, and yes, to a lesser extent, federal government failure. There are very obvious things that we can do. I have talked about some of them; Mr Mulholland has talked for a long time about some of them. When Mr Pesutto came to the leadership, he identified housing affordability for all Victorians, renters and owners, as his uppermost priority.

I want to thank Mr Luu, Mr Batchelor and certainly the amazing committee staff for the work that they have done and urge my colleagues across the chamber to take up some of these recommendations.

Wendy LOVELL (Northern Victoria) (13:16): I rise as a participating member just to speak very briefly on this report and the significance of a report like this. As we all know, housing has become a real issue under this government, whether that be rental housing, whether that be the affordability of buying your own housing or whether that be access to social housing.

Everyone today has spoken about the enormous effort that is put in by the staff of the committees to produce a document like this – a report of this quality, size and significance. It is an enormous amount of work, and we thank the secretariat for the efforts that they have put into this report. We also thank the secretariats for the efforts that they have put into past reports.

One of the most significant reports that was done in the last Parliament was for the inquiry into homelessness in Victoria, yet this government has completely ignored that report and has not even responded to it. The first recommendation of this report of the inquiry into the rental and housing affordability crisis in Victoria is for the government, as a matter of urgency, to respond to the 2021 inquiry into homelessness in Victoria. These are serious issues – homelessness, affordability of housing for those who can afford their own homes, rental housing for those who need access to rental housing, and social housing – extremely serious issues. They are issues that members of Parliament have put hundreds and hundreds of hours into producing reports on. The secretariat have put hundreds and hundreds of hours into writing these reports. Public funds go into producing reports of this quality, not only in producing them, as in printing them, but also in the work of the secretariat in doing all of this work. It is not a joke. This government needs to respond to these reports and take them seriously. They should respond to the homelessness one and to this one.

Motion agreed to.

Public Accounts and Estimates Committee

Gambling and Liquor Regulation in Victoria: A Follow up of Three Auditor-General Reports

Nick McGOWAN (North-Eastern Metropolitan) (13:18): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report, *Gambling and Liquor Regulation in Victoria: A Follow up of Three Auditor-General Reports*, including appendices, extracts of proceedings and a minority report, from the Public Accounts and Estimates Committee, and I present the transcripts of evidence. I move:

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

Motion agreed to.

Nick McGOWAN: I move:

That the Council take note of the report.

It is a timely report in many senses. I had the good fortune last week of meeting with my colleague in the other place Nicole Werner. I know that when I speak of the Box Hill RSL my other colleague in this place Dr Bach also has a very long and treasured relationship with that particular RSL. Many of us in this chamber, I am sure, enjoy those relationships. It is timely because we met to discuss a number

of things that affect that particular RSL. The gambling and liquor reform space is critical to the way they function. I received a letter from the president of that RSL John Haward and also from the new incoming general manager Ben Myers. I think it is important for the record that I state some of that letter and share it with the chamber, particularly given that at the moment we have got a minister opposite and some members of the Labor caucus but also other members of the chamber here from the Liberal side, the Nationals side and the crossbenches, because these are very real concerns voiced in this space by a number of RSLs. They say in this letter:

... we are of the view that the “Goal Posts” have been shifted considerably. This, only 12 months into a new licensing agreement with the Victorian State Government. The Box Hill RSL re-signed for an additional 20 years in August of 2022 with the understanding that the government’s model for operating strong and socially responsible gaming in a club environment was supported and valued by the government. We have great difficulty understanding why the government would introduce such drastic regulatory reform so early into a new contract period without any prior industry consultation.

Box Hill RSL’s core purpose is to support our veteran community and their dependents. On top of that, we have a strong focus of support to local community and sporting groups. We are also a major local employer of over 90 personnel. The club spends many hundreds of thousands of dollars annually supporting our local economy.

As articulated during our meeting –

that is, the RSL and Nicole Werner from Warrandyte in the other place –

the Box Hill RSL is unreservedly committed to providing a safe and responsible gaming offer to our members and guests at all times. We are industry leading when it comes to minimizing gambling related harm and all of our staff are trained and skilled in this area. Our board and management likewise are trained ... and are fully compliant.

With the recent announcements, our club believes that the impact of the proposed harm minimization reforms will severely impact our ability to fulfill the growing needs of our veteran community ... The Box Hill RSL also believes that a more thorough and consultative investigation into the costs to venue operators regarding the proposed reforms is required. We need a system that is “fit for purpose” and with minimal, if any downtime at all. We would also like to express very clearly that any drop in revenue as a result of these reforms should allow for a reassessment of the gaming machine entitlements.

This is not me saying these things, this is a local community group called the RSL in Box Hill. They are very reasonably asking for this government to do the most basic thing it can in the space of gambling and liquor reform, and that is: before you introduce changes in the state, would you just consult with those who they are going to impact on every level?

Sadly, what we saw even when we commenced this inquiry was a government who announced a swathe of changes, as the RSL rightly pointed out – a swathe of changes. We can argue whether they are right or wrong, whether they will help or hinder, but the reality is they did so with absolutely no consultation whatsoever – it was almost as if to have had contempt for the inquiry we were about to undertake. They had already announced what they were going to do.

Like my colleague here Ms Lovell, I have serious concerns that this report will ever be taken seriously or the work will ever amount to anything. Yet again I ask myself as a new member of this chamber, a new member of this Parliament: are we just wasting our time? Is this just a make-work program to have us all work very hard on committees and reports – as Ms Lovell has said, dating back to 2001, 2002 and so forth – which are just simply ignored by this government, which is contemptuous of the views of the Victorian people and of the community groups that are taking their time to give representations? It is a disgrace. Those opposite should be embarrassed that time and again these reports sit without a response at all, much less a substantive response. It is an unacceptable position, not only in this space but, as we have heard previously, in the space of housing affordability. It has been allowed to perpetuate and go on and on as though it was some game. I am sick and tired of the game, the people of Victoria I think are sick and tired of the game – but here we are playing it nonetheless. That said, I will leave it with this chamber to consider the views of the RSL in Box Hill

and the good work they continue to do on behalf of our veterans locally and right across the region in my area.

Michael GALEA (South-Eastern Metropolitan) (13:24): As a member of the Public Accounts and Estimates Committee I also rise to speak on what is an excellent report – that is, the report on gambling and liquor regulation in Victoria. In the short time I have been in this chamber so far I have had the privilege of being on six different committee inquiries, the second report of which has been tabled today. This has been one of the most illuminating inquiries to be part of, for me. I want to take a moment to thank the many witnesses who appeared before us, including many from my community – including the Australian Vietnamese Women’s Association – who gave some very, very powerful and compelling evidence, all of which has formed part of this report. We also held an innovative youth round table, where we got to hear firsthand from younger Victorians about their experiences with gambling and some incredibly moving stories as well. I am very happy that some of those young people are joining us in the Parliament today for the tabling of this report.

This is an important report. It was also a valuable opportunity for us to do a real-time analysis of those changes that were made and announced by government that Mr McGowan referred to, and it was very interesting to see an overwhelmingly positive response. Now, I was a member of the committee who was fortunate to be able to attend all of the hearings. I know not every committee member did, but I am sure if they had done, those other committee members might agree with me that the weight of the evidence supporting these reforms goes to show how critical they are. The steps that are taken in this report really do outline that. They also lay the groundwork for future reform in spaces from electronic gambling machines through to loot boxes and online gaming, which obviously overlaps with federal jurisdiction. In closing, I would like to particularly thank Caroline Williams and the entire secretariat for their very hard work on this report.

Bev McARTHUR (Western Victoria) (13:26): While I thank the secretariat for their hard work, as Ms Lovell and Mr McGowan said, most of these reports end up going nowhere. Anyway, I opposed this report, and I did so because I felt it was government overreach on steroids. If the ALP hate gambling to the extent that they generated in this inquiry, then they should do it by the front door and bring some legislation in to ban it instead of using an inquiry and going by the back door to admit they want legal gambling effectively banned, because that is what they are doing by the recommendations that are contained in this report, but good luck with controlling illegal gambling if you go down that path.

Of course this government would never want to ban gambling, because of the billions that it generates for their very depleted coffers. They need every dollar going around at the moment, so they are never going to ban it. But they want to restrict, as Mr McGowan said, organisations like the RSL, which are trying to help veterans and get on with the job of doing what they are legally entitled to do. If a product is legal, consumers are entitled to purchase it. Governments and politicians cannot be forever responsible for the irresponsible behaviour of every individual, let alone determine that our overburdened health sector should pick up the cost of the habits of gamblers who cannot control their habit. In the end, we cannot save people from themselves. This report is an overreach, and that is why I opposed it.

Motion agreed to.

Business of the house**Invitation from Legislative Assembly**

The PRESIDENT (13:28): We have a message from the Assembly:

The Legislative Assembly has agreed to the following resolution –

That paragraph (1) of the resolution of the House on 16 November 2023 to invite Legislative Council members to attend the special sitting for the parliamentary apology for past care leavers be amended as follows:

- (1) omit ‘Wednesday 29 November 2023’ and insert ‘Thursday 8 February 2024’;
- (2) omit ‘10.00 am’ and insert ‘11.30 am’.

Standing and sessional orders

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:29):
I move, by leave:

That:

- (1) the resolution of 16 November 2023 altering the order of business for Wednesday 29 November 2023 be rescinded;
- (2) so much of standing and sessional orders be suspended to the extent necessary to allow the following to apply to the sitting of the Council on Thursday 8 February 2024:
 - (a) the order of business to be:
 - Messages
 - Formal business
 - Members statements (up to 15 members)
 - Government business
 - At 2 pm Questions
 - Government business (continues)
 - At 10 pm Adjournment (up to 20 members);
 - (b) the President to suspend the sitting of the Council to allow members to attend the Assembly chamber at 11:30 am for a special sitting to consider a motion for a parliamentary apology for past care leavers and resume the sitting of the Council at 2 pm; and
 - (c) any business under discussion at the time the President suspends the sitting will be resumed at the resumption of the sitting of the Council following ‘Questions’.

Motion agreed to.

Papers**Papers**

Tabled by Clerk:

Auditor-General – Auditor-General’s Report on the Annual Financial Report of the State of Victoria: 2022–23 (*released on 24 November 2023 – a non-sitting day*) (*Ordered to be published*).

Health Complaints Commissioner – Report, 2022–23.

Independent Broad-based Anti-corruption Commission – Firearm Prohibition Order Biennial Ministerial Report, 8 May 2018 to 31 December 2020, under section 174D of the Firearms Act 1996.

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

Bayside Planning Scheme – Amendments C187 and C200.

Cardinia Planning Scheme – Amendment C268.

Greater Bendigo Planning Scheme – Amendment C269.

Kingston Planning Scheme – Amendment C205.

Melbourne Planning Scheme – Amendment C454.
Mildura Planning Scheme – Amendment C118.
Wangaratta Planning Scheme – Amendment C79 (Part 1).
Yarra Ranges Planning Scheme – Amendment C198.
Residential Tenancies Bond Authority – Report, 2022–23.
Statutory Rules under the following Acts –
Associations Incorporation Reform Act 2012 – No. 116.
Heavy Vehicle National Law Application Act 2013 – No. 118.
Public Records Act 1973 – No. 117.
Subordinate Legislation Act 1994 – Documents under section 15 in respect of Statutory Rule Nos. 115, 118 and 120.

Petitions

Nepean Highway, Frankston, planning

Response

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: minister's response to petition titled 'Withdraw the overlay on Nepean Highway properties in Frankston', presented by Mr Limbrick.

Business of the house

Notices

Notices of motion given.

The PRESIDENT: I acknowledge in the gallery a former member of this house: Cliff Hayes.

General business

Georgie CROZIER (Southern Metropolitan) (13:42): I move, by leave:

That the following general business take precedence on Wednesday 29 November 2023:

- (1) notice of motion given this day by Mr Davis referring the Workplace Injury Rehabilitation and Compensation Amendment (WorkCover Scheme Modernisation) Bill 2023 to the Economy and Infrastructure Committee;
- (2) notice of motion given this day by Mr Luu on transport infrastructure for the western suburbs;
- (3) order of the day 2, resumption of debate on the second reading of the Drugs, Poisons and Controlled Substances Amendment (Regulation of Personal Adult Use of Cannabis) Bill 2023;
- (4) notice of motion 242, standing in Dr Mansfield's name referring matters relating to food affordability to the Legal and Social Issues Committee; and
- (5) notice of motion given this day by Dr Ratnam referring matters relating to cost-of-living pressures to the Legal and Social Issues Committee.

Motion agreed to.

Committees

Parliamentary committees

Membership

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (13:43): I move, by leave:

That:

- (1) Ms Terpstra be discharged as a member of the Environment and Planning Standing Committee;

- (2) Ms Ermacora be a member of the Environment and Planning Standing Committee;
- (3) Ms Ermacora be discharged as a member of the Economy and Infrastructure Standing Committee; and
- (4) Ms Terpstra be a member of the Economy and Infrastructure Standing Committee.

Motion agreed to.

Georgie CROZIER (Southern Metropolitan) (13:43): I move, by leave:

That:

- (1) Dr Bach be discharged as a member of the Procedure Committee, the Privileges Committee and the Legal and Social Issues Standing Committee;
- (2) Mr Mulholland be a member of the Procedure Committee;
- (3) Mr Mulholland be a member of the Privileges Committee; and
- (4) Ms Crozier be a member of the Legal and Social Issues Standing Committee.

Motion agreed to.***Members statements*****Gender equality**

Jacinta ERMACORA (Western Victoria) (13:44): On 7 November I had the great honour of hosting the regional launch of the Victorian gender equality strategy in Warrnambool with Minister Hutchins and Dr Niki Vincent. We heard from Dr Becky Nevin from Women's Health and Wellbeing Barwon South West and from Megan Bragonje, manager of South Western Centre Against Sexual Assault, where years ago I worked as a counsellor advocate. Becky and Megan discussed the relationship between violence against women and inequality and the unique challenges faced by outer regional women and children. They told us the rates of violence against women are continuing to increase.

It was also great to hear from some of the region's largest public sector employers on gender equality within their organisations. I thank South West TAFE's CEO Mark Fidge, Moyne Health Services CEO Katharina Redford, Wannon Water managing director Andrew Jeffers, Warrnambool City Council CEO Andrew Mason and South West Healthcare CEO Craig Fraser for their contributions. It was acknowledged that outer regional labour markets are very different to Melbourne metropolitan markets and growing their own leaders is critical. I am very proud of the Allan Labor government's contribution to gender equality in this state, and I thank all of those who contributed and participated in the event.

Water policy

Wendy LOVELL (Northern Victoria) (13:45): On Monday morning the streets of Shepparton came to a standstill as hundreds of tractors and trucks of all sizes filed through the CBD in protest of the federal government's water buyback. Over 2100 gigalitres of water, the equivalent of more than four Sydney Harbours, has already been removed from food production and returned to environmental flows, and now the federal Labor government plans to take a further 750 gigalitres, or 1½ Sydney Harbours, by way of buybacks from food-producing farmers. Food needs water, and less water will mean less food, more food imports and higher grocery prices. I was proud to participate in the rally and stand with our local food producers to demand the federal government abandon this lazy, damaging and dumb policy.

Northern Victoria Region AFL draft picks

Wendy LOVELL (Northern Victoria) (13:46): It is my great pleasure to acknowledge six young northern Victorian sport sensations who last week reaped the rewards of their hard work when they were drafted in the 2023 AFL draft. I would especially like to acknowledge the Tongala Football and Netball Club's Harley Reid, who was the number one pick in the AFL national draft and also the

recipient of the inaugural Allen Aylett Medal. Harley was drafted by West Coast. I also extend congratulations to Oscar Ryan, drafted by Adelaide; Darcy Wilson, drafted by St Kilda; Phoenix Gothard, drafted by GWS; Connor O'Sullivan, drafted by Geelong; and Charlie Edwards, who was also drafted by Adelaide. I wish them all the best of luck as they embark on their AFL careers.

Furphy family

Wendy LOVELL (Northern Victoria) (13:47): I would like to congratulate the Furphy family, who are celebrating 150 years in business. With a motto like 'Good, better, best; never let it rest; till your good is better; and your better, best', it is no wonder that the Furphy family have been so successful and are still going strong.

Public service workforce

Adem SOMYUREK (Northern Metropolitan) (13:47): The decentralisation of public service jobs into suburban Melbourne and the regions gathered pace with the Bracks–Brumby governments in the 2000s. I recall attending the opening of the State Trustees office in Dandenong in the mid-2000s. Victoria's planning blueprint, released in 2014 under the Liberal government, proposed to expand the decentralisation by earmarking various suburban centres to become decentralised cities outside the CBD, including Epping and Broadmeadows in my current electorate.

Earlier this month, a prominent planning firm released a new economic analysis of the benefits to Melbourne's transport networks and local suburbs if all new jobs in the Victorian public service were located in five suburban centres. The analysis forecast over \$27 billion in benefits over 30 years, including \$22.4 billion in productivity improvements, \$3.94 billion in transport and \$1.01 billion in amenity improvements. The figures reveal that the locating of public sector jobs in the suburbs will create self-reliance and vibrant suburban centres, which will in turn lead to productivity improvements. If the government is serious about building 80,000 new homes within the next 10 years, they must take note of this study and incorporate the potential solutions contained in this study as one innovative tool in addressing the housing crisis.

16 Days of Activism Against Gender-Based Violence

Lee TARLAMIS (South-Eastern Metropolitan) (13:49): Saturday 25 November to Sunday 10 December is international 16 Days of Activism Against Gender-Based Violence, a powerful call to action igniting conversations, awareness and collective efforts to combat the pervasive issue of gender-based violence that continues to plague our society. Gender-based violence is universal. It knows no geographic or cultural boundaries, affecting those of all ages, ethnicities and socio-economic backgrounds. This violence takes many forms, including physical, sexual or psychological violence as well as economic abuse and exploitation; 16 days of activism is not just about raising awareness but also acknowledges that gender-based violence is a serious issue that relies on action from all of us collectively to address it. We all want to live in a world where everyone can feel safe, and to achieve this we all have a role to play in addressing the deep-seated prejudices and societal attitudes that perpetuate violence and discrimination.

The first pillar of collective responsibility is prevention. This involves dismantling the harmful stereotypes that are at the root of gender-based violence. It starts with education in our classrooms, in our communities and in our workplaces, fostering a culture of respect. Second is protection, which necessitates the legal framework that holds perpetrators accountable. It calls for a robust system that empowers survivors to rebuild their lives with dignity. The final pillar is prosecution, which is crucial for dismantling the culture of impunity that allows gender-based violence to persist. Our collective responsibility begins by calling out inappropriate behaviour; by promoting safe, equal and respectful workplaces; and with all of us challenging harmful norms and stereotypes. Let us all work together to ensure a brighter, more inclusive and violence-free future.

Health system

Georgie CROZIER (Southern Metropolitan) (13:50): In the last two years 20 Victorians have died whilst waiting for an ambulance and 1395 Victorians died before they could get their vital surgery. These are shocking numbers, and these numbers represent Victorians and their families. What a devastating result for those people that died because they could not get the care they needed. It further demonstrates that Labor continues to fail Victorian patients when they need that care and support.

Victorians are being left behind everywhere because the priorities of this government are not focused on delivering for Victorians, they are more focused on delivering for their mates. Just look at the issues in our hospitals with the increase in abuse and violence occurring in our hospitals. Operation Daintree exposed that training programs were cooked up in the former Premier's office, with his union mates delivering a program that then failed to deliver – millions wasted. And yet we have nurses and other health professionals being abused and assaulted and leaving the system and leaving Victoria. 9520 Victorian nurses left the system last year and a further 7000 the year before. That is 16,000 nurses that have left our system. They were not all retiring. They left the system. And now the government is applying a retrospective health tax to GPs that will close clinics, end bulk-billing and force more patients to our already overstretched emergency departments.

At a time when we need health as a priority and this government to focus on health, they are failing to deliver exactly what Victorians need. What we do not need is a bigger centralised system in Lonsdale Street run by bureaucrats. We need to fix the health system. The government needs to focus on this, get its priorities right and ensure that these shocking figures showing so many people have been dying cease.

School Strike 4 Climate

Katherine COPSEY (Southern Metropolitan) (13:52): I congratulate the young people who took part in the School Strike 4 Climate most recently. The strike was not only admirable but absolutely necessary. Our planet is burning, and the urgency of the climate crisis cannot be overstated. And Labor are making the climate crisis worse, recklessly pushing ahead with new coal and gas projects. I support each and every young person who participated in the strike, because the climate crisis is catastrophic for all of us but it will hit their generation the hardest. These students took to the streets and took a stand for their future and the future of our planet. They cannot vote yet, but they are making their voices heard. What I heard from young people speaking and what I saw on all their placards was a crystal-clear understanding that it is their future at stake and our generation must take immediate action to save it, to stop using coal and gas. The scientific consensus is clear: there can be no more coal and gas projects if we want to maintain a safe climate for future generations. The School Strike 4 Climate sends a powerful message that governments and corporations would do best to heed. Those of us in this place need to take responsibility, take action to stop coal and gas and do it now.

Melbourne Holocaust Museum

Ryan BATCHELOR (Southern Metropolitan) (13:53): Last week the Melbourne Holocaust Museum was officially reopened by the Prime Minister – a brand new building, new exhibits and memorials but the same mission –

Georgie Crozier: Were you there?

Ryan BATCHELOR: yes – as when the museum was first opened nearly 40 years ago: to remember those who died in the Holocaust and prevent it from ever happening again. Melbourne is home to the largest number of Holocaust survivors per capita outside of Israel, and the new museum is a reminder about the most horrific act in human history. Six million Jews died in the Holocaust and every one had a name. The museum houses more than 1500 survivor testimonies and 20,000 artefacts to remember them all. The museum also reminds us that the Holocaust did not begin with killing, it began with words – words that dehumanised and degraded and dismissed Jews, which is why our collective stance against antisemitism must remain clear and vocal.

The Labor government has recently provided an additional \$750,000 to the Melbourne Holocaust Museum for more antisemitism education. At the reopening I had the honour of meeting Abe Goldberg, a 99-year-old Holocaust survivor who still talks with schoolchildren visiting the museum about his experiences, including at Auschwitz, where his mother was gassed to death. Abe told us last week, ‘Let us be the voice of reason in these troubled times and stand up against antisemitism and racism wherever it raises its ugly head.’ Let us all heed Abe’s words.

Renewable energy

David DAVIS (Southern Metropolitan) (13:55): I want to draw the house’s attention to some serious problems in the Victorian State Taxation Acts and Other Acts Amendment Bill 2023. I am particularly concerned about material that has been provided to me by the Clean Energy Council which points to the government’s determination to jack up the fire services property levy on a whole series of renewable projects. Whether they be wind farms, whether they be solar – whatever your view about these matters, it is clear that the Labor Party are after them for more tax, and they are going after them very hard indeed. That is despite an important case in 2020 where the Supreme Court found that fixtures on land for a renewable energy project were not part of the improved value, so the Labor Party here is going after these renewable energy projects despite and in the face of a Supreme Court ruling. What they want to do is overturn the Supreme Court, the umpire in this case, and they want to stop those projects proceeding. They are going to make it more difficult and more costly. I note, bizarrely, we have got the federal minister making announcements about huge flows of additional money for renewable projects at the same time you have got the state government proposing to rip out money from renewable projects. I say they should desist. I say again that this is a government of tax, tax, tax. This is where the Treasurer is heading, and it will impact on the reliability and ability to get up renewable projects. We understand we need more renewable projects.

Student political engagement

Samantha RATNAM (Northern Metropolitan) (13:56): Over the last few weeks thousands of people have been taking to the streets to raise their voices about issues they care about. I was proud to join the 50,000-strong crowd calling for a ceasefire in Gaza and in the same week join thousands of student climate strikers calling for an end to coal and gas as they fight for a planet future generations can survive on. This week teachers and students, many from my electorate, will be taking to the streets once again to call for peace and an end to the bloodshed across Israel and Gaza. I support the brave teachers wearing keffiyehs in classrooms this week as they deliver some of the most important lessons we can ever learn – that we must stand up for what is right and for what matters to us and that when we see unimaginable suffering we must do everything we can to stop it. You can tell students all you like, as much as you want, to stay in the classroom, but you may as well be telling them to look away and turn off their conscience. These students will not be silenced. As long as children just like them are being orphaned and killed in Gaza, as long as they see bombs being dropped on hospitals and refugee camps, as long as they watch world leaders remain idle as atrocities are inflicted upon innocent civilians, these young people and everyone taking to the streets have a right to protest and demand action. Right now they are the only hope that we have.

William Taylor

Bev McARTHUR (Western Victoria) (13:58): History is important, especially in this New World Order where rewriting or cancelling history is the order of the day, so it was a great pleasure to launch *William Taylor of Overnewton and Beyond: Pioneer and Pastoralist*, written by his great-granddaughter Joan Mackenzie. William Taylor arrived in Australia in 1840, aged 22, from Scotland. Melbourne was founded only five years earlier, in 1835, and it was a decade prior to the gold rush.

William Taylor lived an extraordinary life of great vision and public service. His biography includes many contributions and achievements, such as being member for Wimmera and then Southern Province in Victoria’s only legislative body. In 1851 the Legislative Council made long-lasting contributions to Victorian parliamentary democracy by drafting the first constitution of Victoria and

ensuring the secret ballot in elections. He was also there to order the construction of Parliament House in Spring Street, opened in 1856. He died on 21 June 1903, only 2½ years after the Federation of Australia.

I would like to congratulate Joan, an amazing lady now in her late 80s, on her 20 years of research into this important history of a very important Victorian. This book should serve as a constant reminder that we must honour those who made such enormous contributions to the lifestyle we enjoy today.

Animal welfare

Georgie PURCELL (Northern Victoria) (13:59): I would like to use my last members statement for the year to encourage kindness over the holiday period. Pigs are as intelligent as dogs and like to snuggle snout to snout. Lambs and sheep can recognise up to 50 faces and experience a wide range of emotions, with many studies highlighting their ability to feel afraid, angry, bored, sad and happy. Turkeys are amazing creatures – their heads even change colour when they are excited. Yet in Victoria pigs are lowered into gassing cells at six months old; lambs are born in freezing winters and die in the elements so they can be eaten at a time that suits consumers; and turkeys are raised in dark, cramped sheds, modified to grow so quickly that their own legs cannot hold up their weight, and killed years before their natural life would end.

But despite these horrors, there is a kind solution. I am looking forward to a plant-based holiday period filled with all the classics, just made without the suffering. I am even going to make a pavlova out of aquafaba, which is incredibly the juice from a chickpea can. My holiday message is this: if you are going to have a pig, lamb or turkey for Christmas, please make sure you give them a good seat at the table.

Natasha Taleski

Evan MULHOLLAND (Northern Metropolitan) (14:01): It was a real privilege to present my first Northern Leadership Award for Social Justice to Natasha Taleski, a year 11 student at St Monica's College in Epping, at a full school assembly last week. The three overarching qualities for recipients of the award are a strong commitment to social justice, demonstrated leadership qualities and active community involvement, all qualities that I strive to display in my role as a member for Northern Metropolitan Region. Natasha is an outstanding student. She developed Be More Radio, St Monica's first podcast, centred solely on social justice and world issues and explores them through a student lens. It was a great honour to honour Natasha with this award in front of over a thousand students, staff and parents. Thanks to St Monica's principal Brian Hanley for this opportunity.

Felicitations

Evan MULHOLLAND (Northern Metropolitan) (14:02): I would also like to wish my constituents in the Northern Metropolitan Region a very merry Christmas, where we celebrate the birth of our Lord and Saviour Jesus Christ. I have had the great pleasure of meeting with a number of Catholic, Anglican, Christian and other orthodox priests, faith leaders and communities at their churches across the north, such as the Syro-Malabar, Chaldean, Assyrian and Maronite communities in my electorate. I wish you all a very merry Christmas.

Beaufort Agricultural Society annual show

Joe McCracken (Western Victoria) (14:02): I rise to pay tribute to the Beaufort Agricultural Society. I had the pleasure of going to their annual show not this weekend just gone but the one before. I would particularly like to pay tribute to Helen Kirkpatrick and her entire family, who worked so tirelessly to make the show a reality. This was a fair dinkum rural country show. We had horses, we had cows, we had sheep and we had every other animal that you can probably think of – goats even I think as well. I was very, very pleased to judge a number of different awards. Not unsurprisingly – you might know it is a bit of a trend – I also awarded the best mullet award for 2023. I did not really

have a good chance of going in for that competition, because it is not really something I am good at, but I was very, very pleased – in three age categories, mind you, so it was quite good.

Ballarat citizenship ceremony

Joe McCRACKEN (Western Victoria) (14:03): I also want to acknowledge the citizenship ceremony I went to last week for the City of Ballarat. There were 77 new citizens to Australia, and I think it is just absolutely awesome. They come from all different parts of the world, and they are making a fantastic contribution to Ballarat. It is another example of the celebration of the multicultural community we have in Ballarat. Sadly, I was the only state MP there. It was great to meet and mingle with all the different new Australians. I also want to pay tribute to Des Hudson, the mayor of Ballarat, and Peter Eddy, the newly elected deputy mayor of Ballarat, on conducting the ceremonies.

Business of the house

Notices of motion

Lee TARLAMIS (South-Eastern Metropolitan) (14:04): I move:

That the consideration of notices of motion, government business, 171 to 255, be postponed until later this day.

Motion agreed to.

Bills

Corrections Amendment (Parole Reform) Bill 2023

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

David DAVIS (Southern Metropolitan) (14:04): I am pleased to rise and make a contribution, which will be a brief contribution, to the Corrections Amendment (Parole Reform) Bill 2023. The purpose of the bill is to amend the Corrections Act 1986. These sorts of bills are rare in the Parliament, and they are bills that are specific to one prisoner. They are bills that have a very sharp application, but in this case it is entirely and utterly justified.

The bill amends the Corrections Act in relation to conditions for making a parole order for the prisoner Paul Denyer; to require the Adult Parole Board of Victoria in certain circumstances to specify a period during which a prisoner is not eligible for parole; to require the adult parole board in certain circumstances to consider making, and to empower the board to make, a declaration specifying a period in which a prisoner is not eligible for parole; and to make further provision for the sharing of certain information by the secretary and the adult parole board.

I should note that this is an area where Brad Battin, our spokesperson on corrections, led the field. He was very clear that this is something that needed to be done. The government was slower than it should have been, and the end result is this bill, which is a bill, as I say, that we support. There are a few little quibbles that we have, but basically we support the intention and the outcome of this bill.

I know that Brad Battin did wide consultation, not just with the Police Association Victoria, the Law Institute of Victoria, the Bar Council and the Victorian Aboriginal Legal Service but importantly and early in the piece with the family and friends of the victims of Paul Denyer. This monster should stay in prison; this monster should not be out. That is the direction of the bill, and that is what our approach has been. We understand that the intention is that the adult parole board will make these decisions. The word ‘may’ is there, and there is one view that says it should rather be ‘must’. But nonetheless, we understand what the government is trying to achieve, and it is our view that it will be achieved with this bill.

This bill, I think, shows the wisdom of Mr Battin's leadership on this issue and the fact that the government has been dragged to follow in this particular circumstance. It is a case where the community have a very, very clear view about what should happen, and the fact that the government was reluctant or slow or unprepared to move at first was concerning. Again, I pay tribute to the work that Brad Battin has done and the focus that he has had on understanding what the community expects and what the victims and their families and friends expect.

I am a member of the Scrutiny of Acts and Regulations Committee. I understand the natural cautions that people have about prisoner-specific matters and about the focus of the bill in this particular way. We have of course had a number of these cases before. I am reading directly from the SARC report on this Corrections Amendment (Parole Reform) Bill 2023. In the background section – and I pay tribute to the work that the SARC staff have done on this – it points to the named prisoners: Julian Knight, Craig Minogue and Paul Denyer.

With the Corrections Amendment (Parole) Bill 2014 – regarding prisoner Julian Knight – my then colleague the Honourable Ed O'Donohue as Minister for Corrections introduced a bill that inserted a new section which set out the conditions for making a parole order for prisoner Knight. In the case of the Corrections Amendment (Parole) Bill 2016, the prisoner Craig Minogue was the one in question. Mr O'Donohue introduced the Corrections Amendment (Parole) Bill 2016, which proposed a new section 74AAC, which set out new conditions for making a parole order for the prisoner Craig Minogue. Craig Minogue was sentenced by the Supreme Court in 1988 to life imprisonment for the murder of a police officer arising out of his involvement in the Russell Street bombing. There were override provisions in those bills. The Justice Legislation Amendment (Parole Reform and Other Matters) Bill 2016 was introduced by Lisa Neville. It was modelled on the Julian Knight bill of course.

I should note that in 2017 and 2018 challenges to this type of legislation occurred in the High Court, and it held – in *Julian Knight v. the State of Victoria & Anor* – that a law targeted solely and directly at an individual, the prisoner Julian Knight, was constitutionally valid. It has been the view of some that it is not adequate to target a prisoner in this way, and I would generally agree with that. I would, in general principle, agree with that, but with some of these rare and difficult individuals it is justified, and the High Court found it so.

The prisoner Craig Minogue commenced proceedings in the High Court in 2017 in which he sought declarations that sections 74AAA did not apply to him or his parole application. In June 2018 the High Court held in *Minogue v Victoria* that section 74AAA did not apply to Craig Minogue because he was not sentenced on the basis that he knew the murdered person was a police officer or that he was reckless as to that fact.

In 2018 the Corrections Amendment (Parole) Bill 2018 regarding prisoner Craig Minogue was introduced by Gayle Tierney as the Minister for Corrections, and a similar pattern has followed.

As I say, the work of Brad Battin was important here, and Matt Bach on his behalf and the opposition's behalf introduced the Corrections Amendment (Parole) Bill 2023. That bill sought to insert a new section 74AC which provides that the adult parole board must not make a parole order in relation to the prisoner Paul Denyer under section 74 or 78 unless satisfied he is in imminent danger of dying or seriously incapacitated and can no longer harm any person or has demonstrated that he does not pose a risk to the community.

The SARC reported on the bill in relation to the so-called ad hominem legislation and noted its comments made on previous occasions: The member made comments supporting a charter override declaration during the course of the second-reading speech. The committee noted its previous comments:

Whether the amendments sought to be made by the Bill constitute grounds for an 'exceptional circumstances' is a matter for Parliament to consider.

In this case the conditions for making a parole order override for Paul Denyer – the charter override – are discussed again in the committee’s report, and I commend that. I am quoting directly here:

The Bill inserts new section 74AC into the *Corrections Act* 1986 which sets out conditions for making a parole order for Paul Denyer. The Adult Parole Board must not make a parole order under section 74 or 78 for Paul Denyer only if it is satisfied that the prisoner ... is in imminent danger of dying or is seriously incapacitated ...

So the new sections are dealt with. The committee notes that in the statement of compatibility the minister made comments in relation to an override declaration during the course of the second-reading speech and states:

The Committee has considered a Charter override declaration on previous occasions. Whether the amendments sought to be made by the Bill by clause [7] constitute grounds for ‘exceptional’ circumstances is a matter for Parliament’s consideration.

In my humble view, there is no question that that is appropriate in this circumstance. People can read this, and I urge them to do so. When you get to the charter matters, again the form of the legislation is pointed to and the fact that there is a retrospectivity aspect to it too is also correctly pointed to, but the committee understands that this is ultimately a matter for Parliament. They say:

The Committee notes the retrospective effect of clauses [8] and [9] in that they may change parole conditions in relation to prisoners already sentenced. The Committee notes the purposes of the Bill, the statement of compatibility and the High Court’s decision in *Crump*.

I am not going to go through all of that. But the charter issues and the other issues are legitimately scrutinised by the committee, and I will read their final conclusion to put it in the broader context:

The Committee will write to the Minister seeking further information as to whether or not:

- clauses 7, 8 and 9 are compatible with the Charter’s right ...
- clause 9’s restricted prisoner regime is a less restrictive means reasonably available to achieve the purpose of clause 7’s bar on parole for Paul Denyer
- Queensland’s restricted prisoner regime is a less restrictive means reasonably available to achieve the purpose of clause 9

In addition, the Committee notes that, whereas sub-section 74AC(5) provides that ‘a reference to the prisoner Paul Denyer is a reference to the Paul Denyer who was sentenced by the Supreme Court on 20 December 1993 to three consecutive sentences of life imprisonment for three counts of murder’, the Supreme Court’s order sentencing Denyer for three counts of murder and one count of unlawful imprisonment states: ‘All sentences are to be served concurrently creating an effective sentence of life imprisonment’: *R v Denyer* (unreported, Supreme Court of Victoria, 20 December 1993.)

Whatever minor technical matters are legitimately pointed to by SARC, we all understand what we are dealing with here today. The determination of the Parliament and the community that this individual not be released is clear. I support that, the opposition supports it, and therefore we support this bill.

Michael GALEA (South-Eastern Metropolitan) (14:17): I rise today to speak on a very important bill, the Corrections Amendment (Parole Reform) Bill 2023. At the outset I would like to acknowledge the work of the many people who have brought this bill to fruition, particularly Attorney-General Jaclyn Symes, Minister Erdogan and the member for Frankston Paul Edbrooke.

The bill before us today includes reforms to improve certainty for victims of very serious crimes, and their families, during the parole process. For anyone serving a life sentence, it will empower the Adult Parole Board of Victoria to declare that a person serving a life sentence may not apply for parole for a period of five to 10 years if it is in the public interest to do so. The bill will also formalise the parole board’s authority to prevent people who have been refused parole from reapplying for a certain period of time and require all such decisions to be communicated to the victims. In doing so, the measures in this bill will ensure that the families of victims of exceptionally serious cases will be at the centre of

parole decision-making. Their welfare should be our main focus. This bill places them squarely as the main focus.

What this bill also does, though, is right a historical wrong. By naming one particular individual – Paul Denyer – this bill ensures that that prisoner can never, under any circumstances, be released. Out of respect for the victims, that is the last time I will use that particular prisoner's name in my contribution today. The names that we must remember are Elizabeth Stevens, Debbie Fream, Natalie Russell and Roszsa Toth. There are those in the other place and in particular in this place who have a deeper connection to the case than I do, and I feel it is particularly important for me to acknowledge my colleague in the South-Eastern Metropolitan Region Mr Limbrick and his diligence and decency in pursuing justice – justice which was initially served and then so cruelly taken away. Today we can restore that justice.

I would also like to acknowledge some of the moving contributions which were made in the Assembly last sitting week, particularly those of the member for Frankston and the member for Pakenham. Frankston is a special part of my electorate. Indeed it is a special part of Victoria. In my former role in the trade union movement I had the privilege of representing retail workers in and around Frankston for five years. Very quickly I fell in love with the place. I fell in love with its people, its culture and its laid-back and friendly lifestyle. I still tell anyone who will listen that Frankston is by far the most underrated part of Melbourne. Over the five years in which I got to know so many of its people, so too did I learn more about the heinous crimes that took place there in the winter of 1993. You will not see it at a casual glance, but look closely and you will see the ways in which those crimes changed Frankston and how stranger danger became not a remote concept but a wholly encompassing, visceral fear – a fear with a long shadow that still lurks in the consciousness of the area.

One of my members, Heather, at the time of me knowing her, worked elsewhere, but in the early 1990s she worked at Safeway Karingal, the same store where the criminal whom we are discussing today also worked. One day she told me about it, and she told me about the various oddities and incidents that occurred during the time they worked together, such as when a woman with a child was deliberately knocked over by this person pushing trolleys at them in the centre car park. She also told me of how Frankston changed in the wake of these murders – how a quiet collection of suburbs lost their innocence forever. At this point I think it is worth noting that despite the moniker that we apply to this criminal, this did not just affect Frankston – it was Langwarrin, Carrum Downs, Karingal, Seaford and The Pines; it was the whole area. To know Frankston is to know many wonderful things, but it also means knowing of the deep trauma that was inflicted upon this community – a trauma which still ripples through the fabric of the area today.

Over the weekend just gone I caught up with a good friend. This friend is a few years younger than me, having been born in the mid-1990s. She grew up in Langwarrin behind Lloyd Park. Not for the first time we discussed the matter that is before us today. She told me how she and her sisters were never allowed to walk around the neighbourhood by themselves for all her childhood and teenage years and how they were explicitly never allowed to walk through Lloyd Park. She told me how growing up in Langwarrin at the time was like growing up in the shadow of fear. One day, rebelling, as teenagers do, she walked home through that particular park. Her mum found out. The reaction was intense. 'She went completely off at us,' she told me, adding, 'She was just so terrified.'

Later on, when this friend was a few years older, she was taking her dog for a walk around the neighbourhood. An unknown man pulled up beside her in a car. She instantly felt sick. The man, likely sensing her fear, spoke to her through his open window. He said, 'Don't worry. I'm not getting out of my car.' He then told her that he had often noticed her out walking and he wanted to warn her. The man explained that he had a teenage daughter at another local school and the students at that school had been warned that day about a weird man who had been seen loitering around parks, a man he had also just seen minutes earlier and wanted to warn my friend about. Grateful, my friend ran home as fast as she could. Such is the effect that almost 20 years later – at the time – the presence of such an unsettling character would prompt a man to warn a teenage girl unknown to him to get back home to

safety and the presence of such a person would require a school to alert all its students and parents, just in case. To this day there are parks in the area where you will very seldom find kids playing.

After the murders started, schools across the area encouraged their students to walk home in groups. Older siblings would often drive their brothers and sisters and their friends to and from school. At one such school one of the older siblings, who would so, apparently, generously drive any number of children around to keep them safe from the attacker, just so happened to be the attacker himself. 'Betrayal' is a word you will hear again and again from people in the community about this person – betrayal, as this person who presented as a guardian, someone to help keep people safe from danger, was the danger themselves.

The friend I mentioned is now a high school teacher in the area today. Earlier this year, as we know, the criminal in question came up for parole. She told me of the concerns that were raised to her by her students, those in senior years as well as those in junior years, in years 8 and 9. They were terrified that he might be released. Despite her consciousness of the lingering trauma, she was astonished that even children who would not be born for well over a decade after the crimes took place would be so aware, would be so hypervigilant, of what this criminal did and the threat he posed in their community.

We know of course that the prospects of the criminal being granted parole at that time earlier this year were infinitely small, so infinitely small as to almost be a certainty, but it was not a certainty for the community and it was not a certainty to the families of the victims. How could it be? How could it ever be?

The seeds for that uncertainty were planted just one year after the crimes took place, in July of 1994, when the Court of Appeal reduced the sentence. The initial sentence was life with no possibility for parole. Given the nature and devastation caused by the crimes, this was an eminently justifiable sentence. The Court of Appeal reduced this sentence to life with a non-parole period of 30 years. In light of my role as an MP I will not stray too far into my personal feelings towards a Court of Appeal decision that downgraded the non-parole period from life to just 30 years, but suffice to say I am pleased to see this legislation before us today, which will right a wrong – perhaps not a legal wrong but certainly a moral wrong.

We have a fundamental principle in our system of government, the separation of powers. It is there for a good reason, but there are circumstances, exceptional though they may be, that warrant the Parliament intervening to stop an injustice, to prevent the pain and suffering of those who have already suffered too much. For the Parliament to take such a step we must satisfy ourselves of two things. Firstly, we must be satisfied that the subject is exceptional enough to warrant intervention, and secondly, we must be satisfied that the manner in which it is done is treated carefully and with close regard to avoiding unintended consequences. I am confident that this bill satisfies both of those tests.

The private members bill introduced earlier this year was proposed with a genuine desire to address the concerns of my community after the failed parole bid of the criminal. I fundamentally agree with the intent behind that bill, but I also believe it is critical that we get this reform right, that we ensure that there is no chance of unintended consequences and that it is part of a structural reform package that will prevent other families from having to go through the same unbearable hardship. The bill before us today addresses the intent of the previous private members bill as part of a vital reform package to safeguard our communities. Irrespective of the logic of it, though, voting against that bill earlier this year was by far the most difficult thing I have done in this place. To the members of my community who reached out to me at that time, most of whom were unhappy with my actions, I want you to know that I heard you and I still hear you. And while you may or may not agree with the reasons I voted the way I did, know that on that day every bit as much as today the victims, the families and the Frankston community were at the front and centre of my mind.

Today I will be voting for the bill before us. I will be voting for it emphatically. And whilst I do expect this bill to receive overwhelming support from across this chamber I also humbly ask each member of

this place to think of the victims, their families and the Frankston community when you vote today. Think of the year 9 students who are in classrooms in Langwarrin, in Carrum Downs and in Frankston, and let us vote so that they need never worry again about this criminal being released.

In 1993 Frankston lost its innocence. In 1994 the justice which had been served was cruelly taken away. In 2023 we can restore that justice and right a historic wrong. This bill, Nat's law, is for the victims and for the families of the victims of those unspeakable crimes. It is also for the families of other victims, who should never, ever have to go through what these families went through. It is for the students sitting in classrooms this very minute, the same students who were so worried about the criminal being released on parole earlier this year, so that they need not fear his release. But above all this bill is for three people, Elizabeth, Debbie and Nat. May we always remember them. I commend this bill to the house.

Renee HEATH (Eastern Victoria) (14:30): I rise to speak on the Corrections Amendment (Parole Reform) Bill 2023. This bill will ensure that serial killer Paul Denyer never walks Victorian streets again. I would like to acknowledge in the gallery family of the victims, and I just acknowledge that this is not an easy process and something that would be very hard to go through.

Paul Denyer is responsible for the brutal murders of Elizabeth Stevens, Deborah Fream and Natalie Russell and the abduction of Roszsa Toth over a seven-week period in 1993. Elizabeth Stevens was 18, Deborah Fream was 22 and Natalie Russell was 17. Young and innocent, their lives were stolen from them. These women were not known to Denyer. They had no relationship with him. But he hated them for one reason, and that was because they were women. When asked of his motives in a police interview Denyer chillingly quoted, 'I just hate women.' When he was asked to clarify this, the police officer that was interviewing him asked, 'Those particular girls and women, or just in general?' and he said, 'In general'. A psychological assessment by police after his arrest concluded that he had no remorse for his crimes and that he even enjoyed recounting his brutality. Denyer's vile hatred of women fuelled these murders, and Victoria will be a safer place now that somebody like him is banned from ever entering our streets again.

This bill inserts new section 74AC into the Corrections Act 1986, which makes specific laws to keep him in prison for life. 74AC prevents a parole order being made for Mr Denyer unless he is deemed by the board to be in imminent danger of dying or is seriously incapacitated and as a result no longer has the ability to physically harm any person and has demonstrated that he does not pose a risk to the community. This bill also amends section 3 of the Corrections Act 1986 by inserting the term 'restricted prisoner' and ensures that these restrictions are placed on prisoners serving sentences of life imprisonment for which non-parole periods were fixed. When a prisoner is convicted of two or more sentences of murder, the murder of a child or the murder of a victim who was also subject to sexual offences by the prisoner, these are the areas that it encompasses. This bill gives the Adult Parole Board of Victoria the power to declare that a restricted prisoner is not eligible for parole for a period of between five and 10 years if the board is satisfied that that is in the public interest.

There are a few acknowledgements I would like to make for this bill. The first person I would like to acknowledge is my colleague in the other place Mr Crewther, the member for Mornington, for his persistence and dedication in advocating for this case and also Mr Battin, the member for Berwick, for championing this issue. I really applaud their bravery and their ability to stick at it even when this was knocked down just a few months ago. In April, given Mr Crewther's familiarity with the issue as a former member for Dunkley, he put forward a policy proposal to guarantee that Denyer could no longer apply for parole and that he would be kept behind bars for life where he belongs, legislation that would have mirrored the provisions that exist for Craig Minogue and Julian Knight.

An unremorseful Denyer should never have the opportunity to apply for parole, as a parole application only stands to further inflict pain on the traumatised family and friends of the victims. This was submitted to shadow cabinet by the relevant shadow minister on 17 May, and the Liberals and Nationals, supported by Mr Limbrick, put forward a private members bill to this house. This bill was,

unfortunately, opposed by the government under Daniel Andrews. This fostered months more pain and suffering that should never have happened.

I think it is significant that we are talking about this today. As you can see, many of us are wearing orange, and that is because we are in 16 Days of Activism Against Gender-Based Violence. This bill today is a small step in making Victoria a safer place for women and girls, but there is a long way to go. Victoria's insufficient laws do not protect women, and it is unfortunate that we do not heed the warning signs, often, until it is too late. I will continue to stand up in this place to push for stronger laws when it comes to violence. The culture of waiting years to pass better legislation needs to stop, and there are three areas I would like to address today.

The first one is that this bill has come despite a long period of worry and anxiety for the grieving families of Denyer's victims. This man is the face of evil, and this is something that should be an absolute no-brainer. The second one is that later on today we are going to be addressing another bill, the Crimes Amendment (Non-fatal Strangulation) Bill 2023 – hopefully we will debate it later today – which has come 12 years after the horrendous death of Joy Rowley. The third reason is that two weeks ago I stood in this place and I spoke about Celeste Manno's murder on the third anniversary since she was violently and horrifically murdered by a stalker. Since her murder, the Victorian Law Reform Commission has provided us with 45 recommendations, which were tabled last year in September in Parliament, and to this day nothing has been done about that. That is not good enough. How many more women have to live in fear or, potentially, die and have their families suffer the lifelong consequences of grief until we get our act together and decide that it is time for law reform? It is not just time to stand up and wear an orange shirt, like I am today, to get a photo and to talk about things but time to actually see law reform in this state that is going to protect women and the vulnerable. I do not want to wait for another tragic story. I do not want to see the rights of perpetrators outweigh the rights of victims. I believe the days for that need to end. How many AVOs need to be breached or how many women need to flee horrific circumstances for crisis accommodation before this becomes a priority in this Parliament?

The disincentives for breaching AVOs are not strong enough in this state. The disincentives for offending in this state are not strong enough. We need to be tougher on crime. I welcome this change, but I also want to note that I believe it has come too late. When this bill came up months ago, the government should have supported it. The government should not have put the families and the victims through months and months more of pain and agony. They should not have. This is not good enough.

I want to close by saying this: Saturday was White Ribbon Day, which is also International Day for the Elimination of Violence Against Women. That then kickstarted 16 Days of Activism Against Gender-Based Violence. Today we join together and we wear orange as a sign of solidarity. Today in Queen's Hall, as you would have seen walking in, there were pairs of orange shoes that represent each woman that has been killed this year by family violence. On days like this we need to stop and remember that they need to lead not just towards a day to remember but also towards law reform. Words and photos are not good enough. We need to become people of action, not people of words. Law reform like this is needed – law reform to keep people safe. I am very thankful that this will pass, but sadly, I think it has taken too long.

Jacinta ERMACORA (Western Victoria) (14:39): I speak today on the Corrections Amendment (Parole Reform) Bill 2023, and in doing so I want to acknowledge family members here today and anybody impacted who might be watching from a distance, which I will refer to later. I also want to acknowledge just how distressing resolving this is today in this chamber, and I hope that this puts it to bed, in a way, and leaves it alone and resolves the matter for the families involved. The overall objective of the bill we will debate today is to deliver on the government's commitment to providing greater certainty for victims, and it will seek to minimise much of the possible trauma associated with the parole process. I again thank the families for their patience in waiting and contributing to the work that has been done. It has been a piece of work, and there has been a period of time to achieve that.

This bill goes to the fundamental challenge of our legal system that it faces on a daily basis, and that is the human rights of victims and their families and friends and those of a prisoner. When passed, this bill will prevent Mr Denyer from receiving parole unless he is dying or incapacitated. This ensures he will cause no harm to anybody else. Importantly, the bill includes reforms to improve certainty in the parole process for other victims of serious crime. The bill will introduce a no-return period for people serving certain life sentences for any type of offending. This is designed to prevent serious offenders from repeatedly applying for parole even after a refusal. This cements the Adult Parole Board of Victoria's powers to prevent repeated applications that have no prospects of success. Even more so, this will help reduce the uncertainty and trauma experienced by victims and their families during parole applications.

The bill will also introduce a new category of restricted prisoner. These are people who have been sentenced to a life sentence for multiple offences of murder, murder of a child or murder along with a sexual offence against the same victim. The adult parole board will be required to consider whether a restricted prisoner should be prevented from applying for parole for a period of between five and 10 years – if it is in the public interest. This does not need to wait until a prisoner has applied for parole. The adult parole board will be required to consider this at least 12 months before they are eligible for parole. The Secretary of the Department of Justice and Community Safety will provide the board with a report about the prisoner, their rehabilitation and their risk to the community. Victims will also have an opportunity to provide their views to the board should they wish to. The board will then decide whether to 'declare' the prisoner and thereby prevent them from getting parole before they become eligible to apply. This will help prevent victims and their families and friends from having to experience the uncertainty and trauma associated with parole applications for these most serious offenders, and it formalises the parole board's ability to prevent declared prisoners from receiving parole for a period after they are denied.

It also allows information about a no-return period for a restricted prisoner declaration to be shared with victims' families and other parties as appropriate. As pointed out by the Office of Public Prosecutions, victims can apply to receive information about offenders who have been sentenced to jail. The victims register provides information on violent crime about adult offenders while they are in prison. The historical context behind this bill is that Paul Denyer was sentenced in 1993 to three concurrent terms of life imprisonment for three counts of murder. This year he became eligible to be considered for parole. Parole was denied in May 2023 but not before victims' families experienced a period of fear and trauma at the prospect that he may be released. Under the current legislation without the amendments in this bill there is technically no limit on how many times Paul Denyer can apply for parole, thus retraumatising families despite the low likelihood that he would succeed.

I am acutely aware that there will be people present here in the gallery or watching closely from a distance who have been terribly affected by these crimes, and I acknowledge the turmoil and distress that raising this subject must cause, not only for victims of Paul Denyer but for the victims of other brutal crimes, including people who are currently being abused by a perpetrator in the community or within their families. I thank the families for their advocacy and leadership on this matter. They can have satisfaction that their advocacy has made life better for other families and for future families.

This is a sensitive area, and it is our role as a responsible government to lean in on the difficult issues and take the hard decisions. The bill before us today delivers the Allan government's commitment to the families and the Denyer victims. I thank Attorney-General Jaclyn Symes for meeting with the families and listening to their experiences and their thoughts on what would help. To the families and friends affected, I acknowledge your long-lasting grief, and believe all of us in this chamber today wish to express our heartfelt sympathy to you. I also want to acknowledge my parliamentary colleague David Limbrick for having the courage to advocate and debate this issue in the chamber.

The horrific chapter behind this bill is that in 1993 the prisoner in question instilled fear across our state, particularly within the Frankston community. The impact of his crimes has been most deeply felt by the family, friends and loved ones of Elizabeth Stevens, Debbie Fream, Natalie Russell and

Rosza Toth. To the families of these women: I thank you for your unwavering advocacy over the years.

The impact of these changes is real and heartfelt. As Natalie's father Brian Russell and sister Lisa stated in the *Herald Sun* on 2 November:

It's the first night in 30 years that I wasn't afraid to wake up and open the paper and see Mr Denyer's face staring at me ...

(We are) extremely delighted and content in knowing that Paul Denyer can never ever harm another person ...

We never gave up. It was team Nat. There's lots of us.

Shepparton News on 2 November also noted the parents of Natalie Russell, Brian and Carmel Russell, saying:

A tremendous weight has been lifted off our shoulders ...

Not only will Denyer not see the light of day again, this legislation looks at the whole parole system.

There are some good changes which will benefit people who have been in our situation.

As a result of the work put into the bill, other families of victims can feel secure in the knowledge they will not be subject to the same deliberation over and over again. It is both complex and horrific to deal with offenders who show no remorse, not at their arrests, not at their trial and not even during their incarceration. As the Minister for Corrections Enver Erdogan pointed out in the *Frankston Times* on 7 November this year, 'Parole is not a right' and:

People who commit unimaginable crimes belong behind bars – not back on our streets.

He went on to say:

We've listened to victims and their families who have been forced to relive their trauma through a perpetrator's parole application. They deserve certainty and they deserve better.

Before closing I do want to reflect on the central focus of parole. When I describe it, you will see how incompatible it is with Denyer and prisoners like him. The central focus of parole is as a mechanism to maintain community safety. This bill acknowledges the vital role the parole system plays in the rehabilitative journey. Parole provides individuals who are released from prison the opportunity to reintegrate into society under the oversight of skilled corrections officers. It is a good thing that while on parole people can typically undergo treatment, participate in programs and seek employment. This helps them reintegrate into society. From this description you can see there is absolutely no compatibility whatsoever with the offenders we are talking about in this bill. This bill will keep declared prisoners behind bars and is applicable to very serious offenders.

Credit for the bill needs to go to the families and to the Attorney-General and the Minister for Corrections in thoughtfully representing their needs in this bill that is currently before the chamber. This careful engagement means that the bill will not only address the concerns of the families of Natalie, Debbie and Elizabeth but also benefit many other families who have been impacted by serious crime. This is a complex issue and goes to the very extreme end of balancing individual human rights with those of our broader society and the maintenance of law and order in our state. I thank the families for their input on this distressing matter, and I commend the bill wholeheartedly.

David LIMBRICK (South-Eastern Metropolitan) (14:52): I would like to thank all the other speakers so far on this bill; they have all been very excellent contributions. I also would like to make a contribution on the Corrections Amendment (Parole Reform) Bill 2023.

When I first came to this place, I think in my inaugural speech even, I spoke about one of my beliefs, which is the belief of the harm principle. It talks about the appropriate role of the intervention of the state, and an appropriate role is when an individual or group of people harm other people. In the case that we are talking about today, there are few people who have existed in this state who have caused more harm than this man. I note that back on 20 December 1993 when Justice Vincent was giving his

sentencing remarks, I was there. It weighed very heavily on him, this decision. He knew the gravity of what he was talking about, and I would just like to quote something that he said in his sentencing remarks which I think is very relevant to today. This is the part where he is talking about what he has to do with regard to sentencing. Justice Vincent said:

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

And so 30 years has passed and, in a way that Justice Vincent did not envisage, this Parliament today is making that decision. We are making that decision, and we have decided that it is in the best interests of Victorians and it is in the best interests of the people of Frankston to make this decision today. That is what we are doing.

After the sentencing happened, as traumatic as everything was for everyone involved, we felt some sort of justice, some sort of closure, that we could start the process of getting on with the rest of our lives. We thought that was it, basically. But the next year in the appeals court, in a process that I did not understand, I do not think any of us understood and in fact I only understood recently when I went back and studied it again, to our shock we discovered that a technicality which I only discovered recently, the technicality in that exact statement that I read out from Justice Vincent, was used to overturn his original sentence – it was not a unanimous decision of the court – and set a non-parole period of 30 years. I think I can speak for everyone involved in this that we were all very shocked when this came out, and it started a period, which now is the majority of my life, where we constantly had this feeling in the back of our minds that one day – maybe in 30 years, maybe in 40 years or whatever – there is a possibility he might harm another woman. That was always a fear in our minds.

This is not why I got into politics. I do not enjoy talking about this. This is not a fight that any of us wanted to have. But sometimes the fights choose you, and in this case I felt like I was compelled to act. In 2021 we realised that soon this person would be eligible for parole, and I talked to the government about it, to the Attorney-General. She was very sympathetic to what I had to say, and she did listen. But what we asked for was not anything in particular. We did not dictate to the government what we wanted. We just wanted some sort of reassurance that he is never going to harm another girl. That is what we were asking for. This bill today provides that certainty, so I will be clear about that. I think that people have had that fear in their mind, or that concern, that worry, that one day some distant parole board that Justice Vincent spoke about will make a mistake. There is no possibility, so I would say to people that have been living with this: today I hope that that part of your mind that you have lived with for so long will go away and you will have some sort of closure again, like what we had in December 1993.

Karen, who is here today in the gallery, started this campaign with me in 2021 to try and get some sort of action. It was very difficult to talk about this, but what we realised was that there are not many people associated with this left that can talk about it. It was a long time ago. People pass away. People are not in a position where they can advocate publicly. They do not have a platform like I do. Maybe they are not in a good enough state to be able to do it, so it is a privilege in some ways that I have been able to do that and speak out. Many others have been speaking out also, and I would like to just thank and acknowledge some people who have been playing a part in all this – Vikki Petraitis, firstly. She is an author, a podcaster and also a screenwriter now. She was with the police on the night when Nat was taken from us, and she was reporting on the story and sort of became part of the story. She has felt so strongly about this. She has been telling this story for decades now, and because she has been

telling this story, people have not forgotten what happened. They have not forgotten what happened to Elizabeth, Debbie and Nat. They have not forgotten that we do not have certainty that he is never going to harm another girl, and they remember the horror of what happened. He was sentenced for these crimes, but in the confession he confessed to an array of other crimes. Since we have been talking about this publicly I know that Vikki, the member for Frankston and I – many people – have been contacted by members of the public, women primarily, who have said that they have been stalked by this man. I do not know how many it is – at least dozens, possibly hundreds. This is a person that was fantasising about murder since the age of 14. He stalked women for years until he got to a point where he acted. He is clearly an exceptional case. I do not like laws like this either, but this is to correct an injustice, an exception, and if there was ever to be an exception, I do not think that you could find one greater than this.

Some other people have been campaigning on this for a very long time. Neil Mitchell from 3AW campaigned on this right from when it happened – and more recently, John Silvester, a crime writer. I would also like to thank my wife and family and my mum, who are here today. You can imagine this is a very awkward thing for me to be publicly talking about, and I am glad that today is the last time I have to talk about it. I thank Karen, who is also here; Nat's family, of course; Brian and Carmel, Nat's mum and dad; and my staff. I acknowledge that this is a very emotional thing, and I cannot fault their commitment to sticking with me on this. They have gone over every detail of this case, and they understand it better than I do in many ways, so thank you to them as well. I would also like to thank the people of Frankston that got involved in this campaign, signed petitions, contacted my office and that sort of thing. I would also like to thank some members of the government and the opposition: the Attorney-General, the Minister for Corrections, the member for Frankston, and Brad Battin for his involvement as well. I know there has been some politicking around that, but I thank everyone from both sides of politics who has shown an interest in and a passion about this. I would also like to thank the new Premier for supporting this.

We do have this opportunity now. One of the things I am really grateful for is the legacy of going through all this. We saw that there were many problems with the parole system. The government, thankfully, has acknowledged that, specifically some of the things around time limitations for parole applications – frankly, I was surprised that they did not already exist; I did not realise that there were no time limitations on them – and also the communication to victims' families. It is a very black-box process. I am not criticising the parole board in any way; they are very limited in what they can do through legislation. Today we are changing the laws so that they can communicate certain things to families so that they will know and have some period of certainty, when people have been convicted of extremely serious and horrible crimes, about what will happen and for how long. I think that is a welcome change. I am happy that this process has surfaced that and we have been able to draft some laws that will centre victims in this process a little bit more.

I am very happy that we have not been condemned to fight this for the rest of our lives, because I felt that if this did not happen today, there would be no option other than to continue this every time it happened, and frankly, I do not think anyone wanted to do that. So we can at least rest assured that we will not have to be doing that ever again. I hope that that brings some comfort. With that, I commend the bill to the house and thank everyone for their contributions so far, and I know other people have contributions.

Ann-Marie HERMANS (South-Eastern Metropolitan) (15:05): I also rise to speak very briefly on the Corrections Amendment (Parole Reform) Bill 2023 and acknowledge my colleague in the house Mr David Limbrick and thank him for his contributions and for his unwavering fight to make sure that this did take place. I want to also acknowledge the family and friends of the victims. This is clearly a really important moment for all of these people that are here and those that are watching online. They have allowed themselves to go through tremendous pain to be here and to relive over and over again things that are just so difficult, because it is so important that every other woman in Frankston and

throughout Victoria and even Australia can rest assured that they will be safe because they did not give up, they did not give in and they did not take no for an answer.

What I do feel very aggrieved about is that we do find ourselves back here in Parliament having to do this again. I cannot imagine the additional pain that it has caused, for which I am very, very sorry, that first time round this was not put to bed. I also acknowledge the number of colleagues that have worked so tirelessly or campaigned, their feelings so heartfelt, along with those who have suffered and those victims who lost their lives so tragically. I acknowledge as well Mr Battin and Mr Crewther in the other place and a number of others that have worked so tirelessly, and I am so pleased that finally the Attorney-General has worked to allow this to go through this house.

It is a great relief for women everywhere to know that when someone has not reformed and will not reform they cannot be released to attack once again. We all deserve to feel safe. Nobody deserves to have their life taken from them, and nobody deserves to have brutalities or such tragedy in their lives that they have to live with that pain and knowledge even as family members. As a mother myself, I cannot tell you how much it breaks my heart – it really breaks my heart – to even try to put myself in the shoes of those who have had to walk alongside this for so long. I just congratulate all for their tenacity and thank them for the favour that they are doing for all of us, because it is so incredibly important.

This Corrections Amendment (Parole Reform) Bill is built on the one that was originally put forward by Mr Limbrick, and the coalition supported it. It was a day of grief for us when it was not supported in this house, and well may my opponents have hung their heads in shame that we should have to come back here and do this again. I find this incredibly difficult to talk about. I represent the south-eastern region, and Frankston is in my electorate. Frankston was the place where my parents got married. It was the place where my nanna and pop lived and my aunties and my cousins. It was a place where my husband and I nearly bought our first home. We were married, and this was perhaps one of the things we considered when we were looking at a house, whether it would be safe in Frankston. I just cannot thank people enough that we are actually passing this. It is a long time in coming, to have a non-parole period for Denyer with just some really minor exceptions in it.

Specifically the bill will limit the circumstances in which the Adult Parole Board of Victoria may order the release of Paul Denyer on parole, namely, the prisoner Paul Denyer who was sentenced by the Supreme Court on 20 December 1993 to three consecutive sentences of life imprisonment for three counts of murder. It will require the adult parole board to impose a no-return period after refusing parole to a person serving a life sentence. Such a person cannot receive parole within that period except if they are dying or incapacitated. The bill will also empower the adult parole board to make a restricted prisoner declaration, preventing a person serving a life sentence for a particularly serious crime – which what he has done is – from receiving parole while the declaration is in force except if they are dying or incapacitated, as I have already said.

As I said, I spoke in more detail when we had the coalition bill before the house. I find it incredibly difficult to speak about this. Crimes against women, violence, taking a life – and to have family members here, it makes it even harder. I do not want to speak for too long except to say that I am very pleased that finally all those who have hung in there for 30-odd years can have closure, that they can put their head on the pillow tonight knowing that in this house this bill is likely to go through with tremendous support and they can rest assured that this will be over for them. I think it has been so brave for Mr Limbrick to have spoken twice on something that is so personal to him. Just before I close, I do once again wish to acknowledge the victims – Natalie Russell, Elizabeth Stevens and Deborah Fream – and the attempted abduction of Roszsa Toth. To all of these victims and to their families, please rest assured that you have our deepest sympathy. We are so pleased that today has come, and so we commend this bill to the house.

Ryan BATCHELOR (Southern Metropolitan) (15:12): I am happy to lend my voice to the debate on this bill in strong support of its contents and its passage through the Parliament today. I thought I would begin just by reflecting on the very moving contribution of Mr Limbrick moments ago and the words that he used that I think will strike a chord with so many and that I think sum up what is at the core of the reasons for this bill, and that is that people have not forgotten. People clearly have not forgotten the atrocious acts that were committed by this man – the man who this legislation deals with – but also people have not forgotten the grief of the families who are with us today and the loved ones that they lost. I think it is incumbent upon all of us to acknowledge those two things as being the motivating reasons why the passage of this legislation before us today is so important.

We have had over the course of the debate in this place and in the other place some very moving contributions from many fellow members, obviously Mr Limbrick principally here. Others I do want to acknowledge in the gallery – the member for Frankston Mr Edbrooke for his very moving contribution in the other place and also his support of members of his community on what is a very difficult issue. Mr Limbrick gave us a very heartfelt contribution, one filled with clear emotion but also with graciousness, and it is very clear from that that he is very deeply moved by this issue. It is very hard to get up in this place and talk in those terms about things that are so important to you, and so I wanted to particularly acknowledge your contribution, Mr Limbrick, with you here.

The words that he has conveyed to us, as have others, from the families and from the communities have been spoken on many occasions and they have been listened to. I think this bill encapsulates the listening that has been done and the converting of the listening into action. That is what the legislation before us will do. People should not forget – the Victorian community should not forget – what happened 30 years ago in 1993 when that series of murders occurred in the Frankston area. Mr Denyer received three life sentences for those crimes, and he should serve them.

The issues that we are obviously addressing with this legislation are the way in which the parole system has operated, the impact of that operation and the possibility of one of Victoria's most notorious serial killers being considered for parole and the concern that that has generated in the community. The voices of the families and friends of Natalie Russell, Elizabeth Stevens and Deborah Fream have been well heard by this legislation, which will enable this prisoner to spend the rest of his life behind bars.

There have been reflections about both the impact that the pre-existing parole arrangements have had on families who endure the uncertainty of not knowing and the stress that the existing system puts in place. Certainly the reflections I have made both in listening to the Attorney-General in her public contributions on this matter but also in conversations with the Minister for Corrections on the way that that system has compounded and exacerbated the difficulty for the families are things that both in this particular instance but also more broadly the government has been attuned to, and it has recognised action is required to facilitate change.

It has been well said that there are clearly real fears in respect of this individual from the people who have had dealings with him over the years of what else might happen should he see the other side of a prison cell, and there is an absolute commitment to ensure through this legislation that that will not occur.

The bill in its broad terms complements similar legislation that exists in other jurisdictions across Australia to ensure that this particular prisoner will be ineligible for parole unless he is dying or incapacitated to the degree that he is incapable of causing harm to others, but it will also provide certainty in similar cases in the future by vesting in the Adult Parole Board of Victoria the powers to provide further security to victims of other serious crimes. I think the dual purpose of this legislation is important for the assurance that it provides those affected by the specific instance but also the broader message that it carries about the seriousness we place on serious crimes more broadly in the community.

The adult parole board in receiving these new powers will be able to declare that a person serving a life sentence is not eligible for parole for a period of five to 10 years if it is in the public interest to do so. These new powers will also include the power to prevent people serving a life sentence from receiving parole for a period after being denied parole. So there is the concept of a no-return requirement. The crimes that fall under these reforms are a series of offences of murder or one offence of murder where the victim was a child or one offence of murder where the victim was also the victim of a sexual offence committed by the prisoner.

Postponing the parole of these individuals means nothing unless we continue to support the victims of serious crime. That is why under the proposed bill the registered victims can receive consistent and updated information on the decisions made by the board regarding these relevant offenders. That is ensuring that victims of crime are kept informed about the decisions that the parole board makes about matters that affect them, because we recognise the continuing grief, continuing anxiety and continuing fear that exists in many connected to the worst crimes in our community.

The bill also makes key changes about how we refer to key stages in the parole process to avoid distress and confusion caused by terminology. We know that words matter, and they can affect how people engage with government processes. I think that it is always incumbent upon us, as those who determine what things are called, to think about the impact that particular words might have on people rather than thinking that they just serve the system, because as we all know, across a range of activities, systems are nothing without the people that engage with them, and we need to first and foremost think about those matters. The updated terminology in the bill will be reflected in the department's and the adult parole board's publicly facing materials.

I will just briefly mention a few of the other things that the bill will do, including enshrining in the act that the safety and protection of the community is the paramount consideration in whether parole should be granted, revoked or cancelled, or a cancellation of parole is revoked. It also allows for the appointment of a full-time chair of the adult parole board, it introduces time limits for the appointment of the board of no more than nine years in total and it ensures that registered victims are given at least 14 days notice of persons convicted during the reporting period of a serious offence committed while on parole. It will have a broad application as well as the specific application that so many in the community and those who are here today and have joined in this debate have called for. We think it deals with both the specific and the more systemic issues that confront us.

We hope that these changes do bring about improvements to the way that parole is conducted in the state of Victoria, particularly for serious crimes. We acknowledge that the development of these reforms has been done in collaboration with a diverse range of stakeholders and individuals, and as I have mentioned, we have heard from relevant ministers who have been involved in the process and the extent to which they have thought through these issues and given a very considered response.

These reforms will go some way to helping ensure that there is more peace of mind for victims. We hope that they do. In the speedy passage of this legislation through the Parliament today, I think and I hope that it demonstrates through our contributions and our actions the seriousness with which we take these issues and that, to come back to the point that I started with, in the words of Mr Limbrick, people have not forgotten what has happened. We hope that this helps the process.

Katherine COPSEY (Southern Metropolitan) (15:24): I rise to speak on the Corrections Amendment (Parole Reform) Bill 2023. In doing so today I recognise the victims and their families. Elizabeth Stevens, Debbie Fream and Natalie Russell, and Roszsa Toth who escaped, were young women at the start of their lives. I acknowledge the grief that has been endured and the strength that the families have shown for many, many years. This bill today deals with a very small cohort of prisoners convicted of the most serious of crimes. We hope that the restrictions to parole will not be seen across wider cohorts of people convicted of lesser charges, keeping in mind that, overall, parole serves an important function. Research has consistently demonstrated that prisoners released to parole

supervision are less likely to reoffend than those who serve full sentences and are released without supervision.

This bill also gives the Adult Parole Board of Victoria powers over a person who is deemed a restricted prisoner, resulting in far less ability for them to apply for parole. We very much encourage the government, as has been stated repeatedly in today's debate, that this bill be a rare exception and that decisions about prisoners are appropriately made by the judiciary. As legal stakeholders have reinforced and previous speakers have commented today, we do have the separation of powers between Parliament and the judiciary as a core tenet of the rule of law in democracies, including ours. I note that also some legal experts have commented that elements of this bill could be seen to undermine the rule of law in Victoria. We understand, though, that the government has received updated legal advice from the solicitor-general to support the approach taken in this bill.

I note that this bill is more comprehensive than the one that was brought before Parliament before. In June, when we spoke to the Corrections Amendment (Parole) Bill 2023, the previous bill on this matter, I said the following:

There is also merit to arguments that the parole board has acted as a bit of a black box, with little information available. How the parole board releases information to the public – what it can and cannot release – is currently determined by extremely strict legislation. We would encourage a review into how well that legislation serves the public interest and would welcome the opportunity to work with the government to consider changes to provide more information to people on the victims register.

Today this bill does include welcome changes. It provides more information and transparency to victims and families of victims, and it will relieve the families of victims of the burden of making submissions at further parole hearings.

With regard to decisions of the parole board, there has been acknowledgement in some legal circles that a prisoner's right to privacy needs to be weighed against victim support and family support and that the lack of the transparency of some parole board processes and decisions is contributing to ongoing trauma, so we support the reform efforts of the government in this area to allow the parole board to communicate parole decisions to victims and families.

I will just close by reinforcing that as this bill is considered today our hearts are with the victims, their families and the communities who have endured that ongoing grief and trauma. We acknowledge your enduring love for those that have been lost, and the strength and resilience that you have shown is testament to that.

John BERGER (Southern Metropolitan) (15:27): Today I rise to speak on the Corrections Amendment (Parole Reform) Bill 2023. This bill will introduce changes to our justice system by amending the parole process to ensure criminals in stand-out cases are not given the opportunity to re-enter the community if they are responsible for some of the most heinous crimes seen in Victoria, the specifics of which I will get into later.

But first I would like to pay my respects to the families and all of the loved ones who have suffered an unimaginable loss and have suffered everyday through Denyer's crimes and his attempts to attain parole and re-enter the community. To them I want to say: we hear you, and we are listening. He has forced them to contend with the prospect of his being able to return to the community just shy of 30 years since he was brought into custody for those horrible crimes. The resilience of the victims' families in the face of it all has been commendable to say the least. No-one should have to experience such a thing.

Denyer terrorised the people of Frankston nearly 30 years ago, unleashing fear in ordinary Victorians, who were afraid to go out as Denyer roamed the streets. He committed crimes so barbaric that they still shake me today. To the families and loved ones of Natalie Russell, Elizabeth Stevens and Debbie Fream, I cannot possibly imagine the hurt you went through and still suffer from today. You have been brave and you have been strong.

I want to thank the Minister for Corrections my friend Minister Erdogan for his work in shepherding this through and his commitment to ensuring that our parole and corrections system is fit for purpose in the 21st century. I would also like to take a moment to thank the Attorney-General Ms Symes, who has spent time with victims' families to learn from them and to see things from their point of view. To all of those listening here today and from home, I believe that when we talk to the families and the victims of such heinous crimes we can understand a great many things, particularly how we can change the law going forward. In doing so we gain their unique perspective on how the justice system can be better managed when we address such cases in the future. I commend the Attorney-General for handling this with the care it deserves and with respect and sensitivity for the case.

When we listen to the community, particularly those traumatised and closely impacted by crimes as severe as Denyer's, then we have a better chance of ensuring our justice system is equipped to keep people like him off the streets going forward and away from the community for good. This bill at its heart is intended to do just that and ensure Denyer will never be a risk to our community again. It is a bill that will make sure that society's worst criminals, truly the worst of the worst, will be kept away from everybody, behind bars for good. Anybody who inflicts that level of suffering, trauma and cruelty should not walk among the community as a free man.

The bill will specifically move to stop Denyer from receiving parole, with the exception of extreme restricted circumstances. Those strict circumstances are limited to scenarios where Denyer is in imminent danger of death or at such a time where he is so incapacitated that he no longer poses a threat to anyone. He will sit in his prison cell until the day he dies or until he is in such ill health that he cannot possibly be a threat to anyone. These are the conditions, the same that were imposed for Julian Knight and Craig Minogue, who as we speak are sitting in their own cells for good. In those circumstances laws were passed keeping those killers away from the community for good, and today we are doing just that by passing this bill, which will do the same for Denyer.

This bill will also amend the law to empower the Adult Parole Board of Victoria to restrict repeat applications for parole in these serious circumstances. When we say 'serious circumstances' we mean the worst. The very worst criminals try to use the parole system and process to be released back into the community when we all know they are still a threat. That includes the type of evil we find in Denyer. There will be a new definition of what constitutes a serious crime, which will then render the criminals perpetrating it restricted from the parole process due to the seriousness of their crimes. That definition specifically targets serious criminal offenders, including child murderers, murderer-rapists and multiple murderers. Criminals who fit the definition can, upon passing of this bill, be categorised as restricted prisoners by the parole board, which will limit their ability to seek release for between five and 10 years after the conclusion of their non-parole period. These types of people do not deserve to be let back into our community. With this reform the adult parole board will now be able to reject applicants with these backgrounds, those who just repeatedly apply for parole when it is clear as day that they still pose a threat to our community and should be kept behind bars for the rest of their lives.

The amendments will also ensure that individuals who have committed the most atrocious of crimes and are serving life sentences currently will be ineligible to lodge another application for parole for up to a period of five years after their rejection. It is a fair and just ramp-up of our criminal justice measures against the most egregious criminals in our state and will help keep them off the streets and safely locked behind bars. As rare and unusual as it is to see a bill of this nature before Parliament, I am assured it is legally sound. Serious criminals have in the past objected to such laws being passed, especially ones that have directly called out specific criminals and confined them to prison for the rest of their lives. If Denyer feels as though this is unjust, he can lodge a case with the court, but it has been tried before. The High Court had a similar case before it with the Hoddle Street killer, and what did they say? The judges were in unanimous agreement about that matter. The High Court has ruled that such a bill, as uncommon and unusual as it may be, is proper, and in that vein I do not see why it should not pass – the condemnation of and restriction upon such a cruel individual. Not to do so would be a disservice not just to the community but to the victims.

Now to the words of the amendment. Under section 3(1) of the principal act we will insert the following definitions:

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

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

restricted prisoner declaration means a declaration under section 74AAG;”.

We must keep him behind bars. We need a piece of legislation that is more comprehensive than just targeting one person. Going to the effort of keeping him behind bars should apply to others in comparable situations. It provides amendments for the parole board to ensure cases like this can be blocked in the application process where monsters try and try again to get out, and it specifically blocks Denyer from getting out. There are times when the crimes committed by someone are just so vile and so traumatising to the community that it is an obligation of the people in this place, the members of the Parliament elected to represent that very community, to work together to stop people from returning to our streets. It is not just a moral obligation but a necessity that we pass a bill that will give a sense of closure to the loved ones of Denyer’s victims and do the right thing for our community.

As I said earlier, a bill such as this is not a common one, but it is fitting his crimes remain in the collective consciousness of all Victorians. I remember it vividly, just as I remember the Hoddle Street killings, so we must work together on this. We have consulted and listened to the needs of the victims and put families at the front of our decision-making. We have also listened to the chair of the Adult Parole Board of Victoria. The Department of Justice and Community Safety also provided briefings on the reforms to the victims of crime commissioner, the Aboriginal Justice Caucus and the victim representatives of the Victims of Crime Consultative Committee, because as those in this place know, we are a government that consults to ensure the best legislation possible.

The bill will make the parole system easier to navigate, and it will reduce the trauma and uncertainty that happens when offenders become eligible for parole. We are committed to doing more in supporting victims, their families and the wider community through the parole process, and we will do that through other mechanisms that do not require legislative change. For instance, we are going to change the way that information is provided to victims and their families, and we will enable the victims register to offer the appropriate support and services to victims, particularly when parole becomes a potential concern and a danger to the wider public or, in fact, a danger to individuals. We can do all this because of our record investments in victims services, something that should be above politics.

When we asked the VLRC, the Victorian Law Reform Commission, to report on how we can improve victims services, they told us that the lived experience of these survivors must be at the centre of everything that we do, and that is what we are doing. The Allan Labor government has accepted this advice because we know that criminal behaviour, offending and any type of victimising can and often does have a lifelong effect. The victims of crime financial assistance scheme is part of this. It will ensure that victims receive better support, sooner rather than later, through a system that is built from the ground up by survivors and is informed by and based on the challenges faced by victims. All people should have a voice, and victims of crime are people too and their voices deserve to sing through initiatives, programs and work like this – the specialist victims legal services, targeted consultation with experts and advocacy mechanisms like the Victims of Crime Consultative Committee, among many other ways.

I particularly want to thank the family of Natalie Russell, someone whose name will forever be etched into this place through the countless mentions in *Hansard*, someone who will never be forgotten after her family’s collaborating with us on this bill right now. Your work has made it what it is today, and

I thank you for it. Your input and your view will mean that the families will not have to go through the same prolonged experiences that you went through. Nothing can bring back Elizabeth Stevens, Debbie Fream and Natalie Russell, but today will make a difference in another way. It is proper that the same level of restrictions be put on Denyer that we brought upon other infamous and horrific criminals, such as the Hoddle Street killer and the Russell Street bomber.

The Frankston killer tormented the people of Victoria for so long and has scarred the community. The families of victims were subject to the most horrible crimes against people they dearly loved, and it was unlike anything many of us have ever seen. Therefore, I say that it is right that we act collectively as a Parliament to make sure Denyer does not leave his prison cell and pose a threat to the community ever again. This bill is a meaningful step forward, further tackling serious criminal issues in our state by ensuring the very worst of them are kept behind bars and away from our loved ones. It means that parole is removed from those like Denyer and that he spends the rest of his life behind bars. Keeping Denyer away from the public is a moral obligation of representatives of this great state, and I am happy to see that this bill does just that. With that, I commend the bill to the chamber.

Jeff BOURMAN (Eastern Victoria) (15:39): Originally I was just going to make one of my one-line or one-sentence kind of things, but upon sitting in here and listening to the contributions and seeing the families up there, I figured this probably warrants a little bit more.

Once this bill has had royal assent, I think a weight will come off a lot of people's shoulders. I doubt they will ever sleep well at night again, but at least they will not have to worry about animals like this person – and I now do not need to say his name – being let out until they are in such an incapacitated state that they will be at no risk of harming anyone.

Personally, if it was up to me and I was running the High Court, I would just leave them in there and plant them in the garden somewhere when they are done, but that is not the way it works. But he needs to stay in there because of the futures he stole from the girls he killed and the futures he stole from the families – there is no way to pay that back. Also, in this instance there has been no indication that this animal has made any attempt at rehabilitation. Much was made by way of comment at the time that he was different to the rest of us. I think this is the only path forward. I am also very pleased that the Adult Parole Board of Victoria now has more tools to deal with people like this, because we should not have to be coming into Parliament to make individual recommendations or statutes to keep them in the system until they are no longer a threat. With that, I hope all the victims and their families rest easy after this.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:41): It is an honour to follow other speakers both from the Assembly and from this chamber today on a really important bill that means a lot to many people, particularly people that are joining us in the gallery today. The Corrections Amendment (Parole Reform) Bill 2023, at its heart, is designed to provide greater assurance and opportunities for peace of mind for victims and for loved ones who have been subjected to the worst crimes by the worst perpetrators.

I know how important it is that we frame the discussion of these reforms in the right context and that we do not stoke attention on those who do not deserve it, so I want to acknowledge the victims that are central to the reform today. The three names and stories that are most critical to today's debate are Elizabeth Stevens, a promising young nursing student; Debbie Fream, the young mother of Jake; and Natalie Russell, the 17-year-old student who aspired to be a journalist. They were so much more than those short descriptions, but what we do know is that each of these young women should be with us today living their dreams and loving their families, being normal, not being talked about in the Parliament of Victoria. The reason why they are not here today is deeply haunting, particularly for those who grieve them every single day. The bill seeks to respond to the expectation of those family members and friends by providing a level of certainty to them and the loved ones of victims of some of the most serious offenders in the state of Victoria.

There are three critical components to these reforms. First, the bill provides the Adult Parole Board of Victoria with more options when considering the parole applications of those who have been given a life sentence. Specifically in circumstances where the board denies parole to one of these people, they will be required to set a no-return period of up to five years. The reforms also change the approach to the small but concerning cohort of offenders who are considered the worst of the worst. Here the parole board will have the power to make a restricted prisoner declaration that will apply to a specific category of offenders, people that I wish we did not have to talk about but people who are in prison on a life sentence who have been convicted of multiple murders, have been the murderer of a victim who was a child or the murderer where the victim was also a victim of a serious sexual offence committed by that person. With this declaration comes a greater restriction on the period in which these applicants can be granted parole, excluding them from being granted parole for at least five years but importantly up to 10 in appropriate circumstances.

Second, the bill will name Paul Denyer to make it clear that he is ineligible for parole unless he is dying or incapacitated. We know that precluding this individual from returning to society as a free person is critical to the healing of not only the family and friends of Elizabeth, Debbie and Nat but also the Frankston community, a community that three decades later is still scarred by the horror of these crimes. I know this because I have spent time in that community. I have spent time with family members, and I have listened to the likes of Mr Limbrick but also importantly to our really dedicated local member for that community the member for Frankston in the other place. He has been tenacious and determined in getting an outcome for this community, and I do want to commend his contribution in the Assembly where he certainly took responsibility for the sentiment of his community and presented it so eloquently.

Finally, the reform package also includes some non-legislative changes to how the parole system operates to make it clearer and easier for victims and families impacted by applications. These changes will apply across the board and ultimately seek to minimise any unnecessary confusion and trauma. The reforms also provide greater opportunities for victims registered on the victims register to be kept informed of processes such as being notified when the adult parole board are considering a restricted prisoner declaration, importantly so that those voices can be heard. Submissions can be made and people can feel as though they are involved in the process appropriately.

I have confidence that these reforms presented today not only go a long way to improving the experience of victims within the parole process but also do not compromise the important principle of the separation of powers between the Parliament and the courts. As first law officer, I have a role to protect the separation of powers as well as ensure that any charter overrides are not only proportionate but consistent with previous pieces of legislation. I acknowledge that some have argued that what we are achieving today could have been done sooner. I genuinely believe that most people that have engaged in this debate have all set about to seek the same outcome, but it was important for members of the government, for me and for the Minister for Corrections, to take the time to develop, in full consultation with the families, a package that we think is as best as we could achieve.

This is a package that has been carefully crafted to provide reforms that fundamentally change how victims within Victoria experience the parole system, and that could not have been done without intense consultation and feedback with those people who this has directly impacted. In June in this chamber we dealt with the private members bill and I stood here and I made two things clear. First, I said I wanted to achieve the same outcome that we are achieving today: that this individual will remain in prison and never be able to harm another member of the community. Second, I wanted to honour the commitment that I had given the victims that we would find an appropriate way to respond to their pain and to their experiences in dealing with the parole system. I have always acknowledged that we could have and should have done better and that what was being proposed then did not quite do the job. But I think we are there today.

I would really like to acknowledge my colleague and friend Mr Erdogan for his work in carefully considering, consulting on and crafting these reforms. This is something that we have worked closely

on together. You should be very proud of your office – fairly new minister, complex issues and you have handled it with good grace and a determination to really see this through. Also, Mr Erdogan is the Minister for Victim Support. That is a really tough job, and what you have done through this bill is deliver on a critical component to provide a long-awaited sense of peace to many who have suffered for too long.

I would also like to thank Mr Limbrick for his continued and unwavering advocacy and involvement in discussions that have gone on for many years and have contributed to where we are today. He has never sought to politicise this issue. He has engaged respectfully, has never dictated an outcome and has just been tenacious in ensuring that we reached a satisfactory outcome, and for him I am so pleased that we are here.

I will again reflect on those who are most central to the reforms: Elizabeth, Debbie and Nat. I cannot profess to understand the pain and suffering of those that you left behind or indeed the exhaustion of going through a process that we know was not as good as it should be. My sincerest hope is that the legislation goes at least some way to easing some of that exhaustion and offering some sense of relief both for you and for others who may find themselves in similar positions.

It has been an honour to get to know the family of Natalie Russell. They have been instrumental in these reforms. Her parents Brian and Carmel, who I am sure are watching at home; her adoring sisters Janine and Lisa; and her best friend, who was hanging out at this house as a teenager and is still there 30 years after, recalling what her best friend meant to her and being such a support to that family. They are amazing people. I know it has been an incredibly long and painful journey to get here. I am very, very deeply humbled for getting to know these people and the way that they have helped me and helped the government formulate a policy and a bill today that we think is the right thing to do. I have been welcomed into their home to discuss really incredibly difficult matters. It has been made easier because there is always a bit of humour and cake. Despite them being difficult meetings, I have really enjoyed getting to know these people. Many of them are in the chamber – I cannot look at you guys. Lovely people. Doing the right thing as a government is something you should always strive to do, but when you work with people that it means so much to, it means more to us. I am in awe of you guys and your determination to do what is right for Nat, and she would be pretty proud of you, so thank you. I commend the bill to the house.

Adem SOMYUREK (Northern Metropolitan) (15:53): I congratulate the government for having the maturity to reflect on its decision to refuse to back the private members bill earlier this year which essentially delivered a similar outcome. I do not say that facetiously or condescendingly. I think too many times in politics, politicians and governments make decisions and then they stick to those decisions obstinately at a cost of the community, so I do commend the government for changing its view on this one.

I made the point in my speech on the private members bill that I am generally against ad hominem legislation. I believe in the principles of separation of powers between the legislature/Parliament, the executive and the judiciary, and I also believe in the principle of equality before the law, which is a fundamental principle for every liberal democracy – or ought to be a fundamental principle for every liberal democracy – throughout the world. Those principles are also entrenched, as the Attorney-General said, in our charter of human rights.

Notwithstanding that, I also adhere to the principle that this Parliament ought to be consistent. It must be consistent. By knocking back this legislation last time, I do not think this Parliament was consistent. The Parliament has twice before enacted ad hominem legislation to deny freedom to, or keep in prison, two other killers, Julian Knight and the Russell Street bomber. The crimes committed by Paul Denyer are some of the most heinous crimes in the history of this state. They targeted young women. It would have been a complete travesty had the government not come back and made the right decision to reintroduce this bill.

I recall, as I said in my speech earlier this year – and I am not going to go into all the details – that I happen to have some connection to these incidents, obviously not as closely connected as Mr Limbrick in his tragic experience and that of people in the gallery today. We were a young couple, my wife and I, living in Chelsea Heights, and some of the murders were committed only a couple of kilometres away from where we lived. I can tell you there was an atmosphere of fear in the community in the south-east around Chelsea, Chelsea Heights, Seaford and Frankston, especially for young women. My wife was about 22 years old at the time, and she would regularly travel to Frankston by train. I recall she had to be locked up in our house, and in some instances I could not go to work. That was the level of fear in the community during that period of time. If we are ever to introduce ad hominem legislation, this has got to be it. I commend the government for revisiting its decision of earlier this year and commend the bill to the house.

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (15:57): I want to make some brief closing remarks in relation to the Corrections Amendment (Parole Reform) Bill 2023. We have heard many thoughtful contributions from all sides, and I want to take this opportunity to thank and pay my respects to everyone that has contributed to the debate not only in this chamber but also in the other place. In particular I want to acknowledge Mr Limbrick, not only for his deep personal connection with the issue but also his unwavering and constructive advocacy on this issue. I note, since having had the privilege of serving as the Minister for Corrections and Minister for Victim Support, your engagement very early on and our sit-down discussions about these matters and why these reforms were necessary. I know that engaging in these debates is not easy, but I hope you do see that the outcome was well worth it.

Most of all I want to acknowledge the families, friends and loved ones of Natalie Russell, Debbie Fream and Elizabeth Stevens. You have been clear in your desire for this legislation, and I am pleased that we have been able to deliver this important reform. On behalf of the government, I again want to thank the Russell family for their persistence and their input in helping us get this bill right. I know it was not easy. Nothing can take away the pain and trauma you have suffered for over 30 years, but I hope that the decision that we are making here today will provide some small comfort into the future. I know through our discussions, through the Attorney-General, through the local member for Frankston and through Mr Limbrick and many others that this has not just been about your family but about other victims of heinous crimes, so that other families will not experience what you have through this process.

As the Minister for Corrections and also Minister for Victim Support, this bill has always been about providing more certainty for victims of crime and their families. That is why we worked closely with the Russell family and consulted with other victim representatives in developing the package of reforms. I want to say thank you to the Attorney-General for leading that engagement with the family and for her input into these important parole reforms. We are confident that these reforms will stand the test of time and help families into the future without the need for bespoke approaches and having to personally advocate with members of Parliament.

I briefly want to talk about how these changes reinforce Victoria's parole system. In Victoria we have the toughest parole system in the country. As this bill reinforces, the primary consideration is community safety, and the independent Adult Parole Board of Victoria takes that very seriously. The parole system plays an important role in keeping our community safe. Our parole system ensures that people released on parole are under careful supervision by expert corrections officers. During their period of parole people are usually required to undergo further treatment and programs that reduce the risk of reoffending. There is support to gain employment and housing, which we know are two of the most important factors in preventing reoffending. The evidence shows that this approach improves community safety compared with straight release at the end of a sentence. This is why the changes in this bill are targeted at only the most serious offenders – people on life sentences. For this small cohort the courts have said quite clearly that there is no assumption that they will ever be released from prison. Parole is a privilege, not a right. This bill will help ensure that this small cohort cannot abuse this

privilege. It does that by providing more powers to the Adult Parole Board of Victoria to prevent repeated applications, including where there is no realistic prospect of parole being granted or rehabilitation.

We have also heard from victims of crime about the need to improve the information sharing around parole. This bill implements specific changes to allow the Department of Justice and Community Safety to share information about restricted prisoner declarations and no-return periods. But we are not stopping there. We are also making non-legislative reforms that will make parole clearer and simpler for victims of crime more broadly. They include simple things like updating the terms that are used, to avoid unnecessary confusion and trauma, and continuing to improve how we communicate with registered victims to ensure that they are getting support. We are doing this in consultation with victims' representatives, including the Victims of Crime Consultative Committee, and I again want to thank them for their work, because, as I said earlier, these reforms are first and foremost about victims and their families: more certainty, more clarity, less pain. The changes are proportionate and are built on the views and experiences of victims of serious crime and experts in the criminal justice system. They will help the parole board to continue to keep our community safe.

I want to thank everyone that has worked with us to get this bill right and, most of all, the family members and loved ones that are here with us today. Thank you. I think debate on this bill has shown the Parliament at its best and what we can achieve when we work together in the best interests of the whole Victorian community.

Motion agreed to.

Read second time.

Third reading

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (16:02): I move, by leave:

That the bill be now read a third time

Motion agreed to.

Read third time.

The ACTING PRESIDENT (Bev McArthur): 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.

Crimes Amendment (Non-fatal Strangulation) Bill 2023

Second reading

Debate resumed on motion of Lizzie Blandthorn:

That the bill be now read a second time.

Evan MULHOLLAND (Northern Metropolitan) (16:03): It is a pleasure to rise to speak on the Crimes Amendment (Non-fatal Strangulation) Bill 2023. This bill has been a long time coming – in fact too long in coming. At the outset of my contribution today I would like to particularly pay tribute to the family of Joy Rowley. Joy died at the hands of a former boarder of hers who became a partner in 2011. She was murdered, and her murderer is currently spending a long time in jail, as is rightly the case. Joy's children Renee Woolridge, Aaron Woolridge and Nadine Power nee Woolridge have not been ones to sit back and accept that grave injustice. They did not just want to see justice for their mum; they wanted to see the system changed. They wanted to see the system better for every woman. Domestic violence, family violence, is a scourge in this state, in this country and around the world, and we need to do much more to tackle it. I should also add that Renee, Aaron and Nadine's father

Les has been very important in their advocacy in this campaign to change the law to improve the lives of women in this state.

From the time of Joy's death, Renee, Aaron, Nadine and Les campaigned first of all for an inquest, because it was almost as though women dying at the hands of their partners was so prevalent – something we shrugged off – that it was initially felt that there was no need for a full inquest into this death. Through their efforts – the continual campaigning and advocacy and hiring of expensive lawyers by the Woolridges – eventually a full coronial inquest was ordered. It was then the State Coroner Judge Sara Hinchey who took on this inquest. The hearing was held from 21 to 23 May 2018, and the findings were delivered on 31 July 2018. During that inquest Victoria Police quite rightly apologised to Joy's family for the mistakes that were made. How often have we heard this where women in particular are threatened and are scared of partners or former partners? They seek an intervention in law, they seek a family violence protection order and they get a family violence protection order, but the piece of paper does not necessarily save them. Tragically this was the case for Joy Rowley. Victoria Police have rightly apologised for the many missteps that occurred in this case leading up to Joy's death.

I want to thank my colleague Michael O'Brien in the other place, who has done great work on this bill. Of particular interest in the coroner's findings is paragraph 161, where Her Honour said:

... researchers suggest that many perpetrators who use strangulation in a family violence context do not intend to injure their victims, but rather use strangulation to gain power and control over the victim. In this context, the available laws that require intent to cause bodily harm are unsuitable for application to this type of offending.

Her Honour went on to say in paragraph 163:

The introduction of a stand-alone offence for strangulation, suffocation or choking in Victoria may significantly help to ensure strangulation is treated commensurate with the risk it poses to victims, and remove the need to prove particular bodily harm or intent to cause injury. Such an offence will more effectively hold perpetrators to account for serious offending. Further, the new offence may build further awareness of the dangers and potential lethality of strangulation among police members, courts and community services practitioners.

There we are in July 2018 with a clear recommendation coming from the State Coroner for there to be a standalone offence of non-fatal strangulation introduced in the state of Victoria. Following that, the government in fact agreed to do so. I believe it was 1 July 2019. In the *Age* on 1 July 2019 the then Minister for Police and Emergency Services the Honourable Lisa Neville said:

Strangulation is a common and devastating factor in violent offending – including family violence incidents – and we've recognised the need for a standalone offence that accurately reflects the trauma caused to victims ...

These new laws will punish perpetrators appropriately and will be a step in recognising and intervening in escalating family violence situations.

That was 1 July 2019, and here we are in late November 2023, which makes you wonder what the government has been doing on this. How many women have died in that time, and why has it taken so long for the government to act? The coroner's recommendation was made in July 2018. The government committed to implementing these changes on 1 July 2019. I think it is not good enough. The government owe an explanation to Joy Rowley's family and owe an explanation to Victorian women who have not had the benefit of the protection of these laws that the government promised over four years ago. Joy's family did not give up on 17 November 2021 – it is a little over two years ago. Another article in the *Age* newspaper reads:

The family of a murdered Victorian mother says the state government has failed to introduce strangulation laws that could reduce the risk of homicide to women, despite promising two years ago to bring the legislation in.

This has been a long, long journey, and I think it has been too long a journey. I do not doubt that this government, as I think all members in this place do, place a premium really on tackling family

violence, and I am sure we will hear from members opposite about the Royal Commission into Family Violence and the responses to the royal commission, and I welcome that. But here is an example where in 2018 the State Coroner recommended standalone offences be brought in, and the government did not act. In 2019 the government committed to it, and the government did not act. In 2021 the family of Joy Rowley reminded the government that they had not acted, and nothing happened. So here we are in almost December 2023. I am not sure the government deserves too big a pat on the back for taking five years to do something which was, frankly, urgent five years ago. Every time this subject comes up the family are reminded of the trauma that they have suffered, but they have kept going because they care. They want something good to come out of something horrible, and what they want is to make sure that women in this state are better protected.

So the question is: is the government bill going to achieve that outcome? One thing we need to be very clear about is that this cannot be a set and forget. Simply passing this law is not necessarily going to change behaviour. It will not necessarily change the behaviour of people who are otherwise prone to family violence. It will not necessarily change the responses of victims of family violence. It will not necessarily change the behaviour of police or prosecutors or the courts. It is but one piece of a cultural change and a practical change that we need to see to better protect women in this state.

What we would ask of the government is: what else is being done around this change? Changing the law is one thing, but how is this going to actually work in practice? Will the police be educated that the new law is available as an option? How will prosecutors and the courts understand what this bill will do and the intention of it? How will domestic violence services be informed about this? Where will the public education campaign be about the fact that the law is changing? Because the coroner was talking about this law as sending a message. She said:

Further, the new offence may build further awareness of the dangers and potential lethality of strangulation ...

Well, it will only build awareness if the government puts in place measures around it to make sure that people who need to know know about it. That is what we would ask the government to consider and what we would ask the government to do. As I said, it cannot be a set and forget. The government must make sure that legal changes are accompanied by broader changes to the justice system, in family violence support services, and yes, in communicating to the broader public about why these changes have been made and what they do.

The bill provides for two non-fatal strangulation offences. One relates to non-fatal strangulation intentionally causing injury, which is section 34AD in the new bill, which will occur when a person, A, intentionally and without lawful excuse chokes, strangles or suffocates another person, B, and person A intends the choking, strangulation or suffocation to cause an injury to the person B and the choking, strangulation or suffocation causes injury to person B.

This requires the intent to cause an injury, and there is no consent defence available to a person charged under the new section 34AD. To some extent this goes back to old legal principles that one cannot consent to particular types of injuries. There are particular types of injuries you can consent to. If you go on the football field, you probably know you are going to get bumped or tackled. If it happened in Chapel Street, that would be an assault. If it happens on a football field, it is a tackle. That is not the sort of consent we are talking about. We are talking about consent to intentionally injure somebody in the context of non-fatal strangulation, and that has a maximum penalty of 10 years imprisonment.

Section 34AE is a lesser offence in terms of a maximum penalty, a maximum of five years imprisonment. That applies to where person A commits an offence if they intentionally and without lawful excuse choke, strangle or suffocate another person – person B – and person A is a family member of person B. No intent to injure is required for the section 34AE offence. Consent is available as defence in section 34AE and is dealt with in two different ways. Where the action which constitutes the offence is part of a sexual activity, then the only way in which consent can be a defence is where it complies with effectively the revised definitions of consent that this Parliament has put into law in relation to sexual activity, often known as the affirmative consent model. This is something that we

are supportive of. We are concerned that if these sorts of matters devolve into ‘he said, she said’, too often it will be the victim – and too often the woman – who is not believed or police will find it very hard to prove the case.

When it comes to sexual activity, we have an affirmative consent model where there is a positive obligation on the person claiming consent to demonstrate, for example, that they said or did something to check that there was consent there. There are a whole range of matters which I do not have the time to go into in great detail, but we support the fact that where a defence of consent is raised in the context of sexual activity, it is the affirmative consent model that applies. Where consent is raised outside the context of sexual activity, then the normal statutory or common-law defences of consent are available. It is not necessarily clear, but we understand why the government has drafted the laws in the way it has.

Something which is I think very different in terms of how Victoria has approached this type of law compared to other states is in relation to the definition of ‘chokes, strangles or suffocates’, because obviously that is a key element of both offences. It includes the following things:

- (a) applying pressure to the front or sides of a person’s neck;
- (b) obstructing any part of, or interfering with the operation of, a person’s respiratory system or accessory systems of respiration;
- (c) impeding a person’s respiration ...

So basically something as simple as applying fingers to the side or front of a person’s neck technically meets the definition of ‘chokes, strangles or suffocates’ under this bill. What the government has done is effectively draw a very wide definition of what constitutes ‘chokes, strangles or suffocates’. That is something which we have certainly asked questions about. If you ask the average person on the street what ‘chokes, strangles or suffocates’ means, it probably will not be simply touching fingers on someone’s neck or the side of the neck. I do not think that that meets the pub test, if I could use that term, for what the average person in the street regards as ‘chokes, strangles or suffocates’. The government says it has used a very broad definition because there have been concerns in other jurisdictions that proving the physical aspect of the offence has been difficult. It remains to be seen whether the government’s approach, which is to have a very broad definition, will be effective. We all want this change to be effective. We all want it to better protect victims and vulnerable people, particularly women. We all want it, because that is what Joy and Joy’s family deserve – a change that makes a difference and better protects women in family violence situations.

The way in which the government has approached this through its definitions, I do not know if it is going to work. We want it to, but it remains to be seen whether it will work. We do not want to see, for example, the broad definition being abused or weaponised in any way. Clearly we want to protect people who are vulnerable, but we do not want to see a broad definition being misused by anybody in any particular circumstance. It is very much for the government to explain how it will be confident that a broad definition is appropriate and will protect those who need protection, but equally it must not be misused by anybody, because that is the last thing we need. We cannot afford to undermine legal protections for victims of family violence – we just cannot – because we know that simply passing a law does not necessarily change behaviour, and sometimes the way in which we as legislators pass laws is not interpreted or applied in the way that we had in mind by the police, by prosecutors or indeed by the courts.

We do think we need to build in a review of this change. We want to see just how the change that we implement through this bill has effect legislatively, how police respond to it, how family violence support groups respond to it, how hospitals respond to it, how courts respond to it and how the broader Victorian community responds to it, which I think is fair. So we do think there is a strong case for review to be put into this bill, which my colleague Ms Crozier will speak about in her contribution.

The bill was drafted, no doubt, with the best of intentions, but I do think we need to have accountability to make sure that the changes we expect it to have happen, and if they do not, we need to understand

why and fix it. We could argue over whether 12 months or two years or three years is the right period of time to let these laws operate before we have a review, but given the Parliament did agree across the chamber to have a review in two years in relation to bail changes, we believe that two years is an appropriate period of time. I would urge all colleagues in this chamber to support those amendments when they are circulated. These are amendments which the family of Joy Rowley have asked for, and they are amendments that I am very supportive of. The opposition puts them forward in a spirit of goodwill, and we hope they are taken up in the same spirit.

This is a very, very important bill. As I mentioned earlier, it is a bill that has been coming for too long. The family have been waiting for too long. We had a coroner's report in 2018 and a commitment in 2019 and it has only just reached this house now, in late 2023. I pay tribute to Renee, to Aaron, to Nadine, to Les and also mention Les's wife Annalisa and stepson Michael. This has been a very long journey for them. They have worked so hard and given so much of their time and of their emotion so that something good and something positive can come out of something so horrible as the death of Joy Rowley. But we do hope that this law will provide a fitting tribute to Joy and to the work of their family and that it may protect many, many women in this state going forward.

Ryan BATCHELOR (Southern Metropolitan) (16:26): I rise today to speak on the Crimes Amendment (Non-fatal Strangulation) Bill 2023. The path that led to this legislation today obviously comes from many places but one of them is the tragedy that surrounded the death of Victorian woman Joy Rowley in October 2011 when she was strangled to death by her intimate partner. It was not the first time that he had strangled her. Eight months prior to the fatal assault he strangled her to the point of unconsciousness, an incident which she then went on to report to the police. The signs that he was a danger to her were clear early on, and her death could have been or may have been preventable under reforms such as these. Following Joy's death and following the coronial inquest into her death many have been campaigning for the introduction of a non-fatal strangulation offence to ensure that this never happens to anyone ever again. The coronial inquest into Joy's death observed that a standalone offence could assist to ensure the act is acknowledged for the risk that it poses to victim-survivors of these incidents. The Labor government has listened to these calls for change, and the legislation before us today will, we hope, help save lives and protect vulnerable Victorians.

The bill will introduce two new indictable offences: one of intentional non-fatal strangulation against a family member under the Crimes Act 1958, and this includes an offence of intentional non-fatal strangulation against a family member as defined in the Family Violence Protection Act 2008 and has a maximum penalty of five years in prison; and secondly, an offence of intentional non-fatal strangulation against a family member which intentionally causes injury, which has a maximum penalty of 10 years imprisonment. The second of the two, the more serious of the offences relating to non-fatal strangulation, will ensure that this act is recognised as an act of family violence for the purposes of family violence intervention orders, the consideration of bail applications and the protections for witnesses giving evidence. It is an important acknowledgement to make in law that these acts are ones of family violence and of the connection that these acts of non-fatal strangulation have to behaviours that we recognise quite rightly as acts of family violence. It is important that the regime that has been established under law and in the Family Violence Protection Act and more broadly gives appropriate recognition to these acts as ones of family violence.

There will be a consent defence available under these reforms for the five-year offence to provide protection for people who engage in genuinely consensual non-fatal strangulation during sexual activity and when no intentional injury has occurred. In this context it will be an affirmative consent defence to guarantee the same rigorous victim-centred consent standards that apply in sexual offences also apply to sexual non-fatal strangulation.

We understand that by establishing non-fatal strangulation as a standalone offence we can provide a very clear indication to the Victorian community of the severity of this conduct in family violence contexts, because there is a growing body of research backing the dangers of this sort of behaviour, and it deserves and warrants action. We have had research in South Australia which found that women

who survive non-fatal strangulation are seven times more likely to be killed by their partner in the future. In 2019 this state Labor government recognised the role that non-fatal strangulation plays in family violence and therefore as something that needed to be dealt with as part of our ongoing commitment to ending family violence here in Victoria. We committed in the 2019 community safety statement to introducing a standalone offence of that contemplated in this legislation.

So the legislation before us today follows through on these commitments and takes meaningful action to address these issues. We hope that it will provide Victorians experiencing family violence – people in situations like Joy Rowley found herself in preceding her death and many, many others – with greater protection and greater security. They come as yet another and a further example of this government's commitment to ending family violence, to protecting the victim-survivors of family violence in our state, to holding perpetrators accountable for their actions and to being part of the shift that is required across our community about what is acceptable behaviour and what is not. The importance of these measures and the importance of legislation such as this is not just confined to those circumstances that it seeks to prevent in the primary instance – and of course they are important – but is also about sending important community-wide messages about the sorts of behaviour that are acceptable and about those that are not.

As part of the prevention of family violence, this bill is also so powerful because it demonstrates again that in a range of settings we need to say that certain behaviours are not acceptable and that the practice of using non-fatal strangulation, principally in circumstances where intentional harm has been caused, is a serious matter of family violence that should be dealt with. Therefore in that context of Victoria's significant leadership both nationally and globally with our family violence agenda, the amendments that this bill proposes to the Crimes Act have been warmly welcomed by a diverse range of key stakeholders and groups including Joy Rowley's children and also Victoria Police, Safe and Equal, domestic violence services and Safe Steps Family Violence Response Centre, among others. With a range of legal and medical studies emphasising the importance of preventing strangulation in the context of responding to family violence, we know that we cannot allow it to continue. The evidence is quite clear on this that the act is established as a predictive risk factor for future severe domestic violence and, sadly, homicide and is commonly alleged by women who have experienced family violence.

Victims of non-fatal strangulation can experience a diverse range of long-term health effects as a consequence of the act. They often report a range of clinical symptoms, including neurological and psychiatric symptoms such as loss of consciousness, paralysis, loss of sensation, vision changes, memory loss, anxiety and post-traumatic stress disorder. It is a dangerous act in and of itself, but it is also a red flag for future risk. The bill includes critical reforms which have been developed to protect victim-survivors, including those who may not sustain visible injuries. We know that the signs of family violence are often not obvious on the outside, but they do exist and it does harm no matter whether we can see physical signs or not.

Importantly, as part of the response, the bill seeks to hold perpetrators accountable for their actions. I have spoken previously in this place about the importance of everyone – but especially men, as in many circumstances it will be men undertaking these sorts of activities – being held accountable for their actions in intimate partner settings. They need to know that when they do things like intentionally strangle their partner it is not an acceptable act and it is in fact a crime which is punishable and they will be punished. I say this because we know from the evidence that this offence will disproportionately affect women and it is indicative of generally problematic behavioural patterns that often in isolation may not provide a full picture of the extent of the violence that is being perpetrated against an individual, but taken collectively all of these various acts, when we see them together, demonstrate a pattern of serious risk that needs to be prevented.

We know that family violence continues to be a scourge in our community. The number of family violence incidents recorded by Victoria Police increased by 6.7 per cent between 2018–19 and 2019–20. We cannot ignore and cannot let go unremarked the gendered nature of family and intimate

partner violence. According to Safe and Equal, here in Australia approximately one in four women experience violence by an intimate partner, compared to only one in 13 men.

It is important that this bill is being considered and this debate is occurring at the beginning of the 16 Days of Activism Against Gender-Based Violence in our community. The 16 days of activism is a global campaign led by UN women that seeks to highlight through continuous activism across the 16 days the continuing and ongoing problem that gendered violence is. I made a contribution about this in the last sitting week. We have seen too many women die at the hands of men who are known to them in Australia this year and in recent weeks. It is a problem that is not going away, and it is a problem that deserves our ongoing attention.

That is why with our family violence reforms and our family violence laws and the actions that we need to take to prevent family violence we can never rest and say that we have done enough until the violence has ended. It is why these laws are important and the next wave of laws that we will consider will be important – to better protect particularly women, who are disproportionately affected by family violence and who are disproportionately the victims and survivors of family violence. We cannot rest as governments and as legislators until we have done all that we can to ensure that this is stamped out, which is why the legislation before us seeking to get rid of non-fatal strangulation is important, because it is becoming a more common, it seems, form of violence and is reported significantly by between 25 and 30 per cent of family violence victim-survivors.

University of Melbourne law researcher Heather Douglas found that a person who has experienced strangulation from their abusive partner is six or seven times more likely than other victim-survivors of family violence to experience serious harm or even death in the weeks or months that follow. She further found that some 15 per cent of deaths attributed to family violence are caused by strangulation and that short-term injuries are also common, including bruising and nausea. It is estimated that in around 50 per cent of non-fatal strangulation cases victim-survivors show no visible injuries even when they have lost consciousness.

These reforms are an important step in recognising the specific risks and harms associated with this type of behaviour and creating awareness around the issue. It aligns with the gender equality strategy and action plan 2023. Not only is it part of our action plan, but in following through we are delivering and implementing these commitments to ensure that the law that we have in the state of Victoria reflects all that we can do to make sure that we are working for a future free of family and intimate partner violence, a future where everyone can be safe in their own home.

This bill will make important changes to the Crimes Act and the criminal law here in Victoria. It is very appropriate that the Parliament considers these issues during the 16 days of activism as a demonstration of our ongoing and active commitment to ending gender-based violence in our community.

Jeff BOURMAN (Eastern Victoria) (16:41): I rise today to speak on the Crimes Amendment (Non-fatal Strangulation) Bill 2023. As anyone that has done law enforcement knows, these sorts of things are way too prevalent in our society, and I am glad to see that the government is dealing with this particularly in the context of family violence. But I think this is an opportunity where it could have been expanded somewhat, and I think the government has possibly missed the opportunity to make it so that it is not just among family members. The number of people that are assaulted in a sexual way but not actually raped by strangers is probably more than we would care to admit, the issue being that if they are not actually raped – and I found it very strange – a lot of people are very hesitant to report crimes like that, when ‘nothing actually happened’. My view obviously is that if something like that happens, if someone has done it once, they will do it again.

I have got amendments to this. I am not going to move them until we get to the committee stage, but basically I want to expand on what this bill attends to. At the moment it applies basically, really, to paraphrase it, to close family members. I think it should be to the whole community, because the issue

is strangulation, not necessarily strangulation of just close family members. A random person that commits an offence exactly the same as this bill covers is not actually covered by it, and I think it is an opportunity missed by the government. My approach is a bit of a middle ground. The way that the Office of the Chief Parliamentary Counsel have crafted the amendments is to try not to overdo it where there are situations. It has been a very difficult one, and I do apologise to the chamber. It took up until basically before I walked in here to get a copy of the amendments to present, but I am trying to find a middle ground while we can do it. We are trying to avoid inappropriate criminalisation. What I have proposed in these amendments is actually less than what is in some other jurisdictions. It will not criminalise consensual sexual acts where there is no intent to cause injury, because the consent obviously is a defence. Obviously if it is consensual – I am going back to my training, which was in 1996 – to a large degree consent is a defence.

I will keep my comments brief because, as I said, I only got these amendments not so long ago, and I am still trying to take them around. But what I would suggest is that this is an opportunity missed by the government, where at the moment it really only applies to close family members, and offences of this nature, quite horrifically, are not just confined to close family members. Random people doing these things, even if it happens once, is way too common. I think, as I said at the beginning of this, this is an opportunity – and I have not, to be fair to them, had the opportunity to go through this in detail – but I think the government could have had the opportunity to sort out a ground that covers everyone and not just kept it in the confines that they have. So during the committee phase I will be presenting the amendments in a bit of a more fulsome manner when I have had time to go through and talk to other people in the chamber, but at this stage I will wrap up my contribution there, and I will obviously ask for people to vote for my amendments.

Georgie CROZIER (Southern Metropolitan) (16:45): I rise to speak to this important bill, the Crimes Amendment (Non-fatal Strangulation) Bill 2023. Looking at the issues we have been speaking about today, as we know family violence is a scourge. It is affecting way too many women, way too many Victorians. I was just checking when you called me, Acting President, on the latest crime stats, and to see those figures just increasing and continuing to increase shows that family violence incidents are way too prevalent. Despite the efforts of governments at all levels, there are still too many issues, and one is the terrible statistics around women who are murdered at the hands of partners and of family members.

As I said, I want to speak to this important bill, but I want to make a few comments. Firstly, as others have indicated, this bill does a couple of things. It amends the Crimes Act 1958 to provide for two non-fatal strangulation offences and makes consequential amendments to the Family Violence Protection Act 2008. Its real purpose is to make the issue of non-fatal strangulation committed against a family member a standalone offence, and up until this point Victoria, unbelievably, has been the only state that does not have a non-fatal strangulation law. It was something that I, when I was previously the Shadow Minister for Family Violence, took a policy to the 2018 election on. We took this policy, and disappointingly the government at the time and the minister at the time absolutely pooh-poohed this policy. Well, here we are now five years later and the government is bringing in exactly the same non-fatal strangulation bill that we are debating today. What I was proposing was that non-fatal strangulation, choking and suffocation in a domestic setting be made a criminal offence, and together with then leader Matthew Guy we spoke about the shocking statistics around this issue in Victoria. As I have just said, they are not getting any better. They are getting worse, incredibly. It was very disappointing that, as I said, the former minister did not support aspects of this and quite frankly at the time basically pooh-poohed the whole consideration.

As we know, it is complex. Family violence is complex. There is no single solution to family violence, and it does affect people in different ways. Something so horrific as non-fatal strangulation has a huge impact on those people that survive that abuse from family members or an intimate partner. I remember when we did this at the time hearing of these issues and hearing from survivors, and that is why we wanted to bring in this policy and that is why we did bring in this policy. It was an important

policy to recognise exactly what was happening and to understand exactly how it impacted those victims of non-fatal strangulation. At the time, I made the point that Queensland had had this law in place since 2016, so I was saying to the then Andrews government, ‘Come on, get on and do this. You’ve had a royal commission; you’ve made a big song and dance about that. You said you’re getting on with it.’ Well, you had every opportunity, and I say again that you have had so many years to do this and now we are in 2023 talking about it yet again.

My colleague Michael O’Brien spoke about that in his excellent contribution. I would urge people to read his contribution, because he sets out exactly what this bill is achieving and the history behind the bill. He refers to Joy Rowley, as others have also referenced, and the terrible circumstances around Joy Rowley and the family, who have been really advocating on her behalf. That was a shocking situation where she was murdered at the hands of her partner. He boarded with her and then became her partner. An inquest was taken up after advocacy by the family and friends, and the coroner looked into this case and made some very powerful recommendations. I really do think that that has been an extraordinary effort by that family of Joy Rowley to be able to say that we are in the Parliament now talking about this very important legislation off the back of the tragic circumstances that occurred and what they had to do. But it goes to the point: what on earth has this government been doing around something that could have been implemented years ago? They have not done it. As I have said, this was a policy that we took to the 2018 election five years ago.

I want to just make note of a couple of things that Mr O’Brien said. I do not know that we have got the coalition amendments yet. They are coming; I will keep talking. We have got them? Excellent. I will get to our amendments. When Mr O’Brien made the point in his contribution, he spoke about a couple of issues with this bill and he spoke about the definition of ‘family member’. ‘Family member’ is given the same definition as in section 8 of the Family Violence Protection Act. The broader definition includes current or former spouses, domestic partners, intimate personal relationships which do not have to be sexual in nature, children and parents – including stepchildren, stepparents and other relatives in some circumstances – and any other person reasonably regarded as being like a family member. This definition includes housemates that share household expenses. Whether two people meet this definition will be determined on the individual facts and circumstances. In Mr O’Brien’s contribution he made that point about the instance of being in a nightclub. I just want to read this in because I think it is important, so I am going to quote from Mr O’Brien’s contribution:

The example that was put forward in the bill briefing – and I am grateful to the Attorney’s office; they have always been very helpful in arranging bill briefings on these sorts of matters –

that is excellent, thank you –

was if a man in a nightclub grabs his girlfriend around the neck aggressively and says ‘Right, we’re going home’, that would be an offence under this bill because, being intimate partners, they are family members. If a man at a nightclub had his advances rebuffed by a woman and he then grabbed her by the neck aggressively, that would not be an offence under this bill. It would be an offence under some other bill – it could be common assault, but that has got a much lower penalty than do these non-fatal strangulation standalone offences.

His point is: shouldn’t the same bad act be punished equivalently under the law? I do think that is a terribly important point. Having had a conversation with Mr Bourman – I have not had time to look at his amendments in full – he was basically saying the same thing with his amendments. How is it determined? These bad acts – shouldn’t they be seen under the law in the same way? I do think that is a terribly important component of what Mr O’Brien was raising in his speech. Why has the government failed to address that? Their point probably is that this is around family violence. But if you look at their definition, which goes to housemates when they are sharing expenses and doing other things, then it does broaden it out and it does become quite odd that the instance I described would not be deemed to be the same thing under the law.

I would just like to go to another point that Mr O’Brien made in terms of the definitions again. Where we are talking about ‘chokes, strangles or suffocates’ it includes applying pressure to the front or sides

of a person's neck; obstructing any part of, or interfering with the operation of, a person's respiratory system or accessory systems of respiration; or impeding a person's respiration. They are the definitions around 'chokes, strangles or suffocates'. But that is the point I made before: if somebody is approaching you and you do that, why isn't it applied in the same manner? I will be interested to understand what the government might have to say about that if the minister could take that on notice and possibly provide some clarification; otherwise, we can always go into committee. But getting back to this bill in my final few minutes that I have, Mr O'Brien in the Assembly circulated his amendments, and I would like to also ask that the amendments be circulated in this chamber, please.

Amendments circulated pursuant to standing orders.

Georgie CROZIER: What we are really asking with these amendments is that they provide for a review of the changes implemented in the bill after two years, so after two years of operation a review is undertaken by the Attorney-General and once that review is concluded, within a six-month period of time after that two-year anniversary, it is then tabled in the house. That is a sensible amendment. It really does go to the points that we want to get this right and we think it is important that this bill is in place. As I said, we had a policy back in 2018 on non-fatal strangulation. It was what we took to the 2018 election, and we want to see that we get this right by this review process given that there are situations and areas of concern that have been raised on how the bill will actually operate in effect. It is not a big ask. It is a sensible ask, and I would urge that all members support the amendment.

In conclusion, can I say again I think everybody is of the view that this sort of violence is unacceptable in any form, that family violence statistics are way too high in Victoria and that we need to be sending a strong message to those perpetrators who undertake such acts to say that we are not tolerating this, we have got zero tolerance for it and they will be punished for these acts. That is partly what this legislation will do. I urge the government to consider our amendments and support them in a sensible way. Let us all hope that we can stamp out the very real threats for too many women and keep them safe in whatever way we possibly can.

Jacinta ERMACORA (Western Victoria) (16:58): I am proud to add my voice in support of this important piece of legislation, the Crimes Amendment (Non-fatal Strangulation) Bill 2023. Fittingly, we are debating this bill during the 16 Days of Activism Against Gender-Based Violence. It is absolutely marvellous to see so many people wearing a touch of orange, whether it is ranging from a peachy colour through to perhaps my own bright orange and everything in between. There are orange scarves, there are orange badges, there are orange dresses and also Mr Tarlamis, who takes it to another whole level, and that is very impressive. This global campaign of 16 days of activism began in 1991 and remains as necessary today as it was 30 years ago, because despite an increase in awareness and action, gender-based violence continues to cost women's lives. This year 53 women have died because of violence in Australia – 53 women who were not safe in their homes, on our streets, even in their own workplaces. It is also worth noting that this is the figure to date, with family violence peaking over the Christmas and New Year period.

Then there is an even bigger set of numbers that demonstrate just how disturbingly common gender-based violence is. In 2021–22, 5606 women required hospitalisation as a result of domestic or family violence. That is an average of 15 women every day. One in four women over the age of 15 has experienced intimate partner violence, and across Australia intimate partner violence contributes to more death, disability and illness in women 44 years and under than any other single preventable risk factor. Just to rephrase that, if you are 44 years of age or younger, you are more likely to be impacted, disabled, have illness caused or die as a result of intimate partner violence than you are of any other illness.

In isolation these figures are damning, and together they add up to a much bigger and more terrible truth. I must say that most of the survivors of sexual assault who came to the South Western Centre Against Sexual Assault when I was there reported their first experience of sexual assault under the age of 16 – it was about 72 per cent or thereabouts, if my memory is correct – and under the age of 18, up

to 18, it went up to more than 90 per cent. So just even looking at the sexual assault figures, that story says that sexual assault happens within families in a family context; it is about young women. Most of the work I did was with teenage girls and adult women. The devastation and impact on their lives were indescribable really.

Still, even in 2023, women and girls are not assured the safety and respect that they deserve. It should be said that overwhelmingly this is an issue that impacts women and girls. As the Minister for Prevention of Family Violence said in the other chamber, we know that family violence happens in LGBTIQ+ families, we know it happens in intergenerational families and, increasingly, to senior Australians, but mostly it is a crime perpetrated by men against women. In many instances it is a form of coercive control – in fact the control element is the defining characteristic – an implicit threat of escalation. That is what these children and mostly women – not all women but mostly women – live with hour by hour, minute by minute: the threat of escalation. What might start as so-called lower level acts of aggression begin to build, becoming increasingly more violent and intimidating. As the Royal Commission into Family Violence put it, violence becomes a pattern rather than an event.

One of the commission's victim statements described this sinister escalation in detail:

It was a whirlwind romance –

she said –

... he won me over with his charm and intelligence, putting me on a pedestal. We ... moved [in] together within a few weeks of dating. The abuse wasn't immediate but started to show around six months into the relationship. It was an insidious creep of abuse. So slow that I just thought it was a normal part of a relationship.

The commission also detailed some of the well-known warning signs – risk factors that are likely to indicate a significant or increased danger to a woman's life. Some of the clues: strict sex role stereotyping of tasks and roles within a relationship is evidenced to be one of these signs; complete exclusion from any financial management; we debated this issue not that long ago – cruelty to animals, so vets are sometimes picking up signs of family violence; and of course, the topic of this piece of legislation, high on the list is non-fatal strangulation. As a form of abuse strangulation is rarely an isolated incident. Instead it often represents a ticking time bomb. It is why this legislation is before us. This bill reflects research that shows that women who are strangled by their partners are much more likely to be murdered by their partners. In fact they are seven times more likely to be murdered or seriously injured. It is why under these reforms two new standalone offences will be created: the first, a serious offence of non-fatal strangulation where a perpetrator intentionally causes injury, carrying a maximum penalty of 10 years; and the second, an offence of intentional non-fatal strangulation, which will not require proof of injury and carries a maximum of five years.

I want to take a moment to talk about the aspect of the second offence not requiring evidence of injury and why it matters. To me, Ellen's story tells it well. A survivor of strangulation, Ellen bravely shared her experience with the Queensland Centre for Domestic and Family Violence Research, and I repeat her words here today:

He was very aware of what he was doing. It wasn't like some fit of rage ... He knew that he had created the fear. He knew exactly where to push ... against my neck, which would create that choking sensation. He knew exactly how long to choke for. It was very premeditated, and it all happens in an instant, nobody knows when – there's ... no evidence of it.

Because that is the reality of this form of violence: mostly it happens behind closed doors. In an estimated 50 per cent of cases it does not leave visible injury, but that does not mean it does not leave a mark. We know that non-fatal strangulation can cause a number of hidden and ongoing issues, including brain damage, blood clots and an increased risk of stroke. Then there are the mental injuries: post-traumatic stress, anxiety, panic disorders, memory loss, much of it debilitating and enduring. The introduction of these two standalone offences will ensure that those who inflict these kinds of injuries are held to account. It will also help those working in our justice system, providing a clear indication

to police and community service practitioners of escalating violence and giving them the opportunity to respond. That is what is important.

I have seen firsthand the very real need to support victim-survivors in my previous role as a counsellor advocate, as most in this chamber know. I also saw firsthand the very real and meaningful impact of our government's reforms, at long last giving family violence the focus and funding it deserves. That includes delivering our nation's first Royal Commission into Family Violence and all of its 227 recommendations. Six years on from the commission the government has invested more than \$3.7 billion to prevent and respond to family violence – more than every other state and territory combined – providing 18 Orange Doors and also delivering the nation's first dedicated prevention agency, Respect Victoria. In 2000 Victorian schools the Allan government has delivered the Respectful Relationships program. This month I had the great pleasure and honour to host the regional launch of the Victorian gender equality strategy alongside our state's Minister for Women Natalie Hutchins. What we are doing is so much more than a tick-box exercise.

This strategy is about achieving a real change, addressing the systemic and societal root causes of violence against women because violence against women is experienced in big ways and small. It can express itself as a joke in a pub, a backhanded comment, a blokey culture at work and, at the extreme end, violence, assault and aggravated assault. All of these behaviours, whether we do it ourselves or we fail to speak up against it, form part of a system of oppression and exclusion and abuse of women in our society. This in turn builds as these messages and experiences rob women of their confidence and capability. It is a vicious circle, the cycle of violence that we need to put an end to. Getting there will require a range of long-term and sustained reforms, policy by policy, law by law, community by community. The bill before us represents yet another step forward; importantly, a step forward that will change lives and save lives.

Earlier I shared stories of several other survivors about their experience of family violence and in particular strangulation. I will finish with a short quote from another survivor, Jessica, and I hope it reaches someone who needs it:

The police linked me into a domestic violence outreach program straightaway. That was the first time I realised that I was in a violent relationship.

She goes on to say:

The worker had a questionnaire about our relationship, with 'Healthy' and 'Unhealthy' in different columns. All of my answers were factors that appeared in the 'Unhealthy' column. After completing the questionnaire, the worker said I was in a domestic violence relationship. She said that in seven years of working she had never seen a relationship become so violent so quickly.

In conclusion, I think it is very important to codify and describe and articulate the offences and the behaviours that impact on women's safety, and this is just one of the actions we can take as a community and as legislators to make women and girls in Victoria safer.

Gaelle BROAD (Northern Victoria) (17:13): It is with a heavy heart that I rise to speak on the Crimes Amendment (Non-fatal Strangulation) Bill 2023. The issues highlighted in this bill are very raw and painful for the Bendigo community right now. Members may be aware of the recent horrific family violence incident in Bendigo, which has sparked an outpouring of grief and anger from the local community.

On 29 October Analyn 'Logee' Osias was allegedly fatally assaulted in her own home while her two young daughters were present. She later died in hospital. Her former partner has been charged with murder and is yet to face court. He was on bail at the time. The two children lost their father in a road accident three years ago, and a GoFundMe page has been set up for them. On 2 November a public vigil was held in Bendigo for Logee, who had been a respected member of the Filipino community in central Victoria. In the 10 days leading up to that date, five women, including Logee, had been killed as a result of family violence. Figures show that every week in Australia around one woman is killed

in a family or gendered violence incident. That is every week. This is totally unacceptable, and it does not take into account the number of other women injured and traumatised by violence or emotional, verbal or economic abuse in these shocking incidents.

Researchers from the group Counting Dead Women Australia report that to date 54 women have been killed in Australia this year, the majority allegedly by the violence of men known to them. This issue of family violence is a highly complex one, and I commend the incredible work of the frontline workers already operating in this space. These include police, emergency services workers, court-appointed officials, magistrates, judges and support service providers. But as a community we absolutely must increase our efforts to address it. We simply cannot afford not to do so.

That brings me to the bill before us today. I sincerely hope this bill will go some way to improving the outcomes for victims and survivors of family violence. The bill amends the Crimes Act 1958 to provide for two non-fatal strangulation offences and also makes a consequential amendment to the Family Violence Protection Act 2008. The two non-fatal strangulation offences are as follows. First, an offence of intentional non-fatal strangulation which does not require proof of injury will carry a maximum five-year prison term. A second, more serious, offence of non-fatal strangulation where a perpetrator intentionally causes injury will be created with a maximum penalty of 10 years. Put simply, the purpose of the bill is to make non-fatal strangulation committed against a family member a standalone offence.

This change is already well overdue. After the coronial inquest into the death of Joy Rowley, the 2018 report states:

The introduction of a stand-alone offence for strangulation, suffocation or choking in Victoria may significantly help to ensure strangulation is treated commensurate with the risk it poses to victims, and remove the need to prove particular bodily harm or intent to cause injury. Such an offence will more effectively hold perpetrators to account for serious offending. Further, the new offence may build further awareness of the dangers and potential lethality of strangulation among police members, courts and community services practitioners.

Victoria Police has previously indicated its support for a standalone offence of strangulation in a family violence context. On 1 July 2019 the Labor government confirmed it would introduce legislation to implement this recommendation. Here we are four years later.

The state government have also been very slow in collecting basic data in relation to family violence in Victoria. At the Public Accounts and Estimates Committee hearings earlier this year the minister confirmed that data would not be available for at least 12 months, and six years after the Royal Commission into Family Violence we still do not know the numbers of family violence victims forced to stay in hotels and for how long. We are also yet to understand the true number of women and children unable to flee violence due to the lack of emergency accommodation or the number of perpetrators who have completed prevention of family violence programs that have reoffended or gone to jail.

Further, there appears to be no evaluation or measure of the effectiveness of prevention of family violence projects and programs being undertaken. The state government appears to have lost a decade of data, which presents a huge setback in resolving family violence and knowing where to direct resources. In Victoria under this government public housing tenants fleeing domestic violence are now waiting nearly two years to be relocated to alternative secure accommodation. They are waiting in motels, caravans and tents or couch surfing. I know that Cindy McLeish, the member for Eildon in northern Victoria and the Shadow Minister for the Prevention of Family Violence, has raised concerns that there appears to be no evaluation or measure of the effectiveness of prevention of family violence projects and programs being undertaken.

I visited the Centre for Non-Violence (CNV), which has its headquarters in Bendigo. They are overwhelmed by the demand for assistance. They provide services across central and northern Victoria for those experiencing a gendered or family violence crisis. The CEO of the Centre for Non-Violence,

Margaret Augerinos said strangulation is a prevalent and gendered form of violence. In the feedback I received from the Centre for Non-Violence about these laws they said that there is unequivocal evidence through the data that non-fatal strangulation is one of the red flags for those most at risk of future abuse, harm and in some cases homicide.

A study undertaken by the University of Melbourne and the University of Queensland found that up to three-quarters of women escaping domestic and family violence and residing in shelters reported experiences of non-fatal strangulation from their previous partner. Police, prosecutors, lawyers, service providers and victims often overlook or misidentify strangulation, and this is a concern because the act is both extremely dangerous and a risk factor for future serious harm and death. CNV reports that if a victim-survivor experiences strangulation from an abusive partner, they are at least six to seven times more likely than other victim-survivors of family violence to experience death or serious harm in the weeks that follow. As it stands, strangulation is charged simply as an assault in Victoria, which does not adequately reflect the seriousness of the offence. To date Victoria is the only state to not have strangulation as a standalone offence. In other parts of the country the introduction of the offence has significantly improved frontline workers' knowledge of the risks and harms of NFS.

I note that there are many facets to family violence. It is a highly complex and disturbing issue, but we must do what we can. We need to call out disrespectful and aggressive behaviour and sexism, we need to keep an eye out for controlling and coercive behaviour and we need to support victims of family violence. Men and women need to step up and challenge unacceptable behaviours. Last Friday people gathered at the Bendigo town hall to mark the launch of the global campaign 16 Days of Activism Against Gender-Based Violence. This program of events will run until 10 December, and today I joined with other MPs in Queen's Hall to stand against gender-based violence. Pairs of orange shoes were placed for each woman lost to family violence so far this year.

There are no easy answers to these complex and distressing issues, but we must do what we can to move towards better outcomes for the women and children still trapped in a web of family violence today. We owe it to all of them, and we owe it to Logee and her daughters. In closing, we are seeking to amend the bill to require a statutory review of its implementation after two years of operation and for this review to occur within six months and to be tabled in both houses of Parliament.

Michael GALEA (South-Eastern Metropolitan) (17:22): I also rise today to speak on this bill, the Crimes Amendment (Non-fatal Strangulation) Bill 2023, and in doing so acknowledge that just in the last hour or so this chamber did pass a very significant bill, which I also had the opportunity to speak on earlier today, and I am very, very glad to see that that bill went through with the unanimous support of this chamber, as it should. I know this will be of great comfort to a lot of people – people that are here today and people in the wider community as well. So I would like to just take a minute to acknowledge that.

The bill before us today here is also very important. Saturday, as other speakers have mentioned, was International Day for the Elimination of Violence Against Women and the beginning of the 16 Days of Activism Against Gender-Based Violence. Ending the scourge of violence against women and gender-based violence in all its forms is rightfully a persistent and ongoing goal for our society and an ongoing goal for this government. During the debate in the other place not two weeks ago, members referred to the number of women who have died violently in Australia this year – 47. Forty-seven women murdered at the hands of others – 47 women this year, but today, not two weeks later, according to Counting Dead Women, that number is now 53. Fifty-three women have died violently in Australia this year, after the alleged murder of four women in South Australia last week. Each and every single death is a tragedy, and 53 lives lost is genuinely heartbreaking and beyond unacceptable. More needs to be done.

Many colleagues, me included, were dressed in orange earlier today in recognition of the 16 days of action, and as I believe Dr Heath referred to in a previous contribution today, we saw the orange shoes

in Queen's Hall, and what a moving site that was, each pair representing one of these victims. Each one of those shoes is one too many.

This bill will establish non-fatal strangulation as a standalone offence, and it provides a clear indication to the Victorian community of the severity of this conduct when it occurs in family violence contexts. These reforms have been developed to protect victim-survivors better, including those who may not sustain any visible injuries, and to hold perpetrators to account who use strangulation to exert power and control over their family members. As the minister has pointed out, in almost all cases instances of non-fatal strangulation are not isolated events and are generally symptomatic of an escalating pattern of coercive and controlling behaviour. In situations of family violence when strangulation is involved, this act is part of a pattern of escalating abuse that often leads to dire consequences. Creating these new and specific offences means taking a firm stance against these dangerous and unacceptable acts. The government has listened to families affected by these acts and is taking swift action to institute these reforms to address non-fatal strangulation better.

The evidence is clear – non-fatal strangulation is a dangerous and potentially life-threatening form of offending. Women who survive these ordeals are seven times more likely to be seriously injured or murdered by that partner. I also, along with others in this chamber, want to take this opportunity to acknowledge the tireless advocacy of the family of the late Joy Maree Rowley. Joy was tragically murdered by strangulation and suffocation in 2011. Her killer had non-fatally strangled her on at least one occasion before her death. Joy's children Aaron, Nadine and Renee and their father Les have campaigned tirelessly for the creation of an offence that would better respond to and reflect the risks of non-fatal strangulation.

This particular crime, non-fatal strangulation, is currently captured by existing criminal offences, including under common assault, assault with an intent to commit a sexual offence and intentionally or recklessly causing injury. However, these offences are broad and are not specific to the offence level and particular risks associated with this particular act. These standalone offences need to be created in Victoria. It will enable greater monitoring of the impact and of the risks of these acts and offenders. It will also remove barriers to identifying, reporting and prosecuting these violent and dangerous acts in a manner that accounts for the severe nature of this form of family violence.

Non-fatal strangulation has significant health risks even when injury is not intended but especially when injury results and is intentionally caused. Risks include blood clots, which may directly result in a stroke and possibly lasting brain damage. There is a real possibility of these acts resulting in a long-term physical disability, which is not to even go into the mental distress which is caused by these despicable acts. We know that these risks are real. People in our communities today are living with the kinds of lasting mental and physical injury and disability that are the result of being strangled by their partner or family member. Tragically there are too many people no longer with us who have lost their lives. These reforms are essential to addressing the unique risks of non-fatal strangulation and to helping tackle the pervasive scourge of family violence.

Family violence remains the number one law and order issue in the state. In this debate it is really important for us to consider and also reflect on the horrifying data when it comes to family violence. On average, one woman a week in Australia is killed by her current or former intimate partner. Approximately 60 per cent of adult female victims of homicide in Australia were killed at the hands of their current or former intimate partner, according to the National Homicide Monitoring Program. ABS data indicates that one in five Australian adults have experienced violence, emotional abuse or economic abuse by a partner. That same survey found that more than a quarter of women, compared to 15 per cent of men, are experiencing partner violence or abuse or have done from the age of 15 onwards. It also found that almost a quarter of women, 2.3 million, experienced emotional abuse compared to 14 per cent of men. In Victoria 39 per cent of women have experienced physical or sexual violence since the age of 15, and around 26 per cent of women in Victoria have experienced partner violence, including emotional, physical, sexual and economic abuse. These are confronting and concerning statistics, and they represent the pressing challenge that faces us today.

This is a government that has been steadfast in working towards the eradication of family violence in our state. We have, as many in this chamber will know, invested about \$2.7 billion to address family violence over the past nine years. Beyond financial support, the government has also recently introduced the 2023–27 gender equality strategy. The plan describes domestic, family and sexual violence as a problem of epidemic proportions and outlines the need for a more concerted effort and increased investment across the four critical areas of prevention, early intervention, response and recovery.

The two new offences introduced in this bill will amend the Crimes Act 1958 to address the two critical degrees of offending. These two offences will implement maximum penalties for non-fatal strangulation that reflect the relatively severe and dangerous forms of family violence that they are. The first provides for an offence of non-fatal strangulation committed against a family member, with a maximum penalty of five years imprisonment. The second provides for an offence of non-fatal strangulation committed against a family member which intentionally causes injury, and this has a maximum penalty of 10 years imprisonment.

In prohibiting non-fatal strangulation explicitly, the offences in this bill will prohibit choking, strangling and suffocating. This includes applying pressure to the front or sides of the neck, obstructing or interfering with a person's respiratory system or impeding respiration. For both the five- and 10-year offences there is a requirement for intent to engage in the broadly defined conduct of choking, strangling or suffocating, which includes applying pressure to the neck. This requirement is important in preventing the application of this offence to acts that are genuine accidents and provides defences for instances where the act was not intended to result in suffocation, such as a scenario where two family members are arguing and one family member places a hand over the other family member's mouth to stop them speaking. The reforms in this bill are designed to ensure that the two new offences target the most egregious forms of this offending and are consistent with the existing offences that carry comparable penalties. The requirement for the injury to be intentionally caused is also consistent with the approach taken by most jurisdictions with similar standalone non-fatal strangulation offences. As other speakers have gone into, there are a wide range of examples from those other jurisdictions as well.

In closing, this is an issue which a significant amount of resources has already gone into across the space of domestic and family violence, and this bill today is one more very big, important step forward for us. Across our communities, across Victoria, each and every one of us has a role to play when it comes to calling out behaviours and attitudes that lead to disrespect and violence towards women. Family violence in all its forms must be addressed actively and persistently. There are many, many organisations in my community which do wonderful work when it comes to this space, including Wellsprings for Women based in the Dandenong area as well as the Women's Spirit Project based in Frankston. The member for Narre Warren South and I recently had the chance to join with them at one of their circles, with a group of quite frankly incredible women who have overcome some horrific obstacles and are being supported by the program offered by the Women's Spirit Project. To be part of that and to hear from them and to hear of the importance of strong support networks such as the Women's Spirit Project was quite frankly nothing short of immensely powerful and left quite an impression on both the member for Narre Warren South and me. There are many, many such organisations that do amazing work in this space, and I would also like to take the opportunity to acknowledge them as well.

Last year of course as well all states and territories signed on to a national plan to end violence against women and children within one generation, which includes the target of reducing the number of women killed by 25 per cent each year. This government is committed to further and more reforms in this space, and the bill before us today is one very strong example of that. The two offences introduced in this bill are critical to better addressing family violence in this state and ensuring that victims of these offences are protected from the escalating control, violence and harm that often results in instances of non-fatal strangulation when they are left unanswered. I commend this bill to the house.

Renee HEATH (Eastern Victoria) (17:35): I rise to speak in relation to the Crimes Amendment (Non-fatal Strangulation) Bill 2023. The purpose of this bill is to amend the Crimes Act 1958 to provide for two non-fatal strangulation offences: (1) non-fatal strangulation and (2) non-fatal strangulation intentionally causing injury. The purpose of this bill is to make non-fatal strangulation committed against a family member a standalone offence. I was amazed when I learned that Victoria is currently the only state in Australia that does not have specific strangulation laws. The need for stronger laws for non-fatal strangulation cannot be stressed enough. It is rarely an isolated event. Fifteen per cent of deaths attributed to family violence are caused by strangulation, and the data shows that somebody who survives non-fatal strangulation by a current or former intimate partner is seven times more likely to be seriously injured or murdered by that partner. We need early intervention, and we need to make sure that there are structures in the law to allow for that, disappointingly, because Victoria is the only state without a specific offence for non-fatal strangulation and there were calls for these laws to be increased after the murder of Joy Rowley in 2011.

Joy was a mother of three who was murdered by a former intimate partner. Her murder came despite the fact that she called the police multiple times in the previous eight months to report strangulation attacks by her partner and other breaches of family protection orders. This is a devastation, and our insufficient laws really have let her and her family down. Eight months before her death Joy was choked unconscious by her intimate partner. The inquest into her death recommended a standalone offence for non-fatal strangulation, and the Rowley family have tirelessly campaigned for the introduction of this sort of bill. The recommendation came in July 2018, yet we are in 2023 and the government has just decided now to bring this to pass. The Liberals and the Nationals had committed to passing legislation back in 2018, and the former Minister for Police Lisa Neville assured Victorians in July 2019 that the government would pass these laws.

The bill amends the Crimes Act by providing two new offences relating to non-fatal strangulation and inserts the term ‘chokes, strangles or suffocates’, defined as:

applying pressure to the front or side of a person’s neck;

obstructing any part of, or interfering with the operation of, a person’s respiratory system or accessory systems of respiration –

or –

impeding a person’s respiration ...

New section 34AD introduces an offence of non-fatal strangulation intentionally causing injury and new section 34AE introduces the offence of non-fatal strangulation.

The research is quite frightening, and it is quite clear when it comes to family violence. Abusers often use physical intimidation tactics to intimidate, control and break down their victim’s confidence. Of course we also know that somebody who survives non-fatal strangulation is seven times more likely to be seriously injured or murdered. But I just want to bring up that there are two levels of abuse happening here. The first is quite obvious, and it is a physical level of abuse. We talk about that. It is what happens physically to the person, and it can be measured in that way. The second one is the psychological level, and I think that it can be equally as damaging. Both need to be taken extremely seriously, and we need to have pathways for these victims to leave, to get out of these situations, and also pathways to rehabilitate the perpetrator.

I strongly support this bill. Violence and abuse come in many shapes and forms, and we cannot minimise strangulation because it is non-fatal, because the fear and intimidation that these acts induce is damaging and long lasting. I commend this bill to the house.

John BERGER (Southern Metropolitan) (17:40): Today I rise to speak on the Crimes Amendment (Non-fatal Strangulation) Bill 2023. The objective of this bill is to introduce the criminalisation of non-fatal strangulation under two new standalone offences. The bill is an effort to address and mitigate the scourge of domestic violence. Currently someone who strangles their current or former partner but

does not kill them can be charged with recklessly or intentionally causing injury or serious injury. However, these offences require the prosecution to prove the person was injured. This creates a barrier against victims coming forward. It is a needless barrier for someone who has already experienced a stressful and traumatic situation, which is why this bill is so important and straightforward.

The bill recognises the need to support victim-survivors in finding their feet. It seeks to give victim-survivors of domestic violence the structures and avenues to address issues early and effectively. This, in addition to our criminal justice system, gives victim-survivors a chance to prevent more severe acts of abuse from happening.

This government believes that nobody should wait until they are visibly injured to receive help. These reforms will amend the Crimes Act 1958, making the offence of non-fatal strangulation in which a perpetrator intentionally causes injury punishable with a maximum penalty of 10 years jail. A lesser offence of intentional non-fatal strangulation, which will not require proof of injury, will carry a maximum penalty of five years jail. The bill will also make consequential amendments to the Family Violence Protection Act 2008 to ensure that non-fatal strangulation is recognised as an act of family violence for the purposes of family violence intervention orders, consideration of bail applications and protection for witnesses giving evidence.

These offences will enhance the protection of victim-survivors. The bill will more effectively hold offenders accountable and provide a clearer indication to police and community service practitioners of escalating family violence, and it will further raise awareness of the dangers of potential lethal and non-fatal strangulation so that more effective medical, legal and law enforcement responses may be sought. The addition of these new offences builds on our work to protect victim-survivors, hold perpetrators to account and help to change community attitudes towards family violence.

The Victorian government first committed to introducing a standalone non-fatal strangulation offence in the 2019–20 community safety statement. This commitment has been reiterated several times since, including in Parliament and more recently in the 2023–27 gender equality strategy and action plan. Strangulation is a common feature of non-fatal violence against women and is a type of gender violence frequently used as a form of control in the context of domestic violence and sexual assaults. It is gross, it is not on and we must combat it.

While it can easily be fatal, non-fatal strangulation is a key marker for the escalation of violence in a domestic relationship and a strong indicator of future risk of serious harm and death of the victim. Australia's national homicide monitoring program, which commenced in 1989, has identified that approximately 10 per cent of domestic homicide deaths have resulted from strangulation or suffocation since the program commenced. Between 2017 and 2018 alone, strangulation or suffocation by an intimate partner accounted for the deaths of 12 per cent of women. These numbers are startling, to say the least. An act that accounts for one in 10 domestic homicides must be addressed and fought in Victoria with everything we have, yet we must consider the effects of strangulation in circumstances that do not lead to death. Strangulation, even when it does not cause death, can lead to outcomes that range from somewhat bad to catastrophic. This type of gendered violence can have a serious impact on individuals, families and communities and can inflict physical injury, psychological trauma and emotional suffering. Survivors of strangulation suffer not only immediate impacts but potentially delayed and/or long-term consequences such as stroke or blood clot. Victims can be left with permanent disabilities because of the strangulation, and non-fatal strangulation can cause significant emotional and psychological trauma.

Additionally, it should be noted that this bill introduces intentionally broad definitions of strangulation. Word for word the bill reads:

- ... *chokes, strangles or suffocates* includes doing any of the following things –
- (a) applying pressure to the front or sides of a person's neck;

- (b) obstructing any part of, or interfering with the operation of, a person's respiratory system or accessory systems of respiration;
- (c) impeding a person's respiration ...

This feature of the bill was deliberately added due to the performance of similar offences in other jurisdictions in addressing cases of strangulation, especially those that are related to acts of family violence. Many other states have similar offences in place in their criminal laws; however, it is common for these offences to have very narrow definitions of choking, strangling and suffocating. This has resulted in failed prosecutions of perpetrators who by the definitions in this bill would have been found guilty. This is an unacceptable flaw and will not occur in Victoria.

Trials against a victim's abusers are already traumatic for a victim-survivor, and the prospect that many of these cases can be thrown out on a technicality leads to re-traumatising of survivors. This government believes in tackling domestic violence. We are getting serious by ensuring that Victoria's judiciary system does not impose inappropriately high evidentiary requirements for prosecution. We have seen from advocacy and research that someone who survives non-fatal strangulation by a current or former partner is seven times more likely to be seriously injured or murdered by that partner. These reforms have been developed to better protect victim-survivors, including those who may not sustain any visible injuries, and to hold perpetrators to account who use strangulation to exert power and control over their families.

The family of Joy Rowley, who was tragically murdered by strangulation in 2011, have bravely and fiercely advocated for a standalone non-fatal strangulation offence following her death. This bill is aimed at combating these very tragedies. Traumatic events such as these illustrate the opportunity to help improve safety or shape societal norms through legislation. I proudly stand alongside the Allan Labor government, who have recognised the need for new offences that acknowledge this and are working towards ensuring that tragedies such as this cease to exist in our community. The pain and suffering that the family of Joy Rowley have been subjected to in this world is in no way justifiable. Joy should still be with us today. I commend Joy Rowley's family for their tireless advocacy and bravery in ensuring that no other family experiences the hurt that they have and will always endure. The Allan Labor government notes their selfless efforts to prevent tragedies like this from occurring again, and please know that we are listening and acting.

The bill will ensure that Victorians experiencing family violence will have more protection. I echo the sentiments stated by Attorney-General Symes that non-fatal strangulation is rarely an isolated event; rather, it often reveals an ongoing and escalating pattern of coercive and controlling behaviour. Establishing non-fatal strangulation as a standalone offence therefore provides a clear indication to the Victorian community of the severity of this conduct. This will help ensure that these serious crimes are treated proportionally to the risks that they pose to victims.

I would also like to reiterate that it introduces another framework for victims to seek help for their situations. It is imperative, though, to ensure that individuals seeking help to escape their situation have every resource at their disposal. This also means giving our police the means to enforce powers that address the need for action in a domestic violence situation, which is what this bill enacts. It is wrong to allow for the possibility that police could be called out to a domestic abuse situation in which they cannot do anything to meaningfully support an individual at risk of harm. Already fearing for your safety and then hearing a police officer tell you that they cannot do anything is absolutely devastating. Our police exist to protect us, to protect the community. It does not stand to reason that we would not equip our police force to address domestic violence to the best of their ability. Last year nearly a quarter of cases involving violent offences and other offences were associated with domestic abuse, including offences like homicide, assault, sexual assault, abduction, robbery, blackmail, extortion, harassment, stalking and offences related to breach of police and court orders. In 2021 more assaults were related to domestic abuse situations than cases that were not.

These statistics are truly staggering. They become concerning, however, when we look at the ratio of cases that eventuate to police exercising their holding powers. This can mean direction or detention. In 2021–22 there were 90,553 L17 forms submitted. The L17 forms are the paperwork police officers are required to submit after responding to a domestic violence call-out. Of these 90,553 cases, just under 6300 included reports of police exercising their discretion and detention powers. It is important to note that not every domestic abuse situation is best handled through detention. These are often complex issues that can be escalated to tragic ends if mishandled. However, the very low rate of police action indicates that there is a factor preventing police from acting and preventing police from helping victims that need their help the most, which is exactly why the Allan Labor government is taking action to give police the tools to help victims. This is an important step in addressing the scourge of domestic violence in the community.

This bill's impact on government services does not just apply to the Victorian police force. By making non-fatal strangulation an offence, a message is sent to the community services, courts and health providers of the seriousness and the weight of early signs of domestic violence. By debating and talking about this very issue in this place today and, hopefully, receiving a unanimous vote in favour, we are sending a very clear message to the community. Reforms made in this bill will promote awareness of the early signs of domestic abuse and violence, which is an essential part of the victim support process. When concerns are addressed early the victims are less at risk of being more severely harmed and in the worst possible instance losing their lives.

This government has always been committed to tackling domestic violence and getting victims the help they need. It was back in 2015 when the then Andrews Labor government announced the establishment of Australia's first royal commission into domestic violence. This set in motion a list of reforms implemented to support and uplift survivors, protect and help victims and prevent new cases of domestic violence from developing. This government has always recognised the gravity and danger that domestic violence poses to not just Victorians but families everywhere. This is reflected in our broad range of programs that target the unique aggravators in communities with high rates of family violence. From regional to Koori to migrant communities this government has introduced many programs that, in a culturally sensitive manner where appropriate, address the reasons for domestic violence in that community and provide solutions and support to victims and survivors.

The then Andrews Labor government was a loud supporter of the ACTU submission to the Fair Work Commission to include domestic violence leave as a right for all awards. This was introduced earlier this year and will ensure that families struggling with violence in the home will not have to choose between work and keeping their family, children and loved ones safe. Awareness of domestic violence is one of the most important aspects of the solution. Too many suffer in silence, afraid to seek help. This is not acceptable, which is why year after year the Allan Labor government has been committed to promoting information about domestic violence and what it will do if you find yourself being abused. Then of course there is reform updating our criminal justice system to recognise the severity of domestic violence.

I would like to commend several individuals and groups that participated in drafting this bill. I would also like to commend the family of Joy Rowley, who I referenced earlier. Let us all in this chamber hope that this bill may honour their campaign to create a safer Victoria and that there can be some sense of rest knowing that their hard work has led to the construction of a bill that will prevent another Victorian from falling victim to the same crime and abuse that Joy Rowley experienced. I would like to commend the many organisations and agencies that provide support to survivors of domestic abuse. Your services are vital to our state's emergency response networks, whether the organisation or agency is public or not. This includes shelters and charity organisations that provide support to victims who have recently escaped from their abusive situation and beyond.

To wrap up today I want to say this: let us all work together to ensure that Victoria is a safe place to live. Just last sitting period this place pledged to stamp out family violence, and I along with many other colleagues in this place visited Queen's Hall to sign the pledge against family violence. We

should be committed to stamping out all violence. On Monday in the federal Parliament in Canberra the leader of the Australian Labor Party made a powerful statement in the House of Representatives during question time, and he said:

They take time.

It's not just a matter of government. It's a matter of every bloke having a conversation around the pub or at the footy, calling it out when they see that it's wrong. Men have a responsibility. Men are in a position to make a difference with their peers.

Back to me, as a bloke, I stand here today and call it out. I stand here to say enough is enough. Strangulation is not okay. No violence is okay.

Tom McINTOSH (Eastern Victoria) (17:55): I rise to speak to the Crimes Amendment (Non-fatal Strangulation) Bill 2023. I think it is worth noting, as others have done, that we do so amid the 16 days of activism that are on. Many of us are wearing orange here today in Queen's Hall and in Parliament. We have seen the seats with the shoes painted orange for those that are no longer with us through the outcomes of family violence. This is a very stark reminder of why we are standing here and having this discussion but also a very stark reminder of why this is an ongoing piece of work and one that here in Victoria has been a high priority with the landmark Royal Commission into Family Violence and the 227 recommendations that flowed from it. In their essence they have been so important in ensuring that we align our government services and responses to deal with what is such a deep and insidious issue in our community, which is taking and is going to take an incredible amount of work.

Obviously we need to prevent family violence before it occurs. We need to ensure there is victim support and that perpetrators are held accountable. Hence why the royal commission, which really was leading the nation at the time, was such a huge undertaking, a huge body of work and such a step forward for this state and for the nation to identify the issues and responses. Now we are able to have the conversation in public far more than we could have in years past, and that is something that needs to keep occurring in the region that I represent of Eastern Victoria. We still see far too high a representation of family violence occurring. We see that through hospitalisations, ambulance call-outs and reports to police.

Frequently I speak in this place about removing generational trauma, and of course family violence is such a heavy input into that generational trauma, not only in the instance of where one member of the family is a victim but where the whole family takes on that trauma. We must always be looking to stop and prevent this from happening but also remove that trauma from continuing and going into future generations. Hence, as other members have outlined – indeed Mr Berger just spoke to the fact – particularly as men, given that men are overwhelmingly the perpetrators of family violence, we need to continue to break the culture of family violence that has for too long prevailed and, sadly, still is.

Non-fatal strangulation is a highly dangerous and potentially life-threatening form of offending. This conduct is already captured by criminal offences such as common assault, intentionally or recklessly causing injury, or assault with intent to commit a sexual offence. However, non-fatal strangulation is particularly prevalent and concerning when it occurs in the context of family violence. When committed as an act of family violence it is an indicator of significant future risk of serious harm, and where it is identified, acting on it is incredibly important because we know that once these behaviours start there is the likelihood of continued behaviour leading to more and more significant and serious outcomes, the likes of which we saw in Queen's Hall today, where people are no longer with us. That is why we have to stop it in its tracks.

The stats – that women who survive a non-fatal strangulation are seven times more likely to be seriously injured or murdered by that partner – are exactly why, through that systemic response through government and community services, we need to be able to identify, deal with and support victims, and deal with perpetrators. The absence of a standalone offence in Victoria has represented a barrier to identifying, reporting and prosecuting this offending, making it harder to monitor its impact

and assess risk, and addressing the unique risk profile of non-fatal strangulation as an act of family violence has been a key driver for these reforms.

The bill will introduce two new offences of intentional non-fatal strangulation of a family member into the Crimes Act 1958. The bill targets family violence offending. It clearly describes the prohibited conduct and provides two separate offences with maximum penalties that reflect their relative seriousness. There is a five-year offence: section 34AE provides an offence of non-fatal strangulation committed against a family member with a maximum penalty of five years imprisonment. This offence does not require proof of injury. The 10-year offence, section 34AD, provides for an offence of non-fatal strangulation committed against a family member which intentionally causes injury, and has a maximum penalty of 10 years imprisonment.

The offences will prohibit choking, strangling or suffocating, which will be defined non-exhaustively as applying pressure to the front or sides of the neck, obstructing or interfering with a person's respiratory system or impeding respiration. Some Australian jurisdictions, including Queensland, South Australia and the ACT, that have standalone offences, have seen courts narrowly interpret the terms 'choke, strangle or suffocate' where these terms are not clearly defined, and these narrow interpretations have imposed inappropriately high evidentiary burdens on the prosecution and may serve to further traumatise victim-survivors. The broad definition used in this bill aims to avoid this issue.

Intent is required in a couple of ways in these offences. For both the five-year and 10-year offence there is a requirement for intent to engage in the broadly defined conduct of choking, strangling or suffocating, which includes applying pressure to the neck, and while we think this will generally be easy to make out, the requirement prevents the application to genuine accidents. Requiring injury to be intentionally caused provides an important safeguard against inappropriately criminalising legitimate behaviours. The deliberately broad scope of conduct captured and the lack of a consent defence means that if the offence captured reckless conduct it would be highly likely to capture a range of legitimate conduct that falls outside the intended scope of the reforms, for example, massage and other things that may cause bruising. The offence is designed to ensure that the offence targets the most egregious forms of offending and justifies the significant maximum penalty. It is also consistent with existing offences with comparable penalties. An offence of non-fatal strangulation recklessly causing injury would attract a maximum penalty of five years imprisonment. This would not be commensurate with the seriousness of the offending and would make the five-year offence redundant.

Most jurisdictions that have introduced standalone non-fatal strangulation offences require that the injury be intentionally caused. Both offences require that the conduct be committed without lawful excuse. This means that existing statutory and common-law defences will apply, except for consent in the 10-year offence, and statutory defences of self-defence, duress and sudden or extraordinary emergency will apply to both offences. The statutory defences of duress and self-defence provide additional protections for victim-survivors in a domestic violence setting. These are important safeguards against misidentification of victim-survivors of family violence who act in self-defence. The statutory defence of sudden or extraordinary emergency can be relied on if a person reasonably believes a sudden or extraordinary emergency exists and the conduct is the only way to respond. Given the definition of 'chokes, struggles or suffocates' is intentionally broad, certain conduct outside the reform's intended scope may be captured to address these. Common-law defences will be generally available. This will include a general exception excusing physical conduct which is generally acceptable in the ordinary context of daily life; justification for conduct occurring due to the execution of the law, including arrest; and consent for the offence with the five-year penalty only. Consent will not be a defence for the offence with the 10-year penalty.

This bill is another step forward in the work that we all must do and the work that we are doing to remove the culture that supports, encourages or allows family violence to occur. It is an important part of the conversation and of streamlining government and community services to respond, to support victims, to deal with perpetrators and to ensure that we are preventing and minimising trauma to

victims and associated family members. It is important that we see this insidious activity removed and that it is not continued in the future. I am proud to support the bill.

Lee TARLAMIS (South-Eastern Metropolitan) (18:06): I move:

That debate be adjourned until the next day of meeting.

Motion agreed to and debate adjourned until next day of meeting.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:06): I move:

That the house do now adjourn.

Age of criminal responsibility

Katherine COPSEY (Southern Metropolitan) (18:06): (617) My adjournment this evening is to the Attorney-General. A 10-year-old child cannot get a job or join social media, but in Victoria kids as young as 10 can be locked away in prison. We know that these laws are harming children at a critical time in their lives. When children are forced through a criminal legal process at such a formative time in their development, they can suffer lifelong harm to their health, wellbeing and future. Children do their best when they are supported, nurtured and loved, not locked up. There is extensive research showing that prison does not rehabilitate children and the response to youth crime should be more and better prevention, early intervention and rehabilitation, not prison.

We are in a week of action during which the community is demanding politicians raise the age of criminal responsibility across the country, and the Greens join the call from First Nations, legal and human rights experts for the Victorian government to raise the minimum age of criminal responsibility to at least 14 in alignment with international human rights standards. At their upcoming meeting all the Australian federal, state and territory attorneys-general will be coming together to discuss their plans to address the minimum age of criminal responsibility. Children as young as 10 sit alone in cages across the country while these politicians come together and decide their fate. Attorney, my action is for you to advocate to all attorneys-general at the COAG meeting that the age of criminal responsibility should be raised to 14 at a minimum, without exception, because kids do not belong behind bars.

Renewable energy

Gaelle BROAD (Northern Victoria) (18:08): (618) My adjournment is to the Assistant Treasurer and relates to the policy black hole that appears to exist when it comes to the cost of insuring solar farms on neighbouring properties. Across northern Victoria there are plans for large-scale solar farms that may impact on surrounding farms. Constituents have raised concerns about skyrocketing insurance premiums and the risk of something happening on their property that causes damage to the neighbouring solar farm – for example, if they were found to have started a fire with a chainsaw or a slasher or a grinder and it spread and caused damage. If they were found to be negligent, they may lose everything they have. Current farm insurance is between \$10 million and \$20 million, so they may need to look to overseas insurers to obtain higher levels of insurance. It is clearly not enough when you consider developments like the Meadow Creek solar farm, with a proposed value of \$750 million. Some farmers have been told that to obtain the right level of insurance cover, they will be facing a \$50,000 rise in premiums each year.

The Australian Energy Infrastructure Commissioner published their observations and recommendations in the commissioner's 2022 annual report. Within the report are sections titled 'Consultation' and 'Neighbour agreements', and this suggests that, amongst other things, the solar farm might want to set up a neighbour agreement which could include reimbursement for increased public liability insurance premiums levied at the neighbour due to the presence of the wind or solar farm. However, the report notes that most neighbour agreements are voluntary and it is up to the

developer to propose and negotiate them with the neighbour. As plans for renewable energy projects pop up across the state – with new transmission lines, solar farms, lithium-ion batteries and wind projects – insurance matters are causing a lot of confusion and angst for surrounding property owners. This matter should not be left to the engagement of developers with local landowners. We need a consistent approach. The action I seek is for the minister to outline the steps the government is taking to address these entrenched issues for properties that neighbour renewable energy developments to ensure that farmers are not out of pocket.

Northern Victoria Region health services

Rikkie-Lee TYRRELL (Northern Victoria) (18:10): (619) My adjournment matter tonight is in regard to the appalling lack of dialysis places available in hospitals in the Northern Victoria Region. One constituent reached out to me after being sent to St Vincent's in Melbourne for dialysis treatment. He was refused dialysis at his local hospital in Echuca due to it being fully booked. This brand new dialysis treatment facility is already full. On their website it says that dialysis is only offered twice a day, three days a week. For a hospital that covers such a large area and whose demographic is increasingly elderly, this is unacceptable. His doctor then tried to refer him to other hospitals offering the required treatment within a 2-hour radius and was told the same thing – they were all full and unable to add additional patients for either regular or emergency treatment. An elderly gentleman who just wants to see his grandchildren grow up cannot gain access to the life-saving treatment he requires without leaving the district. Given the choice, some of our elderly community members would rather risk their lives by staying in their respective regional communities without the treatment than commute to Melbourne for life-saving procedures. This further exacerbates Victoria's emergency services when they inevitably deteriorate unnecessarily. As a matter of urgency I ask the minister to immediately take action in securing more places for renal dialysis in regional Victoria.

Nursing students

Georgie CROZIER (Southern Metropolitan) (18:12): (620) My adjournment matter for this evening is for the attention of the Minister for Health. It is in relation to student nurses and clinical placements and the costs for these student nurses. There are many barriers for student nurses. I raised this issue some months ago. In fact there was an article in the *Warrnambool Standard* in May where I was citing the experience of a student nurse, Tori Parsons, who was doing her clinical placement in Geelong. She was talking about the enormous expense for her to be able to do her placement in Geelong. It was up to \$4000. Student nurses have to pay for things like a national police check and an international police check, a working with children check, an NDIS screening check, immunisation serology compliance, annual influenza vaccinations, first aid certificates, CPR certification, mask fit testing and hand hygiene certification as some of the legislative requirements. For student nurses it is an enormous cost when you add up all of the costs that come with those checks.

We know from the budget papers that the government provided funding for an additional 200,000 student placements. They have not got anywhere near that. They have got around 73 per cent, but they do not have those clinical placements. I am hearing from student nurses who are saying, 'We're not completing our training. We're not completing our placements because we just can't afford it.' In the example I cited, Tori Parsons said that by the time she paid for petrol, accommodation and food, she was \$4000 out of pocket. That is in addition to all of these compliance checks that student nurses have to provide.

I know that there are various others who are concerned about this. I have seen some communication from the union. They are obviously not making much headway with the government in relation to this, because it is still going on. They are not having much impact whatsoever. So the action I seek is for the government to provide support to address the barriers for student nurses in relation to completing their mandatory requirements for clinical placements, because we need more nurses in the system, not less. We need more, and we need these nurses to be supported, not just the government's throwaway lines on what they are doing about their costs in relation to study. It is these issues that are having a

real impact, a direct impact, and they are preventing nurses from being able to undertake their training. As I said, we need more nurses in the system, not less. 9500 left last year; over 7000 left the year before. That is over 16,000 nurses that left our health system in just two years.

Herne Swamp

Samantha RATNAM (Northern Metropolitan) (18:15): (621) My adjournment matter tonight is for the Minister for Planning, and my ask is that she provides an update on whether the Herne Swamp in Melbourne's northern corridor in my electorate will be restored and protected. I am speaking today on behalf of the community groups and environmental experts who are advocating for Herne Swamp to be made a central feature of the proposed Wallan Wallan regional park. They have identified that this 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 a space for recreation and education and improved visual amenity, and importantly it could provide an opportunity for meaningful reconciliation with traditional owners of the land, for whom healthy waterways are a key concern. We have recently seen the connected marram baba parkland returned to Wurundjeri and Woiwurrung people for management. Any development upstream from this area in the Herne Swamp region is likely to impact on the waterways and natural environment of the marram baba area.

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 the scale, developments in the area have commenced without adequate planning and consideration of the flood-prone nature of the wetlands, let alone other ecological and community value available through the swamp's restoration. There is already urban residential development occurring in the north-western portions of the former wetland. This development will likely increase flooding risk 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 is not yet extensive, so we have an opportunity now to plan strategically for the future.

Minister, we do not have 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.

Shepparton bypass

Wendy LOVELL (Northern Victoria) (18:17): (622) My adjournment matter is for the Minister for Transport Infrastructure, and it concerns the alarming abandonment of the Shepparton bypass project by the state and federal Labor governments. The action that I seek is for the minister to prioritise the Shepparton bypass project by committing the state portion of funding for the first stage of the project and also for the minister to advocate for the federal government to commit the full share of federal funding required to build stage 1 of the project.

The Albanese Labor government's recent announcement that they are abandoning the commitment of \$208 million in funding which the former Liberal government put in place is a massive slap in the face for the Greater Shepparton community, which has advocated for the bypass for the past three decades. The Shepparton bypass has clearly been the number one priority for the Shepparton community for many years now, so to see progress halted by the federal Labor government's infrastructure review

was heartbreaking to the community. There are many reasons why the Shepparton community has advocated so passionately for this project, including to improve safety in the central business districts of both Mooroopna and Shepparton, where B-doubles and other trucks create an unnecessary hazard for local shoppers and domestic vehicles, and to create a second river crossing of the Goulburn River to ensure connectivity between the west and east of our community when the Peter Ross-Edwards Causeway is closed.

Never before was the need for this second river crossing so evident as during the October 2022 floods, when residents in communities on the west side of the river, including in Mooroopna and Tatura, were cut off from Shepparton with no access to the hospital or other vital services. With the Albanese government making cuts to infrastructure projects based on not demonstrating merit or lacking national strategic rationale, cutting federal funding for this project seems to be a complete and utter failure by the Albanese government. Creating a second river crossing between Wanganui Road in Shepparton and the Midland Highway in Mooroopna would both reduce freight traffic in the central business districts of Shepparton and Mooroopna and ensure that communities on the western side of the river have access to the fundamental services, including a hospital. It would also ensure that the major east-west freight corridor of the Midland Highway will remain accessible when the Peter Ross-Edwards Causeway is closed. The causeway currently carries more than 30,000 vehicles daily, and this is only set to increase with the state's growing population.

It makes no sense for a major regional city the size of Shepparton to be without a bypass, especially when you consider that more than 25 per cent of Victoria's trucks are registered in the Goulburn Valley. I urge the minister to commit state funding to the project and to work with the federal government to ensure the bypass is completed.

Wombat mange

Georgie PURCELL (Northern Victoria) (18:20): (623) My adjournment matter is for the Minister for Environment, and the action I seek is for him to pursue a wombat population assessment, including research into the percentage currently affected by insidious mange throughout Victoria. Sarcoptic mange is caused by parasitic mites that burrow under the skin surface and lay eggs that cause intense itching and pain. Over time the skin develops thick scabs and open sores that slowly take over the entire body. We know that mange plagues our native wombat populations, and without treatment it is certain to be fatal, often a slow death due to secondary infection. Research out of Tasmania suggests that once 25 per cent of the population of wombats is infected the entire population will decline.

Treatments have historically required weekly application for up to 3½ months. Not only are wombats mostly nocturnal, they also live underground, have multiple homes and love to burrow-swap. It means that treatments in the wild are challenging, with uncertain results. But there are fears that no action could result in wombats becoming extinct within the next 20 to 30 years, so of course Victoria's dedicated wildlife rescuers persevere despite the challenges.

Now new research into a common drug has given them hope. Bravecto is used to treat fleas and ticks in our companion animals, and years of research have revealed that it can have a huge success in the treatment of mange when applied topically to wombats. It lasts six times longer than other available mange treatments and is the first mange treatment to be specifically researched for use on wildlife. The best part is that it requires three applications at the very most.

Dr Scott Carver, who led the research into this breakthrough medicine, considers wombat mange to be the most extreme animal suffering that he has ever seen. Thankfully a permit now allows hundreds of wildlife carers to make use of this effective treatment, including in Victoria. But much more needs to be done to ensure wombats receive this treatment before mange advances. My friends at the wombat Mange Management project say this can only occur if we truly understand the impact this horrible illness is having on our native icons. It is also critical for wildlife carers to understand where to release rehabilitated wombats to avoid infection. I hope that the minister will commit to a comprehensive assessment before it is much too late.

Energy policy

Joe McCracken (Western Victoria) (18:23): (624) My adjournment matter tonight is for the Minister for Energy and Resources, and it relates to the government's push to ban gas connections to new dwellings from next year onwards. The action that I seek is simply this: reverse it; stop it; do not do it. Over the weekend in Ballarat we had power outages – yes, power outages. Everyone will get used to these in the future. You know, you cannot use a microwave, you cannot use any appliance, but at least you can use a gas appliance to cook or to heat water or something simple like that. It diversifies your risk. So it was actually very handy to have it there, because I could at least stay at home; I did not have to go out and do anything else. But I think for all those other people in the future that do not or will not have that option: what are they going to do? What are they actually going to do? Nothing.

Bev McArthur interjected.

Joe McCracken: Open fires will be banned. It was really interesting, because my office is being refurbished at the moment and I found a document in there from way back – 1999, actually. I am going to read from this document. It is from Karen Overington, who stood for Ballarat West and who was a lovely lady. I met her a couple of times. I had a look at the manifesto that was being pushed at that particular time, and it said back then that a Bracks Labor government would 'guarantee reliable supplies of gas, water, and electricity through an Essential Services Commission'. I thought to myself how far things have strayed from those times. At one point in time we were guaranteeing essential services, and now we are ripping them up and banning them completely. I will also note that another part of this was to abolish a tax. That has clearly gone out the window as well. Just for a bit of comical fun, another of the points is to 'provide a budget surplus every year'. That has clearly never happened either.

It is a brilliant document, and it just goes to show how far the drift has been from one side to the other. But I seriously do hope that the energy minister does seriously consider this, because the transition to this system of banning gas in homes is going to have a catastrophic impact on people that just want to get on with their lives and be able to boil an egg, for goodness sake – something simple like that. But no, if the power goes out, they literally will not be able to do a thing. Please, Minister, reconsider it. Take the ideology out of it and look at it in a practical way.

Cost of living

Aiv Puglielli (North-Eastern Metropolitan) (18:26): (625) My adjournment matter tonight is to the Premier, and the action that I seek is that he appoint a minister for fair prices to make sure that everyone can afford essential groceries. Just recently Woolworths sent out an email to their rewards card holders with a grocery inflation update. They would certainly know, I would think. This email started with a message from the CEO saying that they want to help you spend less. Really? If they really did, they could reduce some of their significant profit margins, I would think, and just charge fair prices for groceries. The email went on to explain grocery inflation to shoppers as if we do not know from bitter experience every single time we go to the shops to buy food.

They listed their extensive program of measures to help us spend less, and then they went completely off track to talk about how self-check-outs are not reducing staff numbers and how some customers are badly behaved. Anyway, thanks, Woolworths, for explaining to us just how dire things are currently in the supermarkets. And to be clear, it is definitely not just them. We know that there is a very strong duopoly that are both fighting very hard to keep their market share, and both of them are clearing massive, massive profits – billions of dollars a year – while everyday people are finding that they are getting less and less for their money and that the groceries are costing them more than ever. We need this state Labor government to step in and to take action. Too many people are cutting back on fresh fruit and fresh vegetables. They are skipping meals, they are facing empty cupboards or they are having to access food aid. The supermarkets can do better, and this state government needs to step in and make it happen.

Bushfire preparedness

Melina BATH (Eastern Victoria) (18:28): (626) My adjournment matter this evening is for the Minister for Environment, and it relates to fire towers in regional Victoria. It pertains to the Labor government's inconsistencies and lack of readiness with regard to staffing fire lookout towers, and the action I seek is for the minister to ensure that all fire towers are actively crewed in Eastern Victoria Region when the fire danger index (FDI) hits 12 and in other regions as designated by their own triggers.

Victoria has approximately 70 fire towers operated by Forest Fire Management Victoria, and approximately 18 are in Gippsland. The role of the fire tower observer is to form that early detection space of bushfires and/or grassfires on public and private land as far as the binocular radius from that fire tower can see. They play a vital role in early detection and early warning, hence mitigation of out-of-control fires. The fire lookout observers are Victoria's smoke detectors. Our homes and offices are required by law to be fitted with smoke detectors, but rural and regional Victorians are frustrated with the inconsistencies and lack of readiness of fire tower operations. The inconsistencies include that some regional crews have been told they cannot go up those fire towers until they have completed accredited first aid training, yet other staff in other regions have never even heard of the requirement to have this first aid training. Another inconsistency is on the day of the Briagolong bushfire in October towers were left uncrewed even though environmental triggers, including the FDI and weather conditions of hot temperatures and high winds, all pointed to the need to staff those towers. The fire claimed one home and 5000 hectares, and it took several days to control.

Despite those serious fire risks faced by the community, they were not staffed except for one day. We also know that the usefulness of fire towers is not only for detection of fires but also for monitoring of weather conditions and cold fronts. They also ensure that there is coverage and successful communications for first responders such as CFA and harvesters downing dangerous trees and opening up fire tracks. We need to have these fire towers staffed. At a briefing only last month in this place – and I thank the minister for emergency management for putting on that briefing – MPs were assured, and I quote, 'Victoria is bushfire ready.' Well, I and many other locals in Eastern Victoria do not share their confidence, so I call on the minister to make sure these important fire watchtowers are crewed.

Oil and gas exploration

Sarah MANSFIELD (Western Victoria) (18:31): (627) My adjournment matter is for the Minister for Energy and Resources, and the action I am seeking is for her to advocate to the federal government to stop ConocoPhillips from drilling for gas and oil in the Otway Basin. Recently American fossil fuel giant ConocoPhillips released its environmental plan for test drilling for oil and gas in the Otway Basin. The public now has 30 days to submit to the federal regulator, the National Offshore Petroleum Safety and Environmental Management Authority, about the proposed Otway exploration drilling program. This program will see up to six exploratory wells drilled into the sea floor off the coast of south-west Victoria and King Island in Tasmania.

At 3579 pages you would think the environmental plan was comprehensive, but in all those pages there is not a single reference to emissions or the impact that this project will have on climate change, which is pretty astounding. How can a fossil fuel project not be required to consider emissions as part of its environment plan? It speaks to the state and federal governments' willingness to ignore the science and continue to approve offshore gas exploration in a climate emergency. The environment plan does make clear that the proposed drilling area encompasses two marine national parks and is home to critically endangered species such as the curlew sandpiper, the eastern curlew, the blue whale and the culturally significant southern right whale, known as Koontapool Yakeen by the Gunditjmarra people. But nowhere in this environmental plan does it consider the implications deep-sea drilling will have on the migratory paths, feeding cycles and calving of these species.

The oil spill modelling included in the report paints a dire picture for our beautiful coastlines. From Portland in the west to Jervis Bay in the east, the extent of an oil spill would devastate the environment and coastal communities. The last time I spoke of offshore gas in this place, the minister responded that the project proposals referenced are in Commonwealth waters and therefore are a federal issue. Tell that to the Victorian communities that would have oil lapping at their shores if there were to be an accident and disaster struck.

Many people, including those in this place, will flock down to the iconic coastlines of my electorate of Western Victoria this summer, and as they are enjoying the beaches I would urge them to consider what is at stake. The Victorian government have a duty to protect our marine environment, our coastal communities and our climate, and I would urge them to do so.

Newport level crossing removals

Trung LUU (Western Metropolitan) (18:33): (628) My adjournment is for the Minister for Transport Infrastructure regarding the level crossing removal and the closure of Champion Road. The action I seek is for the minister to meet with council and local community members to understand the impact that the road closure will have on the community and discuss with them solutions to address their concerns. A petition was tabled in the other place by the member for Williamstown on 23 March 2023. The petition was signed by 1466 people and called the attention of the house to the impact the closure of Champion Road will have on the community in Williamstown and Newport.

Champion Road is a vital link between the suburbs of Newport and Williamstown, and thousands of locals use it every day to access schools, supermarkets, sport and recreation. Removing this link will significantly impact the local businesses in Williamstown and Newport that rely on customers using the vital connection. It will also divert traffic to Maddox Road, where there are three childcare centres and a primary school. Turning this local street into a major thoroughway will increase congestion and pose greater safety risks for the children and families using it. The community have not been consulted about the possibility of road closure and have been told it is going ahead – no public consultation. The government has said it will conduct public consultations next year. The problem with this is the closure of Champion Road has already been announced. How can people take the consultation seriously when the government has already made its decision? I would like to invite the minister to come with me to meet the local residents and hear their concerns before making the final decision to close Champion Road forever.

Berwick Church of Christ

Ann-Marie HERMANS (South-Eastern Metropolitan) (18:35): (629) My adjournment matter is for the Treasurer, and the action I seek is for the Treasurer to use his power under the exemption provisions of section 74 of the Land Tax Act 2005 – LTA-009 – to reverse the unjust land tax assessment bill received by the Berwick Church of Christ in Narre Warren South. This tax is retrospective, dating back to 2014. They have just received it in recent times, and not only that but they are being charged 20 per cent interest on the new backdated tax.

I want to explain a little bit about what this church actually does for the community. First of all, I want to say that in late 2021 this community received notification from the State Revenue Office – in late 2021 – that the land tax exemption was going to be removed from the undeveloped portion of its property, with an assessment being made retrospectively, as I said, back to 2014. Now, this land was purchased in 1987, and as the needs of the faith community have grown – and it currently services and is home to more than 2000 people – it has continued to develop so that it can serve the community. Let me just give you a list of some of the things that this faith community provides for its local area. It has a food pantry, which received the 2023 City of Casey Community Group of the Year Award in recognition of an outstanding contribution to the Casey community. It has a weekly youth program, which is the largest in the Casey–Cardinia area and connects with over 200 teenagers. Many of them have had tremendous challenges as a result of COVID. Numbers have continued to grow significantly over the past couple of years. It also has a counselling and mental health support program. It provides

daily playgroup programs for Playgroup Victoria and there is a waiting list to attend, and it has made parking available for the Berwick Fields Primary School at no cost, since there is no parking publicly available for them.

They have contributed so much to this community and continue to do it, and yet they are being charged this outrageous tax. And on what basis? When they asked about the tax they were told by the commissioner that the application was rejected on the basis that whilst it had not denied that some church-related activities may have taken place at the Centre Road land during 2014 to 2022 in the land tax years the commissioner felt that the frequency and intensity of those activities was not sufficient. However, it does not provide a definition of what 'sufficient' is, and so we are asking the Treasurer to remove this tax.

Wild dog control

Bev McARTHUR (Western Victoria) (18:38): (630) My adjournment matter is for the Minister for Environment and concerns the review announced into current dingo management and conservation approaches in light of new scientific research regarding the status of what were previously understood to be wild dogs or dingo–dog hybrids. The action I seek from the minister is to ensure the review is extended to a period which allows proper population monitoring and that it harness the in-house expertise of the Arthur Rylah Institute instead of relying on interest groups on either of the sides of this unfortunately politicised argument.

The review is repeatedly justified as resulting from this emerging research and apparently accepts the disputed findings by referencing the previously understood position. It refers to the significant change in the knowledge that underpins current policy for managing wild dogs and dingoes in Victoria. Given the research referenced is contentious, relies on a small sample size study and is conducted by an academic who advises the Australian Dingo Foundation lobby group no less, I am sure the minister will agree it deserves further scrutiny. In fact any review accepting these conclusions as fact would be immediately suspect – little more than a fig leaf to justify preconceived conclusions.

My second concern, about the language used and the details revealed, is this. The announcement says:

The review will be finalised within 12 months –

and will –

... include a comprehensive assessment of the dingo conservation status, including an assessment of dingo population and distribution ...

The new dingo unprotection order expires in only 12 months to coincide with the conclusion of the review, and I find it difficult to believe that a thorough population survey, conclusion and policy review and relevant legislation can be produced by this time. The population study alone must surely take longer than this to be ecologically reliable. A cynic might suggest the only review which can be undertaken this quickly is one with a predetermined outcome. I sincerely hope this is not true of course, because it really matters.

Last year wild dogs or dingoes maimed or killed more than 1200 livestock, and the financial and psychological impact on farmers is real. Recent years have shown a reasonable compromise, where attacks on stock have been reduced, but observed dingo and wild dog numbers have remained relatively stable. It would be a huge disservice to science, not to mention a horrible betrayal of dedicated livestock farmers, to abandon this evidence-based compromise in the face of absolutist, ideological, politically motivated scientific activism.

Housing

Evan MULHOLLAND (Northern Metropolitan) (18:41): (631) My adjournment tonight is directed towards the Minister for Planning, and it is in relation to the Cancer Council building on the corner of Victoria and Rathdowne streets in Carlton, up the road. The building is a blight on our city

and has been dilapidated for over 10 years and vacant. The owner of the site has spent close to \$2 million trying to get permits to demolish it and replace it with an apartment complex that could house 67 families and would be close to services, public transport and the CBD – exactly the kind of housing we want. Yet the City of Melbourne and VCAT have repeatedly rejected the application, citing heritage and urban design concerns. The site is within the World Heritage environment area of the Royal Exhibition Building in Carlton Gardens, which limits the height and scale of new buildings. The building that was going to be put there was eight storeys. But in 1888 a six-storey building stood at the corner. A replication of this Victorian-era building, if put forward today, would likely be rejected by VCAT and Melbourne City Council for impinging on this World Heritage environment area.

We have got an absurd situation that benefits no-one. The site remains a blight on our streetscapes and attracts squatters, drugs and crime. The owner is frustrated and unable to proceed with this development. Locals are absolutely fed up in my electorate with the lack of action and antisocial behaviour, and potential residents – potential constituents – are denied the opportunity to live very close to the CBD and public transport in a quality and affordable apartment.

This government has a target to build 800,000 homes over the next decade – 220 homes every day, including weekends and public holidays, for 10 years. Under this government the costs of rents have gone up and up – the cost of homes – but instead of a solution we see endless bickering. Indeed the Property Investment Professionals of Australia found that one in four property investors are leaving the market altogether because it is an uncertain investment. I seek the action of the minister to explain how Victorians can expect the government to deliver on its housing target if sensible and sustainable developments like this one, which Victorians need to address Labor's housing and rental crisis, are prevented from going ahead. What action will the minister take to ensure that this unutilised property will be developed as soon as possible to benefit all Victorians?

Responses

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (18:44): Ms Copsey raised a matter for the Attorney-General, Mrs Broad raised a matter for the Assistant Treasurer, Mrs Tyrrell and Ms Crozier raised matters for the Minister for Health, Dr Ratnam and Mr Mulholland raised matters for the Minister for Planning, Ms Lovell and Mr Luu raised matters for the Minister for Transport Infrastructure, Ms Purcell and Mrs McArthur raised matters for the Minister for Environment, Mr McCracken raised a matter for the Minister for Energy and Resources, Mr Puglielli raised a matter for the Premier, Ms Bath raised a matter for the Minister for Emergency Services, Dr Mansfield also raised a matter for the Minister for Energy and Resources and Mrs Hermans raised a matter for the Treasurer. I will refer those matters for a response accordingly.

The PRESIDENT: The house stands adjourned.

House adjourned 6:45 pm.