



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 3 October 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	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, Nicholas	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaëlle	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira ¹	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 ²	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

¹ Lib until 27 March 2023

² LDP until 26 July 2023

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 3 October 2023

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

Bills

Energy Legislation Amendment Bill 2023

Statute Law Amendment (References to the Sovereign) Bill 2023

Royal assent

The PRESIDENT (12:04): I have a message from the Governor, dated 5 September:

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:

24/2023 Energy Legislation Amendment Act 2023

25/2023 Statute Law Amendment (References to the Sovereign) Act 2023

Announcements

Photography in chamber

The PRESIDENT (12:05): I cannot spot them, but today for the Parliament's website use there will be a photographer taking action shots, so everyone act very kindly.

Members

Ministry

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:05): I would like to advise the house of changes to the ministry following the appointment of the new Premier Jacinta Allan. These took effect yesterday, 2 October 2023.

In terms of changes to the portfolios of upper house ministers, the Deputy Leader of the Government Minister Blandthorn is the Minister for Children and Minister for Disability; Minister Shing is the Minister for Housing, Minister for Water and Minister for Equality; Minister Stitt is the Minister for Mental Health, Minister for Ageing and Minister for Multicultural Affairs; Minister Tierney is the Minister for Skills and TAFE, which includes higher education, and Minister for Regional Development; and Minister Erdogan's and my portfolios remain unchanged.

I will make a copy of the full changes to the ministry available to the house, and I will also make available the updated representing ministers document.

Shadow ministry

Georgie CROZIER (Southern Metropolitan) (12:06): I am pleased to inform the house that the Leader of the Opposition Mr John Pesutto has given people responsibilities and portfolio allocations for the coalition in this house and in the other place. A complete list of the shadow cabinet has been provided to the clerks.

On the changes to shadow cabinet announced yesterday for members of the Legislative Council, Mr Mulholland, a member for Northern Metropolitan Region, was previously elected Deputy Leader of the Opposition in the Legislative Council and Deputy Leader of the Liberal Party in the Legislative Council. Yesterday he was announced as Shadow Minister for Home Ownership and Housing Affordability and Shadow Minister for Outer Suburban Growth. Mr Davis, a member for Southern Metropolitan Region, is Shadow Minister for Energy, Affordability and Security and Shadow Minister for the SEC. Mrs Hermans, a member for South-Eastern Metropolitan Region, will become the Shadow Cabinet Secretary. I can also advise the house that the Liberal Party Whip is Mr McCracken.

David Davis: On a point of order, President, we have looked far and wide for the new administrative orders. Maybe the Leader of the Government can tell us when we can expect to see the actual administrative orders for the new changes.

The PRESIDENT: I do not think that is a point of order.

Questions without notice and ministers statements

Emergency warning system

Georgie CROZIER (Southern Metropolitan) (12:08): (273) My question is to the Minister for Emergency Services. Finding 6.3 from the IGEM inquiry following the 2019–20 fires was:

The community received mixed messages around staying or leaving following the Code Red declaration and as a result they were not clear on evacuation requirements.

It recommended that this be addressed. In relation to the Loch Sport fire three days ago, the VicEmergency services message at 1:32 on Sunday was:

You are in danger, act now to protect yourself. It is too late to leave. The safest option is to take shelter indoors immediately.

Then 7 minutes later, for the exact same fire, the official advice was:

Don't wait – If you are not prepared to stay, leaving now is the safest option.

Minister, this is directly contradictory advice in what could have been a matter of life and death. How do you explain this continual mixed messaging?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:09): I thank Ms Crozier for her question. Indeed it is a dynamic and challenging environment across many parts of our state this week, particularly in Gippsland, as we have had fires throughout the weekend and continuing today. I do place on record my utmost respect, thanks and gratitude to those that are out there currently battling those fires. In relation to emergency alerts, Ms Crozier, you would be aware there is constant messaging from me as well as the leaders in the fire services to ensure that we encourage people to download the app which you have referred to. We encourage people to make sure that they are aware of their local broadcaster, and there are a range of other measures that people take to get information in their local areas, whether that is through social media or indeed direct contact with emergency services folk.

In relation to alerts, they are based on intel from on the ground, and they can change quite quickly and quite rapidly. In relation to the specific information that you have provided, there could be a range of explanations for that which is not information that I have to hand. Again, the message is always to make sure that you do not rely on one source of information. But the app is a very good app to have, and I would encourage everyone to encourage their communities to download the VicEmergency app, because it is a good source of information. It does change rapidly. As a country person myself, I regularly get advice and it can change regularly within minutes or within hours. It is something for you to keep an eye on, but also keep an ear out for other ways to get your information and how to respond.

Georgie CROZIER (Southern Metropolitan) (12:11): It was from the VicEmergency services message via the app. With an expected very serious fire season ahead of us, will you now take steps to guarantee we will not have any more contradictory messages that could potentially put lives in danger? This was a very short period of time, and it did cause a lot of confusion because of the contradictory messaging.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:11): Indeed, Ms Crozier, we are always keeping an eye on every activity in relation to emergency response, including alerts. It is important to note that your phone alerts, when you set a particular location, can

give you a push notification about a particular incident, but if you are in an area of danger, you also receive a text message, so there are various ways that Emergency Management Victoria and their partners go about communicating emergency messaging. As I said, it is incumbent upon everybody in fire areas, in fact the whole state, to make sure that they are aware of the various sources they can get their information from.

Public housing

Samantha RATNAM (Northern Metropolitan) (12:12): (274) My question is to the Minister for Housing. Congratulations, Minister Shing, on being appointed to this portfolio. But given the current housing crisis, I fear that your government has handed you something of a poisoned chalice, with a strategy for the biggest privatisation of publicly owned assets since the Kennett era. Labor's recent housing statement failed to respond to the scale of the housing crisis bearing down on Victorians. Not only did the government retreat on giving urgent immediate relief for renters through a rent freeze or rent caps, it outlined a plan that could mean the end of public housing in Victoria. The plan will destroy 44 public housing high-rise buildings with no commitment they will be replaced with public housing, as well as a plan to sell off two-thirds of the surrounding public land to private developers to build housing that will not reduce the record waiting list for those in need – land that should be used to build more public housing. Minister, will your government commit to building 100 per cent public housing at all of these sites?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:13): Thank you, Dr Ratnam, for that question. Before I get into the substantive detail of the answer to a question that you have posed on a number of occasions before, I want to acknowledge the work that has been done by Colin Brooks in this space around social and affordable housing but also to remind you and indeed others in this place that housing is, as one of the most significant priorities, if not the most significant priority, for this state in managing population growth and providing opportunity, one which sits across a number of different portfolios. So for the avoidance of any doubt, when we talk about the development of private housing and we talk about bringing that stock on line consistent with the housing statement, delivering 80,000 new homes each year for the next 10 years – and social and affordable housing is part of this work – that will sit with Minister Brooks. When we talk about rent –

Members interjecting.

Harriet SHING: I am trying to help. When we talk about rent assistance and the sorts of challenges that have been the subject of a number of clarifications on your point about rent controls and rent freezes and the fact that they do not work, because they actually change market conditions and do not deliver the outcomes for which you are saying the objective is there to deliver them, the rent work that we are delivering, which as you will see is outlined very comprehensively in the housing statement, is work which is being delivered through Consumer Affairs Victoria and Minister Williams.

The other piece that I want to talk to today sits in regional development and the work that Minister Tierney will be doing and will continue as part of our investment in at least \$1.25 billion as part of the Big Housing Build in regional Victoria, the \$150 million Regional Worker Accommodation Fund and a lot of engagement to make sure that we deliver housing in the areas where it is needed, in the ways in which it is needed and through collaboration and consultation.

Samantha Ratnam: On a point of order, President, I have tried to afford the minister enough time to get to responding to my actual question, understanding it is the first question time with this portfolio. However, my question was quite specific, which you have not referenced at all – no reference to public housing once in your response so far, with 42 seconds to go. The question again was: Minister, will your government commit to building 100 per cent public housing at all of these sites? I appreciate the background, but it does not pertain to my question.

The PRESIDENT: I think a point of order is not an opportunity to ask the question again. I believe that the minister was addressing a lot of sections of your preamble. She has got 42 seconds left, and I ask the minister to continue.

Harriet SHING: Thank you, President. I am looking forward to working with my colleague the Minister for Planning as well in making sure that this work is done and done carefully and done well. The public housing locations, those towers – we will be making sure that we can increase the amount of housing on that footprint across those locations. We will take a 10 per cent uplift in the work that we do to deliver an increase from 6660 public housing units up to 7100, and we want to make sure that as 30,000 people call these locations home there are mixed opportunities for people to connect with community and to realise the opportunities that they want in the terms that are right for them.

Samantha RATNAM (Northern Metropolitan) (12:17): Thank you, Minister. I just note in your response I am glad you mentioned public housing right at the end, but my question was: will you commit to 100 per cent public housing? You talked about 6600 to 7100. You said 500 extra but you did not commit to them being public homes, which is my question: will you commit to these being public homes? I note too that under your plan the public housing waiting list will continue to grow because it does not address the scale of the homes that we need as public housing in Victoria, and given the length of that waiting list – over 125,000 people now and growing – that can only be reduced by building more public housing. It is the most effective lever available to governments anywhere in the world to provide genuinely affordable housing and release more stock onto the private market. Why won't your government commit to retaining all this public housing land that you are earmarking for privatisation? Why won't you commit to retaining that to build tens of thousands more public homes in the midst of the housing crisis we are facing?

Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (12:18): Thank you, Dr Ratnam. The housing crisis, as you have indicated it, relates to housing shortfalls across every part of the housing continuum. Whether that is people moving from emergency accommodation right through to home ownership, this statement actually addresses all of those things. We are absolutely determined to deliver that uplift in social housing to make sure that we have the units online that are fit for purpose, energy efficient, accessible and connected to local areas and to precincts that are light and bright and modern, that are safe, that are dignified and indeed that are homes that people can be proud of. We will continue that work. We will do it in accordance with the housing statement, and we will make sure that we continue to collaborate and to consult and to engage with communities as we deliver those outcomes. This is a reform of the entire system. As I indicated in my answer to the substantive question, this is why we require and will deploy and are deploying five different ministers across the housing challenge to make sure that across the entire state we have in place what we need to meet these demands into the future.

Ministers statements: emergency management

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:19): I would like to continue the theme that Ms Crozier and I were discussing before and update the house on the evolving fire and flood situation across our state. Over the last couple of days we have seen serious fires in the state's east impacting the communities around Erica, Walhalla, Loch Sport and Briagolong – areas that have been subject to advice for many weeks now as they are the highest risk areas in the state, in addition to small parts of the Mallee. We also have a significant threat of a flooding emergency in the next couple of days. Our Premier perhaps could consider renaming Emergency Management Victoria to Daily Management Victoria; that is how dynamic these emergencies are. They are a regular reality in 2023, that is for sure.

Unfortunately one home has been confirmed as lost, and I would certainly like to express my deep sympathy and thoughts to the Saunders family at this very challenging time. I want to put on record my thanks to the 655 fighters from our fire services for their tireless work in bringing these fires under control, protecting lives, homes, farms and indeed our forests. I would also like to thank the staff at

Bairnsdale and Benalla who are now staffing incident control centres to deal with potential flooding over the coming days. Emergency Management Commissioner Nugent is certainly hitting the ground running. He was at the State Control Centre overnight and sending me updates very early this morning, and I thank him for his commitment.

The current situation is dynamic, and there are many warnings that are still active. Over the next couple of days we will see strong winds and heavy rainfall. This will be a challenging time for our emergency services personnel as well as impacted communities. Many are recovering from recent traumas from previous incidents. All Victorians should keep up to date with the latest information on VicEmergency and the BOM and via an emergency broadcaster like the ABC and any other local places to get information. It is important to heed the warnings of local emergency services, evacuate when advised to do so and keep safe around fallen trees and powerlines, and please do not drive through floodwaters.

Many Victorians have previously been impacted by floods and fires, and they may face increased anxiety through these conditions. I also would like to remind them and anybody else who is in contact with them that flood and fire recovery services are still available for those that require support.

Bushfire preparedness

Georgie CROZIER (Southern Metropolitan) (12:21): (275) My question is again to the Minister for Emergency Services. Minister, how many water-bombing aircraft were available to fight the fires that broke out in Gippsland over the weekend?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:22): Thank you for the question, Ms Crozier. In relation to exactly what is on the ground at the moment, I will have to take that on notice, but I will give you a bit of a run-down in relation to how the fire fleet works. There were helicopters that were putting water on the fires over the weekend. In relation to –

A member interjected.

Jaclyn SYMES: Our aerial fleet is just one component of fire response. That component comes online as the season evolves in response to the risk. As the season starts we procure what the experts advise us that we need. We will continue to add to the fleet, and I will make formal announcements in due course in relation to those as they come on board. I have confirmed on previous occasions that there is no reduction to our aerial fleet this coming season. We will have at least 50 procured aircraft in relation to dealing with the fires, and we also have a reserve fleet of another 50, so there are 100 available aircraft for the coming season. In relation to when they are deployed, that is a decision for the experts. I do not control the air desk of the fire response in relation to –

Members interjecting.

Jaclyn SYMES: I can confirm that there were helicopters that had water putting out fires on the weekend, Ms Crozier. In relation to Elvis, which carries a lot of water, I will give you a briefing in relation to when that will come online. There are many, many aircraft that carry water. How many are deployed is not an operational decision for the minister. That would be completely inappropriate.

Members interjecting.

The PRESIDENT: Order! The minister is endeavouring to answer a question, and the people that asked her the question shout her down. The minister to continue without any interjections.

Jaclyn SYMES: Thank you, President. Ms Crozier, I maintain that the misinformation about the aerial fleet is incredibly damaging to the morale and confidence of the community. There is no reduction in the fleet for the upcoming season. The deployment of resources is a matter for the experts, and if you would like a briefing from the experts I am sure I can arrange that. The new shadow has reached out to me and asked for information in relation to the upcoming season, and I can make that material available to anybody that is interested.

Georgie CROZIER (Southern Metropolitan) (12:25): It was a very, very simple question, Minister, that you failed to answer. Minister, I ask: will you provide this house with a complete fleet list, including contract start and finish dates?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:25): Ms Crozier, I have offered a briefing, so I think the answer to that is yes. Each year that I have been emergency services minister I have gotten to go along and inspect all of the planes and all of the helicopters, and I get to talk to the pilots about the important work they do, and that –

Georgie Crozier: You didn't know how many were operating on the weekend.

Jaelyn SYMES: There were many aircraft available on the weekend. In relation to how –

Georgie Crozier: How many were deployed?

Jaelyn SYMES: I think 10, but I told you I will take it on notice and get you the specific answer to that. I am advised at least 10, but I want to get you the right answer. In relation to the contracts, I have stood up and done a press conference every season that I have been in the role, talking about the planes, how much water they carry, how many pilots we have, how many people from North America are helping us. That is an annual event that I do, and I anticipate that I will be doing it again this season.

Wildlife rescue

Georgie PURCELL (Northern Victoria) (12:26): (276) My question is for the minister representing the new Minister for Environment in the other place. Recently wildlife rescuers attended a kangaroo somehow stuck on the edge of a train track in Epping, suspended in a confined space 20 metres above the ground. A sophisticated darting and rescue operation ensured his capture and safety – the safety of not just the kangaroo but commuters and the public. In the last 18 months the largely volunteer-run Vets For Compassion have attended over 1800 call-outs for injured and displaced native animals. Wildlife rescue is a form of emergency service, yet each week it costs them thousands of dollars out of their own pockets. We would not expect our ambulance or police workforces to operate through community donations, so will the government recognise the work of our wildlife rescuers and fund their vital service, which keeps native animals and the public safe?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:27): I thank Ms Purcell for her question, and I can confirm that I act for both the environment and the agriculture ministers, so I look forward to these exchanges often. In that regard I am sure that the new Minister for Environment Mr Dimopoulos would be very pleased to not only take your question and respond but perhaps catch up on broader issues.

Georgie PURCELL (Northern Victoria) (12:28): The demand for wildlife rescue services is at an all-time high, and it is projected that this year's summer months will bring the most significant bushfire season since the Black Summer. With the demand for rescue increasing outside of the fire season, what precautions and measures have the government put in place to support rescuers and protect wildlife in the occurrence of a major fire?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:28): I thank Ms Purcell for her supplementary question. It is a really important issue and something that I am always conscious of when I am visiting emergency situations and control centres. I always make it part of my visit to speak to people that are responsible for animal welfare, not just in relation to the department organisations but also the rescue groups that you talk about. They are an important component, an important part, of any emergency response, but I will leave the details for the minister.

Ministers statements: victim support

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:29): I rise to update the house on a new victim support initiative being delivered in partnership between the Victorian government and the Commonwealth. In the

October 2022–23 federal budget our colleagues in Canberra announced \$8.4 million in funding to explore new ways to provide legal services for sexual violence victims and survivors that do not add to their trauma. I am pleased to confirm that Victoria was selected to participate in this national pilot following a competitive merit-based assessment process. This is recognition of the sector-leading initiatives introduced by the Victorian Andrews – now Allan – government and our commitment to supporting victims of crime in our state.

In Victoria the pilot program will be delivered in partnership with Victoria Legal Aid, Djirra and the Women’s Legal Service. With this new funding we will expand Victoria’s statewide victims legal service to provide legal information for victims and survivors of sexual assault, utilising our existing victims legal service helpline. It will also allow us to provide targeted advice and casework for victims and survivors seeking to protect confidential communications, and there is tailored support for Aboriginal victims and survivors to report sexual assault to police.

Here in Victoria we have been leading the way in delivering a better, trauma-informed and victim-focused system for supporting victims of crime in our state. This additional Commonwealth funding will ensure we can keep expanding and improving these important services. I would like to take this opportunity to acknowledge our Commonwealth government partners, in particular the Minister for Social Services the Honourable Amanda Rishworth MP and our very own Victorian Attorney-General the Honourable Mark Dreyfus KC MP.

Bushfire preparedness

Joe McCracken (Western Victoria) (12:30): (277) My question is to the Minister for Emergency Services. Last Friday, on 29 September, a fire started south of Ballarat on the Mount Mercer-Dereel Road, and at least 27 vehicles were called from CFA. Local crews called in air support to help deal with the outbreak, and the closest air support, which was the one that actually responded, came from Mangalore, which is over 200 kilometres away, and it took over an hour to get there. That was reported in local media as well. My question is: Minister, why was that the closest air support available at that particular point in time?

Jaelyn Symes (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:31): I thank Mr McCracken for his question and an opportunity to continue to talk about the aerial firefighting response in Victoria. There is a lot of misinformation going on out there, and I am a little bit concerned about that. When it comes to the deployment and the procurement of these assets, that is based on risk. It is based on the forecast. It is based on the experts’ advice.

Aerial support is not the only way that fires are dealt with. There are aircraft available now. As you have indicated, that was deployed from Mangalore. In relation to the upcoming season, which has started early, they have strategic deployments around the state. I have not been provided with the advice of exactly what is going where when yet, but I will be and I will make that available to any interested parties, because I continue to get asked about aerial fleet.

There is no reduction in aerial fleet this coming season. There will be planes available to support our hardworking firefighters on the ground. We have firefighting aerial aircraft available right now, and we will have more as the risk increases, because that is how we procure the assets. A lot of them come from northern America. Obviously we have an earlier season; that is why we have some available already. We will have a full fleet available when we need it.

Joe McCracken (Western Victoria) (12:33): Having spoken to a few people on the weekend, particularly those that live around the area, they were concerned about their safety going into the future. What commitment can you give to them to ensure that their properties, their livelihoods, will remain safe in the future if it takes over an hour for an aerial team to respond to an incident that has been called in?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:33): Mr McCracken, the deployment of aircraft, as I said, responds to the increased risk, so as we get closer to summer, as we know that there will be more fires across the state, we have different aircraft deployed, or housed in hangars I think is the word, at different parts so that we have the equipment where we need it to get to areas of concern as fast as possible. Aerial fleet is just a support for the existing assets that we have on the ground. It is complementary to firebreaks, back-burning and all of the hard work that our firefighters do when fires break out. But I can assure you the aerial fleet will be available, as always, this coming season.

Gender transition

David LIMBRICK (South-Eastern Metropolitan) (12:34): (278) My question is for the minister representing the Minister for Education in the other place. Firstly, I would like to congratulate the new minister on his appointment; secondly, I would like to ask him a question. Are children in Victorian public schools being prescribed puberty blockers and/or cross-sex hormones by doctors participating in the Doctors in Secondary Schools program?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:35): I thank the member for his question for the new Minister for Education, and I will pass that on to him for an answer in accordance with the standing orders.

David LIMBRICK (South-Eastern Metropolitan) (12:35): I appreciate you passing that on for me. My supplementary question is: are these prescriptions ever done without parental knowledge or consent?

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:35): Again, thank you to the member for the supplementary question, and I will again pass that to the minister for a response for you.

Ministers statements: apprentices and trainees

Gayle TIERNEY (Western Victoria – Minister for Skills and TAFE, Minister for Regional Development) (12:35): I would like to raise the issue of apprenticeships. Apprenticeships offer a great opportunity for a great career, and once qualified, we have a community of skilled professionals who underpin the prosperity of Victoria. I am proud that this government does understand the importance of apprentices. This was clearly demonstrated when we established Apprenticeships Victoria and the apprenticeship support officer program. In Victoria we have more than 78,000 people learning while they can earn in apprenticeships. We understand the support they need to achieve their career ambitions, and we know there is more work to be done to support them on the pathway.

That is why this government has established the apprenticeships taskforce. This independent taskforce is led by Sharan Burrow, whose expertise is impeccable, having served as general secretary of the International Trade Union Confederation, and Justice Iain Ross, former president of the Fair Work Commission and Federal Court judge, will serve as special adviser. The taskforce is made up of leaders from employers, industry bodies and unions, and importantly they will be informed by apprentice and trainee reference groups, which will get the future right for our apprentices and trainees because their voices will be directly heard. This taskforce will provide considered and expert recommendations, improve safety in the workplace and provide advice to ensure apprentices can and will succeed. The recommendations will not only support apprentices but support industry. We know a safe, fulfilled and supported workforce is not just the right thing to do; it makes economic sense. The taskforce reinforces how this government collaborates and listens to achieve change that benefits Victoria socially and economically.

Bushfire preparedness

Evan MULHOLLAND (Northern Metropolitan) (12:37): (279) My question is to the Minister for Emergency Services. In both 2012–13 and 2014–15 there were over 235,000 hectares of fuel reduction

burns in Victoria, but under your government's Safer Together initiative it has dropped to under 100,000 hectares per annum – 40 per cent of what was being done. Minister, given your government has allowed fuel loads to build to record levels in recent years, do you concede that this is leading to more severe bushfires and putting emergency services and volunteer firefighters at greater risk?

The PRESIDENT: I am a bit concerned that is asking for an opinion. It is asking for an opinion, but I am happy for Mr Mulholland, if he would like to, to rephrase the question.

Evan MULHOLLAND: Minister, isn't it a fact that fuel loads, having built to record levels, are leading to more severe bushfires and putting emergency services and volunteer firefighters at greater risk?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:39): I thank Mr Mulholland for his question, and his rephrased question asks me, effectively, what is putting our firefighters and our communities at risk. There are a range of things. First of all, planned burns are a matter for the Minister for Environment. Of course I have got a keen interest in this, but your second question was actually better. In relation to what is causing risk, our country, Australia, is one of the highest fire risk locations in the world. Climate change means – look at this week – we are going from fire to storm to flood. We are having emergency after emergency, and we have compounding issues. We have just come from three years of more wet conditions, which means generally that more things grow, and then we have moved recently to El Niño, which means that the dryer conditions are coming on quicker, and we expect that the growth will dry out much quicker. There are a range of environmental reasons that mean that our country and our state are at risk of fires, which is why we have been out for several weeks encouraging people and warning them that the season is early, that we are going to have a dry summer and that the danger is something you should respond to. *(Time expired)*

Ingrid Stitt: On a point of order, President, I just want to point out that the clock is not working.

The PRESIDENT: That did seem like a very short 3 minutes. I think the minister is comfortable with her response.

Evan MULHOLLAND (Northern Metropolitan) (12:41): Minister, with fewer controlled burns, resulting in massive fuel loads as a direct result of the lack of preventative action, what discussions have you had with the environment minister to deliver these basic requirements that will protect lives, property, emergency services workers and volunteer firefighters?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:41): I thank Mr Mulholland for his question, and it is a good question. These are conversations that I regularly have. Indeed we have a brand new emergency management commissioner, so he is very keen to get up to speed on these issues as well. Forest Fire Management Victoria are the ones that have seized every opportunity to conduct bushfire risk reduction activities on public land, including parts of the bushfire footprint from 2019–20. Of particular interest to me is the fact that, when we have been out saying that Gippsland is the highest risk component part of our state, I have been asking these questions in relation to the preparedness for Gippsland. Mr Mulholland might be interested in some of the information that I have been briefed on. Over the most recent summer and autumn period FFMVic Gippsland successfully delivered 42 planned burns totalling 36,000 hectares across the Gippsland region. This builds on 62,465 hectares of planned burning successfully delivered as part of the joint fuel management program in 2021. That is over 100,000 hectares of public land in Gippsland that has been directly treated with planned burnings over the last three years. This is a concerted effort to respond to the risk. This is also backed up by 658 kilometres of strategic fuel breaks. Any suggestion that the state –

The PRESIDENT: Thank you, Minister. I am confident this time that time has expired.

Drug harm reduction

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:43): (280) My question today is to the new Minister for Mental Health. Congratulations on your appointment. Minister, I am very keen to hear about your approach on protecting Victorians from drug harm. Over the break we saw a fourth coroner recommend pill testing to prevent people dying from accidental drug overdose. Just this weekend in New South Wales, another state without pill testing, 10 people were taken to hospital and two people tragically died from what are suspected to be drug overdoses. Minister, the evidence is in: pill testing saves lives. Will you introduce it in this state to save the lives of many young Victorians?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:43): I thank the member for his question. This is a really important issue, and can I from the outset acknowledge that any loss of life as a result of this kind of incident is really tragic and pass on my condolences to those impacted by those events.

I want to be very clear, though: the Allan Labor government has no plans to trial pill testing. But of course we acknowledge absolutely that we need to take a harm minimisation approach to drug use and indeed alcohol use as well, and that is why in the recent Victorian budget, the 2023–24 budget, we invested over \$370 million to fund a range of different alcohol and other drug services to make sure that we are providing those wraparound services and harm reduction programs. For example, in relation to your question we have the \$21 million investment to support harm reduction activities through a really amazing program called DanceWize, which is all about making sure that we are doing peer-to-peer education about what safety measures ought to be put in place, and we engage with attendees of Victorian music festivals and nightclubs through that important program. We will continue to take that sort of harm minimisation approach and, wherever possible, connect people to services that might actually help them to reach safer outcomes but also, for those that may be experiencing other issues associated with alcohol or drug use, to turn their lives around.

These are important issues, and it is something that I am very keen to be fully briefed on by my department. Acknowledging of course that I was only sworn in just over 24 hours ago, I am looking forward to getting a much deeper briefing from the department on these important issues.

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:46): I thank the minister for the response, yet in all the talk about harm minimisation to young people, for example, who are out taking drugs in the community, I still struggle to see the logic as to why pill testing would not be considered as a measure for minimising that harm. However, over the recent break I visited the pill-testing site in the ACT, CanTEST. It was so wonderful to tour this facility and to see what a health-based approach to drug use can achieve. Their annual reports are a testament to the service’s success. Minister, I know the staff at CanTEST would be happy to give you a tour. Will you visit CanTEST to witness the success of a pill-testing service in action?

Ingrid STITT (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (12:47): I thank the member for his invitation to travel across jurisdictional borders, but I have made clear the Allan Labor government’s position in relation to this matter.

Ministers statements: Victorian Protecting Children Awards

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (12:47): I rise to update the house on the annual Victorian Protecting Children Awards that occurred during September. For the past 20 years these prestigious awards have highlighted the pivotal work right across Victoria’s child protection and family services system – the work that happens to keep Victorian children safe and Victorian families strong. Held in National Child Protection Week, the awards are an important opportunity for representatives of the children and families sector to come together to celebrate the shared successes across the child protection and family services system. We know this work can be challenging, and it is important that this vital sector and the workforce have the opportunity to share their experiences and learnings and to celebrate their shared successes. I take this

opportunity to acknowledge all of the workers in the child protection and family services system but in particular today the commitment and dedication of each of the nominees, finalists and winners across the 11 award categories. This year we received a record-breaking 124 nominations, demonstrating the outstanding work across the sector.

In my statement today I wish to pay particular attention to the winner of the Minister's Award for Excellence in Protecting Children, Vincent Shin. Vincent's legal career has focused on improving life and justice outcomes for children and young people. He joined Westjustice in 2015, working in the new school lawyer program in the western suburbs of Melbourne. Vincent's work involves assisting students with their individual legal issues as well as training students and staff to understand young people's rights and responsibilities and how to self-advocate and find assistance. Over the past three years Vincent has developed the first out-of-home care legal clinic, leading a team to deliver legal education, advice and casework to young people in residential care. I again congratulate Vincent and everyone at Westjustice for their work.

Over the month of September I had the opportunity to acknowledge these important awards, meet with representatives at the Aboriginal Children's Forum and of course celebrate foster and kinship carers week. However, over the month of September it was only this side of the house that recognised this important work. *(Time expired)*

Bushfire preparedness

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:49): *(By leave)* In the spirit of being helpful, I was wondering if I could answer the question that I took on notice for Ms Crozier to give more specific data. My answer was 'at least 10', and I have got the data that has come through if she would like me to dispatch that now. There were 10 aircraft available over the weekend, there were 15 yesterday and it was reduced to 12 today because of the reduced risk in the Mallee.

Written responses

The PRESIDENT (12:50): Minister Symes is going to get answers from the Minister for Environment for both questions from Ms Purcell, and Minister Blandthorn is going to get answers to both questions from the Minister for Education for Mr Limbrick.

Constituency questions

Southern Metropolitan Region

John BERGER (Southern Metropolitan) (12:50): (409) My question is for the Minister for Planning in the other place, Minister Kilkenny. Two weeks ago our government signed off on the affordability partnerships with industry partners in recognition of the team Victoria effort needed to fight the housing crisis. I was on the ground, doorknocking residents, explaining what that will mean to them. The promise I gave them was to listen and to ensure that they are put at the heart of any decisions made. These reforms are needed. They will help clear the backlog of planning permits; give builders, buyers and renovators a better idea of how long approvals will take; and, importantly, streamline dispute resolution. As the minister said, they will:

... boost housing supply ... and give industry greater certainty with a planning system that works for Victorians – not against them.

That is why my question to the minister is: how will streamlining the planning process benefit my community of Southern Metro?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (12:51): (410) My question is for the Premier. Under nine years of an Andrews Labor government Gippsland has not only felt neglected but attacked. Homes have been built from our timber and resources, the state has been fed from our produce and it is our power

industry that has kept the lights on in Victoria. We have seen firsthand the damage that can be done to a region when an ideological and city-centric Premier is at the helm. Thousands of jobs have been lost in our region over the past three terms, but now there is a chance for a fresh start. On behalf of the workers that are set to lose their jobs at the end of this year the question we ask is: will the Premier reverse the decision to close the native timber industry?

Western Victoria Region

Sarah MANSFIELD (Western Victoria) (12:52): (411) My question is for the Treasurer. Several Western Victorian GPs contacted me about the recent State Revenue Office ruling that payroll tax applies to most GP clinics retrospectively and prospectively. They are concerned they will have to increase patient fees, and one is considering their clinic's ongoing viability. It has been a longstanding interpretation of Australian payroll tax laws that these do not apply to the usual work practices of most GPs. Other states and territories have introduced concessions to avoid retrospective application and delay enforcement. WA and Queensland have entirely exempted general practices from payroll tax. Although people are already struggling to access affordable GP care, Victoria is the only state doing nothing. Can the Treasurer guarantee that the patients in Western Victoria will not have to travel further or pay more to see a GP as a result of the payroll tax ruling?

Southern Metropolitan Region

Ryan BATCHELOR (Southern Metropolitan) (12:53): (412) My question is to the Minister for Industrial Relations. Can the minister outline how the community services fair jobs code will benefit community sector workers in the Southern Metropolitan Region? Every worker deserves stable and secure employment, and community sector workers support some of our most at-risk and vulnerable communities here in Victoria. They give so much to help those in need; in return we should give them support to have secure and fair employment. This fair jobs code will require community sector employers, including those who operate in the Southern Metropolitan Region, to promote job security, foster workplace equity and diversity and build constructive relationships with employees and unions. I want to pay tribute to the Australian Services Union for leading the advocacy of the introduction of the fair jobs code in community services. Your advocacy has been loud and strong, and the Labor government has heard you. The code will ensure job security for this critical workforce, allowing them to continue delivering vital services into the future.

Western Victoria Region

Joe McCracken (Western Victoria) (12:54): (413) My constituency matter is for the Minister for Casino, Gaming and Liquor Regulation, and it relates to the speed of liquor licences being granted. In particular I refer to SIP Champagne Bar, which is a new business attempting to start up in Ballarat. They have been waiting for a liquor licence for months. My question is very simple: why is it taking so long for them to get a liquor licence approved? I spoke to Lauren Irwin, who is the operator, and her husband. They have put thousands of dollars into their business. According to information from the department that they have got, there are over a thousand licences waiting to be granted, so a backlog of 1000 or more liquor licences. You can imagine what impact this has on a small business if they are trying to get started and they are waiting months and months and months and months and months, so I ask the question and I hope I get a clear answer, because small business really cannot cop it anymore.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (12:55): (414) My constituency question today is to the Minister for Public and Active Transport, and it relates to inaccessible and unsafe bus stops in Doncaster East. This issue has been raised with me by someone who supports clients with disabilities who attend the Onemda centre in Doncaster East. They have raised the issue that a number of bus stops along Andersons Creek Road are inaccessible, but most urgent is the bus stop across the road from Onemda Doncaster East, just south of the Reynolds Road and Andersons Creek Road intersection. This stop is naturally, given its location, used by a number of disabled clients who attend

Onemda, as well as older people who live in the nearby retirement home. This stop is inaccessible. It can only be reached by navigating uneven dirt paths and potholes. It lacks clear, paved footpaths. There are no ramp, audio indicators or tactile guiding paths, all of which drastically impact the independence and safety of people living with disability who may want to use this bus stop. Minister, will you urgently upgrade this bus stop in Doncaster East to make it accessible to all?

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (12:57): (415) My question is to the Minister for Health. It was recently reported in the *Age* that the City of Yarra have been letter-dropping venues about laws on dogs in food-handling areas in bars and local pubs. The letter says the law prohibits dogs in areas where food is served to customers. Dog owners reacted very swiftly: a petition calling on the City of Yarra to allow dogs at pubs has accumulated thousands of signatures. Dog-friendly pubs in the area are a cherished tradition. When I was a resident of Abbotsford, I would often take my dachshund Gavroche to the Moon Dog in Abbotsford or the National on Victoria Street. Is the minister proposing to make any changes to the Food Act 1984 to clarify or alter the law to allow dog-friendly pubs?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:57): (416) My question is for the Minister for Energy and Resources, and it concerns the impossible electrical connection costs imposed by Powercor upgrades on many new, all-electric homes. I recently travelled to Avoca in Western Victoria to visit the construction site of a modest, two-bedroom home just off the main street. The home owner planned to go all electric, with stovetops, heating, hot water and in time an EV charging station in his garage, yet my constituent will have to pay for the privilege of upgrading Powercor's network to achieve this. It will add an additional \$100,000 to his \$380,000 build. This is not outback Australia; it is the main street of Avoca. Transitioning heating and transport energy needs from fossil fuels to electricity is an immense project. The phrase 'rewiring the nation' is actually pretty accurate. How can ordinary Victorians like my constituent afford to pay for this government's irrational and ill-considered dumping of gas?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:59): (417) My matter is for the minister for sport, and it concerns the Burwood Tennis Club in my electorate. This is an important and very active tennis club. It has a number of courts – it has four very active courts – and quite a significant membership. It has old metal halide lighting systems on courts one and two and a similar but different system on courts four and five. These systems cannot easily be renewed or upgraded or replaced when there are bulb issues or other problems, so there is a need to replace them in a timely way so that tournaments are not put at risk by globes disappearing. What I am asking the minister to do is to provide a grant in the order of \$50,000 for Burwood Tennis Club to replace these lights with modern, low-energy lights that give higher light capacity, lower energy use and also, significantly, provide security into the future.

North-Eastern Metropolitan Region

Matthew BACH (North-Eastern Metropolitan) (13:00): (418) As normal, I was depressed to read the latest AAMI crash index, and that is because Plenty Road in Bundoora in our electorate, as normal, has been rated as the most dangerous road in the entire country.

Evan Mulholland interjected.

Matthew BACH: Now, that is the case, Mr Mulholland, in fact for the sixth year in a row. But when you look in a little bit more detail at the data, you find that Victoria's four most dangerous roads all are in the North-Eastern Metropolitan Region, and so my question today is for the Minister for Roads and Road Safety. What will she do to fix not only Plenty Road in Bundoora but the top four most dangerous roads in our state, all of which rest in our electorate? Now, picking up on some of the

comments that have been made on this side of the chamber since I took to my feet, the government has other priorities. Road safety, the maintenance of roads, is a key, very basic priority for government and a responsibility of government. In my electorate the roads are particularly bad. What will the minister do about it?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (13:01): (419) My question is to the Minister for Consumer Affairs, and it concerns funding to Anglicare Victoria to provide two financial counsellors to help victims of the October 2022 flood event in Rochester, which is due to expire in November. I previously raised this issue with the former minister via email and personal conversations and in Parliament. On 1 September the former Premier was asked by a Bendigo radio station about the funding extension, and he promised to look into the matter, adding:

The resilience and passion of the Rocky community is well understood by our government and if there's anything more we can do to support them we will.

Then just 17 days later I received a response from the former minister that failed to commit to extend the funding past November. Minister, government understanding the resilience and passion of the Rochester community is all well and good, but what this community needs from the government is help, not lip-service. Will you now give a commitment to extend the funding for the financial counselling services delivered to the Rochester community through Anglicare?

South-Eastern Metropolitan Region

Ann-Marie HERMANS (South-Eastern Metropolitan) (13:02): (420) My constituency question is for the Minister for Health to advise me and my constituents why the Frankston Healthcare centre has just been told that, with over 400 patients who are currently receiving methadone treatment, the centre will close its doors, forcing people to the emergency department at Frankston Hospital for this treatment. The centre, which currently treats over 1800 drug-dependent patients, is being forced to close its doors because the government has refused to meet with them to discuss promised continued funding over the last four months. Last week the centre was told that no funding would be allocated now. Minister, apart from the pain and suffering this will cause to those who need the treatment and the further pressure that will be added to the already overburdened hospital system, this also has the potential to cause further crime in our streets and could result in challenges in the emergency department at the hospital, where staff, the elderly, children, pregnant women and sick people need immediate attention and a sense of safety.

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (13:03): (421) My question is for the Minister for Public and Active Transport. What improvements are being done to ensure that people with vision impairments can safely access and use public transport? I recently met a group of people with various sight impairments at the Vision Australia offices in Bendigo. One of their key concerns was how to access public transport, especially the Bendigo buses. They told me it is very difficult to get on the bus because the steps are so high. The steps pose a problem not just for the commuters but also for their guide dogs. Many people with sight loss are unable to drive and rely heavily on public transport to go about their daily lives. I ask the minister to please provide information on the government's plans to ensure safe access to public transport for all Victorians.

Western Metropolitan Region

Trung LUU (Western Metropolitan) (13:04): (422) My question is for the Minister for Police. Will he honour the previous minister's pledge to fund Police Veterans Victoria? Police put their lives on the line every day for their fellow Victorians. Unfortunately, after leaving the force some do need mental health support. My fellow police veterans in my electorate benefit greatly from the work done by Police Veterans Victoria, the PVV. To keep things running the PVV relies on donations from the

public. In May 2022 the police minister at the time Lisa Neville announced in front of 400 guests at a PVV corporate lunch that the government would provide funding. Unfortunately, she retired from politics a few weeks after. Will the minister under the new government honour the funding commitment made, or shall we expect the new Allan government to start going back on ministers' promises as well?

Committees

Electoral Matters Committee

Membership

The PRESIDENT (13:05): I advise the house that I have received a letter from Mr Mulholland resigning from the Electoral Matters Committee effective 3 October 2023.

Petitions

Port Melbourne public housing

Katherine COPSEY (Southern Metropolitan) presented a petition bearing 100 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the cruel relocation of public housing tenants from the Barak Beacon public housing estate and the extreme duress they have been subjected too. Tenants were notified 12 days before Christmas 2021 that the estate was to be demolished. From early January 2022, tenants have been subjected to a relentless campaign to relocate. Some tenants were picked off through preferential treatment, while others were pressured to accept whatever other housing was available. The Government and Homes Victoria have not responded to tenant communications, instead referring them back to a relocation team. After outside pressure, consultation was arranged but was restricted in scope and did not include preserving the existing buildings. Tenants consulted with not-for-profit architects, OFFICE, who carried out a feasibility study. OFFICE developed a report and plans that exceed the goals of Homes Victoria. Through renovation of existing buildings and infill, \$88 million would be saved. The Government has not responded to these plans, instead they are relentlessly moving ahead to demolish these beautiful historic buildings, starting in mid-2023.

The petitioners therefore request that the Legislative Council call on the Government to consider, investigate and respond to the feasibility study, report and plans by OFFICE regarding the Barak Beacon public housing estate, stop demolition activities on the estate so that any tenderer can consider the options put forward by OFFICE and allow all tenants to remain in their homes while the report and options put forward by OFFICE are considered.

Inclusive education

Matthew BACH (North-Eastern Metropolitan) presented a petition bearing 424 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the severe impact that the Government's cuts to the visiting teachers service will have on the learning outcomes of students with disabilities. Currently, the Department of Education through the visiting teachers service utilises 117 highly trained teachers to provide individualised, one-on-one educational support for children who are deaf and hard of hearing, blind or have low vision, or have other varied disabilities and illnesses. This support often includes the teaching of braille and Auslan, the provision of assistive technology, and engaging with the child's teachers to better integrate children with disabilities with their classrooms. The Government's decision to cut this service to 32 teachers statewide was made without consultation with experts, families, students, and advocacy groups such as the South Pacific Educators in Vision Impairment (SPEVI) and the National Association of Australian Teachers of the Deaf (NAATD). Both SPEVI and NAATD have voiced their grave concerns about this decision and have made their opposition to these cuts known.

The petitioners therefore request that the Legislative Council call on the Government to reverse the cuts to the visiting teacher service.

Matthew BACH: I move:

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

I note that originally the language of the petition directed matters to Minister Hutchins, who was the education minister at the time. Since, thankfully, she has been sacked from that role, this will have to be diverted to the new Minister for Education.

Motion agreed to.

Northern Victoria Region roads

Rikkie-Lee TYRRELL (Northern Victoria) presented a petition bearing 209 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the number of potholes and dangerous conditions of northeast Victorian roads. These dangerous conditions are causing serious damage to vehicles, creating hazards for locals who use the roads daily to commute to and from work and deterring tourists from visiting the area. The relevant departments and government agencies need to investigate and rectify issues, including but not limited to, on the Murray Valley Highway at Huon, the Kiewa Valley Highway at Kiewa, the Murray River Road at Talgarno, Lockharts Gap Road at Tallandoon and the Omeo Highway in the Mitta Valley.

The petitioners therefore request that the Legislative Council call on the Government to investigate and rectify the potholes and the dangerous conditions of northeast Victorian roads.

Rikkie-Lee TYRRELL: I move:

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

Motion agreed to.

Bills

Planning and Environment Amendment (Soil Protection) (Solar Power Generation Facilities) Bill 2023

Introduction and first reading

Rikkie-Lee TYRRELL (Northern Victoria) (13:07): I introduce a bill for an act to amend the Planning and Environment Act 1987 to provide for the mandatory consideration of soil and waterway protection when making the determination of applications for permits relating to solar energy generation facilities and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Rikkie-Lee TYRRELL: I move:

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

Motion agreed to.

Papers

Department of Health

Victorian Public Health and Wellbeing Plan 2023–2027

Lizzie BLANDTHORN (Western Metropolitan – Minister for Children, Minister for Disability) (13:08): I move, by leave:

That the *Victorian Public Health and Wellbeing Plan 2023–2027* be tabled.

Motion agreed to.

*Committees***Scrutiny of Acts and Regulations Committee***Alert Digest No. 11*

Sheena WATT (Northern Metropolitan) (13:09): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 11 of 2023, including appendices and extracts of proceedings, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.**Public Accounts and Estimates Committee***Report on the 2023–24 Budget Estimates*

Michael GALEA (South-Eastern Metropolitan) (13:09): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the 2023–24 budget estimates, including appendices, from the Public Accounts and Estimates Committee, and I present the transcripts of evidence. I move:

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

Motion agreed to.*Papers***Papers****Tabled by Clerk:**

Education and Care Services National Law Act 2010 – Education and Care Services National Amendment (Bassinets) Regulations 2023, under section 303 of the Act.

Independent Broad-based Anti-corruption Commission and Ombudsman – Operation Watts: Progress report, September 2023 (*released on 14 September 2023 – a non-sitting day*) (*Ordered to be published*).

Ombudsman – Investigation into the Department of Transport and Planning’s implementation of the zero and low emission vehicle charge, September 2023 (*released on 27 September 2023 – a non-sitting day*) (*Ordered to be published*).

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

Ballarat Planning Scheme – Amendment C241.

Boroondara Planning Scheme – Amendments C376 and C399.

Colac Otway Planning Scheme – Amendment C123.

Corangamite Planning Scheme – Amendment C63.

Darebin Planning Scheme – Amendment C214.

Greater Bendigo Planning Scheme – Amendment C283.

Kingston Planning Scheme – Amendment C199.

Knox Planning Scheme – Amendment C189.

Macedon Ranges Planning Scheme – Amendments C127 and C159.

Melbourne Planning Scheme – Amendments C455 and C458.

Mornington Peninsula Planning Scheme – Amendments C239 and C270.

Port Phillip Planning Scheme – Amendment C201.

Pyrenees Planning Scheme – Amendment C54.

Stonnington Planning Scheme – Amendments C296 and C335.

Victoria Planning Provisions – Amendments VC242, VC243 and VC246.

Whittlesea Planning Scheme – Amendment C271.

Yarra Planning Scheme – Amendments C320 and C321.

Statutory Rules under the following Acts –

Building Act 1993 – No. 102.

Commercial Passenger Vehicle Industry Act 2017 – No. 100.

Conservation, Forests and Lands Act 1987 – No. 99.

Dangerous Goods Act 1985 – No. 103.

Subordinate Legislation Act 1994 – No. 98.

Supreme Court Act 1986 – Nos. 95 and 96.

Victims of Crime Assistance Act 1996 – No. 101.

Wildlife Act 1975 – No. 97.

Subordinate Legislation Act 1994 –

Documents under section 15 in respect of Statutory Rule Nos. 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101 and 103.

Guidelines for the preparation, content, publication and availability of statutory rules, under section 26 of the Act.

Legislative Instruments and related documents under section 16B in respect of –

Ministerial Order No. 1412 – Structured Workplace Learning Arrangements, under the Education and Training Reform Act 2006.

Ministerial Order No. 1413 – Work Experience Arrangements, under the Education and Training Reform Act 2006.

Victorian Local Government Grants Commission – Allocation Report, year ended 31 August 2023.

Yoorrook Justice Commission – Yoorrook for Justice: Report into Victoria’s Child Protection and Criminal Justice Systems, under section 37 of the Inquiries Act 2014 (*released on 4 September 2023 – a non-sitting day*) (*Ordered to be published*).

Proclamations of the Governor fixing operative dates in respect of the following acts:

Disability and Social Services Regulation Amendment Act 2023 – Division 1 of Part 4 and section 267 – 20 September 2023 (*Gazette S483, 12 September 2023*).

Racing Amendment (Unauthorised Access) Act 2023 – 15 September 2023 (*Gazette S483, 12 September 2023*).

Petitions

Schools payroll tax

Response

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: minister’s response to petition titled ‘Reject the payroll tax on independent schools’, presented by Dr Bach.

Tatura–Kyabram school bus service

Response

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: minister’s response to petition titled ‘School bus service from Tatura to Kyabram’, presented by Ms Lovell.

Business of the house

Notices

Notices of motion given.

General business

Georgie CROZIER (Southern Metropolitan) (13:26): I move, by leave:

That the following general business take precedence on Wednesday 4 October 2023:

- (1) order of the day made this day, second reading of the Planning and Environment Amendment (Soil Protection) (Solar Power Generation Facilities) Bill 2023;
- (2) order of the day 3, second reading of the Residential Tenancies Amendment (Rent Freeze and Caps) Bill 2023;
- (3) notice of motion given this day by me on the new Premier the Honourable Jacinta Allan and government spending and integrity;
- (4) notice of motion given this day by Dr Mansfield referring matters relating to climate resilience to the Environment and Planning Committee;
- (5) notice of motion given this day by Dr Ratnam on the production of documents relating to the housing statement;
- (6) notice of motion given this day by me on public drunkenness laws; and
- (7) notice of motion 110, standing in Mr McGowan's name on changing Maroondah Hospital's name.

Motion agreed to.

*Committees***Economy and Infrastructure Committee***Reporting dates*

Georgie PURCELL (Northern Victoria) (13:27): I move, by leave:

That the reporting date for the Economy and Infrastructure Committee's inquiry into the industrial hemp industry in Victoria be extended to no later than 30 November 2023.

Motion agreed to.

*Members statements***Bushfire preparedness**

Tom McINTOSH (Eastern Victoria) (13:27): I rise to acknowledge the volunteers and emergency services workers that are currently fighting fires on the ground and to thank the Minister for Emergency Services for her update in the house today on the fires in Briagolong and Loch Sport. I am told the rains are falling across South Gippsland and East Gippsland as we speak, which is good news. However, obviously we have concerns as to the amount of rain that is going to fall in the coming days. I want to acknowledge all of those in our country towns and on the outskirts of towns, farmers who have prepared their properties not only to keep themselves safe but to make the job of emergency workers and our volunteers easier in this time, and the 600 CFA and Forest Fire Management Victoria staff that are currently on the scene fighting fires.

We have resilient communities across Eastern Victoria, and I am proud that volunteers from all across Eastern Victoria are there fighting – they have apparently got Rosebud, Dromana and Somerville teams assisting – and a family member of one of the staff in my electorate office is there as we speak. As I said, there are big rains on the way. There could be flooding. We have fires. Everyone, please, do not take any unnecessary risks. Stay up to date, look after yourself and look after your loved ones.

Thelma Mae Moroney

Bev McARTHUR (Western Victoria) (13:29): I rise to celebrate Thelma Mae Moroney, who turned 100 on 7 September. Thelma's extraordinary life has been devoted to her family, her community and her country. A remarkable woman, to this day she can provide a very lucid opinion on current political events and even our behaviour.

Born in Williamstown in 1923, Thelma was the oldest of eight siblings. At 18, in World War II, she joined the Women's Australian Auxiliary Air Force. Stationed in Darwin, Thelma met her first husband Robert Gyton. They married in 1945 and had three sons: Robert, Peter and David. Thelma assiduously complied with the Official Secrets Act, only recently revealing her close association with General MacArthur when as Sergeant Stringer and stationed in his Brisbane headquarters her day job was to diligently ferry secret publications to the general.

At night as duty sergeant she stopped American soldiers fence hopping into the girls quarters. 'Get back to your barracks!' was her constant refrain. Later Thelma married her second husband Cyril Moroney, and together they built a home in Apollo Bay. Thelma was an integral part of her community for 25 years, supporting the Anglican Church, the golf club and school fetes while always knitting for her children and grandchildren. Thelma now lives at Broughtonlea aged care home in Surrey Hills. Happy 100th birthday, Thelma – and she is watching.

Public housing

Samantha RATNAM (Northern Metropolitan) (13:30): Victoria is experiencing the worst housing crisis in decades. Over 125,000 people are on the waiting list for public housing. On any given night over 30,000 people experience homelessness, and Victoria has the highest number of people seeking assistance for homelessness compared with all other states. Rents have increased by 18 per cent in Melbourne in the last year alone, and people are having to choose between food on the table and a roof over their head.

The Victorian Labor government released their long-awaited housing statement in September, with a promise that they would respond to the escalating housing crisis. But instead of a response, they announced a plan that could mean the end of public housing in Victoria and abandoned renters struggling with the cost of living. The plan will see 44 public housing high-rise buildings destroyed, with no commitment to building public housing. Furthermore, the majority of the public housing land will be privatised and sold to private developers for private housing at the opportunity cost of retaining this land to build more public housing.

The use of the public-private partnership to redevelop public housing estates in Victoria to date has been nothing short of disastrous. Most recently the government evicted 68-year-old Margaret Kelly from her public home of 25 years for the same privatisation and outsourcing plan. By the end of this plan Labor will have destroyed thousands of public homes, thrown 10,000 people into uncertainty and gifted property developers millions. This plan will fail because privatising public goods never works, and the people who will suffer are the tens of thousands of Victorians who will struggle to put a roof over their head for decades to come.

Wellsprings for Women

Lee TARLAMIS (South-Eastern Metropolitan) (13:32): Recently I had the privilege to attend the launch of another successful project by Wellsprings for Women at Dandenong's Drum Theatre. *Know My Story: Migrant Women Shaping the Cultural Landscape of Greater Dandenong* is a collection of stories and a short film that recounts the remarkable lives of 10 refugee and migrant women who have overcome adversity while giving selflessly of their time and expertise to help others. These remarkable women hail from all parts of the world, and their stories are brought to light in this publication and film, sharing the common thread of their extraordinary courage and hope. This project provided a platform for a small collection of these commonly untold stories of refugee and migrant women, where we learn about what prompted their departure from their homelands, what they have in common, how they ultimately settled in Australia and the positive impact their contributions have had on their adopted country of Australia. These stories often involve enormous challenges, and by amplifying these voices we inspire others to also speak up about their journeys so we can acknowledge and celebrate them as well.

Know My Story also serves as a poignant reminder of the importance of inclusivity and diversity in storytelling in our communities, and we are all the richer for these inspirational women having generously shared their stories with us. Wellsprings for Women has long been at the forefront of championing the rights and voices of women, particularly those from refugee and migrant backgrounds, and this is yet another project that is testament to their unwavering commitment. I want to thank Wellsprings for Women for making this project possible, the amazing women who shared their stories and Lella Cariddi OAM, the curator of the project, who spoke passionately at the launch about the importance of this project before introducing some of the women featured in it.

Country Fire Authority Tatura brigade

Wendy LOVELL (Northern Victoria) (13:34): It was an honour to once again attend the annual Tatura fire brigade award night to celebrate the brigade's dedicated volunteers. The Tatura fire brigade has a 128-year history of protecting the local community, and the awards night recognised recipients with a combined total of an amazing 540 years of service to the CFA and the Tatura community. A total of 21 members received service medals or certificates on the night, ranging from five to 55 years service for the brigade. Four national medals were also awarded on the night. Jeffrey Alexander and George Taylor were recipients of the National Medal 3rd Clasp, while Colin Magnay and Greg Maher received the National Medal 1st Clasp. I congratulate them all on receiving these honours.

I would like to make special mention of Ray Rennie and Margaret Chance, who were both awarded 55-year service medals – a magnificent achievement by them both. Another 15 members were also acknowledged for their service, with awards ranging from five-year certificates through to 45-year service medals. Four Tatura CFA members were awarded life membership of the brigade on the night. Ray Rennie, Andrew Morom, Greg Maher and Pete Dedman have all been absolute stalwarts of the Tatura fire brigade for many years, and I personally want to congratulate them on their life memberships and thank them for their dedicated and exemplary service to the Tatura community.

Thank you to all the Tatura fire brigade members, their families and the brigade's ladies auxiliary for the sacrifices they all make to keep our community safe.

Krishna Janmashtami

Michael GALEA (South-Eastern Metropolitan) (13:35): I was immensely honoured to attend a Janmashtami celebration at Akoonah Park in Berwick recently, where more than 4500 people celebrated the birth of Krishna, the eighth avatar of Vishnu. Janmashtami as a festival holds deep spiritual and philosophical significance for our local Hindu community and teaches devotees important life lessons such as the pursuit of righteousness and the ultimate victory of good over evil. The celebration included dances of the life of Krishna, devotional singing, fasting, a night vigil and a festival on the following day as well. It is celebrated throughout India and also in Australia, but this was the first time that a Janmashtami event has been held by the Melbourne Hare Krishnas outside of the inner city. It was great to see such a strong turnout at such a successful and memorable event.

Lanterns Viet Kitchen

Michael GALEA (South-Eastern Metropolitan) (13:36): On another matter, I recently visited the Lanterns commercial kitchen in Clyde North, which has been established as a new location for the hugely popular Lanterns Viet Kitchen in Berwick. Lanterns in Clyde North has been created to assist with deliveries of Vietnamese, Indian and Italian food to the rapidly growing Clyde North community but also to serve as a social enterprise where people are trained in hospitality and skills using large commercial kitchens. Participants from the Gre8 Capable Me school leaver employment supports program and Beaconhills College are benefiting from obtaining a range of hospitality skills that will advance their employability and assist industry with skills shortages. Congratulations to Rob Costabile and his partners for developing this successful business with heart.

Gambling harm reduction

Katherine COPSEY (Southern Metropolitan) (13:37): One of the reasons that motivated me to get elected was to see better harm reduction across all forms of gambling coming from this Parliament, and in taking up this portfolio for the Victorian Greens I framed it very deliberately. I am not the spokesperson for gambling, a cheerleader for that predatory industry; I am a spokesperson for gambling harm reduction.

Unlike our government approaches to other products that are known to cause harm to the health of our communities, such as tobacco, drugs and alcohol, gambling is – and this is changing, but we are not there yet – still not broadly recognised as a health issue. Therefore we are missing that crucial harm reduction approach that has seen Australia and Victoria as world leaders in response to those other public health ills. I do hope that in this place we will stop hearing references to industry language such as ‘responsible gambling’, ‘problem gambling’ or ‘problem gamblers’. Those will cease to be heard. Instead we will be rightly discussing these matters in terms of harm prevention and gambling harm respectively.

I also hope – and it is great to see the announcement around the opening hours being floated this morning – that we will listen more to those lived-experience voices who have been calling for a closure from midnight until 10 am. We will embrace the steps along the way, but I hope we listen to those voices. As part of that learning journey and for Gambling Harm Awareness Week, which is coming up, I have invited Three Sides of the Coin, a theatre company, to present a short program of lived-experience stories during our next sitting week. It is happening on Thursday 19 October, and the session will include a Q and A with the advocate storytellers. I have invited all members in this place and the other place to join me for this event, and I do hope you can make it. I look forward to seeing you all there.

Raksha Bandhan

Trung LUU (Western Metropolitan) (13:39): I had a great opportunity on the weekend to join the Hindu Organisations, Temples and Associations of Victoria to celebrate the festival of Raksha Bandhan. This ancient Hindu festival is relevant to today’s world. It promotes universal fellowship, respect for women and embracing harmony, respect and love. Raksha Bandhan plays a significant role in promoting unity and celebrating the deep spiritual ties between brothers and sisters. It signifies the importance of family and family relationships and the fact that we all mutually rely on each other for support. I would like to extend my thanks to the World Hindu Council of Victoria and Hindu Organisations, Temples and Associations of Victoria for organising the event and inviting me to share the lovely experience. Events such as this represent the very best examples of the success of multiculturalism in Victoria and Australia by celebrating and sharing culture and tradition regardless of where you come from. This event proudly showcases the unique Hindu culture and tradition while promoting what unites us all. It is a wonderful event, and I do again thank Hindu Organisations, Temples and Associations of Victoria for this great opportunity. I hope they have many successes in the following years.

Housing affordability

Aiv PUGLIELLI (North-Eastern Metropolitan) (13:40): As we have a new Minister for Housing in this chamber, I thought I would make a quick comment as the youngest person here. A new CoreLogic report shows that house prices are still on the rise and heading for a new record high. The median price for a dwelling in Melbourne is currently sitting at \$776,716. According to the latest release from the Australian Bureau of Statistics, the median income in Melbourne is about \$52,000. I popped open a mortgage calculator and, guess what, the repayments on a median dwelling would be more than an entire median income.

I am a young person and a renter, and I worry about my and future generations being able to have access to secure, long-term housing. Home ownership is frankly a pipedream for many. It appears

public housing – another vital source of long-term secure housing – is also on the chopping block. So many people are now left wondering if they will ever have a long-term, fixed and affordable home. Young people have been thrust into the insecure private rental market, and most will be stuck there for their entire lives. Is this the best that they can hope for, being at the whims of the private market, forced to relocate every few years, living with constant insecurity, with no way to build community? We can do so much better.

Voice to Parliament

Renee HEATH (Eastern Victoria) (13:41): I used my very first speech in this house to talk about reconciliation. I believe that we are strong when we honour and see the uniqueness in every single person. I believe this nation does need healing, trust does need to be built between different groups, and I do not believe that the Voice is the answer. The Voice is divisive, it is legally risky, it lacks detail and it is permanent. While I wholeheartedly support Indigenous reconciliation in the constitution, I do not believe that the Voice will provide better outcomes for Indigenous Australians.

Treating any ethnic group as a collective beholden to one opinion degrades and diminishes them. Aboriginal people are individuals with a diverse range of world views, opinions, thoughts and philosophies. We do people a great disservice when we allow their individualism to be swallowed up by a multibillion-dollar unelected bureaucracy that speaks on their behalf. We need to stop looking at people like racial entities, because we are better than that. Australians should not be divided along the lines of race. We need the spirit of unity and not the politics of division. Vote no to the Voice.

Flood recovery

Gaelle BROAD (Northern Victoria) (13:43): Next week marks one year since the beginning of the floods that had a devastating impact across Northern Victoria. I want to acknowledge all those who were directly impacted, because 12 months on many are struggling to recover. The Environment and Planning Committee is conducting an inquiry into the floods, and I especially want to thank all those that have made submissions. At public hearings we have heard directly from local communities. In Rochester over 900 homes were flooded and hundreds of people are still living in caravans. One lady spoke of looking for a place to dump the contents of her camp toilet each morning. In Undera locals doorknocked neighbours to raise funds to fix broken levee banks that the state government built. At Echuca Village the CFA were brought in to assist without any proper training or direction and were told that no sandbags were available. In Seymour we heard there was no warning when Goulburn–Murray Water released thousands of megalitres of water overnight and farmers were left desperately trying to save stock left swimming in floodwaters.

Across the region communities and neighbours rallied together as roads and bridges were ripped apart. Many people were cut off and left stranded, with no access to food or supermarkets, no fuel, no power and no internet or mobile coverage. Individuals did their best to enact their own flood plans, but thousands of people were caught off guard by the lack of warnings and the floodwaters that rose much higher than predicted. It is clear from the evidence presented that the sheer scale of this disaster required a much higher level of statewide coordination and response. The committee's final report is due in June next year, and my hope is that the recommendations put forward will help our state be better prepared for floods of this scale in future.

Cerebral Palsy Education Centre

Matthew BACH (North-Eastern Metropolitan) (13:45): It was a couple of weeks ago now that I had a fabulous time at the Cerebral Palsy Education Centre in Glen Waverley, where it was good to also welcome the Labor lower house member Mr Mullahy and also the then Deputy Premier, now Premier. We were all there because we wanted to attend the official opening of a new bike path and bike shed facilities. This new bike path and the new shed at the centre are importantly dedicated to the memories of Rhys Linden and also his dear friend James Pike, who both sadly passed away back in 2020. It was a particularly moving ceremony because we heard from Rhys's mother, who spoke really

fondly of her son's time at CPEC, the Cerebral Palsy Education Centre, and how he truly loved to ride with his friends, the impact that it had on his wellbeing to be able to do so and her hopes, then, also that so many other people – and CPEC caters to people who range from a very young age all the way through to 65 – would have those same sorts of opportunities. This was able to come about because of a really important collaboration, so I want to thank the generosity of the Pike family, the wider CPEC community, the successful Run for Rhys event and furthermore the government for some funding as well. Thus I want to thank and congratulate all those involved and give a special shout-out to the longstanding CEO of CPEC, Claire.

Ballarat Ganesh Festival

Joe McCracken (Western Victoria) (13:46): I rise to pay tribute to the organisers of the 2023 Ballarat Ganesh Festival, which is a very important event in the Hindu calendar. Specifically I would like to pay thanks to the Ballarat Hindu Temple & Cultural Centre, led by president Pradush and his wonderful executive team. It started on Friday night at Ballarat High School. There was prayer, there were cultural activities, including vibrant dancing, and I particularly want to pay note to Jinu Mathew, whose performance was just remarkable. There were kids activities, including rides, and food stalls and cuisine, culminating in fireworks that would probably give New Year's Eve a run for its money. Over the weekend there were many other amazing events as well, capped off by the close of the festival at Lake Wendouree. I was so proud to be a guest of honour at the Ganesh Festival, and I want to pay tribute to the many hundreds if not thousands of members of the Hindu and broader Indian community in and around Ballarat. We value your contribution to our community, and the message that we send to you is very, very simple: we value you, we respect you and we welcome you with open arms. It does not matter where you were born or where you are from, it does not matter how tall you are or how short you are, everyone has a voice. That stuff does not matter at all, because in Australia we are all meant to be treated equally. Congratulations to the Ballarat Hindu temple and education centre, and I look forward to many more events to come.

Voice to Parliament

David Davis (Southern Metropolitan) (13:48): I rise to warn the community about the Voice. The Voice is wrong in principle, it is divisive and it will entrench in the constitution a very negative outcome for Victoria in particular. It will favour elite groups over the productive outcomes that we all desire for Indigenous communities. As I say, this will be very bad for Victoria. The Voice will intervene in every area of federal–state overlap to Victoria's detriment. Whether it is the grants commission, whether it is the Commonwealth health arrangements with the states, the Commonwealth–state arrangements on education, the Commonwealth–state arrangements on housing, whatever area of government you wish to look at, there will be an intervention by the Voice. The Voice in the circumstances will be particularly powerful given the risk of an activist and adventurous High Court which will in effect lock in key powers for the Voice. It will lock in funding. It will lock in arrangements for the Voice –

A member interjected.

David Davis: Oh, yes, it will, and the Voice will be in a position where it is untouchable because the High Court will lock it in given the activist mode of the High Court at the current point. Victoria will be the loser. Victorians always pay more. We always pay a disproportionate share of the taxes and we get less, and the Voice will amplify this to the detriment of Victorians.

Business of the house

Notices of motion

Lee Tarlamis (South-Eastern Metropolitan) (13:49): I move:

That the consideration of notices of motion, government business, 63 to 171, be postponed until later this day.

Motion agreed to.

*Bills***Justice Legislation Amendment Bill 2023****Debate resumed on motion of Harriet Shing:**

That the bill be now read a second time.

Georgie CROZIER (Southern Metropolitan) (13:50): I rise to speak to the Justice Legislation Amendment Bill 2023. As has been pointed out by my colleague in the other place the Shadow Attorney-General Michael O'Brien, the coalition will not be opposing this bill. It is an omnibus bill. It covers a wide range of different issues, but it is looking to ensure that there is improvement in the operation of our justice system. I will go through those aspects of the bill that address various technical areas that the bill attempts to provide greater clarity on to improve, as I said, the operation of our justice system.

The first part of the bill clarifies and confirms temporary changes to the Open Courts Act 2013 and the Court Security Act 1980 made during the pandemic which supported remote public access and other alternatives to physical court hearings, which were an important part of the court process at that time. Of course the pandemic itself and what Victoria went through with the harshest of restrictions and the worst outcomes this state will never forget. What the Labor government did under the direction of the former Premier we know was enormously detrimental to so many Victorians. The way the government managed the pandemic – the cover-ups around hotel quarantine, the numbers of deaths that resulted from bad policy decisions by this government – was why we called for a royal commission back in 2020.

I note that the Prime Minister when he was in opposition said that the federal government, if he was successful, would also hold a royal commission into the pandemic. Now he has backtracked on that; he is taking a leaf out of the book of his old mate former Premier Daniel Andrews by saying one thing to the people and actually doing another. But lessons from the impacts of the pandemic should be learned from a royal commission, and I call on this government, this new government – well, it is the same old tired Labor government but with a new Premier, Jacinta Allan – to undertake an inquiry into what happened under her watch. She was Deputy Premier. She made some disgraceful decisions when she was Acting Premier, which caused so much chaos and incredibly dangerous situations with the border closures. I say again there should be a royal commission into the pandemic: the mental health aspects, the economic aspects and the reputational damage that was caused because of the government's direction and decision-making.

This part of this bill is very important: that the Open Courts Act enable remote access. This was actually something that worked during the pandemic. It did enable court processes to continue, and as Mr O'Brien said, the principle that the courts should always be open barring exceptional circumstances is one that is still provided for. For people in rural and regional Victoria, travel to Melbourne and the cost of lawyers are very, very important, and if hearings can be done in a remote manner, then that is a good thing that will benefit the people that are affected. This part of the bill makes permanent some of those temporary changes brought on during the pandemic. As Mr O'Brien has pointed out, that is a sensible measure in this bill.

The bill also has provisions around empowering court officers to enforce relevant pandemic orders and measures to safeguard the health and safety of court users in the event of a future pandemic occurring. It confirms the ability to conduct some proceedings online and provides that it is for a court or tribunal to determine when a broadcast of proceedings is considered appropriate in the circumstances. As I have previously said, of course we want to be able to have courts open to enable people to have that openness and transparency and to ensure that justice is not only seen to be done but is actually done.

Now, what the bill also does is go to updating measures in relation to court security, in particular the seizure of certain prohibited items. We agree it is appropriate to require authorised staff – the

authorised officers – to form a view that there are reasonable grounds to believe an item is prohibited before seizing or retaining it. Of course in this place there are checks through security – quite rightly so – and it is extraordinary how many dangerous items and indeed weapons are seized by the parliamentary security staff here. You can imagine in a court situation that that is also very important and that needs to be done, and so this part of the bill enables that particular measure to be undertaken. We have it of course through our airport system as well and in various other parts of administration around the country. So that particular part of this bill I have to say I think is an important part.

Other amendments that the bill makes relate to coronial investigations. It implements recommendation 2 of the findings of the coronial inquest into the death of Tanya Day, recommendation 29 of the Royal Commission into Aboriginal Deaths in Custody and recommendation 42 of the Victorian parliamentary Law Reform Committee review of the Coroners Act 1985, and these reforms provide clarity around the role of police coronial investigators in investigations into reportable deaths. Obviously this is highly contentious, and we need to be doing as much as we can, but we do need to have some practicality around some of these decision-making processes as well. It gives explicit power for a coroner to direct the coronial investigator at all stages of an investigation and imposes a duty to comply with reasonable directions of the coroner. It makes it clear that the coroner is directing the coronial investigation, subject to an important safeguard that provides two circumstances where the investigator is not required to comply. I think this is another important aspect around this particular amendment in this bill: those areas where they are not required to comply are when the Chief Commissioner of Police considers a direction is unreasonable or would compromise a criminal investigation. I think everybody would agree that nobody wants to interfere in the work of police and investigations into criminal matters, and of course this is what this amendment recognises and deals with.

The next aspect of the bill is in terms of changes to the Spent Convictions Act 2021, and it seeks to facilitate information sharing and increase access to the scheme. It seeks to remove unintended eligibility barriers to having convictions spent by narrowing the definition from ‘term of imprisonment’ to ‘custodial term’ so that it only includes sentences involving physical detention. There are exclusions to custodial terms, including drug rehabilitation, home imprisonment, intensive correction, residential treatment orders and any part of a term suspended or elapsed without being served.

It is an important principle that people who have made mistakes should have an opportunity to repent for a fresh start, and it allows them to have their convictions spent. And I think we have seen over the years a number of bills around spent convictions come through the house and be passed, understanding some of that. I know that indeed some of those aspects that have got some very significant historical relevance are around things that might have been seen in one period of time to be reasonable and are seen in this day and age to be unreasonable. I think this element around spent convictions also addresses some of those areas. However, it is evident that people convicted of serious crimes such as sexual offences have been able to use and exploit the Spent Convictions Act to have those convictions determined to be spent, and effectively that hides the seriousness of these crimes from the broader world, much to the distress of their victims. That is something that this addresses.

I know that at the time this was being debated in this place the Liberals and Nationals raised these concerns, and the government is now fixing those aspects, so that is a good thing. While the definition in this bill effectively widens eligibility for having convictions spent, these measures do not appear to create any more concerns. For youth offenders, the bill removes the requirement that children and young offenders must be sentenced under specific legislation to be eligible to have their convictions spent.

The next part of the bill goes to the issue around amending the Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 and the Forests Act 1958 to expand the firefighters presumptive rights scheme to include cervical, ovarian and uterine cancers. This is an important part of this omnibus bill. It has been the subject of some very detailed discussions,

and I want to place on record my thanks to Mrs Hermans, who has been working on this area, and also for the conversations I have had with members of the crossbench, in particular the Greens, around their concerns in this area. This bill adds three cancers to the schedule of prescribed cancers – as I said, cervical, ovarian and uterine cancers. These prescribed cancers are to be included in the presumptive rights legislation, removing barriers to claiming compensation around these cancers should firefighters, sadly, have those terrible conditions.

We on this side certainly agree with the government's intention here in recognising women's cancers in the expansion of the compensation scheme for eligible personnel. I know there is discussion around broadening this to other cancers. I again say that I have had some discussions around that and what needs to be done, and I note that the Greens private members bill that is on the notice paper addresses this concern as well. I want to thank the Greens for having those discussions with me. We do have concerns – I know the Greens will be raising this in their contributions – around expanding that, around putting that in this bill at this time, largely because of the time frame surrounding the open courts issue around the pandemic legislation that I highlighted previously.

Moving to the next part of the bill, what the bill does is amend the Legal Profession Uniform Law Application Act 2014 and the Criminal Procedure Act 2009 in relation to offences and disciplinary action. This basically covers the legislative framework for the register of disciplinary action for Victorian lawyers. The intent is to increase consumer protections and better align with frameworks in other jurisdictions participating in the uniform law scheme. This includes a 28-day time limit for appeal or review of disciplinary action, which means the Victorian Legal Services Board will be able to publish details of a determination of unsatisfactory professional conduct finding on the register of disciplinary action after this time has elapsed. It should be noted that the Law Institute of Victoria opposes the publication of a professional misconduct decision against an Australian lawyer that may be subject to appeal, and I know that Mr O'Brien had extensive conversations with the LIV around this particular aspect of the bill. The LIV argues that if a person's name is on the register in public view and the finding against that person is subsequently overturned on appeal, the reputational damage has been done. This may lead to some unfair and harsh individual outcomes, yet that is how our justice system operates. There have been instances over time where there have been high-profile cases in this state where a person has been found guilty, with no bar to that being reported, and later had the conviction quashed after spending a long time in prison.

The provisions before us here need to balance the right of free speech – we understand that – the principle of open courts and the right for individuals to not have their reputations damaged unnecessarily, as well as the right of consumers to be informed about findings relating to providers of professional services. There is a balancing act, if you like, in relation to all those considerations. They are very important considerations – aspects of all of those elements in their own right are very, very important – but we do need to uphold what we are trying to do here, and that is to be balanced and fair and have good frameworks and structures in place to assist in the delivery of good legal practice.

Whilst, as Mr O'Brien said in his contribution, there is acknowledgement of the law institute's concerns, we believe in this case that the balance is right and the community benefit is actually served. There is no reason that lawyers with a misconduct decision against them should have greater protections than citizens, who can have a guilty verdict publicised even where it may at a later date be appealed and then quashed. I think that is what the government is trying to do here, and I think the amendment to this bill actually provides the ability to get that balance.

This bill also clarifies that certain events involving misconduct, particularly in relation to trust accounts, are indictable offences and not summary offences, although they can be tried summarily. The amendment removes the 12-month limit on prosecuting summary matters, and the coalition supports this matter.

The next part of this omnibus bill is to amend the Children, Youth and Families Act 2005 to support the introduction of electronic case management in the family division of the Children's Court. It is just

making technical amendments to allow the filing of certain documents to be brought into the 21st century and to be done electronically, and that will modernise the process and enable more efficiencies to occur throughout the system.

I am just going through the various aspects of the bill. There are a number of them. I will move to what the next part of it does, which is amend the Jury Directions Act 2015 in relation to sexual offence cases. What this does is clarify that certain jury directions are available in all sexual offence trials regardless of whether the prosecution is required to prove a lack of consent. What this means is that these provisions seek to address concerns from the legal profession and judiciary on the matter. There have obviously been concerns raised with the government, and the government is addressing those concerns through this particular amendment, where the wording of previous changes to jury directions unnecessarily references a lack of consent. That has been spelled out.

The next part of the bill is to amend the Criminal Procedure Act 2009 in relation to persons who make witness statements in briefs. This is basically a minor technical amendment which allows authorised officers under the Dairy Act 2000 and Meat Industry Act 1993 to witness statements used to prosecute matters in court, expanding this role beyond police. You can see that this is an omnibus bill. It does take in a wide range of different bills and different elements around those bills, as I said.

The next part relates to VCAT, and what it does is amend the Victorian Civil and Administrative Tribunal Act 1998, the Wrongs Act 1958, the Limitation of Actions Act 1958 and the Domestic Building Contracts Act 1995 in response to recent court decisions. Those court decisions have been shown to reduce the effectiveness of the jurisdiction of VCAT by deciding that VCAT is unable to consider matters involving federal law, even where there is only an indirect connection to federal law matters – another important aspect to provide more efficiencies in the system. What the bill does is seek to provide certainty about VCAT's jurisdiction and the rights of parties in affected cases through a number of changes. It expands the class of VCAT members who can make orders to transfer federal matters to a court for determination. It gives courts the powers to extend the limitation period for federal jurisdiction matters referred to them by VCAT and preserves the rights and liabilities of parties involved in previous VCAT decisions which are no longer valid due to the matters having an indirect connection to federal law. Considering the work of VCAT and the enormous volumes of work that VCAT is hearing, we think these are sensible amendments and sensible considerations to resolve the issues that can cause unnecessary inefficiencies in the system.

Part 11 of the bill is to amend the Crimes Act 1958 to ensure that the Victorian Aboriginal Legal Service is contacted in all cases where a person taken into custody identifies as Aboriginal. This relates to making it a requirement for the Victorian Aboriginal Legal Service to be notified if a person is taken into custody and they do identify as Aboriginal. Currently self-identification is only a consideration rather than a mandatory requirement, so what this amendment will do is ensure that all people self-identifying as Aboriginal are treated as such and that the Aboriginal legal service is notified, and then they can manage appropriately.

The final part to the bill is to amend the Victoria Police Act 2013 to reinsert a regulation-making provision erroneously omitted in earlier amending legislation. What that does is just reinsert the regulation-making powers inadvertently removed in previous legislation, tidying up the issue.

In summary, this bill covers 11 areas of justice legislation. As I said, they are mostly technical fixes. They clarify various elements to provide greater certainty and clarification to those that will be caught up in understanding the elements of this particular legislation. This will help to ensure our justice system operates effectively and efficiently, upholding the principles of fairness and equality before the law.

I want to again place on record my thanks to the Shadow Attorney-General for the work he has done on this in speaking to a number of stakeholders because of the extent of the areas that this bill covers regarding the justice legislation – the work that he has done and others have done. I do want to

acknowledge those issues around firefighters presumptive rights compensation. I also want to thank the government for the discussions I have had with them around that, but I think more needs to be done in this particular area. Clearly there is a lot of work that has been done, but there needs to be some more work done. I want to thank those that have spoken to me about that very important area.

With those words, I will conclude my contribution and again say that the opposition will not be opposing these amendments in the Justice Legislation Amendment Bill 2023.

Samantha RATNAM (Northern Metropolitan) (14:13): I rise to speak briefly about the Justice Legislation Amendment Bill 2023. This is an omnibus bill that proposes to make a broad range of amendments. One of the most important amendments, in part 4 of the bill, is to amend the relatively new Victorian spent convictions scheme to remove some of the eligibility barriers, which the Greens strongly support. We know that spent convictions schemes not only serve the interests of justice and fairness but also help to facilitate rehabilitation and prevent reoffending. Victoria took far too long to introduce a spent convictions scheme, so we need to be doing as much as we can to improve its effectiveness.

There is also a welcome change to the mandatory reporting system when a First Nations person is taken into police custody that ensures the Victorian Aboriginal Legal Service is notified where a person self-identifies as Aboriginal. This reporting system was of course implemented as a result of a recommendation of the Royal Commission into Aboriginal Deaths in Custody. But what we know is that because many of those recommendations have still not been implemented some 30 years later, Aboriginal people continue to die preventable deaths in Victorian prisons. While I am not going to anticipate debate on another bill this week, I would say that a good government does not just acknowledge that it needs to do more on First Nations justice, it must actually do more, and this means by implementing all of the recommendations of the royal commission that we know will prevent overincarceration and deaths in custody.

Finally, unsurprisingly, I will also speak briefly on the presumptive rights cancer compensation scheme for Victorian firefighters. The bill proposes to add another three cancers – cancers which mostly affect women – to this presumptive rights scheme. As I have already outlined in my second-reading speech for the Greens' private members bill to expand the presumptive scheme, it is important that we expand the scheme to include these three cancers, but what is no less important is that we also expand the scheme to include all cancers that are recognised scientifically in other Australian jurisdictions and also internationally to be caused by firefighting. There is no justification not to do so. Victorian firefighters should be entitled to the same worker protections as those federally and in other Australian states. So pursuant to standing orders, I wish to inform the house that I have amendments and request they be circulated now, please.

Amendments circulated pursuant to standing orders.

Samantha RATNAM: My amendments add an additional six cancers, to bring Victoria's scheme in line with other Australian jurisdictions. I have already spoken in depth on the reasons we need to do this collectively as a Parliament in the second-reading speech for my private members bill, and I will do so again in committee. I will just reiterate a single point for now, and that is that when it comes to protecting the health and wellbeing of Victorian firefighters, whether they are volunteers in the CFA or professionals in Fire Rescue Victoria, Victoria should not fall below the standards in other Australian jurisdictions.

I note that CFA volunteers and Fire Rescue Victoria employees are already out there putting their lives on the line for us this summer and that it is, sadly, statistically almost inevitable that some of these firefighters will go on to develop one of the six cancers in my amendments as a result of their work. Knowing that those volunteers and workers are out there right now fighting to protect us, our homes and our communities, what would it say about us if we refused today to do the right thing by them and properly protect their health in return? What would our constituents and community think of us as

their representatives as we send firefighters off to fight out-of-control fires in Gippsland, no doubt the first of many this summer, then sit back in the comfort and safety of this Parliament and tell them that this is not the right time to properly protect their rights, that they should be firefighters in the ACT or Tasmania if they want comprehensive protections, that maybe we will get around to considering this and doing it sometime later?

I think I know what our constituents would expect us to do today. And as we think of the current fires burning in Victoria, I hope that ultimately our consciences will reach the same conclusion, and that is that we cannot wait. We cannot do half the job when it comes to protecting firefighters' health in Victoria, and that is why I commend these amendments to the house.

Ryan BATCHELOR (Southern Metropolitan) (14:18): I am pleased to speak on the Justice Legislation Amendment Bill 2023, which makes a number of critical amendments and improvements to the justice system, because this Labor government, the Allan Labor government, is getting on with the business of improving our justice system and making it fairer, more accessible and inclusive for all Victorians. The bill implements a range of changes and amendments to ensure that our legal and justice systems are both inclusive and accessible. They include recommendations from the coronial inquest into the death of Tanya Day, the Royal Commission into Aboriginal Deaths in Custody and a parliamentary Law Reform Committee review of the Coroners Act 1985. The bill will also permanently embed remote hearings and court security arrangements into our justice system, allowing the courts to operate more efficiently and providing greater access for the public and parties to proceedings. It will make changes to the presumptive rights for firefighters regime which will add to the list of cancers, particularly those affecting women, under the existing presumptive rights compensation scheme.

Going to the issue of using technology to enhance access to justice, of the lessons that the pandemic taught us, one was the importance of the way that technology has changed the way that we live and work. Those impacts have been felt across the justice system. Unfortunately in some respects parts of our court system are still stuck in the last century, and registry staff still have to physically stamp hundreds of thousands of documents every year. Lawyers, judges, parties to proceedings and members of the public have to sometimes travel hours for short case management hearings. These practices do lead to inefficiencies, and they play a part in and make a contribution to the backlog of cases currently within our justice system.

The requirement to physically attend court can be onerous and a difficult expectation of people with accessibility needs or those who live great distances from the courts, and sometimes cases need to be adjourned when people cannot attend, further contributing to these delays. During the pandemic the government implemented a range of temporary measures to allow courts and tribunals to operate remotely whilst still supporting the principles of open justice that are a cornerstone of our justice system, and these temporary measures were a success. What this legislation will do is expand those and make many of these measures permanent, which will enable more people to attend hearings remotely and allow the justice system to recover from the backlog of cases, and that can only be an important thing. It does not mean of course that our court system is moving entirely online, but it is a step in the right direction, making the system overall more accessible. For some it is still going to mean turning up to court. For others it might mean dialling in from a convenient place – a lawyer's office, for example. There will be different options for different people, and the court or the tribunal will maintain the ability to decide what method of access is the best for the parties to a proceeding.

In addition there is also the permanent offering of live stream options for court hearings, the introduction of a case management system to the family division of the Children's Court and the use of software to access compliance documents, which will streamline and modernise the administrative functions that are currently performed by registry staff, allowing them to work on more substantive duties. We absolutely believe the new case management system, which will be only accessible to trusted users, will make great savings and efficiencies in relation to administrative matters around the courts.

The bill will also fix some unintended barriers that exist in current legislation to accessing the spent convictions scheme. Spent convictions are an important part of giving people in the community a chance to rehabilitate, which is obviously a key goal of the justice system here in Victoria, but there are a number of unintended limitations to the existing spent convictions legislation. One of these is in relation to children and young people having restricted access to the scheme because of a requirement to have been sentenced under specific legislation. As we know, the purpose of the scheme is to make sure that convictions recorded do not unnecessarily inhibit access to housing or employment opportunities or further social participation, so it is important to fix these issues with respect to young people and their access to spent convictions.

The other unintended limitation the bill seeks to address is the definition of what a term of imprisonment is. There have been some issues in the interpretation of this aspect of the legislation in respect of how it has been applied in the Magistrates' and other courts due to a lack of a definition in the existing legislation, meaning that the concept of 'term of imprisonment' is open to interpretation. The amendments introduce a new definition of 'custodial term' and clarify the definition to include time when someone is actually physically imprisoned or detained. The current operation of the definitions in relation to imprisonment are causing confusion and different interpretations both in the Magistrates' Court and by Victoria Police. Hopefully the amendments in this bill will help tidy up this confusion and explicitly outline what a term of imprisonment is, allowing for a fair and equitable application of the concept when considering spent conviction applications.

Importantly, the legislation maintains existing safeguards to ensure that those convicted of violent and/or sexual offences will not be able to access the scheme if that is inappropriate, and the Magistrates' Court still has to consider the circumstances and seriousness of the offence, the impact on victims and whether the applicant has demonstrated rehabilitation. We think that these are important amendments to clarify key concepts under the Spent Convictions Act 2021 to open up greater access for children and young offenders who deserve the opportunity that the spent convictions legislation makes to increase their ability to participate in society.

Another important element here is in relation to implementing recommendation 2 from the coronial inquest into the death of Tanya Day. We know that, sadly, First Nations people are over-represented in our criminal justice system. Deaths in custody are preventable tragedies, and we must take action to deal with them. The coronial inquest into the death of Tanya Day made several recommendations, some of which align with those of the Royal Commission into Aboriginal Deaths in Custody. The deaths in custody royal commission report was in fact handed down in April 1991, and we still do need to take heed of what it has said to us all.

The government is seeking to implement the recommendation relating to coronial investigators, which will help protect vulnerable citizens, particularly including First Nations people. One of these changes is to legislatively recognise the role of coronial investigators. Currently Victoria Police provide investigators to attend scenes where there is a reportable death, and they then assist the coroner to prepare the report of death, which can include making inquiries to ascertain the identity of the deceased and conduct further death investigations. However, this system operates by way of convention and informal agreement between the Coroners Court and Victoria Police. By legislating the role of the coronial investigator this change will enhance public trust in the independent coronial system and bring Victoria into line with other jurisdictions, and as I said earlier, it will implement recommendations from the coronial inquest and from the Royal Commission into Aboriginal Deaths in Custody. The coroner will also now have explicit power to direct a coronial investigation officer, and the officer will have a duty to comply. Having this independent and transparent coronial system is integral to ensuring that we are able to better understand the causes of reportable deaths and take action to minimise them.

Obviously in addition there are further amendments introducing requirements to notify the Victorian Aboriginal Legal Service in all circumstances where a person taken into custody self-identifies as Aboriginal. Providing prompt, culturally appropriate legal assistance for Aboriginal people in custody

is a key part of reducing their overall representation in the criminal justice system, and it adds to the work that the government has already done to reduce that over-representation, including commitments we have made to the legal service hubs in Aboriginal communities across Victoria. We hope that these amendments provide greater protections to some of our most vulnerable community members, including children and First Nations people.

Lastly, I just want to touch on the expansion that this bill provides under the presumptive rights compensation scheme for firefighters here in Victoria. It is this Labor government that has delivered these landmark reforms to open up access to compensation through the firefighters presumptive rights compensation scheme, and more recently we have extended it to ensure that vehicle and equipment maintenance workers who attend fires have the same presumptive rights as volunteer firefighters. We thought the scheme was a good one to introduce and we thought it was a good idea to expand it to other workers who work in similar sets of circumstances, and now, following a proper and thorough process, we propose in this legislation to extend it again.

This bill seeks to increase access for women by including primary site cervical, ovarian and uterine cancers in the presumptive rights scheme's prescribed list of cancers. It recognises that firefighters work in inherently dangerous conditions. They put their lives on the line to ensure that our communities are safe, and we are seeking to provide peace of mind and support for thousands of career and volunteer firefighters currently not covered by the scheme. I am pleased that we have put up this legislation today to support our female firefighters to have the same rights and protections as their male counterparts.

This bill makes important changes to enhance the administration of justice here in Victoria by improving efficiency, clarifying legislative uncertainties and further supporting our courts and tribunals, and it is an important part of ensuring our legal and justice systems are inclusive for all Victorians.

Evan MULHOLLAND (Northern Metropolitan) (14:29): I rise to speak also on the Justice Legislation Amendment Bill 2023. This is an omnibus bill that contains some relatively uncontroversial fixes for a number of pieces of justice legislation. I am pleased to echo the Leader of the Opposition in the upper house, Ms Crozier, by saying the opposition will not oppose this bill. We have consulted through my colleague in the lower house Michael O'Brien, our Shadow Attorney-General, a wide range of organisations, including the Criminal Bar Association, the Federation of Community Legal Centres Victoria, the Law Institute of Victoria, Liberty Victoria, the Police Association Victoria, the Victorian Aboriginal Legal Service and the Victorian Bar Council. Notwithstanding a concern from the Law Institute of Victoria, we have received no unfavourable representations regarding this bill. The Law Institute of Victoria opposes the decision to allow publication of a professional misconduct decision against an Australian lawyer that may be subject to appeal. We do not believe there is merit in this, as a citizen can have a guilty verdict published even when it may be appealed or quashed, so we do not see the rationale for affording lawyers actually greater protection.

The bill amends a number of acts, including to clarify and confirm temporary changes to the Open Courts Act 2013 and the Court Security Act 1980 made during the pandemic, such as supporting remote public access and other alternatives to physical court hearings. Amongst other purposes, the bill confirms the ability of courts to conduct some legal proceedings online, and I think, Deputy President, this would be very important for those people particularly in your electorate but in many regional electorates around the country to keep that going and make sure we have an open court process definition that allows for that inclusion of people in regional Victoria.

The bill also amends the Coroners Act 2008 in relation to coronial investigators. It will implement recommendation 2 of the Tanya Day coronial inquest findings to provide clarity around the role of police in coronial investigations into reportable deaths. It also will give effect to recommendation 29 of the Royal Commission into Aboriginal Deaths in Custody and recommendation 42 of the Victorian

parliamentary Law Reform Committee review of the Coroners Act 1985 to amend the Spent Convictions Act 2021 to facilitate information sharing and increase access to the scheme. The bill amends the Spent Convictions Act 2021 by expanding the eligibility for a spent conviction order by narrowing the definition from ‘term of imprisonment’ to ‘custodial term’ in section 5A. The new definition only includes periods when someone is physically detained or imprisoned and excludes non-custodial sentences such as suspended sentences. The bill removes the requirement that children and young offenders must be sentenced under specific legislation in order to be eligible to have convictions spent under sections in the act. The bill also includes further but limited exemptions to the disclosure of spent convictions information by enabling disclosure by courts in the form of identified data sharing for information purposes, including conducting research and statistical analysis in the publication of judgements and in providing access to court records.

The bill amends the Firefighters’ Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 and the Forests Act 1958 to expand the firefighters presumptive rights to include cervical, ovarian and uterine cancers. It amends the Legal Profession Uniform Law Application Act 2014 and the Criminal Procedure Act 2009 in relation to offences and disciplinary action. The bill amends the legislation framework for the register of disciplinary action for Victorian lawyers to increase consumer protections and better align with the framework in other participating jurisdictions of the uniform law scheme; amends the Children, Youth and Families Act 2005 to support the introduction of electronic case management in the family division of the Children’s Court; and amends the Jury Directions Act 2015 in relation to sexual offence cases. It amends the Criminal Procedure Act 2009 in relation to persons who may witness statements in briefs. This currently falls to others, such as the police.

It amends the Victorian Civil and Administrative Tribunal Act 1998, the Wrongs Act 1958, the Limitation of Actions Act 1958 and the Domestic Building Contracts Act 1995 in response to recent court decisions. These reforms will expand the class of VCAT members who can make orders to transfer federal jurisdiction matters to a court for determination, provide courts with power to extend the limitation period for federal jurisdiction matters referred to them by VCAT and preserve the rights and liabilities of parties involved in previous VCAT decisions which are no longer valid due to the matters having indirect connection to federal law.

It amends the Crimes Act 1958 to ensure that the Victorian Aboriginal Legal Service is contacted in all cases where a person taken into custody identifies as Aboriginal. This must be done within an hour of the person being taken into custody or, if not practicable to do so, as soon as practicable to do so. It amends the Victoria Police Act 2013 to reinsert regulation-making powers to prescribe fees for services provided by police officers, PSOs and Victoria Police employees, which appear to have been erroneously omitted in earlier amending legislation.

On the Greens amendment that was circulated, this particular bill, the Justice Legislation Amendment Bill, has a number of time-sensitive measures in there, like the continuation of open courts that many regional Victorians would have access to currently, and we would not want to see that expire by possibly ending up with a disputed bill. Whatever the merits of expanding the presumptive rights legislation, I do not think it is an amendment for this particular bill. If the Greens political party feel that is a worthy cause, then I would invite them to bring it forward as a standalone private members bill and have us debate it then. That would be an appropriate way to go rather than interfering with justice legislation that is, again, quite time sensitive. That is the view of the opposition. We would invite the Greens political party to have a conversation about that and put up their own private members bill if they deem that worthy. That is all for my contribution.

David LIMBRICK (South-Eastern Metropolitan) (14:39): I rise to speak briefly on the Justice Legislation Amendment Bill 2023. The Libertarian Party will not be opposing this bill. Normally I have a very dim view of omnibus bills as they often sneak through some nasty stuff, but on balance in this case I do not find anything particularly offensive to liberty.

I will speak briefly on a few of the things that this bill does. Some of the things are the changes to the Open Courts Act 2013 and the cleaning up of the language in the act to make available court proceedings, making permanent some of the changes during the pandemic. If I can try and find some silver lining in the pandemic response, it meant that we advanced our technology somewhat rapidly during the pandemic, and we found that some of those things that we did we might be better off keeping. The availability to attend court hearings remotely and things like this I think make a lot of sense and help make the justice system more efficient.

The firefighters presumptive rights scheme, adding cancers specific to women – ovarian, cervical and uterine cancers – makes sense to me. If the government is going to ask firefighters to take risks and then they get sick from taking those risks, it makes sense that they are looked after.

Also on this bill, I will be seeking support for an instruction motion to move an amendment. Could I circulate my amendments now, please.

Amendments circulated pursuant to standing orders.

David LIMBRICK: In the last sitting week of Parliament we debated the Statute Law Amendment (References to the Sovereign) Bill 2023, and one of the acts that that bill amends is the Unlawful Assemblies and Processions Act 1958, which is commonly known as the riot act. In the last week of Parliament I literally read the government the riot act, and this week I am attempting to repeal it. It was recommended by the Scrutiny of Acts and Regulations Committee to repeal it back in the year 2000 I think, and for some reason it has not been repealed. This particular act, although it has not been used for a very long time, confers very dangerous powers. What it does is a magistrate or justice of the peace can literally read the riot act if there is a riot or some sort of commotion, and that effectively gives immunity to anyone that accidentally – or potentially even intentionally – kills or maims someone. Clearly this is an inappropriate act to still have in force, and therefore I am seeking to repeal it. I will speak further about that in the committee stage.

John BERGER (Southern Metropolitan) (14:42): I rise to contribute to the Justice Legislation Amendment Bill 2023. This is a bill that seeks to amend several acts in relation to the Victorian justice system to achieve a range of outcomes for the betterment of Victoria's court system and for Victorians.

Before jumping into the substance of the bill, I would like to commend the work of the Attorney-General. This is a very well put together bill that addresses several important issues within the Victorian courts and justice system. It is wide reaching, ensuring that several deficiencies in our justice legislation are addressed. Due to the wide-reaching nature of the bill, a broad range of parts of the legal system are covered.

Let us not forget where this bill comes from. It is in no small part due to the coronial findings of the inquest regarding Tanya Day. The coronial inquest into the death of Tanya Day highlighted several changes that needed to be made to our legal system, and I am proud that the first measure of the Allan Labor government is this. It demonstrates a commitment of a government that is serious about improving the lives of all Victorians and the functioning of our court system. A key part of drafting legislation is consulting with experts, which is exactly what has happened in the process of creating this bill, listening to what they have to say. Getting right into the substance of the bill, we start with how the Allan Labor government is addressing recommendation 2 of the coronial report. For those in the chamber who have not taken the time to familiarise themselves with the findings and recommendations of the report, recommendation 2 pertains to the provision of clarity by the legislative body, specifically, in this regard, for the defined roles of police coronial investigators within coronial inquests into reportable deaths.

The coronial inquest found that there is not enough clarity in our justice legislation surrounding the role of police coronial investigator as at this stage the role of the police coronial investigator in our justice system is regarded as largely informal and driven by convention rather than outlined roles and responsibilities. The bill seeks to fix this by implementing in our legislation the exact rights, roles and

responsibilities of a police coronial investigator and how their relationships will function with both the Coroners Court and Victoria Police. This will be executed specifically by amending the Coroners Act 2008, in particular section 3 of said act. To read from clause 12 of the bill, 'Definitions':

In section 3(1) of the **Coroners Act 2008** insert the following definitions –

“Chief Commissioner of Police means the Chief Commissioner of Police appointed under section 17 of the **Victoria Police Act 2013**;

coronial investigator means a police officer who is nominated by the Chief Commissioner of Police to assist a coroner in relation to an investigation into a reportable death;”.

The definition of 'coronial investigator' provides that a coronial investigator is a police officer nominated by the Chief Commissioner of Police to assist a coroner in relation to an investigation into a reportable death. This clearly outlines exactly what a police coroner is. The bill then goes on to outline the roles and privileges of a police coronial investigator in clause 13 of the bill. Essentially this clause of the bill outlines that the coronial investigator is answerable to and must comply with orders set out by the coroner. Obviously this convention is often followed, but it is important to ensure that such a provision is in fact legally binding.

To expect our legal frameworks to be anything but strong would be a disappointment to the Victorian people, and for that purpose we must strengthen our laws to ensure compliance. This is effected specifically, as I stated, under clause 13 of the bill by inserting a new section, section 15A, under section 15 of the Coroners Act 2008 titled 'Power to direct coronial investigator'. If I could read from the bill again:

- (1) A coroner, by written notice, may direct a coronial investigator in relation to an investigation into a reportable death.
- (2) Subject to subsection (3), a coronial investigator must comply with a reasonable and lawful direction under subsection (1).
- (3) A coronial investigator is not required to comply with a direction under subsection (1) if the Chief Commissioner of Police gives the State Coroner written notice that the Chief Commissioner considers –
 - (a) the direction to be unreasonable; or
 - (b) that complying with the direction would be likely to compromise a criminal investigation.
- (4) A notice under subsection (3) must be given within 14 days after the direction under subsection (1) is given.”.

This bill also takes note from several other sources, not just the Tanya Day coronial inquest. The bill also gives effect to recommendation 29 of the Royal Commission into Aboriginal Deaths in Custody and recommendation 42 of the Victorian parliamentary Law Reform Committee review of the Coroners Act 1985. These were both very important inquiries into exactly how to fix unacceptable ongoing issues that result in the disproportionate representation of Aboriginal people, especially women, in our justice system. Recommendation 29 of the Royal Commission into Aboriginal Deaths in Custody, a royal commission that the government continues to take extremely seriously, acknowledging the weight of the subject matter that it deals with and the ongoing need for action it relays from its findings, is as follows:

That the Coroner in charge of a coronial inquiry into a death in custody have legal power to require the officer in charge of the police investigation to report to the Coroner. The Coroner should have power to give directions as to any additional steps he or she desires to be taken in the investigation.

In empowering our coroners to hold specific powers over relevant officers in the investigation into a reportable death, this recommendation would be implemented into Victorian law. It recognises that the coroner must hold certain powers over the police during the investigation to fully explore all investigative avenues. This recommendation was implemented some time ago, and these amendments only seek to embolden the principles and address the needs set out in this recommendation.

Additionally, the bill seeks to improve the functionality of several pieces of Victorian legislation pertaining to the justice system and eligibility for spent convictions and address other miscellaneous needs for amendment in the Spent Convictions Act 2021. In the act's current state there are unintended legislative limitations to being eligible for spent convictions – spent convictions of course being convictions that will not be disclosed upon a police check, functionally being wiped from your record. A spent conviction must meet several criteria. It must be a conviction that is older than 10 years, a period in which the offender has not reoffended. In the instance in which the offender has reoffended, the waiting period resets and they must wait an additional decade. The offender must not have been sentenced to imprisonment for more than 30 months. And finally, there must be no statutory or prescribed exclusion of the conviction being spent. It should also be noted that the waiting period for juvenile offenders is only five years.

The spent convictions scheme is an incredibly important aspect of our justice system, as it acknowledges the importance of rehabilitation and gives offenders the chance to put their crimes behind them and lead a better, more rewarding life.

Currently Victorian law and the Spent Convictions Act 2021 stipulate that children and young offenders must be sentenced under specific legislation to be eligible for automatic spending of conviction after the full five years of non-offending is observed. This extends to children and young offenders who commit more serious crimes and must therefore apply through the Magistrates' Court to have their convictions spent. Of course with the intention that young offenders are given every possible opportunity to rehabilitate themselves, it is important that there are legislative frameworks that supply these young Victorians with every opportunity to put their criminality behind them. This ensures that legal frameworks allow people to turn away from crime, ultimately lowering the rate of crime in this state. This will be exercised by ensuring that all children and young offenders of lesser offences are eligible for their convictions to be automatically spent.

Additionally, this bill amends the Spent Convictions Act 2021 to give clarity to the definition of 'term of imprisonment'. The current definition of 'term of imprisonment' extends to alternative types of imprisonment, therefore not providing the more focused gauge of an offence. As traditional imprisonment and house detention would be dealt down for offences of varying seriousness, this catch-all measurement of imprisonment does not best reflect the nature of a crime. To that effect, this bill introduces a new definition, 'custodial term', in that the act shall read:

- (a) an order that the person serve a term of –
 - (i) imprisonment; or
 - (ii) detention in a youth justice centre or a youth residential centre; or
- (b) a court secure treatment order.

This will now be applied to the metric by which 30 months of imprisonment is measured in Victoria. This will ensure that there has been a standard line for the seriousness of the offence ineligible to be classified as spent whilst also promoting rehabilitation.

Further improving the state of Victorian courts, this bill will introduce increased protections for consumers in the legal service market. Victorian legislation is currently unclear as to the application of the Legal Profession Uniform Law, specifically in relation to the prosecution of the offences of causing a deficiency in a trust account and the improper destruction of regulated property. This bill will clarify that they are indictable offences, triable summarily. Each offence can result in a maximum of five years imprisonment or up to 500 penalty units. These penalty units exceed those that fall under the Magistrates' Court, but a linguistic quirk in the legislation means that in Victoria they are classified as summary offences and therefore hold a 12-month limitation period for prosecution. This leaves the courts with a major dilemma resulting from the very nature of these crimes. The investigation and prosecution of these crimes are often subject to significant delays due to the complex nature of trust accounting. The current set-up is entirely inappropriate, and due to the penalty there is no reason why these crimes should not be heard before a higher court. Under this bill, the two crimes classified as

indictable offences will be heard before a higher court and therefore the prosecution of these offences will be far more efficient. This will promote consumer protection by ensuring that these crimes are prosecutable.

What good is a penalty and offence in our law if it is functionally impossible to properly prosecute an offender for it? What justice does that bring to a legal client who has fallen victim to improper destruction of regulated property and deficiency in a trust account? This bill further amends legislation in relation to that Legal Profession Uniform Law. It alters the framework for disciplinary action and the register for disciplinary action for Victorian lawyers. This update to the legislation will mean Victoria's legislative framework surrounding the register of disciplinary action against Victorian lawyers will be in line with other jurisdictions subject to the Legal Profession Uniform Law scheme. Additionally, it will of course promote consumer protection in the legal services. The specific issue the bill hopes to amend is the Victorian Legal Services Board's inability to publish details of unsatisfactory professional conduct. The Legal Profession Uniform Law Application Act 2014 stipulates that the board cannot publish findings until an appeal against a determination has expired, but no time limit is currently specified. This bill will introduce a time limit of 28 days to appeal a determination. This bill will also enable the immediate publication of the outcome on the register and the immediate retraction of disciplinary action reporting on the register in the case that an appeal is successful.

Additional amendments made with this bill include modernising the registry to support the rollout of the case management system in the family division of the Children's Court; updating several jury directions relating to consent so as for them to be more helpful and accurate for juries and clarifying that they are available for all sexual offence trials; allowing certain authorised officers to witness statements in criminal prosecution briefs and specifically authorised officers of PrimeSafe and Dairy Food Safety Victoria, as at this stage the Criminal Procedure Act 2009 does not permit these officers to do so, leaving the burden solely to police officers; addressing various legal and procedural issues in respect to the Victorian Civil and Administrative Tribunal's jurisdiction that were brought to light in the *Thurin v. Krongold* case; and expanding the presumptive rights scheme to include three additional cancers affecting female firefighters, specifically cervical, ovarian and uterine cancers, a commitment made by the government earlier this year. On this, I note the strong advocacy of the United Firefighters Union, the Australian Services Union and Volunteer Fire Brigades Victoria. I have met with several representatives from the UFU specifically and recognise their passion for expanding this to additional female cancers.

I am grateful for all the stakeholders' interest in this bill, their consultation and their work to ensure that we are making a difference. It is thorough in its proposed changes in the Victorian law surrounding the justice system, and I commend everyone involved in drafting this bill. I urge my colleagues in this chamber to support this bill, as the alterations that it makes to the legal system in Victoria will undoubtedly have very positive effects on the functioning of our courts. It will right the wrongs of the past and ensure that vulnerable people are not more negatively affected by the courts and the legal system that they use. I commend the bill to the house.

Gaëlle BROAD (Northern Victoria) (14:56): I rise to make a contribution on the Justice Legislation Amendment Bill 2023. As colleagues have stated, this is an omnibus bill that amends a significant number of pieces of legislation, some of more consequence than others.

It confirms temporary changes to the Open Courts Act 2013 and the Court Security Act 1980 that were made during the pandemic, such as supporting remote public access and other alternatives to physical court hearings. There were some learnings out of COVID that have actually streamlined some of those issues, which have been clarified in this piece of legislation, and I certainly can say for regional Victorians to be able to attend court hearings remotely is of benefit and saves a significant amount of money in legal costs with lawyers.

It also amends the Legal Profession Uniform Law Application Act 2014 and Criminal Procedure Act 2009 in relation to offences and disciplinary action. It amends the Children, Youth and Families Act 2005 to support the introduction of electronic case management in the family division of the Children's Court. It also amends the Jury Directions Act 2015 in relation to sexual offence cases and amends the Criminal Procedure Act 2009 in relation to persons who may witness statements in briefs. It amends the Victorian Civil and Administrative Tribunal Act 1998, the Wrongs Act 1958, the Limitation of Actions Act 1958 and the Domestic Building Contracts Act 1995 in response to recent court decisions.

The Coroners Act 2008 is another section of our justice legislation that is amended, with recommendations from the Tanya Day coronial inquest findings being implemented as well as recommendations from the Royal Commission into Aboriginal Deaths in Custody. Sadly, Tanya Day was an Aboriginal woman who died in 2017 after suffering injuries in a Castlemaine police cell, and circumstances like these highlight the need for reform.

In my contribution today I would also like to touch on the expansion of the firefighters presumptive rights scheme, rising crime rates, the important role of Victoria Police and our court system. But I am pleased to see that this legislation includes the expansion of the firefighters presumptive rights scheme to include additional cancers that impact female firefighters, including cervical, ovarian and uterine cancers. This change will see firefighters who have served for 10 years and were diagnosed with cancers on or after 1 June 2016 qualify for compensation. They do not need to prove firefighting has directly caused their condition.

Firefighters are the backbone of many regional towns, with CFA volunteers being such an essential part of our communities. At our local brigade on the weekend it was great to see women involved – I know they are involved in many different ways, including driving the trucks – and the team was out in force again on Sunday morning. As we have seen with the bushfires this week, the season is already upon us.

New crime data was released last week which showed rising crime in Victoria, and I note that in parts of northern Victoria in just one year it has risen by up to 13 per cent. Recent Crime Statistics Agency data has revealed a 5.7 per cent increase in recorded offences in the past 12 months as well as a 9.3 per cent increase in criminal incidents. There are also some alarming increases in specific offences, including home invasions and assaults and residential aggravated burglary, which was up 39 per cent in the last year, to over 5400 incidents. Aggravated robbery was up over 19 per cent in the last year, now over 2400 incidents; and assaults with a weapon were up 4.6 per cent in the last year in Victoria, now over 980 incidents. Under this Labor government crime has been consistently rising. Police are leaving. We have seen an exit of 500 officers each year, and they are not being replaced fast enough.

The safety of all Victorians should be a top priority, yet the government has made further cuts – \$10 million was cut from the crime prevention initiatives in the 2023–24 budget – and youth crime in Victoria has also reached the highest level in a decade. Data released last week shows a nearly 30 per cent increase in alleged offences committed by 10- to 17-year-olds, now over 20,000 incidents, and the biggest increase was in the 10- to 14-year-old age group, up 37 per cent, while crimes against the person committed by those in the 15- to 17-year-old age group rose by over 27 per cent. Programs for early intervention targeted towards at-risk youth have been reduced or closed, and young people are not getting the rehabilitation they need. To see different outcomes, to see young people get the best chance in life, the government needs to invest in programs that prevent young people committing crimes.

I also want to take the opportunity of speaking on this bill to recognise the valued work of Victoria Police. It was National Police Remembrance Day last Friday 29 September, and across Australia and across our state we paused to remember the sacrifice of our fallen heroes and the families they left behind. I know people who work in the police force, and it can be very demanding work at all times of the day and night and at considerable personal risk. It is important to acknowledge the 824 police

members who have died in the line of duty and also to acknowledge all those who serve in the Victorian police force as they help to keep our local communities safe.

Speaking of the importance of local police, I have spoken previously in this chamber about the significant role that single-member police stations play in Northern Victoria, and we do really want to ensure that they remain open and that they are not robbed of staff. Constituents have raised concerns with me that discussions are underway to alter the enterprise bargaining agreement, and if the mobility clause is passed, one-member stations could end up backfilling vacancies to meet the staffing requirements of larger stations and eventually be forced to close. Half of the state's 98 single-member police stations are in Northern Victoria. There are 47 single-officer stations in the region. That is from Werrimull in the far north-west of the state to Mitta Mitta in the far east and Lancefield, Riddells Creek and Macedon stations in the south of the region.

Single-member stations provide an important connection to people in the local community as well as deterring and responding to crime. People feel much safer knowing a police presence is in the town. I know through the letters that I have received that local police officers are often very directly involved in their local communities and at the local school, and they teach students not to fear police. In one letter they mentioned how they depend on their local police officer, and they described him as a well-respected member of the local community. But steps to fill rosters at the larger stations should not be to the detriment of one-member police stations in regional communities. We heard evidence at the budget hearings in June that there are around 800 vacancies unfilled throughout Victoria Police, and the government does need to address these shortages, not to rob regional stations and regional communities of their local police to fill the rosters of the bigger stations.

This bill also makes changes to our court system. Earlier this year I toured the newly opened Bendigo law courts. It is a very impressive facility in Bendigo, and the building reminded me of visiting the High Court in Canberra. It is certainly very big indeed. It has five levels, it cost over \$152 million and it services the Magistrates' Court, the Children's Court and the Victorian Civil and Administrative Tribunal as well as the County Court, the Supreme Court and the Federal Circuit Court. It has 11 courtrooms, two hearing rooms, two mediation suites, remote witness facilities, safe waiting facilities, dedicated jury areas and meeting rooms for support agencies and client services. It includes digital technology integrated throughout the courtrooms and public spaces to enable remote hearings and improve the efficiency of court operations, and it has secure entrances and separate sections for judicial staff, vulnerable people, people in custody and operational staff, as well as safe waiting areas.

There is no doubt that the building is impressive, but success is not so much in how things look but how well they are working. And in Victoria, our court system is struggling. We have backlogs of 12 to 18 months for cases to be heard. Under Labor, Victorians face the worst court backlogs in the nation. The Productivity Commission confirmed that criminal cases in Victoria's Magistrates' Court pending for longer than 12 months number 25,226. By contrast, in New South Wales there were just 6295. Every delayed criminal case means that lives are put on hold for victims, for the accused and for witnesses. The Court of Appeal has said that the system of criminal justice in this state is in crisis. This year's state budget did not fund one single additional judge or magistrate.

In closing, this bill is like a packet of licorice allsorts; there are certainly lots of layers. I want to thank my colleague Michael O'Brien, the Shadow Attorney-General, for his work on this bill and the consultation that he had with industry to get feedback. Based on the feedback from the industry, we do not oppose this bill.

Jacinta ERMACORA (Western Victoria) (15:07): I speak today on the Justice Legislation Amendment Bill 2023. Before I go on, I want to say how proud I am to serve under our new Premier from regional Victoria and, more than that, a woman premier as well. The bill exemplifies the Allan government's ongoing commitment to refining our justice system so it is fit for purpose for what is happening in our society today. This bill seeks to make multiple improvements to the judicial system, and I will address some of these in my speech today.

Before I go on, I want to acknowledge the traditional owners of the land on which we stand here today, the Wurundjeri people, their elders past, present and emerging, and I want to say at the outset that this speech contains references to an Aboriginal person that is no longer alive.

This bill implements changes recommended by the inquest into the death of Yorta Yorta woman Tanya Day, who died in police custody in 2017 at the age of 55. The bill also implements matters raised by the Royal Commission into Aboriginal Deaths in Custody and the Victorian parliamentary Law Reform Committee's review of the Coroners Act 1985. The bill also proposes to extend the presumptive rights legislation for firefighters to include three cancers which affect women: cervical, ovarian and uterine cancers. Additionally, the bill will introduce pivotal alterations to amplify the justice system's efficiency, resolve legislative ambiguities and augment the support of our courts and tribunals. These modifications will ensure that the operation of our legal and justice systems is fair for all Victorians and balances safety with opportunities for rehabilitation.

The Justice Legislation Amendment Bill seeks to improve operational provisions of Victorian courts and the Victorian Civil and Administrative Tribunal. This is to be achieved through legislating some temporary measures into permanent provisions. The courts will be able to continue to promote public access to court and tribunal hearings by allowing remote hearings for management of court premises in circumstances where it is in the interest of justice, such as with critically unwell parties. Without this current bill, these allowances would otherwise lapse on 26 October 2023.

Public access to legal proceedings is what ensures the community can see justice in action and therefore feel confident in our court system. The amendments included in this bill to the Open Courts Act 2013 will make permanent the possibility for the public to attend court without needing to be physically present. The intent of these amendments is to strengthen the health and safety within the system. Authorised officers will be able to continue to restrict access to court premises when a pandemic declaration is in force, thereby protecting all court users and staff from transmission of diseases.

Similarly to the Bail Amendment Bill 2023 we are debating this week, the government has been guided by the outcomes of the Tanya Day coronial inquest. Tragically, Ms Day's death has come to symbolise how our justice system can drastically fail, particularly for people within vulnerable cohorts of our community. Ms Day was arrested for public drunkenness and detained in the Castlemaine police cells, where she died after sustaining a serious head injury in a police cell. She was only 55 years old. Recommendation 2 from Tanya's inquest proposed greater certainty around the role of police coronial investigators in the case of reportable deaths. Recommendation 2 proposes that:

The Victorian Government legislate to make it clear that the Coroner is directing the coronial investigation, rather than relying on the current arrangements of convention with police.

This is also in line with recommendation 29 of the Royal Commission into Aboriginal Deaths in Custody. The legislative alterations will formally acknowledge the function of coronial investigators in probing reportable deaths within coronial investigations. Currently this role is upheld, as I said, through a convention-based agreement, with nothing actually written down. The amendments will define a coronial investigator as a police officer nominated by the Chief Commissioner of Police to assist the coroner in relation to an investigation into a reportable death, provide the coroner with an explicit power to direct a coronial investigator during an investigation, impose a duty on the coronial investigator to comply with the coroner's direction and provide narrow exceptions to safeguard against unreasonable directions and directions that are likely to compromise criminal investigations. The reforms aim to reduce potential conflicts of interest, particularly in police contact death investigations, enhance public trust in the independent coronial system and better align Victoria with other Australian jurisdictions.

Further, the bill improves the Spent Convictions Act 2021, in particular in relation to the way it operates. This will be implemented by addressing unintended barriers to information sharing under family violence and child information sharing schemes, data sharing for research purposes, publication

and citation of judgements and educational materials. It will also remove unintended limitations to the eligibility for under-18s to have convictions spent, with the removal of requirements that they must have been sentenced under specific legislation, and add a newly defined custodial term to provide certainty about when convictions can be spent.

This bill also enhances the presumptive rights program in relation to cancers that are assumed to be connected to firefighting activities. This time we focus on women's cancers. The bill will extend presumptive rights legislation for firefighters to include three cancers which can affect women: cervical cancer, ovarian cancer and uterine cancer. Eligible people engaged in firefighting and specific support activities who meet certain requirements can access presumptive compensation for specified cancers related to their service. If these individuals are diagnosed with the designated cancers and they meet the stipulated criteria, there is no necessity for them to demonstrate that the cancer is directly linked to their service to seek compensation. The presumption is held valid unless it is proven that the cancer was not a result of their service. For these reasons it is critical that we pass this bill today, particularly as this bill will expand presumptive rights to encompass cancer compensation for firefighters as well as vehicle and equipment maintenance employees diagnosed with these three women's cancers. Those with a diagnosis of cervical, uterine or ovarian cancer on or after 1 June 2016 will be eligible for presumptive compensation, which aligns with the application dates of other cancers included under Victoria's presumptive rights legislation.

At this point I raise that in my family I have been a volunteer firefighter at Warrnambool; my father was a volunteer firefighter for most of his life as a farmer, as many farmers are; and my uncle in Port Campbell was a volunteer firefighter and also involved in the foundation of the Port Campbell cliff rescue squad, which later morphed into the SES. They were involved in some pretty sad scenarios of retrieving people who had committed suicide off cliffs and a whole range of really stressful situations. I also know another young man who died under the age of 30 who was also a volunteer firefighter for much of his young life – his short life. My father, my uncle and this young man have all died of cancer not listed under the presumptive list and it looks like not caused at all by their firefighting activity, but it is that uncertainty and that question that we ask that really makes the evidence and the research very important in this space. I think that is why I really endorse that the next step we are taking is to include the women's cancers into the presumptive rights list.

The aim of these modifications is to enhance the evidence-based access to compensation benefits for female firefighters and vehicle and equipment maintenance personnel, ensuring they are not subjected to discrimination or disadvantage when accessing presumptive rights inherent to firefighters. This change has robust backing from Fire Rescue Victoria, Country Fire Authority, Forest Fire Management Victoria and Volunteer Fire Brigades Victoria, the VFBV. On 9 June 2023 the government pledged to ensure fairer access to compensation for female firefighters. It is crucial that the passage of this bill is not postponed, as any delay would directly affect the fair access to compensation and peace of mind for Victorian female firefighters. Any subsequent expansions should continue to be guided by evidence and thorough research and consultation.

It is worth noting that all of the proposed amendments in this bill we are debating today were developed in consultation with a range of key stakeholders, including the courts, Court Services Victoria, Victoria Police, the Sentencing Advisory Council, Victoria Legal Aid, Family Safety Victoria, the Department of Education and the Council of Law Reporting in Victoria. Aboriginal stakeholders were also engaged, including a working group of the Aboriginal Justice Caucus and the Victorian Aboriginal Legal Service, noting that the development of the act was driven by Aboriginal community advocacy.

I thank firefighters for the work they do and in particular those fighting fires and working on the fires in the east of our state today and this week. I thank the United Firefighters Union for the advocacy they have done on this issue, and I look forward to continuing to listen to their perspective. I thank the Attorney-General Jaclyn Symes for the extensive work and consultation that she has done on this. It was complex. I thank the medical researchers for their work in giving us the evidence we need to make

good decisions I support the changes this bill proposes, especially the inclusion of the three new female cancers on the presumptive list.

Matthew BACH (North-Eastern Metropolitan) (15:20): It is good to join the debate on this important bill, this omnibus bill, the Justice Legislation Amendment Bill 2023, and it is particularly good to join following those powerful remarks from Ms Ermacora – J1, as I have always called her. The Premier can be J2 – ours is J1. I agree with a whole series of points that Ms Ermacora made around certain elements of this bill – and it is a multifaceted bill; it is an omnibus bill of course – and I am sure all members of the house would thank her for her powerful and at times personal contribution.

I only want to make some brief remarks, firstly about the state of our backlog here in Victoria and what I hope that this bill will ultimately do as part, as it must be, of a broader package to seek to reduce that huge backlog and then a little bit about VCAT reform. This bill touches on some minor reforms to VCAT, although we need far, far, far, far more. We talk oftentimes in an esoteric or academic way about our backlogs, and this bill will enable, as other members have said, some measures that were introduced during the height of the pandemic to carry on.

It was Victoria's finest Attorney-General – with all due respect to the incumbent – Jan Wade who introduced a series of reforms to allow, for example, teleconference equipment to be used in courts for alleged victims of sexual assault. So these types of reforms that then were increased suitably during the period of the pandemic are nothing new. Speaking for myself, I would like to see far more matters dealt with in person in court. For mine, there are far too many members of the judiciary sitting at home in their pyjamas. I want to see them put on their glad rags and get into court, where many, many matters can be dealt with in a far more expeditious way. But for now, given the appalling state of our backlog, it is undoubtedly necessary to carry on with the sort of arrangements that we have, as Ms Ermacora said and other speakers have said, to allow more matters to be dealt with online.

But as I said, we often talk about the backlog in a manner that is esoteric and academic. What we are talking about here is, for example, record numbers of Victorians on remand in prison today, as we speak, despite the fact that no crime has been proven against them. Ultimately, if current trends continue, many of these poor people will be found not guilty and be released after having spent, in some cases, years incarcerated. Now, I have visited prisons. It was my honour to have previously been shadow minister for youth justice and formerly been an adviser to government on youth justice and child protection. I visited youth prisons. I visited prisons. You would not wish a prison sentence on your worst enemy. I think some of the media conversation fuels perceptions about prison: 'It's like the Hilton – you get a flat screen telly; you get food on demand.' Prison crushes people's souls, and yet because of failures by this government we have a massive court backlog. We have huge numbers of people on remand, in prison, who just cannot get their case heard.

Now, I would love to see far more wideranging reforms than those introduced in this bill, which oftentimes deals with minor and technical matters, to get as many Victorians as possible out of prison. And whenever I make these points, it is often put to me, in particular by our friends in the media, that I am making a progressive point. Well, to the contrary, it is a conservative point. Prisons – penitentiaries – are an invention of the left.

Only a most ardent statist could be of the view that a government institution can change men's souls. The best work of course on prisons has been done by the French philosopher Michel Foucault. Much of what Foucault said of course I do not agree with, but nonetheless he was right when he said that prison reformers in the late 18th century and early 19th century wanted to abolish the former system of punishments, colloquially known as the bloody code, and replace them with the penitentiary, not because it was more humane – to the contrary – but because it would punish people more effectively, because in Foucault's language it would 'change men's souls'. The government cannot change men's souls, except to crush them.

The government cannot change men's souls for the better. That logic, adopted by the left historically, is that the longer somebody spends in prison, the more rehabilitated they will become. Yet every reputable study ever carried out shows the exact opposite: that if what we do is create bigger and bigger and stronger government, then what we see is more and more – oftentimes of vulnerable people, and I note the comments of Ms Ermacora regarding Indigenous people – far too many Indigenous deaths in custody, far too many deaths in custody full stop. What I think we should be doing is not creating bigger and bigger government, more powerful government, but empowering individuals and families and communities. That is where I think our policy direction should be going.

This bill does not take us far down that path, but at least it enables some reasonable and legitimate measures, which were introduced during the period of the pandemic, to carry on, notwithstanding my ongoing plea to my friends in the judiciary to get back to work – in person, please – where more and more matters can be dealt with.

I have touched upon VCAT reform, and there are some minor matters in this bill regarding VCAT. Little has been done to reform VCAT processes over such a long period of time. It is so antiquated and out of date, yet VCAT is oftentimes the first port of call for Victorians who are at their wits' end. I sit on the Legal and Social Issues Committee, along with Mr McCracken; it is chaired by Mr Luu and there are a range of members across the chamber on that committee. We have been hearing from renters recently – we are doing an inquiry into housing affordability and the rental crisis – and also landlords, who tell us that it is just impossible at the moment to have oftentimes significant matters dealt with in VCAT; it is just impossible to have matters that are at other times very, very minor dealt with in VCAT. We heard from one witness just last week that certain tenants have not paid the rent for over eight months, and yet this matter of course is stuck in VCAT. What is that landlord supposed to do? On the other side of the coin, we have also heard from renters about matters that on the face of it are very serious and are currently having a significant and deleterious impact on their wellbeing, but it is just impossible to get movement through VCAT.

These are matters that we have been talking about in this place certainly for the entirety of my time here, and yet things continue to get worse and worse. So I do not mind tinkering around the edges. I do not mind bills like this, and I support the coalition's position to allow this bill to go through. But time does not permit me to go into the many other potential reforms that I have previously championed, as have others right around this chamber and indeed out in the community, that could deal in a substantive way in particular with our court backlogs. It is a scandal that in Victoria right now there is such a massive backlog. It is a scandal that so many Victorians, many of them undoubtedly innocent, are languishing in jails tonight. I wish this bill speedy passage, but I would also urge the Attorney-General to come back to this chamber posthaste with a far more significant package of reforms.

Tom McINTOSH (Eastern Victoria) (15:29): I follow on from Dr Bach's passionate contribution and Ms Ermacora's as well. I would like to acknowledge the work the Attorney-General does to ensure the operation of our justice system in this state, and of course I do not take for granted at any point the institutions and of course our justice system and how vitally important they are for our state and our nation.

This bill will amend the Court Security Act 1980 and the Open Courts Act 2013 to permanently embed temporary measures for remote hearings and management of court premises which would otherwise lapse on 26 October 2023. It will also amend the Coroners Act 2008 to make the coronial system more transparent by providing coroners with an explicit power to direct coronial investigators – CIs – in coronial investigations. It will amend the Spent Convictions Act 2021 – SCA – to address unintended barriers to eligibility to have convictions spent and address data sharing and judgement publication.

It will amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 and the Forests Act 1958 to expand presumptive rights legislation to include three additional female-specific cancers, and I will speak to those shortly. It will amend the Legal Profession Uniform Law Application Act 2014 to clarify the application of the Legal Profession

Uniform Law in Victoria and enhance protections for Victorian consumers of legal services by enabling the register of disciplinary action taken against lawyers to be updated immediately.

It will amend the Children, Youth and Families Act 2005 to support the rollout of the electronic case management system for all in the family division of the Children's Court. It will amend the Jury Directions Act 2015 to clarify that certain jury directions are available in all sexual offence trials and make minor and technical amendments to the Criminal Procedure Act 2009 to allow specified employees under the Dairy Act 2000 and the Meat Industry Act 1993 to witness statements that are provided in criminal prosecution briefs.

It will also amend the Victorian Civil and Administrative Tribunal Act 1998, the Wrongs Act 1958, the Limitation of Actions Act 1958 and the Domestic Building Contracts Act 1995 to address various legal and procedural issues to provide certainty in respect of VCAT's jurisdiction and processes in response to recent Supreme Court decisions. It will amend the Crimes Act 1958 to require a mandatory notification to the Victorian Aboriginal Legal Service, known as VALS, where a person taken into custody self-identifies as Aboriginal, as recommended by the parliamentary inquiry into Victoria's criminal justice system, and amend the Victoria Police Act 2013 to maintain the existing ability to prescribe fees for the provision of a broad range of services.

I am proud of the fact that we are enhancing the administration of justice by improving these efficiencies, clarifying legislative uncertainties and supporting courts and tribunals to respond to case backlogs and effectively manage their premises. We are responding to recommendation 2 from the Tanya Day coronial inquest findings, which will also give effect to recommendations from the Royal Commission into Aboriginal Deaths in Custody and the Victorian parliamentary Law Reform Committee review of the Coroners Act 1985. We are ensuring Victoria's legal and justice systems are inclusive for all Victorians and consistent with government cost-recovery principles and appropriately balancing rehabilitation opportunities with community safety considerations, and we are responding to a recommendation from the report of Parliament's Legal and Social Issues Committee's inquiry into Victoria's criminal justice system.

As I mentioned before, there are a number of things this bill does. One of them is the presumptive rights expansion, which will provide fairer access to women and ensure compensation for women under an expansion to the presumptive rights scheme. This will be achieved by including primary site cervical, ovarian and uterine cancers in the scheme's prescribed list of cancers. The Minister for Emergency Services announced the commitment to adding the three female-specific cancers to the existing legislation on 9 June 2023; hence we have quickly brought forward the necessary bill to the Parliament to enact this change. As we know, firefighters and other personnel provide an invaluable service to the community, which then requires them to work in dangerous conditions and exposes them to carcinogens. This presumptive rights scheme means that if people are diagnosed with the specified cancers, they do not need to prove that the cancer is directly attributable to their service in order to access the compensation.

Regarding the permanent measures to support safe and efficient court operations, during the pandemic the government implemented temporary measures to allow courts and tribunals to use digital technologies to continue operating remotely and to support public access to hearings. These measures were a success, and we are making them permanent to make sure that remote hearing technology arrangements can be used flexibly, effectively and efficiently to support greater access to justice. Courts and tribunals will be able to provide alternatives to physical access if hearings are conducted in a physical courtroom where it is in the interests of justice not to allow physical attendance by the public – for example, to mitigate health risks. These changes will also support more efficient and accessible services generally and facilitate broader public access to court and tribunal proceedings. It will also assist with addressing case backlogs by allowing online resolution of matters where logistical challenges might otherwise require multiple adjournments. This includes by live streaming court proceedings. However, in accordance with the principles of open justice, the bill will prevent anyone from charging fees for a live stream, recording or transcript. This is in line with cost-free access to

physical court hearings. It will also mean that members of the public and the media can observe proceedings from their home office or public library and will help to address barriers of distance, cost or the ability to travel to a court tribunal, again supporting improved access to justice. We will also be ensuring that court officers have the powers they need to effectively manage court and tribunal premises, including in response to public health risks, so they can keep the courts safe for all users.

Leveraging technology to improve user experiences at the Children's Court, this bill will make technical amendments to ensure the Children's Court can take advantage of technology to perform its functions electronically. It will enable improved court efficiency by modernising the court registry service, allowing certain documents to be filled in electronically. This will deliver a better user experience by reducing the need to print out documents, travel to court locations and wait in registry queues.

We will be fixing the unintended barriers to accessing the spent convictions scheme. A number of minor unintended limitations to eligibility have been identified in the spent convictions scheme. In particular the ability for children and young offenders to access the scheme has been restricted by the requirement that the offender has been sentenced under specific legislation. We know that the ability to have a conviction spent is particularly important for children and young people, as it gives them a chance to rehabilitate. This is good for their development and good for society. This bill will remove the unintended limitation and make sure that children and young people have the intended access to the scheme. The bill will also provide certainty about when a conviction can be spent by replacing a definition that previously led to uncertainty about the types of sentences that should be taken into account.

Regarding allowing limited information and data sharing under the spent convictions scheme for specific services, there is currently potential ambiguity about whether the Spent Convictions Act impacts on the ability to share family violence information under the Family Violence Protection Act 2008 and child information under the Child Wellbeing and Safety Act 2005. This bill provides certainty by clarifying that all aspects of these important information-sharing schemes can operate without limitation from the Spent Convictions Act. It also clarifies that data can be shared to support important research into these issues. The bill also goes further to allow certain additional bodies to receive certain information, allowing flexibility for the scheme to respond to community safety needs.

I have just touched on a number of the things that this bill does. There is so much in there. Again I would like to acknowledge the Attorney-General and the work that the AG and their office have done. It is great work. As I said, we cannot take our justice system and everything it provides us for granted. It is fantastic that this work has been done to keep it up to date for our modern needs, with our modern technology abilities, to provide people the best system that we can possibly deliver.

Ann-Marie HERMANS (South-Eastern Metropolitan) (15:39): I also rise today to speak on the Justice Legislation Amendment Bill 2023 and say that we will be supporting it, but there are a number of things that I would like to speak to and address on this bill.

The purpose of the bill is to (1) clarify and confirm temporary changes to the Open Courts Act 2013 and the Court Security Act 1980 made during the pandemic, such as supporting remote public access and other alternatives to physical court hearings; (2) to amend the Coroners Act 2008 in relation to coronial investigations; (3) to amend the Spent Convictions Act 2021 to facilitate information sharing and increase access to the scheme. I will also speak on this a bit later, but the fourth purpose is to amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 and the Forests Act 1958 to expand the firefighters presumptive rights scheme to include cervical, ovarian and uterine cancers; (5) to amend the Legal Profession Uniform Law Application Act 2014 and the Criminal Procedure Act 2009 in relation to offences and disciplinary action; (6) to amend the Children, Youth and Families Act 2005 to support the introduction of electronic case management in the family division of the Children's Court; (7) to amend the Jury Directions Act 2015 in relation to sexual offence cases; (8) to amend the Criminal Procedure Act 2009

in relation to persons who may witness statements in briefs; (9) to amend the Victorian Civil and Administrative Tribunal Act 1998, the Wrongs Act 1958, the Limitation of Actions Act 1958 and the Domestic Building Contracts Act 1995 in response to recent court decisions; (10) to amend the Crimes Act 1958 to ensure that the Victorian Aboriginal Legal Service is contacted in all cases where a person is taken into custody and identifies as Aboriginal; and (11) to amend the Victoria Police Act 2013 to reinsert a regulation-making provision erroneously omitted in earlier amending legislation.

Whilst I see there are a number of amendments that are in there, I do find it rather disappointing that the three additional cancers have been put into this particular piece of legislation, because I do think that amendment does warrant further debate. I do think that it does warrant further discussion, and I do personally find three additional cancers very limiting. Whilst I take the point of the idea and the perspective given, for instance, by one of the worthy colleagues over the other side of the chamber – and I apologise if I say her name incorrectly – Ms Ermacora as being based on significant and recent research, may I say that there is not significant research into presumptive cancers for women because there have not been enough women who have worked in the role as firefighters, and therefore there is not significant data on that. The reason that that is being included and should be included – but not necessarily in this bill – is we do need to be up to date. There are women who are firefighters. They do deserve to have the same rights and opportunities as the men given that they are working in a profession where they could potentially – presumptively – be able to contract cancer in the line of their duties.

I find it limiting because I do not think the basis of research is significant enough. There definitely is research and there is more and more research that has been coming out, but basically because of time and the volume of women in the workforce in this particular career it is not what I would qualify as being significant. But I am very pleased that there is research in this area, and I am disappointed to find this wedged in the middle of this particular legislation, because I do think that additional cancers ought to have been added. Ms Ermacora mentioned her own family; all of the members of her family, with the exception of her, as I understand it, have passed away from cancer. We cannot presume whether it was or was not to do with their line of duty, but we can say that there are a large volume of firefighters that do contract cancer, which in the early stages of research was an anomaly. That was found to be a particular career that seemed to have a higher volume of cancers than other careers.

Whilst I appreciate that this has been wedged into the middle of this particular legislation, I personally do not appreciate that that is how the government has gone about this particular legislation. I do think that it warranted its own bill. I do think that further discussion about other cancers was warranted and is warranted. I do think that delay is very unfair, particularly as we have a number of volunteer firefighters who are in situations where they feel that this is a particularly important issue for them personally, and they do feel very vulnerable in this area.

Obviously one of the good things that has come out of presumptive cancer rights is that there has been a particular change in the type of attire that firefighters have and in the risks that they take with their health. There have been more precautions that have been taken. This has led to these particular findings over the last few decades, which have led to people looking into the protective gear that is worn, the way people wash themselves down afterwards and where those actual uniforms are placed and kept. For instance, in areas where there were diesel trucks the CFA used to have all their uniforms in the same room as the fumes of the diesel trucks, and today they are now finding that they have to build special locker rooms and change rooms where they can actually have their uniforms. I think this has been a good change, although I do feel that the government again in that space has not provided adequate funding for our volunteers. We simply cannot do without our volunteers that help fight these fires, and we are very appreciative to both the career and the volunteer firefighters who give up their time and put their lives at risk so that we are able to be kept safe in our state of Victoria, particularly in regional areas. But also they do many other roles. They are not just working with fires of course, but a large amount of their work can entail having to be the ones that are there after suicides, special

injuries, road accidents, chemical spills and a number of other things, and we do appreciate the work that all of our firefighters – career and unpaid volunteers – do in this space.

I do also want to mention that I think reform is incredibly important when it comes to looking at our legislation. I myself spent time visiting young people, in a former career, who were in juvenile detention, and I have had to speak and give court reports and sit with people in this space. It is a very difficult space. I find it extremely concerning that we can have people lose their lives in detention, particularly when there are cries for help, and so I think it is extremely important that we do put measures in place that are actually going to make it more protective for everybody and perhaps fairer. I think that looking at legislation that is going to allow people to have the ability to attend a court case from a remote distance is important, so there are a number of things in here that I am more supportive of than others. I do take Dr Bach's points and recognise that there is a lot more that needs to be done in this space as well. It is not just the presumptive rights for compensation for firefighter cancers and the limitation that has been wedged into this particular legislation that concern me but also the fact that there are more things that the government could be doing to actually protect people in this space.

Having said that, I also want to mention that there are times when our legislation actually does not work in the way that it was intended, and it bothers me to think that. I am all for protecting women against crimes of violence – and children – but I also feel very strongly that sometimes our legislation allows people to manipulate it. It distresses me to meet fathers who love their children but who could go to prison when they simply have broken some small amount of space between somebody, when they have had court orders against them and they have somehow managed to go over that limitation, not intentionally and not with the intention of anything to do with violence or stalking or anything else, and they can actually find themselves in prison. I have in fact met men in this situation and spoken to them, and it does distress me to think that we have gone so far in pushing some of our legal enterprises – well, I would not call them enterprises, our laws – in such a way that we sometimes are not really seeing justice at all. Children need fathers as much as they need mothers, and I am not going to apologise for using gender-specific terms in that case as a mother myself; they do need parents that can actually be role models to them. There are people that can reform and change, and I think we need to keep that in mind when we are looking at legislation and particularly when we are looking at legislation that has to do with justice. The whole point ultimately is that if you have someone that can reform, great, give them the opportunity in a judicial system to be able to do that. It is very difficult, let me say, as someone who has worked with people who have found themselves breaking the law and taking the penalty, but there are occasions and there are people who can reform and do reform. I think we always need to keep that in mind. Nevertheless, obviously we will be supporting this bill, and on that basis I commend it to the house.

Michael GALEA (South-Eastern Metropolitan) (15:52): I rise today to speak on the Justice Legislation Amendment Bill 2023. Presumably, all going well this afternoon, it is the first bill that will be passed under the new Allan Labor government, and what a wonderful thing that is. I will speak on a few points on what this bill goes over. I listened with interest to Mrs Hermans's speech prior to mine, and I do want to touch particularly on presumptive rights legislation as well as part of that. Even though we are probably straying somewhere off the direct point of relevance to the bill, I do think it is worth mentioning that as someone who was raised for many, many years by a single mother, I do take some exception to the assertion that you need one parent of each gender to be raised in a healthy environment. I think ideally you would have two – sometimes people have one, but ideally both your parents, irrespective of what gender they are, would be loving. While we agree on that fundamental point, I did just want to express my thoughts on that from the outset as well. But as I say, I am sure that Mrs Hermans and I agree that having two loving parents is the most important thing. Obviously two is better than one if you can, but where it is the case one is still absolutely loving.

This government is committed to improving our justice system. Along with the Bail Amendment Bill 2023, which we will be discussing in this chamber this week, this bill, the Justice Legislation Amendment Bill 2023, embodies a broader vision of adapting our justice system to the current

challenges whilst preparing for future challenges as well. So what does this bill do? This bill aims to permanently incorporate remote hearings and strengthen the courts' security measures, as other colleagues on this side have spoken about, which is really important as a step towards making justice more accessible to all residents of Victoria. This is a bill that takes proactive actions as well, implementing recommendations from the Royal Commission into Aboriginal Deaths in Custody and the Tanya Day inquest, which will ensure better transparency and inclusivity within our system. There are a range of miscellaneous further amendments, such as improving the data-sharing arrangements, fortifying the Children's Court digital framework, clarifying VCAT's jurisdiction, clarifying jury deliberations for sexual offence cases, streamlining the role of authorised officers with regard to various other pieces of legislation and supporting Aboriginal community legal services, amongst other things. By implementing these reforms, this bill will help to ensure our justice system is up to date and maintains a strong level of fairness, responsiveness and equity.

Of course one of the most significant parts of this bill is the presumptive rights expansion. This landmark firefighters presumptive rights compensation scheme, with three new cancers now part of it, is a really critical reform. This will fulfil a promise, as my colleague Mr McIntosh noted, I believe made earlier this year by this government, by the Andrews–Allan Labor government, to expand this presumptive rights scheme for firefighters, providing fairer access to compensation under this scheme for anyone affected. These changes to the presumptive rights will enable the scheme to better address the unique health risks that women will often face in the firefighting profession.

Recent findings have highlighted a concerning link between firefighting and an elevated risk of certain female-specific cancers. This bill will address this by including things such as primary site cervical, ovarian and uterine cancers to the scheme's prescribed list of cancers. The government has undertaken an investigation and examination of the scientific research alongside consultation with experts and stakeholders in an effort to understand the correlation between these cancers and firefighting duties. It has become evident that our existing presumptive rights scheme required enhancements to address these risks. So including these cancers in the presumptive rights scheme means that firefighters that are diagnosed with these cancers, as with other cancers on the prescribed list, will not need to prove that the cancer is directly attributable to their service in order to access compensation. This scheme overall is of course an important part of giving our very hardworking firefighters what they deserve.

I do want to address a few of the criticisms of this particular bill that have come up today. Firstly, I think it is important to note that whilst the presumptive rights legislation provides for that ease of access, having a presumptive rights list does not actually preclude you from submitting a claim for another type of cancer even if it is not on that list. Now, I acknowledge the need for the presumptive rights list, and that is why I am so pleased to be speaking on behalf of expanding that today, but just because there is a list does not mean that if there is a cancer that is not on that list it will automatically be excluded. Sure, you have to go through the process, and I understand that can be a challenge, but those cancers will still be eligible, just as they are now.

The other thing to note is that my colleague Mrs Hermans also talked about having further discussion about other cancers that might be included as part of this. I understand that that is actually very much still happening. What I would argue is that whilst those conversations are underway, whilst we are looking into the various research on the various possible cancers that we should be perhaps still further implementing into this scheme, let us not waste a moment in letting these three cancers be added to this list, because we have the clear evidence and we have the clear research. Let us add them now. As I say and as I believe the Attorney-General says herself, that does not preclude further conversations as the need arises for them, and if there is evidence to show that, I will enthusiastically support that.

I also do want to take a moment to acknowledge the strong advocacy of the United Firefighters Union, the UFU, on behalf of their members. Unions are at their best, speaking as a former union official, when they speak to the true needs of their members, and this is an example of that. Whilst I really do want to take a moment to applaud them for their advocacy, I do also note, as I said, that putting these three in now certainly does not preclude us from expanding that list later.

I also of course do want to make a brief note that, as with everyone else in this chamber today, my thoughts are with our extremely hardworking firefighters, particularly those out in Gippsland today dealing with the fires in the East Gippsland and South Gippsland areas. I note the communities of Briagolong, Stockdale, Stratford, Seacombe and Loch Sport in particular are also having a very difficult day today. Whilst we are in here debating all sorts of matters of public importance, I know that all of us are still very much keeping our minds and our thoughts with the communities and with our firefighters out there in the fields in Gippsland.

Another aspect of this bill is the solidification of several changes to court operations which were initially implemented during the pandemic to allow for virtual court proceedings. These digital measures include remote hearings, streaming of court proceedings, online case management and similar adoption of digital methods to court proceedings as well. Whilst it was originally included as a short-term pandemic measure, the use of digital technology has resulted in an increased efficiency and streamlining of proceedings. The effect of adopting this technology for courts is that many aspects of the process are observably faster. There have also been improvements in accessibility through the removing of geographic barriers and logistical challenges that previously hindered some people's access to the justice system. With the allowing of remote access to hearings, the public has been able to witness proceedings without the constraints of needing to be in a physical courtroom, which promotes transparency and engagement as well.

These digital tools also address one of the most significant challenges our court system faces: case backlogs. Additionally, the Children's Court will similarly be able to take advantage of technology through the measures in this bill. Enabling the adoption of more effective registry services and the electronic filing of documents will help to ensure that the courts can deliver prompt and effective justice, reflecting our commitment to safeguarding the interests and rights of our citizens. The changes this bill delivers will benefit the court system as well as the citizens who rely on its services.

As I say, there are many other parts of this bill as well: measures such as the adjustments in the spent convictions scheme, as well as clarifications in jury directions for sexual offences. The government took action in 2022 to introduce a range of measures for pivotal jury directions aimed at eliminating misconceptions that a jury may have relating to certain sexual offences. These directives grapple with often layered and complex issues such as the reasons a victim might remain in contact with an accused post an offence or the intricate dynamics of consent. Providing for better jury direction is an important reform that improves the conduct of these serious court proceedings. Currently there exist ambiguities around the application of these directions and when they can be used and when they cannot. This bill ensures directions can function as intended. It clarifies that the directions are available in all sexual offence trials. This will give judges more flexibility and allow directions to benefit the deliberation of juries in these serious proceedings.

The bill also touches upon the role of specialised officers in criminal prosecutions. Currently the Criminal Procedure Act 2009 does not allow for an authorised officer to provide witness statements that are then used to prosecute matters they are investigating under the Meat Industry Act 1993 and the Dairy Act 2000. This means that this burden will often fall on others, such as police, which can slow down the process and works counterintuitively with the powers that are set out in those two acts. This bill will allow the authorised employees who are actually involved in the investigation to witness their own statements.

The Victorian Aboriginal Legal Service also provides a critical service to Aboriginal Australians, providing access to culturally appropriate legal support. This bill enshrines the rights of the Aboriginal community by ensuring that the Victorian Aboriginal Legal Service is contacted when a person who identifies as Aboriginal is taken into custody. The VALS plays a critical role in ensuring that Aboriginal people who come into contact with the justice system are able to access prompt and culturally appropriate legal assistance. Prior to this bill the investigating official was the one who needed to be of the opinion that a person was Aboriginal for the VALS to be contacted. This is obviously a step that can be prone to discrimination or misinterpretation, whether intentional or

unintentional. I note as well that this amendment is a response to a recommendation from the report of the Legal and Social Issues Committee on their inquiry into Victoria's criminal justice system.

The myriad of important provisions and clarifications of the Justice Legislation Amendment Bill 2023 will help to ensure that various aspects of the justice system are improved upon and operate as they were intended to – importantly, to the standard that Victorians expect. In particular the inclusion of three new presumptive cancers as part of the firefighters presumptive cancer legislation scheme is a really important step and, as I said earlier in my remarks, certainly does not preclude the future inclusion of other cancers in that scheme as well. But for these three things to be included is particularly important and something to be celebrated, and I join with colleagues on this side of the house, and I hope those opposite as well, in supporting this bill and commending it to the house.

David ETTERSHPANK (Western Metropolitan) incorporated the following:

I rise to make a brief contribution to the Justice Legislation Amendment Bill 2023 on behalf of Legalise Cannabis Victoria. I will say from the outset that we are supportive of this bill overall.

As other members have noted, this omnibus bill makes improvements to a number of acts. The bill implements a key recommendation of the coronial inquest into the death of Tanya Day in ensuring that the Victorian Aboriginal Legal Service is automatically notified when an Aboriginal person is taken into custody, amends the Spent Convictions Act to remove some of the limitations to eligibility in the scheme and addresses various legal and procedural issues across other acts. We wholeheartedly support these amendments.

We have a couple of questions around amendments to the various court acts. The ability to attend virtual court or tribunal hearings was a good temporary response to the COVID pandemic restrictions. However, stakeholders are concerned about the need for the proposed amendment to the Open Courts Act 2013, which would empower the Supreme Court, the County Court and the Coroners Court, to replace a public hearing with an audiovisual recording or transcript of the hearing provided after the fact. There are concerns that the proposed changes are antithetical to the principles of open justice and may undermine the right to a public hearing.

What happens if the affected parties wish to attend in person? Is there a threshold which courts and tribunals would need to satisfy in limiting physical hearings?

Amendments to the Coroners Act have similarly raised concerns amongst stakeholders. Firstly, the act defines a coronial investigator, very narrowly, as a police officer who is nominated by the Chief Commissioner of Police to assist a coroner in relation to an investigation into a reportable death – so essentially you have the Chief Commissioner of Police nominating a police officer to investigate another police officer. This is problematic, particularly in relation to the investigation of deaths in custody and police contact deaths.

Further, section 15A states that 'a coronial investigator is not required to comply with a direction under subsection (1)' if the chief commissioner considers the direction to be 'unreasonable'. 'Unreasonable' is a pretty broad term. It gives the Chief Commissioner of Police a lot of discretion and potentially undermines the independence of coronial investigatory processes.

The section goes on to say that the 'coronial investigator must comply with a reasonable and lawful direction' and must do so within a reasonable time frame. 'Reasonable time frame' is another broad term, and stakeholders, mindful of the effect that long delays have on grieving families, would like to see a temporal requirement put in place around this provision.

Moving on to the expansion of the firefighters presumptive rights scheme, we commend the government for including coverage for female firefighters and vehicle and maintenance workers who contract cervical cancer, ovarian cancer and uterine cancer. This is a very important step in ensuring female firefighters and ancillary workers gain rightful access to compensation.

These three additional cancers bring the number eligible for compensation by the Victorian scheme up to 12. While this is a definite improvement, it is still short of the 21 cancers provided for in the federal legislation – which covers aviation firefighters and ACT firefighters – not to mention the Western Australian and Tasmanian schemes.

The federal legislation includes cover for lung cancer, skin cancer, penile cancer, pancreatic cancer, malignant mesothelioma and thyroid cancer. It is only right and logical that Victorian firefighters have access to all the protections afforded to their federal colleagues and those of other states.

As El Niño again makes its presence felt around the globe, we are staring down the barrel of another potentially deadly summer of bushfires. We all remember the horror of the 2019 bushfires – and the extraordinary bravery of those Victorians, those volunteer and career firefighters, who literally put their lives

on the line to save homes and communities and families. Firefighters face unimaginable risks in the course of their work, and sadly, cancer is one of those unavoidable risks.

So, in the event that a firefighter does contract cancer in the line of duty, the least we can do is help to reduce the stress and burden of the compensation process.

For this reason, we will be supporting the Greens amendments to include the relevant cancers and bring Victorian legislation in line with the federal scheme.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:05): Thank you for the contributions on the Justice Legislation Amendment Bill 2023 today from a variety of members of the chamber. A lot of thought went into those contributions. Obviously the bill makes a range of miscellaneous legislative amendments to support the courts and VCAT and improve the operation of various justice and legal acts – relatively straightforward but really making life easier and functioning better for the justice system. I know that people spent some time going through the details of those, so it is not my intention to repeat those.

But I just did want to spend a little bit of time on the other component of the bill, which is the presumptive rights expansion to three female-specific cancers. This is a bill that could have been a standalone bill, or it could have gone somewhere else, but because the justice legislation was available we brought forward that bill to make sure that we could get it done, because we are on a promise to female firefighters to make good on a commitment that we made some time ago. Our government of course does have a proud record of supporting workers, including through the firefighters presumptive rights compensation scheme which we delivered in 2019. We extended that reform twice, firstly to include forest firefighters and secondly to ensure that FRV and CFA vehicle and equipment maintenance workers who attend fires and may be exposed to carcinogens et cetera are afforded the same presumptive rights as career and volunteer firefighters.

Today this bill seeks to expand the scheme for a third time to provide fairer access to compensation for women firefighters, who pleasingly are growing in number each and every day, and we certainly want to encourage more and more women to either be attracted to the volunteer system or consider a professional career in firefighting. This part of the legislation is all about including primary site cervical, ovarian and uterine cancers in the scheme's prescribed list of cancers. I announced the government's commitment to this expansion in June, and we acted quickly, as I said, to identify a piece of legislation that this could be hitched to effectively. That is why it was good that we had a justice miscellaneous bill, given that emergency services is in the Department of Justice and Community Safety, so I want to thank the officials and the drafters that enabled me to ensure that we could have this reform, this amendment, included in this miscellaneous bill.

I of course do also want to acknowledge the efforts and advocacy from the United Firefighters Union (UFU) and the Volunteer Fire Brigades Victoria, who have been staunch advocates for their members and those that they seek to represent. I know that they have met and spoken to many members across the Parliament, and it is a really important issue. I know that they are committed to all things that advance the rights and protections of firefighters, and they are very good at that.

I also acknowledge that the amendments proposed by Dr Ratnam are seeking to add an additional six cancers on top of what the government has proposed through this bill today, and I wish to put on record that the government does not in principle oppose additional cancers. But we do have processes and required diligence that we would ordinarily expect to apply to such proposals before making a final decision in this regard which would see us expanding the scheme for a fourth time. Because of my desire to adequately consider and consult on the additional cancers in a full and proper manner it is not the position of the government to be able to support the Greens amendment today.

Firefighters and personnel do provide an invaluable service to the community which requires them to work in inherently dangerous conditions and exposes them to carcinogens, and certainly that is why we have legislation that has reflected our acknowledgement of that. The expansion today that is

contained in the government's bill to the three additional cancers follows consultation with stakeholders to ensure more equitable access to cancer compensation.

We want to enact these changes quickly. We did not want to hold this up and start another process for the additional proposals of further cancers. We wanted to ensure that we were able to demonstrate to female firefighters that we wanted to get this done as quickly as possible. We wanted to ensure that female firefighters largely had the same rights and protections as their male counterparts. That was certainly the feedback I got from female firefighters that I spoke to. As we are all aware, they are a much smaller number than their male counterparts, and they just wanted equity and wanted the support and the recognition and protection that was afforded to their male counterparts. We believe that is the right thing to do.

It goes without saying that there is a lack of international research into female-specific cancers in firefighters, based on the fact that there are not many female firefighters. But we do not want to wait until there is a critical mass of female firefighters to justify the expansion in relation to this matter. We want to act now. Of course it can be difficult to prove that a particular event or exposure caused the development of cancers, but we do not think that that is a reason to hold back these three cancers in relation to women, predominantly on the grounds of equity. Importantly, I do want to put on record that the changes do not impact existing entitlements to the scheme – FRV, CFA and Forest Fire Management Victoria firefighters and vehicle mechanics all continue to be covered under the scheme equally.

I do also want to note that whilst it is certainly acknowledged that presumptive rights play a role in providing peace of mind, providing recognition and acknowledging the special role and risk that firefighters take, it is a presumption, and it is just that. It is a streamlined way to access compensation. The absence of presumptive rights does not in any way limit or stop somebody from making a claim for compensation if they contract cancer or indeed any other illness or injury in the performance of their duties. The cancers that are proposed in Dr Ratnam's amendments can still be progressed for compensation in their own right, and that is an important distinction to make. This is not about denying anyone's ability to access compensation. It is purely a distinction between the pathway that you would take to go down that route.

On that note, it is my intention and the intention of the government to continue to work with our fire agencies' personnel and volunteers to ensure that they are supported on and off the fireground. I am under no illusions that this issue is done. This is a process that was undertaken for the first tranche, the second tranche and the third tranche, and I expect to have further conversations in relation to the six remaining cancers that some other jurisdictions have moved on. It is my intention to meet with advocates in relation to this. It is unfortunate that I was supposed to meet with the UFU yesterday but ended up at Government House instead, but obviously given I know what their advocacy is, my message would have remained the same had I had that briefing – that is, let us continue to have those conversations about these cancers.

But today the legislation is about all of the improvements to the justice system and including three female-specific cancers in the presumptive rights scheme, and I look forward to its passage shortly.

Motion agreed to.

Read second time.

Instruction to committee

The ACTING PRESIDENT (Sonja Terpstra) (16:14): I have considered the amendments circulated by Mr Limbrick, and in my view these amendments are not within the scope of the bill. Therefore an instruction motion pursuant to standing order 14.11 is required. I remind the house that an instruction to the committee is a procedural motion.

David LIMBRICK (South-Eastern Metropolitan) (16:15): I move:

That it be an instruction to the committee that they have power to consider amendments and new clauses to repeal the Unlawful Assemblies and Processions Act 1958 and consequentially amend the Public Safety Preservation Act 1958.

I would urge members to support this instruction motion regardless of whether or not they support the amendment. It is my belief that it is important to get rid of these very dangerous powers that exist, but regardless of that, we should at least allow debate on whether that amendment should go ahead, so I would urge people to support this instruction motion.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (16:15): Just briefly, to report to the house the same thing that I have reported to Mr Limbrick, this is an out-of-scope amendment. Mr Limbrick and I have had a few conversations about this, and whilst the intention is good, this bill is not the avenue to deal with this matter today.

Council divided on motion:

Ayes (21): Matthew Bach, Jeff Bourman, Gaelle Broad, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell

Noes (14): Ryan Batchelor, John Berger, Lizzie Blandthorn, Enver Erdogan, Jacinta Ermacora, Michael Galea, Shaun Leane, Harriet Shing, Ingrid Stitt, Jaelyn Symes, Lee Tarlamis, Sonja Terpstra, Gayle Tierney, Sheena Watt

Motion agreed to.

Committed.

Committee

Clause 1 (16:24)

David LIMBRICK: I just have one question, actually, and I will acquit it in clause 1 if it is okay with the Attorney-General. It relates to clause 79. Clause 79 proposes new item 7.4 to close a gap in fees prescribed by Victoria Police, but the act in force has an item 7.1 which appears to be exactly the same provision, so we might need the advisers.

Jaelyn SYMES: Can you just slow down, because when we do questions on clauses that are not clause 1 and you launch into it, you have just got to give me a chance to find it so I can follow along with you at the same time.

David LIMBRICK: Clause 79. I shall give the Attorney-General time to find what I am talking about.

The bill proposes item 7.4 to close a gap in fees prescribed by VicPol, but the current act has item 7.1, which appears to be identical. So my question is: what does the new item 7.4 do that 7.1 does not do already?

Jaelyn SYMES: Helpfully, we have prepared an answer for this question. The amendment does not authorise any additional charges for police services, which you are clear on. The amendment will ensure that the regulation-making power in schedule 5 of the Victoria Police Act 2013 will continue to enable the Victoria Police regulations to impose charges for services provided by police officers, PSOs and VicPol employees who are deployed to provide information or services as the defence witness in a criminal proceeding or as a witness for any other party in a civil proceeding or in an interview by a member of the public about an incident or accident reported to Victoria Police or to search relevant police files. The amendment to schedule 5, which is what you are referring to, will simply provide an identical power to make the regulations to impose fees for services that would have

been accidentally repealed from January 2024. That is your answer: it would have been accidentally repealed, so we are ensuring that that is not the case.

David LIMBRICK: I thank the Attorney-General for clarifying that for me. My staffer who discovered that will be very happy to have an explanation.

Samantha RATNAM: I have got a few questions, particularly in relation to the subject of my amendments. Minister, are you aware of the scientific research accepted in other Australian jurisdictions that, in addition to these female-specific cancers in the bill, firefighting is associated with primary site lung cancer, primary site skin cancer, primary site penile cancer, primary site pancreatic cancer, malignant mesothelioma and primary site thyroid cancer?

Jaelyn SYMES: I am certainly aware of a variety of studies and lists that have identified whether specific cancers are related to fire activities, and I certainly can confirm that we accept that there is an inherent danger in firefighting. That is why we have led with a lot of reforms in this space. Also brought to my attention are some other studies that are slightly different in their assessment in relation to whether there is inadequate evidence, sufficient evidence or limited evidence in relation to some of these cancers. I would also note that for the three cancers that we added to our bill today – in relation to cervical, ovarian and uterine – the advice we have is that there is inadequate evidence in relation to those cancers. That is not the basis of why we included those cancers in our bill. We did not rely on scientific evidence, we relied on the fact that we acknowledge that there is an inherent danger in firefighting and we wanted to ensure that there was an equity argument for women.

We did not want to wait for a cohort of women to have to prove such a thing. We decided that we did not need to rely on scientific evidence; we relied on an equity basis in relation to the support of those three. But there are a range of studies that say different things in relation to the various cancers that you have just run us through.

Samantha RATNAM: Thank you for taking us through the approach that applied to the changes you have made in this legislation. My question then is: why not apply that approach to the additional six cancers which have already been incorporated into federal legislation? We have got places like the ACT and Tasmania now moving to update their own legislation to come into line with federal legislation. Why not use that approach for the other additional cancers that also have that scientific backing and more reasons to support them?

Jaelyn SYMES: I might just repeat the letter that I sent you in August, where I answered this specific question to you. As I wrote to you, I said that we acknowledge that:

... individuals in our firefighting organisations risk their lives to keep us safe. I am committed to continuing to work with firefighters, unions and parliamentary colleagues to ensure that the scheme provides the best possible protection for firefighters.

I went on to say:

The further expansion and inclusion of additional cancers will continue to be informed by policy and evidentiary considerations, further consultation, and costings. I would be pleased to discuss these matters with you following the passage of ...

this bill. And that commitment stands.

Samantha RATNAM: Then, connected to that question, have you received advice or research that supports only including the three additional cancers in the bill before us but not the additional six cancers I have proposed in my amendments? Can you outline this research or advice?

Jaelyn SYMES: Dr Ratnam, I have explained to you the rationale for the three cancers that we are including today in my previous responses to your questions.

Samantha RATNAM: What I am trying to get at with these questions is: why not the additional six? I understand the invitation to continue dialogue and consideration in the future, but my question

is how the decision was made not to include those six. I welcome the approach that they could be considered in future. We are trying to get to the rationale for only including the three when the science and the precedents in other jurisdictions say there should be an additional six. Can you outline the rationale for excluding six cancers at this time, leaving Victorian firefighters with weaker work rights than their federal counterparts?

Jaelyn SYMES: Dr Ratnam, I explained that including the three additional cancers was a commitment that I gave in June. They were subjected to proper processes of government, cabinet consideration, consultation with firefighters, consultation with the union, departmental consideration, WorkSafe et cetera. To hold up those three to add another six was not a position that I wanted to take back to female firefighters, who I had promised we would proceed as quickly as possible to include the three. If we were to include the six, they would not have gone through the same process as the three that are proposed in this bill.

Samantha RATNAM: Correct me if I am wrong, but what I have heard you explain is that the reason for not including the six is an internal government process – that the agreement has not been reached within the government beyond the three, and that is the reason they cannot be put forward today. Is that right?

Jaelyn SYMES: Dr Ratnam, you are completely verballing me. I did not say that at all.

Samantha RATNAM: Correct me if I am wrong.

Jaelyn SYMES: You are wrong. I explained that there was a process that was applied to the three female cancers, which included extensive consultation, costing and consultation with WorkSafe. This is fundamentally a workplace rights compensation scheme. I am the Minister for Emergency Services. There is another minister that would be involved in consideration of expansion of the scheme. We are prepared to have further consultation and discussions about the other cancers. That is not a problem at all. This is not a 'No', this is a 'We've done the work on the three. We haven't done any further work in relation to the others at this time.' And I am happy to put on record that I fully acknowledge that we will continue those conversations.

Samantha RATNAM: In understanding that the reason we have only got three and not the additional six is because the process of work around getting these additional cancers put in was kind of quarantined to the three, my question then is: why didn't you set about earmarking and beginning the process for changes that could include all nine? It strikes me that at the time that you would have begun these processes internally to get approval for the three, we already had federal legislation – if not enacted, on its way to being enacted, which had broad approval in the federal Parliament – that included eight cancers, so a broader list than the Victorian government is proposing today. Why not propose all eight/nine at that stage when you were preparing for the three, when you started this process? That could have expedited the process.

Jaelyn SYMES: Dr Ratnam, the process for the other six has started.

Samantha RATNAM: I am glad to hear that, Attorney. My question then is: why did it begin with the three? Why didn't the additional six start at the same time as the three before us today if it is about process? You mentioned as well that you did not want to hold up the three. Why did adding the additional six need to hold up the three?

Jaelyn SYMES: Dr Ratnam, you might not be satisfied with my answer, but I have provided you with an answer in writing. I have provided you with an answer I think about three times now. You are confusing administrative process with a proper process of consideration of this matter. It is not just drafting of legislation; you have got to go and talk to people, you have got to go and cost things and you have got to get advice from various departments, and that work was well progressed in relation to the three female cancers. I did not want to go out to female firefighters and say, 'We have to wait while

we look at the others.’ But I have received initial advice on the work that the department has started in relation to those six.

Samantha RATNAM: I understand the responses you have given me. I have not been able to find the answer to the question that I am seeing to ask, which is why I am trying to ask it again: when you began the process for adding the three additional cancers, why didn’t you begin the process for eight or nine cancers at the same time? Did you have some evidence, did you have some advice, that you should not include the other six? What I am trying to understand is what the rationale was for beginning the process for three when it was quite clear federally that they were moving towards the eight and nine.

Jaclyn SYMES: Dr Ratnam, you are presuming things that you do not have knowledge of. The consideration of three female cancers began well before the last election. It was not that I just started considering it when I announced the public commitment. That was the public commitment, when I had agreement within government to proceed. There are many more steps before a public announcement takes place.

Samantha RATNAM: I move:

1. Clause 1, page 2, line 21, omit “3” and insert “9”.

This is a test, I understand, for all my subsequent amendments. Just by way of background to reiterate what I mentioned in my second reading and expand on it, the firefighters presumptive rights compensation scheme currently covers 12 forms of cancer. The bill proposes to increase presumptive rights for three additional female-specific cancers, as we have heard: cervical, uterine and ovarian. This is a good thing that the Greens fully support. My amendments propose to add an additional six forms of cancer, each with respective qualification periods of service. The additional cancers and respective qualifying periods are as follows: primary site lung cancer, 15 years; primary site skin cancer, 15 years; primary site penile cancer, 15 years; primary site pancreatic cancer, 10 years; malignant mesothelioma, 15 years; and primary site thyroid cancer, 10 years.

I have mentioned the science and I have mentioned the federal scheme and the Tasmanian scheme. Maybe now I will speak about what this really means for CFA volunteers and FRV workers who currently have one of these six cancers and meet the eligibility criteria. I have been informed that there are currently people in this position, because firefighters presumptive compensation is not about whether or not these people can put in a claim for compensation through workers compensation for these cancers. Volunteers and workers can already do that through the normal WorkCover and CFA schemes. Under the current system, firefighters get these cancers and put in WorkCover and CFA claims and go through all the bureaucracy, the paperwork and potentially lawyers to get some income support and medical costs covered. At the same time, they and their families face not only a cancer diagnosis but the stress and uncertainty of making their claim and of bureaucratic delays in receiving income when they are likely most in need of it.

So this presumptive legislation is not really about eligibility for compensation, it is about saying that when the science, the eligibility period and the diagnosis are all clear, let us streamline the administration and the bureaucracy, saving time and money but most of all meaning that the compensation gets to the people with cancer who need it efficiently without adding to their stress. That is a key reason why presumptive schemes have been found to have little fiscal cost. They are about cutting red tape while facilitating a better service.

I spoke in my substantive contribution about how, as we debate this amendment today, firefighters, professional and volunteer, are fighting fires in regional Victoria. Statistically some of these same firefighters are, sadly, likely to develop one or more of these six additional cancers. This is not an issue for another time for some unknown reason, as we have heard claimed, although I accept that expanding the scheme to include these cancers makes so much sense it almost inevitably will occur at a later date. But why not be on the right side of history now, today? Are we really saying to those firefighters on

the front lines as we speak or those currently diagnosed with cancer – or their families if they do not make it – that they must wait a few more years for the full support they deserve for no better reason than that this Parliament could not get itself together today and in time to pass these non-partisan, non-political amendments? I urge this Parliament to do better: support our professional and volunteer firefighters now and do not make people diagnosed with cancer wait any longer for us to do the right thing.

Jeff BOURMAN: In a stroke of unusualness, I am going to actually support the Greens amendment today. I just see it as proof that even a blind squirrel finds a nut every once in a while.

The DEPUTY PRESIDENT: I do not think we need to have the anecdotes. Is there anyone else who wants to speak?

David LIMBRICK: I shall share some of Mr Bourman's sentiment; I also will be supporting this amendment. I do believe that it will remove red tape for families and people who unfortunately develop these diseases. I realise the government is not supporting this and the amendment will not pass, but I suppose the government can consider my support for this amendment as supporting the government to do the work, whatever work they need to do, to figure out how to have this scheme harmonised with the other jurisdictions.

Moira DEEMING: I would just like to put on the record that I will also be supporting this amendment.

Georgie CROZIER: The opposition will not be supporting the Greens amendment.

Jaclyn SYMES: It has been a good conversation to have in here, because I know a lot of us are having it outside, and I just want to reiterate my support for firefighters, both professional and volunteer. Certainly I am very pleased that we have unanimous support for the inclusion of the female-specific cancers based on what I have picked up from the chamber today. That is a commitment that we have made.

I acknowledge that there are more conversations to be had and more work to be done, and I am certainly happy to speak about and advance those discussions with my colleague the minister for WorkCover. I am sure that there are many people in this chamber that want to be part of those conversations. We have a strong track record of supporting firefighters. I have gone through all of the steps that we have taken to evidence that, and I provide my assurances that this is not a full stop in relation to this matter. I am pleased that we will be acquitting the commitment that we made to female firefighters with the ongoing conversation in relation to some of the outstanding matters.

Dr Ratnam, I am just curious. As I indicated, we have started the work in this regard, and you have put up your amendments today. I was just wondering: apart from the scientific evidence that you have proposed, which I know the United Firefighters Union have briefed a lot of people on, do you have any other evidence that is backing your proposals? Do you have any costings that you have formulated that back your proposals? I do want to point out that you have articulated that it is a very simple thing to do, and I just want to know if you have based your amendments on anything other than the documentation that people were briefed on yesterday. Is there anything else that you have underpinning your amendments, and particularly costings? I am interested in your views on that.

Samantha RATNAM: I am happy to respond to that question. I think one of the strongest rationales for why this should be done as early as possible is we have this opportunity here, with the legislation being amended partially but not fully, to harmonise the scheme with our federal scheme as a first point of order. I think that is one of the strongest rationales. We have got our federal colleagues who have done the work, and from what I understand there has been quite bipartisan and multipartisan support in the federal Parliament for years. In fact I think the first presumptive rights bill was co-sponsored by various parties, government and opposition alike, in bringing it to the floor and making it law. So it has benefited from the spirit of bipartisanship, because the right to access compensation

for workers and support workers, with the inherent dangers that they are experiencing, seems to have had quite unanimous support federally. Because of that we have got a federal scheme now that is going to provide much greater compensation for people doing the same work.

I am sure you have heard this example cited too: we have got federal firefighters who might be working in Tullamarine covered under federal legislation who will now have greater access to compensation than a firefighter who is covered by the Victorian scheme just down the road in Tullamarine at another fire station. That inequity is probably the greatest rationale for why we are pushing forward with these amendments today. Obviously there are a huge range of impacts that this legislation could have, which is the reason why we passed presumptive rights in the first place, and my understanding is that these workers have access to this compensation. This is about the process by which they access that compensation – making it more efficient, making it more timely at a time that is really critical for their lives, when they are often unwell. Therefore it has a more minimal impact on the financial outlay as you look across the scheme. That is my understanding from the work that we have done to look at what the kinds of impacts of this scheme are.

My understanding is that if you looked at the presumptive rights scheme and how it has been operating to date since it was passed by this Parliament and then you applied it to expanding the cancer list, it would have a minimal impact on the scheme more broadly, but it would have a maximal impact for the workers who are right now facing fires knowing that they are at increased risk of these cancers – including the ones you have proposed and including the ones that the federal scheme has now included as well – and who have to now live with the anguish that they are not covered as easily for those cancers under the Victorian scheme. So I think the rationale from my understanding is that it would have a minimal cost, and the greatest rationale is that we have a federal scheme that now creates inequity between workers doing the same work but who are just covered under different jurisdictional schemes.

Jaclyn SYMES: Dr Ratnam, are you aware of how many federal firefighters there are?

Samantha RATNAM: No, I do not have that information with me.

Council divided on amendment:

Ayes (10): Jeff Bourman, Katherine Copsey, Moira Deeming, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell

Noes (24): Matthew Bach, Ryan Batchelor, John Berger, Lizzie Blandthorn, Gaelle Broad, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendment negatived.

David LIMBRICK: I move:

1. Clause 1, page 3, line 11, omit “powers.” and insert “powers; and”.
2. Clause 1, page 3, after line 11 insert –
“(l) to repeal the **Unlawful Assemblies and Processions Act 1958** and consequentially amend the **Public Safety Preservation Act 1958**.”.

The DEPUTY PRESIDENT: Amendments 1 and 2 test your remaining amendments.

David LIMBRICK: The intention of this amendment is to repeal the Unlawful Assemblies and Processions Act 1958. In my view this act has very scary powers. It essentially allows a magistrate or a justice of the peace to read out a statement and finish with ‘God save the King’. After that statement is read out in front of an unlawful assembly, it immunises anyone – not just police; it can be members of the public – that accidentally maims or kills someone in the process. Clearly this is a very dangerous sort of power. It was recommended to be repealed by the Scrutiny of Acts and Regulations Committee

back in the year 2000, I think. No government since has seen that it is important enough to repeal, but I do, so I am going to attempt to repeal it today.

Samantha RATNAM: I rise to speak very briefly. I rise to speak in support of Mr Limbrick's amendment. As I understand it, this law has had unintended consequences, particularly for vulnerable sections of our community. It might have led to some over-policing or unintended consequences or misuse of the powers in this act in policing. We have heard from stakeholders that we respect, in terms of their opinion on the use of these laws and the unintended consequences, that there is support for repealing this act. That is why the Greens will be supporting Mr Limbrick's amendment.

Jeff BOURMAN: I will not be supporting the amendment. This is colloquially known as the riot act, and it is so rare for it to be needed. It needs to be there for those rare occasions when normal policing just will not do the job. I understand where Mr Limbrick is coming from, but I think this is one of those things – the only people it could possibly hurt are people that are in the middle of a riot, and if you are in the middle of a riot, you are taking the risk.

Jaelyn SYMES: The government will not be supporting this amendment. It is an out-of-scope amendment. This is not the appropriate vehicle to deal with it. I have certainly got some sympathy for the amendment, but I do not want to use improper process to deal with this matter. I have previously said to Mr Limbrick that there are a range of unused, redundant laws on the statute books. It would be great to have a purge and get rid of them, but that would divert resources from important reforms such as presumptive rights legislation consideration and the like. It is on the to-do list but not at the expense of other government priorities.

Council divided on amendments:

Ayes (8): Katherine Copsey, David Limbrick, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell

Noes (26): Matthew Bach, Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Gaele Broad, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaelyn Symes, Lee Tarlamis, Gayle Tierney, Sheena Watt

Amendments negatived.

Clause agreed to; clauses 2 to 6 agreed to.

Clause 7 (17:04)

Georgie CROZIER: Attorney, part 2 of the bill talks about court security and open courts, and the bill seeks to make permanent some temporary measures introduced as a result of the pandemic that allow courts to operate via audiovisual link and still be compliant with the Open Courts Act 2013. The question I ask is: how many Victorian courtrooms currently have audiovisual broadcast capability that can be accessed by the general public? You might need to take it on notice.

Jaelyn SYMES: Sorry, just to be clear on your question: is that access by the general public when they are a party to a matter?

Georgie CROZIER: Yes.

Jaelyn SYMES: Yes. Quite a lot, like almost –

Georgie CROZIER: It might be a percentage. I am happy for you to take it on notice.

Jaelyn SYMES: Just let me double-check, but I have not received advice of it being a problem – that no-one has been able to access. If I can get an actual figure, I will, but it is certainly not a matter that I am concerned about in relation to access to AV.

A lot of courts had audiovisual equipment prior to COVID, and we have expanded it since COVID in relation to the online Magistrates' Court. We had initial issues with VCAT not being as well set up as other courts in relation to audiovisual, and they moved to a lot of phone provisions, so there might be less audiovisual equipment at VCAT. Courts were certainly something that were very accessible throughout COVID and continue to be – every court I have visited anyway. There might be small pockets of small courts that might have issues, but it is certainly not something that has been brought to my attention as something that I should be concerned about. Certainly no additional resources have been sought to fill gaps, so that gives me confidence that the coverage is very broad.

Georgie CROZIER: Thank you for the clarification about resources, because I was going to ask were additional resources needed in terms of budgetary resources, but from your answer it seems that there is a fairly significant percentage of coverage amongst the courts throughout the state. Is that a fair assumption?

Jaelyn SYMES: That is a fair assumption. We did provide funding in relation to the setting up of the online Magistrates' Court, but that has kind of almost become even less of a unique facility because it is so available in almost every courtroom. I can attest to the fact that I have seen it in action at, I think, every court visit that I have done in recent times.

Georgie CROZIER: Attorney, lawyers say that there is a significant distinction between a court hearing being done in person and being online. There seems to be little to no objection for most basic procedural matters such as directions hearings being held remotely or via audiovisual link. However, there is a different view when it comes to matters that involve the examination of witnesses. Many lawyers have advised my colleague Michael O'Brien in his capacity as Shadow Attorney-General that it adversely affects the conduct of cases to have to examine witnesses or make complex legal submissions remotely rather than in person. Has the Attorney had any advice from the Chief Justice or other heads of jurisdictions about the extent to which AV technology is being used in trials as opposed to being used in procedural matters and whether this bill will affect practice going forward?

Jaelyn SYMES: I certainly acknowledge that there is a cohort of lawyers that would have made representation to the Shadow Attorney-General. There are a small number of lawyers that have made similar representations to me, but on the flip side I have had many lawyers make the alternative argument in that there are a range of matters that can continue and should continue to be online. The heads of jurisdiction have responsibility for those matters in relation to weighing up how the judges can be supported to operate their cases.

It is fair to say that it is less contentious in relation to lower level matters, administrative matters. You can get through more online. You can have more flexibility for the lawyers. A lawyer might be able to represent a client in Bairnsdale and also represent a client in Warrnambool on the same day. That is really good to get through justice matters and deal with backlog, and in fact hopefully, as I am on the record saying, we get to a point where we are better than pre-COVID listings because of the experience that we have gone through.

In relation to some of those other matters, there are, as I said, a range of views, and that is why it is great that we have got the capacity to have a variety of ways to provide access to justice depending on the specific circumstances, and the heads of jurisdiction regularly talk to me about this. There are a lot that are back in person, there are a lot that have hybrid arrangements and there are a lot that have the option depending on the circumstances, and it seems to be working very well for most people.

Georgie CROZIER: Attorney, is there data on those cases in terms of the breakdown of the hybrid versus in-person versus AV? Is that data collected?

Jaelyn SYMES: Not in sort of a table – I guess it is more anecdotal. I would also make the point that for a lot of matters, particularly intervention orders in family violence and particularly matters where it can be really distressing for victims to turn up, this is an option for applicants that they prefer. At VCAT they had a lot of uncontested matters and people did not turn up. With the option of being

online, you are actually getting more people engaged in the process, which has the complication of matters taking longer but you are improving access to justice. We are very conscious that there are a lot of benefits and very conscious that there have been circumstances where perhaps there is a serious matter that was not taken as seriously as it should have been because it was not in person. We are very alive to the pros and cons and we continue to work through those, but having the option has been frankly a really good thing for justice.

Clause agreed to; clauses 8 to 12 agreed to.

Clause 13 (17:11)

Georgie CROZIER: Attorney, part 3 of the bill talks about amendments relating to coronial investigations. The bill provides the coroner with the power to direct a coronial investigator at all stages of an investigation; however, there are exceptions. They are when the chief commissioner considers a direction to be unreasonable or where the chief commissioner considers that complying with the direction would likely compromise a criminal investigation. In the interests of transparency, why is there no obligation to report where such directions have been refused?

Jaelyn SYMES: Just let me talk to my friends.

Ms Crozier, I guess it is not a matter that I had contemplated would be necessary. It is not a matter that has been raised with me previously. We are talking about senior officers of the Coroners Court and the chief commissioner. I can always ask them how things are going, but a formal requirement to report for people that already have significant authority in a range of matters – I guess I would need to be convinced that there would be a strong argument to put an administrative burden on people of that standing. Without any further evidence, I do not have a reason to believe that that would be necessary.

Clause agreed to; clauses 14 to 66 agreed to.

Clause 67 (17:14)

Georgie CROZIER: Attorney, this clause relates to sections 77(2) and 77(4) – and inserts section 77(5) – of the Victorian Civil and Administrative Tribunal Act 1998, so it goes to the VCAT-related amendments, or part 10 of the bill does. With respect to part 10 of the bill and the procedure of referring VCAT matters to other courts where a question involving federal jurisdiction is raised, an issue was identified in the Court of Appeal case – which I think you are aware of – *Thurin v. Krongold Constructions (Aust) Pty Ltd*. I understand that this bill, however, does not fix the specific problem with respect to the operation of statutory limitations on proceedings where third parties are joined to an action after federal issues are identified. In short, even though a claim involving federal jurisdiction may be transferred from VCAT to a court, it can still mean that a claim against a third party could be statute-barred because of the transfer.

It is also my understanding that lawyers have written to the Shadow Attorney-General Mr O'Brien – I have got a copy of that letter, actually – identifying that the bill does not resolve the specific problem and that the Attorney has received similar correspondence. So does the government acknowledge that this is a problem? Will the government propose house amendments to deal with this gap, and if not, how does the government propose to tackle what has been identified through this case? It is quite a technical issue and a tricky one, which I think you are aware of, but do you have plans to address those issues?

Jaelyn SYMES: Yes, this case has caused us quite a bit of thinking time in relation to the cases where it has been ruled that jurisdictional issues mean that certain matters cannot be at VCAT and need to go to higher courts. We are confident that the amendments that we have proposed cover it, and

I would draw the house's attention to the amendment to section 77(4) of the VCAT act, which proposes to substitute:

If the Tribunal refers a matter to a court under subsection (3), the court may extend any limitation period that applies to the commencement of a proceeding in relation to that matter so as to allow the proceeding to be commenced and determined ...

There is a set of considerations that they can draw on to form that view, including in paragraph (b):

the late commencement of the proceeding is attributable to additional steps the person commencing it was required to take to have it determined by the court because the Tribunal proceeding was struck out ...

We have specifically provided for the ability of courts to extend the limitation period for the exact scenario that you have outlined. Of course if there are remaining concerns about the operation of that clause, I am happy to keep an eye on it. The intention would be to allow courts to not be bound by the statute of limitations because of those technicalities. There may be situations where it is not appropriate to do so, so having the court discretion, with the backing of this discussion of the intention being to allow the courts to not be bound, I think gets around those concerns. But I do acknowledge that there is a view out there that perhaps it is still a concern. We do not share that concern, so if it remains a problem – I do not want people barred from a proceeding because they initiated it in the wrong court. That is an inherent unfairness, and we think that this amendment should get around that.

Clause agreed to; clauses 68 to 72 agreed to.

Clause 73 (17:18)

Georgie CROZIER: Clause 73 amends the definition of 'action' in section 3 of the Limitation of Actions Act 1958 and goes to, again, VCAT decisions, so it is in this area or around this area of the act. I might not have the exact clause, but nevertheless the Shadow Attorney Mr O'Brien has previously raised with your office, Attorney, an issue arising from a VCAT decision in the matter of *Steedman v. Greater Western Water Corporation* [2023] VCAT 128. The effect of this decision is that the normal statute of limitations bar on proceedings does not apply in the cases of water corporations, so the question is: why has the government not addressed this anomaly in this bill, and will the government be addressing it in the future?

Jaelyn SYMES: I thank Ms Crozier for her question and indeed the Shadow Attorney for his interest in this particular matter as well. The recent decision in *Steedman and Greater Western Water Corporation* found that section 5 of the Limitation of Actions Act 1958 does not apply to claims made under the Water Act 1989. The Victorian government is aware of the decision and will monitor the impact of it on affected parties and VCAT before determining whether amendments to the Water Act should be progressed.

Clause agreed to; clause 74 agreed to.

Clause 75 (17:20)

Georgie CROZIER: Attorney, in clause 75 the government is amending the Domestic Building Contracts Act 1995 to better align building dispute jurisdictions between VCAT and the courts. In the matter of *Impresa Construction v. Oxford Building & Ors* Her Honour Judge Burchell of the County Court found that because VCAT had such a dreadful delays and backlog, the building dispute 'could not be heard by VCAT' for the purposes of section 57 of the Domestic Building Contracts Act. Attorney, how is it that VCAT has become so delayed that judges are now deciding VCAT cannot properly hear building disputes and so has accepted hearing those matters in the County Court? The follow-up questions to that one are: what additional resources will the government be providing to deal with these backlogs and delays, and finally, isn't it the purpose of VCAT to provide relatively lower cost and efficient hearings to prevent them going into the court system, which could potentially be undermined when judges decide that VCAT is not able to do its job?

Jaclyn SYMES: Ms Crozier, I will pick up where you talked about low-cost and efficient access to justice at VCAT. That does not necessarily align particularly well with the types of building disputes that are often so complex and have so many parties – very well resourced parties – that are very regularly better heard in the County Court, and in fact when they are heard at VCAT they are often heard by a County Court judge acting in their capacity as a VCAT member –

Georgie CROZIER: At VCAT?

Jaclyn SYMES: Correct. So they are high-value cases and complex cases. Although they can be heard in VCAT, we are in open conversations regularly with VCAT about whether that is the appropriate place. Because they do take a lot of resources and a high-level judge, they are not quick and simple matters more often than not, and the County Court is very often the appropriate place to have them heard. I guess complementary to that argument would be that if you had too many of these complex, lengthy cases that take away often your president to hear the matter, you would only be contributing to the problems at VCAT in relation to their backlogs, because it could be weeks and weeks that you are taking a really competent member offline who can get through other cases really quickly or indeed the president, who has a broader role to play. So we are in open conversations with VCAT about some of those matters. Our new president came from the County Court and came from that division as well so is very across these issues. So we are looking at how to look at that particular matter, and we know that it is an open conversation to resolve. But I do not think the answer is to have all these cases in VCAT. I do not think that is the right answer.

To your other question around VCAT backlogs, I have not shied away from the fact that there is an unacceptable backlog in VCAT in various divisions. The residential tenancies one is the one that bothers me the most, and I have ongoing conversations with VCAT about what they need to get through those. They have got added resources from various parts of government, they have got support from Court Services Victoria and they are trending in the right direction. We have got a little way to go, but all efforts are certainly focused on reducing those backlogs.

Clause agreed to; clauses 76 to 80 agreed to.

Reported to house without amendment.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:25):
I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:25):
I thank everyone for their contributions. I move:

That the bill be now read a third time.

Motion agreed to.

Read third time.

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

Adjournment

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:26): I move:

That the house do now adjourn.

Mental health

Joe McCracken (Western Victoria) (17:26): (463) My adjournment matter is for the Minister for Mental Health, and it relates to the challenges many young people face, particularly in Ballarat, regarding their mental health and wellbeing. I am aware that the government is developing a wellbeing plan for Victorians, and my understanding is that work is being undertaken by the mental health and wellbeing promotion office. That plan is to be released later in 2023.

The action I seek is simple: please release the draft plan asap so that all Victorians can see it, particularly younger people, and ensure that it best reflects the aspirations and hopes of younger people, particularly those in my electorate. Comments should be open to all, I would hope. There are a number of statistics and anecdotes – we could all quote them – that are out there, but mental health is an extremely big challenge for young people. There are clear indications that poor mental health can have a number of negative impacts across the board. One of the ones that has been spoken about quite a lot locally in Ballarat is the propensity and more likelihood that it adds to the rate of suicide, which I think we can all agree is completely horrible, particularly when a young person ends their life prematurely. It is just horrible.

I met with some very brave and intelligent young people who raised this matter with me recently, and the way that they spoke about their experiences was so insightful and thoughtful. They talked about some of the barriers that they have experienced in accessing mental health services. When you have got young people in high school, a lot of the stuff out of hours is not accessible because of the need for transport and those sorts of things. It makes it very, very difficult. It would be good to see more support for young people with their mental health, and probably the best area to do this is through the school network, because at least we know they are there from 9 until half past 3, or thereabouts, daily.

I know from when I was teaching that usually the standard practice is that a teacher is there to teach and impart knowledge, skills and all that sort of thing, but mental health and wellbeing have become so much more a part of the role in recent times. I think perhaps as part of teacher registration – this is something the minister might even consider – when teachers go to become registered they could be required to do mental health training, in particular mental health first aid training. It is quite often the case that physical first aid level 1 is done; perhaps mental health first aid could be a consideration for part of the registration process as well. That was a discussion that I had with a lot of young people. It would not be overly burdensome to administer that and put it into the Victorian Institute of Teaching registration aspects. I hope the minister hears those concerns loud and clear and that maybe those concerns might be taken on board so we can help young people get the help and support that they really need and deserve.

Smile Squad

John Berger (Southern Metropolitan) (17:29): (464) My adjournment is for the Minister for Health in the other place, Minister Thomas. The action I seek is for the minister to join me and the community of Southern Metro to see firsthand the rollout of the Smile Squad and, importantly, speak to the team that is getting it done and celebrate the actions that the Allan Labor government is taking to support good oral and dental health for my community.

The Smile Squad is our government's free school dental program – 100 per cent free for all government schools across Victoria. It has also been expanded to Catholic and low-fee independent schools so kids in Victoria can access the vital dental health care they need no matter their start in life. The Smile Squad offers a range of services to schools from visits for free dental health promotion and

education to free annual checkups. The Smile Squad even offers follow-up appointments and additional treatments when needed.

Visits involve a 15-minute check-up for each student, which includes procedures like teeth cleaning, X-rays, a fluoride varnish application and fissure sealants performed based on the unique needs of students. The Smile Squad is a service that all Victorian primary, secondary and specialist schools are eligible for, so why not take advantage of it? The team behind the Smile Squad is beyond qualified. Thanks to the hardworking team of professionals, including dentists, dental assistants, dental and oral health therapists and other medical specialists, children across Victoria can have equitable access to vital dental health care.

I am proud that 2023–24 budget included a further \$17 million investment to deliver on our election commitment to Smile Squad in both Catholic and low-fee independent schools, and thanks to the \$3 million dental assistant traineeship program we are creating 100 dental assistant jobs. This will go a long way to increasing the pool of school healthcare workers to deliver the vital care we need.

Just yesterday in my community of Southern Metro the Smile Squad visited Canterbury Primary School, a fantastic local school, and I am excited to know that the children there will be enjoying some of the more than 750,000 dental packs that have been provided to Victorian schools through the Smile Squad by the end of the year. I am looking forward to joining the minister in my school community and seeing firsthand the benefits of this transformational program.

Sex discrimination

Moira DEEMING (Western Metropolitan) (17:31): (465) As I have pointed out many times in this house from my maiden speech onwards, the erasure of biological sex based rights in the law and this government's internally incoherent anti-discrimination laws are harming Victorians. Recently it was reported in the news that a 10-year-old autistic girl was suspended from her school for objecting to the presence of a male student in the female toilets. I am not surprised, because this is the law that Labor has made. Surely it is self-evident that toilets and change rooms are facilities designed primarily to protect sex-based rights to bodily privacy and sex-based safeguards to protect females from males. They are not designed to serve gender identities. I call on the Minister for Education to apologise to the family involved in this debacle and to reinstate the prior rights of female students to single-sex toilets and change rooms in Victorian schools.

Alfred hospital

Georgie CROZIER (Southern Metropolitan) (17:32): (466) A few weeks ago there was a report in the *Herald Sun* which absolutely was appalling. It is in relation to the infestation of rats, mice, cockroaches, bed bugs and God knows what else at the Alfred hospital. My adjournment matter obviously is for the attention of the Minister for Health. In relation to this matter I find it quite disgraceful that such an eminent hospital, as it once was, is now operating like a Third World hospital when you have got infestations of the nature that was reported. Some of the issues that were raised alarmed me. As someone who trained at the Alfred, is very proud of the Alfred and understands that it has a fabulous trauma centre, I have been concerned over many months because I had heard from surgeons who told me about mice in the operating theatres. They are the operating theatres that I trained in. As Professor Mark Fitzgerald spoke about last year, these are 60-year-old operating theatres that are no longer fit for purpose, and the Alfred and the theatres needed upgrading. Of course he was a man well known to the former Premier, who looked after him after his accident. You would think that there would be attention by this government, but there has been absolutely no funding for the upgrade of this hospital.

To have this report in such detail – there is just report after report of this infestation – is simply not good enough, and it has been ongoing for years. I do think that patients who have experienced mice running over their beds; mice faeces; rats in various areas; bed bugs, as was reported in one area; and then other rodents and other issues with other parts of the hospital – the government needs to do far

more than they have. They need to look at this facility and provide the funding. The action I seek from the minister is to provide what briefing she has had relating to this important matter and what actions the department has taken to rectify this appalling situation where we have an infestation at the Alfred to such an extent as has been reported.

Meningococcal B vaccination

Sarah MANSFIELD (Western Victoria) (17:35): (467) The action I am seeking from the Minister for Health is for meningococcal B vaccine to be funded by the state for infants and teens. Meningococcal disease is caused by the bacteria *Neisseria meningitidis*. Around 10 per cent of the population carry it in their nose and throat without harm; however, occasionally it invades the body, causing severe disease. The most common diseases are meningitis and septicaemia. Five to 10 per cent of people with invasive meningococcal disease die even with prompt treatment. At least 20 per cent of those who survive are left with significant ongoing impairments, including brain damage, hearing loss, epilepsy, damage to vital organs and loss of limbs. Those at highest risk are babies under 12 months, teens and young adults and the elderly.

Globally meningococcal disease remains a major public health challenge, including in Australia, and it is personal for me. My sister had meningococcal meningitis as a baby. I was 10, and the memory of this terrifying time for our family still brings back strong emotions. She was one of the lucky ones, surviving without significant sequelae. Many others tragically do not. Recently I met Abby McGrath, a Ballarat mum who lost her beautiful 19-year-old daughter Emma-Kate in 2017 to meningococcal sepsis. Emma, a bright, compassionate young woman, was studying nursing paramedicine at the Australian Catholic University before her life was cut short over a 15-hour illness. Abby's grief is bottomless; however, she bravely continues to fight to prevent this from happening to anyone else.

The thing is it is readily preventable. There are several strains of meningococcus, the most common in Australia being B and W. There is a vaccine for strains ACWY and one for strain B; ACWY is on the nationally funded immunisation schedule, but meningococcal B vaccine is not. This is despite ATAGI recommending it for infants and young adults. Other states, including Victoria and recently Queensland, decided to fund meningococcal B vaccine themselves. This year Victoria's former chief health officer Brett Sutton also recommended that families vaccinate their children against meningococcal B; however, the cost to families to fully vaccinate a Victorian baby or teen is hundreds of dollars.

As a GP this was always a hard sell, creating awful guilt for parents unable to afford it. I want to recognise Ms Crozier for her recent advocacy to the government about this important issue. There is clearly support across the chamber for Victoria's immunisation schedule to include the meningococcal B vaccine, and I urge the minister to fund it so no other families have to go through what Emma's has.

Northern Metropolitan Region ambulance services

Evan MULHOLLAND (Northern Metropolitan) (17:38): (468) My adjournment tonight is directed towards the Minister for Emergency Services. I am concerned about the wait times for ambulances. It might also be directed towards now Mary-Anne Thomas.

Georgie Crozier: No, it is the Minister for Health. She is now the minister. They have changed it.

Evan MULHOLLAND: Excellent. Well, the Minister for Health, then.

Georgie Crozier: No, it is Minister for Ambulance Services.

Evan MULHOLLAND: Ambulance Services – no worries. I am concerned about wait times for ambulances for the Northern Metropolitan Region. Ambulance Victoria has an official response target of under 15 minutes for 85 per cent of all code 1 call-outs, which are the most critical. However, looking at the recent data from Ambulance Victoria, this target has not been met in the Northern

Metropolitan Region. In Mitchell shire, which includes Wallan and Beveridge in my electorate, only 53.2 per cent of the call-outs for code 1 emergencies were under 15 minutes. This is nowhere near the target of 85 per cent and significantly below the statewide average. In Hume City Council, which includes Craigieburn and Greenvale, the response is a similar result of 53.8 per cent of the call-outs being under 15 minutes. When we look at code 2 response times, which are defined as incidents that are acute and time sensitive, we can see that the worst response times for these stats are in Moonee Valley, which includes Essendon, Moonee Ponds and Ascot Vale in my electorate. It has an average response time of 91 minutes. All local government areas in my electorate have code 2 response times above the state average, except for Mitchell shire.

These results are shocking for people in my electorate. Of course this is not a criticism of the paramedics. They do great work in supporting our community while doing a very stressful job. Rather, it is a criticism, I think, of the Victorian government. It is their responsibility to ensure that in all parts of metropolitan Melbourne Ambulance Victoria has the resources to meet its targeted response times and to ensure that Ambulance Victoria has the proper processes in place to ensure that those resources are distributed fairly. Unfortunately this type of situation is familiar to my constituents in the Northern Metropolitan Region, who have been long forgotten by this tired old Labor government. Labor has long put the needs of the north on the backburner, with infrastructure services lagging behind the needs of our growing population. The government must build the infrastructure and also build out the service delivery. I will always fight for better services and infrastructure for my constituents in the north, and I seek the action of the minister to explain the excessive ambulance response times in the north and what steps the minister is taking to address this issue.

Dingo protection

Georgie PURCELL (Northern Victoria) (17:41): (469) My adjournment matter this evening is for the new Minister for Environment in the other place, and the action I seek is for him to reverse the shocking decision to renew the order in council to unprotect native dingoes for a further 12 months.

In 2008 the dingo was listed as a threatened species. However, on 1 October 2010 the order was made under the Wildlife Act 1975 making it legal to hunt, trap and poison this vital keystone species across half of the state. In Victoria it is estimated that 10 million lambs die on farms each year, and as usual the government response is to find a scapegoat – in this case it was the dingo. The sheep industry's own research states that more than 80 per cent of sheep deaths are due to farm management practices, including breeding from multiple births and repeated exposure to the cold. In the last year as little as 0.0056 per cent of Victoria's sheep population was reportedly attacked, and I would like it noted that that is the industry's own data. However, in the same period over 1000 dingoes were killed through trapping and bounty programs. It is unknown how many are killed by 1080 baiting, an indiscriminate poison that causes extreme suffering and is banned in most other countries.

Dingoes are Australia's only native canid, playing a crucial ecological role as an apex predator and keeping natural systems in balance. They hold a significant place in the spiritual and cultural practices of many Aboriginal and Torres Strait Islander communities, yet for decades dingoes have been persecuted by industries that exploit animals due to their claimed threat to introduced farmed animals and for profit. This month a national dingo declaration was signed by representatives from more than 20 First Nations groups that considered dingoes a cultural icon, stating lethal control should never be an option and that killing them is killing family. This government continues to ignore the facts, the data, the environment, the animals and the voices of First Nations groups on this issue. They make it legal to kill threatened species to keep animal industries of exploitation happy.

As I have raised recently in this place, new research has revealed that most dingoes in Victoria are actually purebred. Comprehensive DNA testing has confirmed what ecologists, First Peoples and animal advocates have been demonstrating for years – that there is no such thing as a wild dog. A 2021 inquiry into ecosystem decline in Victoria recommended greater protection for dingoes, including reviewing the fox and wild dog bounty program, but a response from the government is still long

overdue. I hope that the minister will reconsider the decision to put a price tag on the head of one of our most precious threatened and culturally significant native species.

Motorcyclist safety

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:44): (470) My adjournment is for the Minister for WorkSafe and the TAC in the other place, and the action I seek is to review and abolish the safety tax imposed on motorcyclists in 2002, since none of the money which is collected by the government – amounting to \$34 million to date – has been spent on road safety or road improvements as was intended. In 2002 the Transport Accident Commission – the TAC, as we know it to be – introduced a \$50 targeted motorcycle safety levy, and this levy is still hidden within the compulsory third-party insurance premium which is collected by VicRoads and is now at \$78. Recommendation 25 in the 2012 report from the Victorian parliamentary inquiry into motorcycle safety, or the PIMS, said:

The safety levy is a contentious charge and represents the only example of a levy applied to a specific road user group. The issues identified by the Committee with respect to the levy were multifaceted. They ranged from the oversight arrangements applied to its use, through to the effectiveness of safety levy projects and the effectiveness of the levy overall. Important findings included the absence of project evaluations and qualitative reviews which make it difficult to measure its effectiveness.

That is from page xxiv. In light of the road toll at present, which is that 31 motorcyclists have died on Victorian roads to date compared to 37 for the whole of 2022, it is clear we are going backwards in keeping our road users safe. It is interesting to note that a spokesperson for the Minister for Roads and Road Safety Melissa Horne MP was quoted as saying that motorcyclists were ‘among the most vulnerable road users’. This person also went on to say:

The Motorcycle Safety Levy contributes to infrastructure upgrades and projects that improve safety for motorcycle riders.

That is from the *Herald Sun* of 30 August. The article states that motorcycle riders association spokesperson John Eacott argued that:

The budgeting and funding models were wrong ... because they did not prioritise “motorcycle specific” treatments or road design which, in turn, aided all road users.

It states:

“If such works makes it safer for all road users, then it should be funded from general revenue sources,” Mr Eacott said.

In 2023 road-registered motorcycles or scooters or the electric equivalent pay a \$601 compulsory third-party premium, and this includes the hidden motorcycle safety levy, or Transport Accident Commission tax. Cars, SUVs and motorhomes pay only \$502. In 2021 the TAC sponsored many organisations in the name of road safety, but many of these groups have little or nothing to do with safety. Possibly they are to do with corporate image and prestige. Among these are Country Racing Victoria, \$273,000; Melbourne International Comedy Festival, \$150,000; and Winemakers of Rutherglen, \$52,000 – and that was just in one financial year. The money would be better spent in repairing neglected roads, subsidising protective clothing for riders, using the MotoCAP system and on-road user education. I ask the minister to review and respond to any findings on this unfair levy, which is not being used for what it was intended to be, and ask the minister to outline what steps are being taken to improve Victorian roads to prevent further carnage for motorcyclists.

Care leavers redress scheme

Matthew BACH (North-Eastern Metropolitan) (17:47): (471) My adjournment matter tonight is for Minister Blandthorn, whose new title is the Minister for Children. Now, the action that I seek from her is to provide a full and comprehensive government response to a petition tabled in the other place by Mr O’Brien regarding survivors of voluntary placement who wish to be formally recognised as

care leavers. I had some discussions yesterday with care leavers who are very keen to see a government response to this petition.

I was actually very pleased with one element of the changes to the make-up of the government following the resignation of Mr Andrews. Over a long period of time I have criticised the government on the basis that there had been a revolving door in the child protection portfolio. We had seen five child protection ministers in the short period of time that I have been the shadow minister, and my contention was that we were seeing such appalling outcomes for vulnerable children in our state: record numbers of Indigenous children removed from their families to then experience further trauma in the care system; huge rates of various forms of abuse, including sexual abuse of children in care; and record numbers of deaths because there was a total lack of focus from the government. So I was hoping that Minister Blandthorn would remain in this portfolio on the basis that we need some continuity, but also on the basis, to be fair, that I believe Minister Blandthorn to be a competent person and a hardworking person.

I was interested, though, to see the fact that her title changed. Now, I am not one to get into this sort of thing. I do not really mind if Minister Blandthorn is the Minister for Child Protection or the Minister for Children. I do not mind what she is called. But when I saw the announcement from the new Premier the other day I did think back to some of the comments of Minister Blandthorn in this place regarding my former title. I was the Shadow Minister for Child Protection but not the shadow minister for child protection and family services. I still had responsibilities for family services, but I was not called the shadow minister for child protection and family services. Minister Blandthorn was deeply troubled by this. On 8 February, for example, she said:

Dr Bach has written about early intervention and family support –

and that was true, I wrote about that extensively; it was good that she read what I wrote –

... but the opposition does not even recognise the importance of family services with the allocation of such a portfolio.

‘Who cares,’ I thought at the time. But nonetheless that is what the minister said. She went on:

Family services matter ... That is why we have a portfolio for it ...

Following the minister’s own logic, the rebranded government does not care about child protection or family services because those portfolios have disappeared. I was interested by that. Nonetheless I am very pleased that Minister Blandthorn has remained in situ, and I would like a response – I have no doubt she will give it to me – to the important petition tabled in the other place by Mr O’Brien.

Inglewood ambulance station

Gaelle BROAD (Northern Victoria) (17:50): (472) My adjournment is for the attention of the Minister for Health. The action I am seeking is for the minister to explain to the Inglewood community why the state government demolished the old Inglewood ambulance station last Monday and misled the community. I raised this matter in Parliament on behalf of the local community some time ago, seeking the minister’s support to delay the demolition to give time for a more amenable solution to be found. I wrote to the minister and followed up with a phone call to her office. I tabled two petitions in Parliament with over 400 signatures from the local residents seeking to save the old ambulance station, and I also spoke with the lower house member Martha Haylett seeking her support.

Local residents wanted to see the building retained for community use as Inglewood and Districts Health Service requires more space and there is also demand for accommodation in the town. Until recently the building had been used by ambulance officers before they moved next door to a brand new ambulance station. Instead of demolishing the old ambulance station and taking the remnants to the tip, locals wanted to see the building put to good use. The Minister for Health ignored repeated requests from the local community to save the building and misled the public by stating that the 1980s brick building contained asbestos. Contrary to the minister’s advice, demolition contractors onsite

confirmed that the building had no asbestos. Given that the local community raised funds to build the old station and wanted to keep it, I call on the minister to explain why the state government ignored the local community and demolished the building when in fact there was no asbestos.

Responses

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (17:52): There were 10 matters raised today: Mr McCracken to the Minister for Mental Health, Mr Berger to the Minister for Health, Mrs Deeming to the Minister for Education, Ms Crozier to the Minister for Health, Dr Mansfield to the Minister for Health, Mr Mulholland to the Minister for Ambulance Services, Ms Purcell to the Minister for Environment, Mrs Hermans to the Minister for WorkSafe and the TAC, Dr Bach to the Minister for Children and Mrs Broad to the Minister for Health. I will make sure that all these matters raised are referred to the relevant ministers for an appropriate response.

The PRESIDENT: The house stands adjourned.

House adjourned 5:53 pm.