



Hansard

LEGISLATIVE COUNCIL

60th Parliament

Tuesday 2 May 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

Matthew Bach

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, Gaelle	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 2 May 2023

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

Condolences

Hon. Graeme Weideman

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:04):
I move:

That this house expresses its sincere sorrow at the death, on 13 April 2023, of the Honourable Graeme Weideman and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electorate of Frankston from 1976 to 1982 and 1992 to 1996, member of the Legislative Assembly for the electorate of Frankston South from 1985 to 1992 and as Minister for Tourism from 1981 to 1982.

On behalf of the government I wish to make a brief contribution to this condolence motion. Mr Weideman's contributions to the Parliament were many. He served, as we have heard, as the member for Frankston for over 17 years. I understand also during this time he had a range of appointments, including Minister for Tourism, as the motion reflects on, but also Assistant Minister of Health, chair of the Public Accounts and Estimates Committee and member of the Public Bodies Review Committee.

On examination of some of Mr Weideman's interests, he was a former pharmacist so had a strong interest in public health. He was interested in tobacco reform and the syringe exchange program and certainly contributed to debate passionately in relation to issues that went to the wellbeing of Victorians. I have got to say: I think all of us can be impressed by anybody that has had many years on PAEC, and this gentleman served four years as chair. I think that is quite an achievement, which he, I am sure, was extremely proud of. Not many people would want that role, so he was obviously a special person to be able to do it for that long.

I do thank Mr Weideman for his contribution to the Victorian Parliament and extend my condolences on behalf of the government to his family on his passing, including his wife Barbara. I am sure members of the opposition who knew Mr Graeme Weideman slightly better than I will also provide some words for the chamber to mark his passing.

Georgie CROZIER (Southern Metropolitan) (12:06): I am pleased to be able to rise and join with the government on this condolence motion, and speak to it, regarding the Honourable Graeme Weideman. As the Leader of the Government has said, he had a very distinguished career both inside and outside of this place in terms of his contributions to the Victorian community. As has been identified, he did represent the seat of Frankston from 1976 to 1982, Frankston South from 1985 to 1992 and then Frankston from 1992 to 1996, before he retired.

During the first term after he was elected, he served with my father. When I spoke to my father about him just over the weekend, I said, 'Can you tell me a little bit about Graeme Weideman?'. He said, 'Look, I didn't know him terribly well, but he was well liked amongst his parliamentary colleagues and he was very well respected for the work that he did inside the Parliament and also in the community.' I think that work that he did in the community and his experience before he entered the Parliament demonstrated that commitment to reform that the Leader of the Government spoke about.

Graeme Weideman, prior to entering the Parliament, as has been said, was a pharmacist and ran a pharmacy in Frankston. He was actually born in Ballarat on 6 November 1934, was married to Barbara for 63 years and was a father of three and a grandfather and great-grandfather. He settled in Frankston with his wife when they married in 1960. That is where he set up his business. I understand that he became a member of the Liberal Party in 1966. He ran various campaigns for Phillip Lynch, who held

the seat of Flinders. It was then that he decided that he too wanted to stand for the Liberal Party and enter Parliament.

In a report that I read he said the reason for doing this was that as a small business man he identified with the party's free enterprise philosophy. He believed the Liberal Party represents the 'middle ground' and that:

It caters for all groups in the community and allows everyone to develop to the best of their ability, without Government interference.

That, I think, is true of the values that we on this side hold very dear. It is true that that did give him knowledge and experience when he was advocating so strongly on behalf of the seat of Frankston and the people within the community that he served.

He was on various boards. He served on the Frankston Community Hospital board. He also served on various other boards. He was on the Pharmacy Board of Victoria and the Toorak College council, Frankston TAFE council and Baxter Technical School council. He was an executive member of the Peninsula Unemployed Action Group and the Peninsula Road Trauma and Safety Committee and president of the Peninsula Drug and Alcohol Committee. He had this tremendous depth of experience, and he really brought that to the fore when he served in this place.

He was greatly concerned about the health impact of alcohol and drug use in the Victorian community. He recognised that in his first speech to the Parliament, where he raised the need for more investment in education, treatment and rehabilitation to tackle the increasing rates of addiction and dependency. When you think back, we are talking about the very same things now. During his time at the Frankston community hospital he was concerned about the expenditure, the running costs of \$10 million – if only we could go back to those days. That is a true testament to his experience and what he brought to this place but, more importantly, to the Victorian community and the Frankston community. Not taking anything away from him, but for those Collingwood supporters in this place he was also the older brother of the late Collingwood Football Club legend Murray Weideman.

With those few words I pass on, on behalf of the Liberals and Nationals, our condolences to all of the Weideman family, and I thank Graeme for his service to this place and to the broader Victorian community.

David DAVIS (Southern Metropolitan) (12:11): I am pleased to join this motion and to say a few words about Graeme Weideman. I knew Graeme and knew him quite well. I did not serve with him – he went out when I came in – but he was a really good knockabout sort of person. He was a person that you would sit down with and have a cup of coffee and a yak. He was warm. You would discuss whatever was going on. It could be football; you are right, he was a very strong Collingwood supporter. But he did have that incredible warmth.

Graeme was Mr Frankston. He was absolutely connected with his community in Frankston. Not only was he the member for Frankston before being defeated in 1982 but he came back as the member for Frankston South in 1985 and then was the member for Frankston again from 1992 to 1996. He was the Minister for Tourism and Assistant Minister of Health in 1981–82, and, as the Leader of the Government has pointed out, he spent a good deal of time on the Public Accounts and Estimates Committee. He was a pharmacist, and he was connected to the community through the local pharmacy connections. He knew everyone, and that is a remarkable point about the importance of community pharmacy and those local networks and local connections.

Graeme was also very much involved in various boards. He was on the pharmacy board for a number of years and the boards of Toorak College and the Frankston TAFE. He was very well connected with the Frankston community hospital board and indeed was made a life governor of that board. He was very active in advocating for additional resources and additional focus for the Frankston community hospital. It is interesting. As Ms Crozier pointed out, the cost structures in health have grown enormously, but he was at the forefront of advancing that hospital at his local level. Even when I was

health minister he occasionally did contact me with points about the Frankston hospital – his fondness for that centre was so great.

It is interesting to go back and read his inaugural speech. He said in that inaugural speech in May 1976 that Frankston:

... is the centre of the peninsula for health, education and transport, and is the capital of the peninsula for commerce, the professions and the small business community.

Interestingly, he advocated for a third line for fast passenger rail to Melbourne, something we still have not been able to deliver. He talked about the Frankston community hospital and, importantly, he talked about small business. He was a great small business advocate. He said:

I remind the House that the backbone of Australia is the many thousands of small businesses ...

He went on to talk about their independent spirit and how that was a factor that resulted in lack of support and assistance from government. He went on to talk also about how small business could be helped with their job generation and innovation, saying:

The answer to this problem is complex, but with Government guidance in areas of planning, management, assistance in raising capital and above all, the control of inflation ...

It is interesting that in the 1970s inflation was a great problem and we see that re-emerging. It is a challenge for businesses and for families. Graeme talked about:

The maintenance of a free enterprise economy must be based on a thriving small business community with incentive, a competitive spirit and reward for effort ...

These are great and timeless values that should never be underestimated. He did swear loyalty, I might say, to Queen Elizabeth. He was a great Frankston person, a person who would always step forward to advocate for his local area and do so with enthusiasm but also cleverness and nimbleness, and he delivered massively for Frankston.

Ann-Marie HERMANS (South-Eastern Metropolitan) (12:15): I rise today to also pay my respects. I did not have the privilege of knowing the Honourable Graeme Weideman, but I do want to pay tribute to him on behalf of the people of Frankston as an upper house member for the South-Eastern Region. As I pay my respects I, like my colleagues and like the Attorney-General, would like to acknowledge that Graeme Weideman represented Frankston as a Liberal MP from 1976 to 1982 and from 1992 to 1996 and was the member for Frankston South from 1985 to 1992. A father, a grandfather, he lived and worked in the electorate that he represented.

He served as the Minister for Tourism and Assistant Minister of Health from 1981 to 1982, when the Liberal government lost that election. Graeme dedicated his life to serving the residents of Frankston and Frankston South not just as a politician but also as a pharmacist and community leader. As the member for Frankston, Graeme saw his appointment as recognition by the government of Frankston's importance to the growth of Victoria and that his position would consolidate the electoral prospects of the citizens of Frankston and Frankston South. I understand Graeme was elected to the Lindsay Thompson state cabinet after five years in Parliament. He said at the time that he was happy to take on any portfolio that would be given to him by the Premier-elect.

He then became a member, as has been mentioned by the minister, of the powerful Public Accounts and Estimates Committee, PAEC, which promotes public sector reform and accountability. I think this shows something about the character of Graeme. With PAEC, he felt that it gave him a great insight into the workings of government authorities. It provided him with a wealth of knowledge that could not only benefit him but also benefit his community, where he had been a small business man who believed in the Liberal Party principle of free enterprise and its middle ground philosophy. Also, he was very strong on the fact that he did not want government to be completely interfering with small business but actually to be supporting it. Graeme was a humble man. He was genuinely surprised and

excited to be given the portfolios of tourism and health and subsequently was made a life governor of the Frankston Community Hospital.

For those of you who are football lovers, as my colleague Georgie has said, Graeme Weideman was the older brother of the Collingwood footballer Murray Weideman and was an ardent Collingwood fan, describing himself as a two-eyed Collingwood supporter – with one eye black and the other white.

Frankston was very dear to Graeme's heart. He was a strong advocate of law enforcement and alleviating community welfare problems. He rallied against the effects of alcohol and drugs and wanted to see reform and support. He was particularly concerned about what was going on in Frankston. As has been mentioned, Frankston was considered by him to be the centre of the peninsula. It is 41 kilometres south-east of Melbourne's CBD. It is now a contemporary suburb which offers a great coastal scenery experience amongst its bushland. Between 2021 and 2024 the forecasted increase – and who knows how that will have been impacted by recent events like COVID – is expected to be nearly 21,000. That is a huge increase. On his behalf I would like to advocate for small businesses in Frankston, which are doing it tough; for the fast-track line, which has not yet been built; and for the health services of Frankston and the support of them. Because of his work as a pharmacist and his concerns about drugs and alcohol, Graeme was a board member of VicHealth and chairman at the time of the Victorian committee on drugs and sport. After Graeme left Parliament, he continued his management and consultancy work in the Frankston community, chairing drug and road safety committee forums and serving as first chairman of the Frankston College of TAFE.

On behalf of the people of Frankston and my colleagues in the Liberal Party, I offer my condolences to the Weideman family and thank Graeme for his enormous contribution to the community of Frankston and the Parliament of Victoria.

The PRESIDENT: I ask members to signify their assent to the condolence motion for the Honourable Graeme Weideman by rising in their places for 1 minute.

Motion agreed to in silence, members showing unanimous agreement by standing in their places.

The PRESIDENT: As a further mark of respect proceedings will be suspended for 1 hour and will return with the ringing of the bells.

Sitting suspended 12:22 pm until 1:28 pm.

Bills

Health Legislation Amendment (Information Sharing) Bill 2023

Heritage Amendment Bill 2023

Royal assent

The PRESIDENT (13:28): I have received a message from the Governor, dated 28 March:

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 Parliaments:

4/2023 Health Legislation Amendment (Information Sharing) Act 2023

5/2023 Heritage Amendment Act 2023

Building Legislation Amendment Bill 2023

Introduction and first reading

The PRESIDENT (13:29): I have received a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Building Act 1993**, the **Architects Act 1991**, the **Domestic Building Contracts Act 1995**, the **Building and Construction Industry Security of Payment Act 2002**, the **Victorian Civil and Administrative**

Tribunal Act 1998, the Sale of Land Act 1962, the Owners Corporations Act 2006, the Cladding Safety Victoria Act 2020 and for other purposes’.

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

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:30):
I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

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

In my opinion, the Building Legislation Amendment Bill 2023 (**Bill**), as introduced to the Legislative Council, is compatible with the human rights protected by the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

Parts 2 to 5 of the Bill amend the *Building Act 1993* (**Building Act**), the *Architects Act 1991* (**Architects Act**) and other Acts to address systemic issues with Victoria’s building system. These Parts of the Bill will –

- establish a statutory position of State Building Surveyor to be appointed by the Victorian Building Authority (**VBA**). This position will provide technical expertise through binding determinations on the interpretation of building and plumbing regulations, codes and standards for the building and plumbing sector. As a public authority, the State Building Surveyor must ensure that binding determinations are compatible with the Charter;
- establish a statutory position of Building Monitor to collect, analyse and publish information, and provide advice to the Minister and others, regarding systemic issues affecting domestic building consumers and to represent, at a systemic level, domestic building consumer interests;
- broaden the VBA’s power to enter into information sharing arrangements with other persons and bodies who exercise functions related to the building sector;
- amend two categories and insert two new categories of building practitioner, who will be required to be registered before they can carry out a prescribed kind of work in relation to building;
- require a relevant building surveyor to provide an information statement to an owner of land or a building, for which an application for a building permit has been made in relation to a prescribed class of building, with prescribed information relating to the surveyor’s role and responsibilities, when issuing the building permit;
- provide a process for, and requirements relating to, the preparation and approval of a building manual for a prescribed class of building before an occupancy permit may be issued for the building;
- enable a wider range of circumstances in which the cladding levy can provide financial or other support to owners who are not eligible to receive funding under the current cladding rectification program;
- make other technical or minor amendments to the Building Act; and
- improve the governance arrangements for the Architects Registration Board of Victoria under the Architects Act.

Human Rights protected by the Charter that are relevant to the Bill

The human rights protected by the Charter that are relevant to the Bill are –

- right to privacy and reputation (section 13); and
- right to take part in public life (section 18).

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

Privacy and reputation

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

Building Act amendments

In Part 4 of the Bill, clause 47 will replace section 259AB of the Building Act to widen the circumstances in which the Victorian Building Authority (VBA) can enter into information sharing arrangements with one or more persons or bodies. Such persons or bodies are defined as a “relevant agency” in new section 259AB(7). The Bill will enable one or more relevant agencies to enter into an information sharing arrangement, provided the VBA is a party to the arrangement.

To the extent that the information shared between the VBA and any relevant entities includes personal information, the Bill will engage the right to privacy.

Any limit on the right to privacy by Part 4 of the Bill is reasonable and justified

Although these provisions require and permit the VBA and relevant agencies to deal with personal and identifying information, I do not consider these dealings are unlawful or arbitrary.

The purposes of these amendments are to: (a) ensure the VBA and each relevant agency has access to the information it requires to perform its functions effectively; (b) support a cohesive approach to provision of government services to building consumers, including regulation, by empowering agencies to share information in an efficient and effective way; and (c) to enable information to inform a robust understanding of trends and issues in the building system.

Clause 47 of the Bill imposes several limitations on how information can be shared under an information sharing arrangement made under substituted section 259AB(1) of the Building Act. Under new section 259AB(2) and (3)(a), if the information is to be shared between the VBA and a relevant agency, the information must be reasonably necessary to assist in the performance of the Authority’s functions under the Building Act or the functions of the relevant agency. Under new section 259AB(2) and (3)(b), if the information is to be shared between two relevant agencies, it may only be information that: (a) the receiving relevant agency could have requested from the Authority under section 259AB(3)(a); or (b) is reasonably necessary to assist in the performance of the relevant agency’s functions under the Building Act.

Further, the VBA and each relevant agency that is a public entity within the meaning of the *Public Administration Act 2004* is bound by the requirements of the *Privacy and Data Protection Act 2014* and must ensure that any collection, use or disclosure of information is undertaken in accordance with the Information Privacy Principles set out in Part 3 of that Act.

In my view, these provisions will not be an arbitrary or unlawful interference with privacy, as any disclosure of personal information authorised by these amendments will only occur to the extent necessary to perform the functions of the Victorian Building Authority or relevant agency and, for the sharing of information between relevant agencies, the functions of the relevant agency are confined to any functions the agency has under the Building Act.

Accordingly, I consider that these provisions under clause 47 of the Bill are compatible with the right to privacy under section 13 of the Charter.

Part 3 of the Bill will provide for the appointment of a Building Monitor to (amongst other objectives) improve the experiences of domestic building consumers and affected parties of the building system by advocating for their interests at a systemic level and providing independent expert advice on these issues to the Minister and to persons and bodies involved in the building industry. The Building Monitor will be empowered under new section 208K of the Building Act to require, by notice in writing, a person or body to give the Building Monitor information specified in the notice. The purpose of this power is for the Building

Monitor to gather and analyse information from certain building system entities to identify issues affecting domestic building affected parties. Under new section 208P of the Building Act, the Building Monitor will also be required to annually publish a Building Monitor Issues Report that is to specify the systemic issues that the Building Monitor has identified as affecting domestic building affected parties and make recommendations to the Minister on ways to address these issues.

To the extent that the information obtained by the Building Monitor includes personal information, the Bill will engage the right to privacy.

Any limit on the right to privacy by Part 3 of the Bill is reasonable and justified

Although these provisions require the Building Monitor to gather and analyse personal and identifying information, I do not consider these functions are unlawful or arbitrary.

The types of information that can be requested are limited under section 208K(1) of the Building Act to information that is relevant to the performance of the functions of the Building Monitor. The functions of the Building Monitor, to be specified in new section 208F of the Building Act, relate to matters of concern to domestic building affected parties. Clause 18 of the Bill will also insert a definition of “domestic building affected parties” into section 3 of the Building Act to further contain the functions of the Building Monitor.

Under new section 208K(1), the Building Monitor is also required to consult with a person or body before giving them a notice under that section to provide information or data. This is intended to enable the Building Monitor to gain an understanding of what information is held by the person or body who will receive a notice and to ensure the notice does not unintentionally gather information that the Building Monitor does not need for their functions.

The persons or bodies from whom or which the Building Monitor may require information be provided are limited to those listed in new section 208K(3) of the Building Act and they are confined to public sector persons or bodies.

Further, under new section 208P, the Building Monitor will be required to gather information transparently, by including in an Issues Report information about when and to whom a notice under section 208K(1) was given, the type of information or data required under the notice and whether the Monitor is a party to any information sharing arrangements or agreements.

Clause 25 of the Bill will also insert new sections 208L and 208M in the Building Act to limit how the Building Monitor may use the information it gathers. Under new section 208L, the Building Monitor must not publish or authorise the publication of any personal information or data or commercially sensitive information or data that has not first been de-identified or aggregated with similar information (as the case requires) before it is published.

Further, new section 208M makes it an offence if the Building Monitor or any person assisting or acting on behalf of the Building Monitor uses or discloses information (including personal information) obtained in the course of performing the functions of the Building Monitor other than for the purposes of performing the Building Monitor’s functions.

Clause 25 of the Bill will also insert new section 208G to provide that the Building Monitor, when exercising its powers, must comply with any relevant requirements specified by or under any other Act. The purpose of this provision is to restate, for the avoidance of doubt, the obligation of the Building Monitor, as a statutory entity, to comply with legislation such as the *Victorian Data Sharing Act 2017* and its de-identification guidelines issued under section 33 of that Act and with the Information Privacy Principles set out in Schedule 1 of the *Privacy and Data Protection Act 2014*.

These provisions establish an appropriate balance between enabling the Building Monitor to perform its functions and achieve its statutory objectives, by ensuring it can transparently gain access to the information needed to understand where the issues in the building system exist for domestic building consumers and affected parties, while protecting the rights of individuals to have their privacy and reputations protected.

Consequently, I consider that these provisions under the Bill are compatible with the right to privacy under section 13 of the Charter.

Right to take part in public life

Section 18 of the Charter protects the right of persons to take part in public life, which includes the right to participate, without discrimination, in the conduct of public affairs, directly or through a freely chosen representative. This right is subject to reasonable limitations under section 7 of the Charter.

Building Act amendments

Clause 25 of the Bill inserts new section 208N, which will enable the Minister for Planning to establish a Building Monitor Reference Group (Reference Group), to be chaired by the Building Monitor.

The Reference Group is intended to provide a forum in which the Building Monitor can hear directly about the experiences of “domestic building affected parties”. This defined term captures only people having a home constructed for them or whose enjoyment of their home is affected by adjacent building work. The purpose of the Reference Group is to communicate the experiences and views of people who, because they are not building professionals, do not have a working knowledge of the building system and are therefore not proficient in navigating that system.

New section 208N(5) provides that the Minister must not appoint a person to be a member of the Reference Group who is a registered building practitioner, a registered architect or an endorsed engineer, or who, in the opinion of the Minister, has a conflict of interest in being appointed as a member of the Group. This provision will engage the Charter right of persons to take part in public life.

However, I consider any limitation on this right is reasonable and justified to ensure that the experiences of people who are not building professionals are obtained and that there are no other less restrictive means of obtaining these views. In addition, each of these classes of building professional (a registered building practitioner, registered architect or endorsed engineer) have their own professional associations, in which and through which they can participate in public life. The Building Monitor can also engage with these building professionals through other forums (including the Building Regulations Advisory Committee and Plumbing Advisory Council), through their stakeholder representative bodies and via engagement with other building system entities.

Architects Act amendments

Clause 60 of the Bill substitutes section 47 of the Architects Act to provide for the qualifications, skills and experience that members must have to be appointed to the Architects Registration Board of Victoria. This substituted section limits the right to public life by excluding certain classes of people from being members of the Architects Registration Board of Victoria. However, I consider these limitations to be reasonable to ensure that the Board has sufficient expertise, skills and qualifications in performing its powers and duties.

The Hon. Harriet Shing MP
Minister for Water
Minister for Regional Development
Minister for Commonwealth Games Legacy
Minister for Equality

Second reading

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:30):
 I move:

That the bill be now read a second time.

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

The Victorian Government is committed to delivering a building system that provides safe, compliant and durable housing and buildings. This requires a workforce of skilled and experienced practitioners and a strong and viable system of regulation to enforce compliance. This Bill makes a series of legislative amendments that will implement reforms to reshape the regulatory landscape in Victoria, with a key focus on consumer protection, which the Government has placed at the centre of the process, heralding a new era for the integrity of building regulation in Victoria.

Legislative changes

The Bill will primarily amend the *Building Act 1993* and the *Architects Act 1991* and make minor or consequential amendments to the *Cladding Safety Victoria Act 2020*, *Owners Corporation Act 2006*, the *Sale of Land Act 1962*, the *Domestic Building Contracts Act 1995*, the *Building and Construction Industry Security of Payment Act 2002* and the *Victorian Civil and Administrative Tribunal Act 1998*.

These legislative amendments will create the following reforms:

- Formalise and strengthen the role of the State Building Surveyor;
- Establish a Building Monitor;
- Expand the categories of building practitioner that will be required to be registered;
- Enhance the building approvals process by introducing further safeguards to better inform consumers;
- Strengthen information sharing between statutory entities with a role in the building regulatory framework;
- Amend the distribution of the cladding rectification levy; and

- Strengthen and improve the governance arrangements of the Architects Registration Board of Victoria under the Architects Act.

Establishing a statutory role for the State Building Surveyor

The State Building Surveyor (SBS) was established by the Government as an executive staff member of the VBA to provide authoritative compliance advice, technical guidance and interpretation of relevant building standards. The Government now seeks to strengthen this role through recognising it in legislation with statutory objectives and functions.

The creation of a legislated role for the SBS will enable greater focus on critical functions and thereby bolster support for industry practitioners. The legislated role will remain within the VBA to enable economies of scale, facilitate information sharing and avoid further fragmentation of oversight within the regulatory system.

Under this Bill, the SBS will be positioned as the primary source of technical expertise and guidance for the building and plumbing industries. The SBS will encourage improvements to regulatory oversight and practices within these industries, with a particular focus on the building surveying profession and councils.

The SBS will have the power to issue binding determinations relating to technical interpretation of building and plumbing standards and requirements. Industry practitioners will be required to ensure that they carry out building work or plumbing work or exercise particular functions in accordance with any relevant binding determination.

Building Monitor

In order to better protect the interests of domestic building consumers and put them at the centre of our legislative framework, the Government has established a Building Monitor, tasked with representing and advocating for these consumers at a systemic level. The Building Monitor will be a statutory appointment made by the Governor in Council, who will advise the Minister for Planning on systemic issues and risks facing domestic building consumers and make recommendations to address identified issues.

The Building Monitor will collect and analyse information and data to identify issues and work collaboratively with building system entities to improve the coordination of information. Most significantly, the Building Monitor's findings and recommendations will be published in an annual Building Monitor Issues Report. Preparation of this report will involve direct and ongoing engagement with domestic building consumers to ensure the experience of those navigating the building sector from end to end is better understood.

Expanding the registration framework for building practitioners

The Bill will expand the building practitioner registration system to achieve greater national consistency, thereby improving compliance with national building standards and facilitating national labour mobility. It is anticipated that the expanded practitioner registration system will not only strengthen practitioner competence, accountability and regulatory oversight, but improve consumer protection. Gaps in Victoria's building practitioner registration framework will be addressed initially by establishing the following categories of building practitioner:

- Building Designer;
- Project Manager;
- Building Consultant; and
- Site Supervisor.

Consistent with how existing categories and classes of building practitioner are set, the regulations will prescribe the authorised work and registration requirements of these practitioners.

The new 'Building Consultant' category could support follow-on regulation to extend registration requirements to new classes of practitioner who perform:

- pre-purchase due diligence inspection work;
- essential safety measures maintenance work;
- disability access work; and
- energy efficiency work.

Building Manuals

The Government is committed to improving consumer confidence in the building industry and enhancing transparency. To this end, this Bill will amend the Building Act to introduce a requirement that a draft building manual be prepared by the applicant for an occupancy permit and provided to the relevant building surveyor for approval. Building manuals are intended to be a single repository of all relevant information relating to the design, construction and ongoing maintenance of a building.

The building manual will address a significant hurdle for owners and owners corporations in accessing information about their building. By making information about the design, construction and maintenance of a building more readily accessible, the building manual will aid not only owners and owners corporations but also other parties such as building practitioners and regulators in future.

Once the draft building manual has been approved by the relevant building surveyor, the manual will be provided to the owner or the owners corporation, who will be responsible for maintaining and keeping the documentation current.

Minor amendments are being made to the Owners Corporation Act and the Sale of Land Act to require that the building manual is provided at the first meeting of a new owners corporation and also to future purchasers of the land.

Subsequent amendments to the Building Regulations 2018 will prescribe a number of matters necessary to operationalise the building manual requirements, including what classes of buildings and building work will require a manual to be prepared or updated, the digital format of the manual, and the information that must be contained within a manual.

Building surveyor obligation to provide information statement

Consistent with the Government's commitment to promote and protect the interests of consumers of building work, this Bill will require the relevant building surveyor to provide, at the time of issuing the building permit, a document that clearly details their roles and responsibilities. This will increase transparency and assist consumers to be fully informed about the critical role that their appointed building surveyor plays in their building project, as well as the broader approvals process for the work. Regulations will prescribe the building work to which this new requirement will apply, as well as the form of the information statement and the information it must contain.

Strengthening Information Sharing

The Victorian building sector is made up of myriad agencies, each with an important role to play in maintaining a safe and well-regulated industry. The Government is taking steps to enhance the ability of these agencies to better share information and improve collaboration. By integrating building system information, clarifying information sharing arrangements and making that information accessible through clear pathways, participating agencies will have the opportunity to aggregate data to better inform targeted and evidence-based decision making. This will also enable better transparency and reporting on the health of the building system.

Amendments to the distribution of the cladding rectification levy

Amendments to the Building Act will also allow the Government greater flexibility to determine how the cladding levy should be directed to support rectification of buildings found to have non-compliant combustible cladding. The cladding levy was introduced by the *Building Amendment (Cladding Rectification) Act 2019* and came into effect on 1 January 2020. Currently, the levy is collected by the VBA and paid to Cladding Safety Victoria under the Cladding Rectification Program.

This Bill will enable buildings that fall outside of the funded cladding rectification activity to be supported with funding made available to deliver relevant programs to facilitate cladding rectification.

Improvements to the Architects Registration Board of Victoria

To ensure the Architects Registration Board of Victoria (ARBV) is well-placed to be a modern, fit-for-purpose regulator of the architecture profession in Victoria, amendments to its institutional and governance mechanisms are required. The Bill will amend the Architects Act to ensure appointment requirements for the ARBV and its Tribunal reflect best practice governance standards for a skills-based board. The nominations process will be replaced with an open and merit-based recruitment procedure overseen by the Minister for Planning, to secure a board that has the knowledge, experience and expertise required by a professional regulator.

The ARBV will be required to prepare and implement a four-year strategic plan approved by the Minister to strengthen decision making and enhance operations. The amendments provide for an increase in the maximum appointment term of board members from three to five years to support the board's ability to engage with the strategic planning cycle. The amendments will modernise and streamline the governance arrangements for the ARBV to ensure it is equipped to respond to the challenges of a reforming building environment.

I commend the Bill to the house.

David DAVIS (Southern Metropolitan) (13:30): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Bill 2023*Introduction and first reading*

The PRESIDENT (13:31): I have a further message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Drugs, Poisons and Controlled Substances Act 1981** in relation to the medically supervised injecting centre and for other purposes'.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:31):
I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Jaclyn SYMES: I move, by leave:

That the second reading be taken forthwith.

Motion agreed to.

Statement of compatibility

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:32):
I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Bill 2023.

In my opinion, the Drugs, Poisons and Controlled Substances Amendment (Medically Supervised Injecting Centre) Bill 2023 (Bill), as introduced to the Legislative Council, is compatible with human rights as set out in the Charter.

I base my opinion on the reasons outlined in this statement.

Overview

The Bill makes various amendments to the *Drugs, Poisons and Controlled Substances Act 1981* (**the Act**) including amendments which:

- a. provide for a licensed medically supervised injecting centre to operate on an ongoing basis by providing that a medically supervised injecting centre licence may be renewed more than once.
- b. provide that more than one medically supervised injecting centre licence may be issued but that there must not be more than one such licence in force at a time.
- c. provide for the commencement of a new medically supervised injecting centre following revocation of an existing medically supervised injecting centre licence.
- d. provide for the transfer of a medically supervised injecting centre licence.
- e. make changes in relation to the roles of supervisors and director of the licensed medically supervised injecting centre.
- f. provide for further review in relation to the licenced medically supervised injecting centre.
- g. allow the Secretary to delegate certain powers in relation to the internal management protocols.
- h. make further provision regarding how planning schemes and planning amendments operate in relation to the medically supervised injecting centre.
- i. make further provision in relation to the procedures for suspending and reinstating a medically supervised injecting centre licence.

- j. minor and technical changes.

Human Rights Issues

Human rights protected by the Charter that are relevant to the Bill

The human rights protected by the Charter that are relevant to the Bill are the right to life (section 9), the right to privacy and reputation (section 13), the right to a fair hearing (section 24), and the right not to be punished more than once (section 26).

Right to life

Section 9 of the Charter provides that every person has the right to life and has the right not to be arbitrarily deprived of life. The right to life is one of the most fundamental of all human rights. It is concerned with both the protection and preservation of life.

Under international human rights law, the right in section 9 of the Charter includes an obligation on the state to refrain from conduct that results in the arbitrary deprivation of life, as well as a positive duty to introduce appropriate safeguards to minimise the risk of loss of life.

The Bill extends an existing legislative scheme that enables drug users to attend a medically supervised injecting centre in order to self-administer certain prohibited drugs or substances.

The injection of prohibited drugs or substances presents dangers to the person self-administering those substances in that way. Accordingly, the scheme has the capacity to engage the right to life.

The object of the scheme previously established under the Act and which is further amended by the Bill is not to encourage or condone the use of prohibited substances but rather is one of harm minimisation.

The State's obligation to respect a person's right to life includes a positive duty to properly and openly investigate health risks that may arise because of drug addiction and to take positive steps to protect the lives of those vulnerable persons who are affected. Thus ultimately minimising the harms that may be caused or associated with this health issue within the community.

Clause 7 of the Bill provides for an amendment to the Act that would allow the trial period of any licensed medically supervised injecting centre to be extended by the Secretary for 4 years after the day previously specified in the licence as the day until which the licence will remain force unless sooner surrendered, or, revoked and for such a licence to be able to be renewed more than once.

The extension of the trial of the medically supervised injecting centre promotes and protects the right to life in a number of respects.

Firstly, the Bill continues to take positive steps to reduce the number of deaths caused by drug overdose and otherwise continues to improve access to drug treatment, health and welfare services. In early 2020, an independent panel chaired by Professor Margaret Hamilton evaluated the trial of the medically supervised injecting centre and recommended that the trial be extended so that more Victorians have access to the life saving services provided by this facility.

Secondly, the Bill protects and promotes the right to life of other members of the community. In particular, the medically supervised injecting centre continues to reduce the risks to emergency services workers and community members arising from the use of illicit drugs, particularly in public places.

Thirdly, the Bill also promotes the right to life of drug users and other members of the community by ensuring that drug users continue to be referred to services for bloodborne diseases and needle and syringe exchange programs. This includes but is not limited to HIV infection and hepatitis C.

Privacy and reputation

Section 13(a) of the Charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. Privacy is a broad concept and includes privacy of information about a person and protection against interference in relation to a person's workplace environment.

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

The following clauses in the Bill engage the right to privacy.

Review

Clause 29 of the Bill inserts proposed new section 55PA which requires the minister to conduct a review and authorises the minister to access, collect, use and disclose any data or information to complete the review.

The powers set out in this section are subject to the protections in the health privacy principles in the *Health Records Act 2001* and otherwise the information privacy principles in the *Privacy and Data Protection Act 2014*. Further the purpose of the minister accessing, collecting, using and/or disclosing any data is for the purpose of the review.

Conditions of a medically supervised injecting centre

Clause 13 of the Bill will enable the Secretary to direct a licensee to enter into an agreement or deed under new section 55EA(5).

This provision may engage the right to privacy by compelling a person to take certain actions where they hold a medically supervised injecting centre licence.

While the exercise of the power to direct a licensee to enter into an agreement or deed might interfere with individual autonomy in a working environment, any such interference will be lawful and not arbitrary.

The power to direct the licensee to enter into an agreement or deed is targeted to those conditions that are necessary to ensure compliance with the aims of the Bill, that is, to ensure that the operation of the medically supervised injecting centre is as far as practicable not interrupted and to further the purpose of protecting the lives of those affected by drug addiction, and, to minimising related harms.

Accordingly, I consider that the above provisions in relation to the review and conditions of a medically supervised injecting centre are compatible with the right to privacy in section 13 of the Charter.

Right to a fair hearing

Section 24(1) of the Charter provides, amongst other things, that a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Transitional obligations and transfer of a licence

Clause 13 of the Act inserts new section 55EA and new section 55EB.

Section 55EA provides that agreements or deeds may be entered into between the Secretary and a person who holds, or proposes, to hold a medically supervised injecting centre licence (responsible person). A responsible person may as part of this agreement or deed be subject to transitional obligations the aim of which is to ensure the operation of the medically supervised injecting centre licence is as far as practicable not interrupted.

Section 55EB provides for a penalty for breach of the transitional obligations or termination of the relevant agreement or deed. Specifically, if an agreement under section 55EA includes a penalty provision that does not seek to impose a penalty which exceeds 100 penalty units, then, in relation to a breach constituted by a failure to comply with a transitional obligation or for termination of the agreement or deed a person is liable to pay as a debt due to the State the amount required to be paid by the provision despite anything to the contrary in a rule of or principle at common law.

Clause 22 of the Bill inserts new section 55JA which contains new provisions that require a licensee to apply to the Secretary for transfer of a licence.

This section requires that a medically supervised injecting centre licence must not be transferred unless the proposed transferee consents to the transfer and the Secretary has approved internal management protocols for the proposed transferee. A proposed transferee under this section is voluntarily applying for a licence under a scheme which vulnerable members of the community will rely on and where it is a requirement that they be able to ensure that the operation of the medically supervised injecting centre is as far as practicable not interrupted.

The purpose of this provision is to ensure the integrity of the licensing scheme associated with the medically supervised injecting centre is not compromised and that it furthers the purpose of protecting the lives of those affected by drug addiction, and, to minimising related harms.

While case law has interpreted ‘civil proceeding’ in section 24 of the Charter broadly, it does not extend to the kind of agreements or administrative decision-making that will be undertaken by the Secretary pursuant to these provisions (in that the Secretary is unlikely to be considered a ‘tribunal’ for the purpose of this right). To the extent that it is relevant, I otherwise consider that new sections 55EA and 55EB would be otherwise be consistent with the right to a fair hearing, as the Bill provides for clear, accessible, reasonable and proportionate criteria for entering into agreements, deeds and for the determination of applications of a transfer of a licence.

Accordingly, I consider that the above provisions in relation to the transfer of a licence are compatible with the right to fair hearing under section 24 of the Charter.

Right to not be tried or punished more than once**Penalty for breach of transitional obligation or termination of agreement or deed**

Clause 13 of the Bill inserts section 55EB into the Act.

As noted above, section 55EB provides for penalty provisions in agreements or deeds made pursuant to those provisions and which do not exceed 100 penalty units. The introduction of penalty provisions in the context of agreements or deed contemplated by section 55EB is relevant to consider as part of this right.

The imposition of civil penalties, however framed, will generally not engage the right under section 26 of the Charter, unless the penalty is in the nature of a punishment. The new provisions are identified as penalty provisions and introduce a penalty for breach of an agreement or deed which does not exceed 100 penalty units. This provision is largely protective in nature, with the aim of ensuring the integrity of the licensing scheme. The provision aims to ensure that operation of the medically supervised injecting centre is as far as practicable not interrupted and to ensure that it furthers the purpose of protecting the lives of those affected by drug addiction, and, to minimise related harms.

Having regard to this purpose, the penalty arising out of a breach a transitional obligation or termination of an agreement or the deed is protective in that it serves the purpose of ensuring those who depend on the medically supervised injecting centre continue to have access to this service. Moreover, these penalties apply to persons who have elected to provide a service which vulnerable people will rely on, and therefore such penalties could be viewed as protective rather than punitive in nature.

While a penalty of 100 penalty units for a breach a transitional obligation or termination of an agreement or deed might be significant for a natural person, the penalty relates to a person operating a facility that vulnerable people will rely on and which is required to continue to be in operation during any transfer of a licence. Additionally, breaches have the potential to directly cause, or indirectly contribute to, significant and irreversible harm or death to those who rely on the medically supervised injecting centre.

Therefore, given this, I consider the penalty appropriate and not disproportionate given the central role that a responsible person will play in the scheme. Finally, no sanction of imprisonment attaches to failure to pay a penalty relating to a breach a transitional obligation or termination of an agreement or deed. This provision is largely protective in nature, with the aim of ensuring the integrity of the licensing scheme and to ensure that operation of the medically supervised injecting centre is as far as practicable not interrupted.

Accordingly, I conclude that the penalty described in this provision is civil in nature and thus does not engage this Charter right.

I consider that the bill is compatible with the Charter because, to the extent that some provisions may limit human rights, those limitations are reasonable and demonstrably justified.

Are the relevant Charter rights actually limited by the Bill?

The Bill does not limit any rights protected by the Charter.

The Bill has the capacity to, but does not engage, the right to life (section 9), right to a fair hearing (section 24) and right to not be tried or punished more than once (section 26). These matters arise by reference to the extension of the MSIC trial, and, broadly because of the operation of the transfer provisions related to a medically supervised injecting centre licence which aims to ensure that the operation of the medically supervised injecting centre is as far as practicable not interrupted.

The Bill engages the right to privacy because:

- a. Clause 29 inserts proposed section 55PA which requires the minister to conduct a review and authorises the minister to access, collect, use and disclose any data or information to complete the review.
- b. Clause 13 of the Bill will enable the Secretary to direct a licensee to enter into an agreement or deed under new section 55EA(5).

Whilst the right to privacy is engaged it is not limited by the Bill because the identified clauses are neither unlawful or arbitrary.

Here any access, collection, use and/or disclosure of any data will be:

- a. authorised by the Act, subject to existing protections under the health privacy principles in the *Health Records Act 2001* and otherwise the information privacy principles in the *Privacy and Data Protection Act 2014*;
- b. only used for the specific purpose of the review contemplated by section 55PA.

Further, any direction to enter into an agreement or deed will only apply to a licensee and is only to ensure the operation of the medically supervised injecting centre is as far as practicable not interrupted and to further the purpose of protecting the lives of those affected by drug addiction, and, to minimising related harms.

Accordingly, any restrictions imposed by the Bill that engage the right to privacy are lawful and not arbitrary.

Is any limit on relevant rights by the Bill reasonable and justified under section 7(2)?

Not applicable.

Guidance re use of jurisprudence and previous SOC practice

Not applicable.

The Hon. Jaelyn Symes MLC
Attorney-General

Second reading

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:32):

I move:

That the bill be now read a second time.

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

In November 2017, an important Bill was presented to introduce the first trial of a medically supervised injecting room in this state's history.

In the intervening years, the services provided by North Richmond Community Health have delivered enormous benefit to Victorians impacted by the adverse effects of injecting drugs. Today, more than 63 Victorians are still with us because of this life-saving service.

Every single life lost to drugs is a terrible tragedy, for the families and friends affected, and for the wider community. The Government recognises the impact of drug harms on the Victorian community, and we've worked tirelessly since coming to office to prevent and reduce these harms.

The medically supervised injecting centre is one of the many harm reduction approaches to addressing drug use implemented by this government. This is because we know that health-led policies deliver greater positive social and economic outcomes compared to criminal justice approaches.

The key aim of Victoria's medically supervised injecting centre is to facilitate a safer setting for injecting as well as referrals of those people who use drugs, who experience significant barriers to accessing treatment, support and other services. The first supervised injecting facility opened in Switzerland in the 1980s and there are now more than 100 facilities worldwide. Most recently, the Australian Capital Territory has expressed its commitment to join Victoria and New South Wales in providing these critical services that saves lives and sometimes, change them as well.

In June 2020, an independent panel led by Professor Margaret Hamilton handed down its review of the operations at the North Richmond MSIR over its first eighteen months. In addition to saving at least 21 lives, the Panel also found that the MSIR in North Richmond had safely managed 3,200 overdoses over 119,000 visits.

Professor Hamilton's review recommended the trial in North Richmond be extended for an additional three years. The Victorian Government accepted all 14 recommendations from this first independent review.

In late 2020, a new independent review panel was appointed, led by Mr John Ryan to undertake a further review of the North Richmond MSIR. The Panel handed down its final report, known as the Ryan review, on 21 February 2023. The review made ten recommendations, based on consultation with local community, health and drug reform experts, international evidence, and data from the North Richmond MSIR trial.

I would like to take this opportunity to thank the Review Panel for their work in preparing this report, and for contributing their expertise to a piece of work that offers an invaluable evidence-based roadmap. I would also like to extend my gratitude to the North Richmond community, the health workers and experts, as well as the clients, who all shared their thoughts and experiences which enriched this report.

Similarly to Professor Hamilton's review, the review found that the MSIR has succeeded in its central objective: saving lives.

Since the trial's commencement, the MSIR has safely managed almost 6000 overdoses with zero fatalities, taking pressure off local hospitals and reducing ambulance call outs. The service also connected clients to essential services, like general health and housing support. I commend North Richmond Community Health and the dedicated healthcare workers at the MSIR for leading these incredible outcomes and continuing to

provide unwavering support and care to the MSIR clients. The MSIR is an incredibly complex service to deliver, as it seeks not only to prevent overdose deaths, but also engage and connect individuals, who have experienced significant stigma, trauma and shame due to their drug consumption, in support services.

The panel has recommended the Government make several changes to further improve the service including more integrated security measures and expanding targeted care for vulnerable groups with complex needs, including women and Aboriginal clients to ensure they can access the support they need.

One of the most significant recommendations is to make the North Richmond service ongoing, with an expanded service model that ensures greater access to support services like housing and mental health. By ensuring the MSIR can deliver more integrated health and social services, Government is responding in a manner that is consistent with the recommendations from the Royal Commission into Victoria's Mental Health System and better meeting the long-term needs of both MSIR clients and the broader North Richmond community.

The introduction of this Bill reflects the government's commitment to reduce drug harms in North Richmond. The Bill enables implementation of key recommendations of the two independent reviews of the trial, including:

- establishing the MSIR in North Richmond as an ongoing service.
- removal of limitations to the service's model of care, improve service delivery efficiency, responsiveness, and governance.

In addition to addressing these recommendations, the Bill also supports a more efficient process for modifications to MSIR operators' internal management protocols once they have been approved by the Secretary of the Department of Health. This is crucial given the need for all health services across Victoria to adapt to COVID safe practices without compromising client access.

The Bill includes new capacity to transfer or reissue a MSIR licence to a new provider to maintain service continuity in the event an MSIR operator is subject to profound organisational change or is unable, or unfit to continue to operate the MSIR.

Based on the Ryan review strong evidence for the MSIR being a critical lifesaving service, the Bill acquits the review panel's recommendation to make the North Richmond MSIR ongoing. In the coming months, the Department of Health will commence the recommissioning process recommended by the review, to identify a service provider that has capacity to deliver an enhanced service model, facilitated by a workforce with expertise in complex care coordination, that will better meet the full range of MSIR client needs. To support the recommissioning, the Bill allows for the Secretary to the Department of Health to extend an existing service licence. This will enable service continuity during the recommissioning of the North Richmond MSIR to identify the best service provider to deliver the enhanced model of care.

Our work will also have a strong focus on improving safety and amenity in the surrounding area. The review panel heard from residents and business owners that the challenges created by the long-standing local drug market are ongoing and made locals feel unsafe. Improving safety and amenity in North Richmond continues to be a high priority for this government and we'll work closely with local residents, businesses, emergency services and health and social services to improve this.

We are delivering a comprehensive assertive outreach program that will increase the presence of outreach workers in the community to engage people who are currently not accessing the MSIR. The service will also proactively patrol for discarded needles, promote safe and appropriate needle disposal and support residents and business owners to address some of the challenges caused by the drug market and drug litter.

We are also improving our governance of the MSIR by increasing cross-government collaboration and oversight of key projects in the precinct, including safety and security.

The Government remains unwavering in its work to reduce drug harms in the North Richmond community – ensuring fewer Victorians mourn the unnecessary death of a loved one and Victorians struggling with addiction, get access to the support they need to live a better life.

I commend the Bill to the house.

Georgie CROZIER (Southern Metropolitan) (13:32): I move:

That debate on this bill be adjourned until later this day.

Motion agreed to and debate adjourned until later this day.

*Joint sitting of Parliament***Victorian Health Promotion Foundation****Victorian Responsible Gambling Foundation**

The PRESIDENT (13:32): I have received a letter from the Minister for Casino, Gaming and Liquor Regulation requesting a joint sitting to elect three parliamentary members to the board of the Victorian Responsible Gambling Foundation. I have also received a letter from the Minister for Health requesting a joint sitting to elect three parliamentary members to the Victorian Health Promotion Foundation.

*Committees***Public Accounts and Estimates Committee***Membership*

The PRESIDENT (13:33): I advise the house that I have received a letter from Mr Tim Read, member for Brunswick, resigning from the Public Accounts and Estimates Committee effective as of today.

*Members***Minister for Training and Skills***Absence*

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:33): Just before the commencement of question time, I would like to inform the house that for the purposes of question time and for the remainder of the week I will take questions directed to Minister Tierney for the portfolios of training and skills, higher education, agriculture and any of the portfolios that she is the representing minister for. I thank the opposition and other members for their understanding of her absence this week.

*Questions without notice and ministers statements***Independent Broad-based Anti-corruption Commission**

David DAVIS (Southern Metropolitan) (13:34): (105) My question is to the Attorney-General. Minister, just over a week ago IBAC tabled a special report known as *Operation Daintree*, which investigated the alleged procurement process and awarding of a contract by DHHS to the HEF. Do you stand by the Premier's extraordinary statement dismissing the Daintree report as 'educational'?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:34): I thank Mr Davis for his question. The matter of fact, Mr Davis, is that the report that was received from IBAC – and I join the Premier in thanking IBAC for their important work in looking into these matters – is a report that was delivered as a function of their educational functions as part of the act. Nonetheless, despite how you wish to describe the report, the commitment from the government is to give thorough consideration to the contents of that report, and that is something that cabinet has committed to do.

David DAVIS (Southern Metropolitan) (13:35): Minister, the Victorian Ombudsman has said:

It was not an educational report. It was a damning report about misconduct of ministerial advisers and ministerial responsibility for those advisers.

She said:

It was not what I would have described as ... educational ...

Minister, is it the government's position that the Ombudsman is correct?

The PRESIDENT: The minister can answer as she sees fit.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:35): Mr Davis, the fact remains that the report was delivered as part of IBAC’s education and prevention functions. I am not going to get into a debate about what others wish to describe this as. The fact is that the report is part of IBAC’s education and prevention functions. But I go back to my earlier answer: the government has committed to reviewing the contents of the report, the findings of the report, and giving due consideration to that report and will provide public commentary after that process has been undertaken. I am not going to get into debate on these matters with heads of other agencies.

Threatened species

Samantha RATNAM (Northern Metropolitan) (13:36): (106) My question is to the Minister for Environment. It has been reported recently the government is about to unveil a budget that will threaten the jobs of up to 5000 public sector workers. Departments have been reportedly told by the Secretary of the Department of Treasury and Finance to cut their budgets by 10 per cent. Minister, our natural environment is facing catastrophic threats from climate change and habitat loss. The recent parliamentary inquiry into Victoria’s extinction crisis issued a dire warning for the state of Victoria’s threatened species, which consist of 49 mammal species, 104 birds, 40 reptiles, 15 amphibians, 37 fish, 124 invertebrates, 1500 vascular plants, 60 non-vascular plants and eight fungi and lichen species. Minister, with these predicted job cuts, how will you decide which of Victoria’s nearly 2000 threatened species will be saved?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (13:37): I thank Dr Ratnam for her question and her interest in these important matters, and of course I do agree in the sense that we are at a critical point in terms of the impacts of climate change on our precious environment in Victoria. It is an absolute priority for me to continue the important work that my predecessor, Minister D’Ambrosio, started back in 2017, when she released the *Biodiversity 2037* plan, which is a 10-year plan about turning around the loss of biodiversity in our state and improving outcomes for our precious threatened species, and that will continue to be a significant focus for me in my work in the environment portfolio.

I think it is important just to contextualise this and point out that since coming to government in 2014 we have invested over \$560 million in biodiversity programs across the state, and that is very significant. That is the most significant investment by a Victorian government ever in biodiversity initiatives. There have been a range of important programs that we are continuing to pursue, including the BushBank program, which is all about restoring our private land, revegetating it and making it a more conducive environment on both public and private land for our threatened species to prosper. Of course tackling issues such as invasive species and weeds is part of protecting biodiversity in our state.

I had the absolute privilege just last Friday to witness the release of up to 20 helmeted honeyeaters in the Yarra Ranges National Park. It was an absolutely special event to be a part of. That was work that our very clever people within DEECA, at Zoos Victoria and at Healesville Sanctuary, have been leading. It is part of our \$6 million support for the emblem species protection program. That is just one small example of the significant contributions that we continue to make in the biodiversity space.

I am not in a position to pre-empt the outcomes of the budget, Dr Ratnam. That will be announced by the Treasurer on 23 May, but you can be assured that I will have a strong focus in the environment portfolio on continuing the important goals that are set out in *Biodiversity 2037*.

Samantha RATNAM (Northern Metropolitan) (13:40): Thank you, Minister, for your response. Speaking of *Biodiversity 2037*, this strategy was cited by your government as the road map for species protection in Victoria to halt the extinction crisis. However, a quick search reveals that the government has stopped reporting on progress against this strategy, with the last report provided in 2020, and we understand that targets are being earmarked to be removed from the strategy. Minister, there was

already nearly a billion dollars earmarked to cuts to the department in last year's budget. Have those budget cuts resulted in the biodiversity strategy already being weakened?

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (13:41): No, I do not accept the premise of your supplementary question, Dr Ratnam. The *Biodiversity 2037* plan continues to be a key road map for how we will continue to address biodiversity. I think it is important also to acknowledge the significant commitments that the federal government has just made internationally in terms of addressing loss of species, and we will certainly be an active participant in that work with the federal government around protecting 30 per cent of land, sea and endangered species. I think it is absolutely commendable that the federal government have got very strong ambitions in this space, and we look forward to working with them and continuing the good work of our department right across the regions and right across the state to continue the important programs to protect our precious environment.

Ministers statements: age of criminal responsibility

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:42): I want to update the house on the Andrews Labor government's recent announcement and commitment to raising the age of criminal responsibility. Under Labor, Victoria will be the first state to introduce legislation to raise the age of criminal responsibility, beginning with a change from 10 to 12. As part of the first stage of reform, we are also intending to codify and strengthen the existing legal presumption known as *doli incapax*, which states that a child under 14 cannot be held criminally responsible unless they knew their actions were seriously wrong. This is to ensure that it is better understood and applied consistently across the courts and every part of Victoria, which we have heard evidence is not occurring.

This is a careful and considered first step that will be implemented in consultation with key stakeholders before rolling out our second stage of reforms to raise the age to 14. It is anticipated we will have exceptions for certain crimes in that cohort, but this will be rolled out by 2027, subject to the implementation of an alternative service model developed for 12- and 13-year-olds specifically. The model will be implemented in consultation with an independent review panel, making sure that a safety net will remain within our youth justice system to protect both at-risk children and the broader community. The reforms will provide the best outcomes not only for children but also for the community more broadly. Experience shows us that the younger a child is when they first come into contact with the justice system the more likely they are to continue to reoffend and often more frequently and violently as adults.

Many stakeholders have called for reform on this issue, and I thank them for their important work and their ongoing advocacy. I look forward to working with those stakeholders as we implement these important changes, along with many other ministerial colleagues such as Minister Erdogan, Minister Blandthorn and others. The reforms are fundamentally about ensuring that when young children exhibit harmful behaviour there is an effective and compassionate response that enables them to take responsibility for their conduct but reduces their early exposure to the criminal justice system. And we know that this will produce a more safe Victoria.

Parliamentary Budget Officer

David DAVIS (Southern Metropolitan) (13:44): (107) My question is to the minister representing the Treasurer. Minister, what communications did the Treasurer or the Treasurer's office have with the chair of the Public Accounts and Estimates Committee or other Labor members of that committee regarding the reappointment of Mr Anthony Close?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:45): I thank Mr Davis for his question. I will obtain a response from the Treasurer.

David DAVIS (Southern Metropolitan) (13:45): My supplementary to the minister representing the Treasurer is: isn't it a fact that, after the PBO reports on Victoria's spiralling debt and the report that stated the true cost of two stages of the Suburban Rail Loop was \$125 billion, the government had it in for Mr Close and was determined to axe him, effectively silencing an independent officer?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:45): No.

Anti-vilification legislation

Rachel PAYNE (South-Eastern Metropolitan) (13:45): (108) My question is for the Minister for Equality, Ms Shing, and relates to anti-vilification protections for the LGBTIQ+ community. However, let me preface this question: if it is more appropriate for the Attorney-General, I am happy to redirect. I, like you, Minister, am alarmed by the way that bigots have been targeting our community in an increasingly organised and escalated way, and I refer to the events at Monash City Council on Wednesday as an example. I listened to you on Joy FM on Saturday, Minister, where you said that vilification and hate speech legislation still required 'careful consideration'. When this matter has already been the subject of a parliamentary inquiry and the government's response accepted the inquiry's recommendations in principle on 2 September 2021 – 20 months ago – what further consideration is required, particularly bearing in mind that other jurisdictions around Australia already have this framework in place?

Harriet Shing: Thank you, Ms Payne, for that question and indeed for listening to me on Joy FM on the weekend. I do appreciate your direct feedback as a listener. This is perhaps a question more appropriately directed to the Attorney. So, President, I am in your hands. The Attorney has indicated she is very happy to answer the question, which may provide you with a bit more assistance.

The PRESIDENT: Ms Payne is happy for it to be directed to the Attorney.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:47): I thank Ms Payne for her question. Indeed you have picked up that there is collaboration in relation to the important work in response to anti-vilification law reform in the state of Victoria. You may recall that the parliamentary inquiry did an amazing job and was really a great platform to hear from people that have been experiencing really poor behaviour in our community, and we have as a government committed to respond to that. The first tranche of our response was the important legislation that banned the Nazi hate symbol, and we know that we have seen increasingly concerning behaviour, particularly targeted at different minority groups, in our state of Victoria. We do want to respond in the strongest of terms not just with a legislative response but with a conversation and education piece.

But in relation to the commitments that we have made, we do want to extend anti-vilification protections beyond race and religion to prevent and of course further deter vilification on other grounds, including protecting our LGBTIQ+ members of the community and other groups. We also are looking at lowering the threshold to which civil and criminal vilification will be able to be accessed through those systems. We are in a process of consultation, with work to be undertaken by both Minister Shing but also importantly Minister Brooks in his role as multicultural minister. This is a piece of legislation and these are laws that are going to protect. We wish we did not have to do them at the outset – we really do – but we know that there is a need to improve the robustness of our system in relation to hate speech, anti-vilification laws and the like, and our commitment remains strong. It is complex, there are a lot of stakeholders that are interested and we are embarking on consultation right now. I will be able to provide you with some more documents and things so that you can speak to members of your community about how they can be involved in all of this. It is a really large piece of work.

The other complementary piece of work that we are doing is the early announcement, which we were probably going to do in conjunction with the legislation, of the banning of the Nazi salute, which as we know has been used as a horrible symbol of hate directed not just to members of our Jewish

community but more broadly. That is something that is complementary to this legislation and the changes that we want to make there. A lot of work has to be done, and I do hope that in having the conversation, in having the consultations and in bringing in the community we can bring about positive change before we have to make laws that frankly we do not want to have to apply. We do not want this behaviour to exist. I know that many members of this chamber will be interested in the development and response from the government, because I think we are all quite interested in how this will contribute to a better and more inclusive Victoria.

Rachel PAYNE (South-Eastern Metropolitan) (13:50): I thank the Attorney-General for her very thorough response, and I do appreciate that there is a lot of work involved in collaborating with other stakeholders but also other ministers. But by way of supplementary, I ask: can you put a specific time frame as to when we will see this legislation in the Parliament of Victoria?

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:50): Ms Payne, I am reluctant to put a time frame on it, but it is of course a high priority of the government and for me in terms of legislation that relates to bail reform and relates to raising the age and a number of other things that are underway. I do not have a massive army of people to do all of this work, but that is why having the conversation and involving the public and interested stakeholders progresses the work and ensures that when we get to the nitty-gritty of actually drafting legislation and cabinet documents and the like we have done all of the hard work and it is just a matter of doing the processes to implement what we need to do in here. So it will be something that is a priority. It is something that is designed to be underway now. I will have further announcements at the end of the year with the hope of having legislation within the next 18 months. That is probably a safe bet.

Ministers statements: container deposit scheme

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (13:51): It was my pleasure on 14 April to announce that Victoria's container deposit scheme, the most accessible and convenient scheme in the country, will commence from 1 November this year. CDS Vic will allow Victorians to return their used drink cans, bottles and cartons for a 10-cent refund across more than 600 refund collection points run by the appointed network operators and overseen by a scheme coordinator. The scheme will have significant environmental benefits, as the CDS will reduce Victoria's litter by up to half and turn drink containers into new recycled products. Our state's economy will also gain from this important initiative as CDS Vic will not only put extra cash in Victorians' pockets but will also generate more than 600 jobs.

Victorian charities, which play an important role in our circular economy, will also have new opportunities to raise funds with CDS Vic. These groups may choose to receive container donations from the community, host a container collection drive or register to run a refund collection point themselves. Life Saving Victoria is just one of the many community organisations that stands to benefit, and it was great to be joined by Life Saving Victoria volunteers on 14 April as we made this announcement in Port Melbourne alongside several of my parliamentary colleagues.

The container deposit scheme is a fundamental part of our overhaul of waste and recycling in Victoria and our \$515 million investment. CDS Vic will work alongside our new standardised four-bin system to achieve our goal of diverting 80 per cent of all materials away from landfill by 2030.

Youth justice centres

Matthew BACH (North-Eastern Metropolitan) (13:53): (109) My question is for the Minister for Youth Justice. Minister, sources have told the Shadow Minister for Youth Justice that first-time 18- to 21-year-old offenders in Ravenhall had their specialist unit closed due to a lack of staff. Can you confirm to the house if this is the case and, if so, what has become of that cohort within Ravenhall?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:54): I thank Dr Bach for his interest in this matter and specifically that incident. I think you are going at very detailed operational level matters. In relation to those kinds of matters in terms of the operation of prisoners – and Ravenhall in particular, for example, being a private prison, as you would know – I will leave it to the experts to make determinations about the functioning of that facility.

Matthew BACH (North-Eastern Metropolitan) (13:54): I thank the minister for his response. I would not entirely accept that this is a particularly detailed matter – whether or not an entire unit has been closed in one of our prisons – but nonetheless I will attempt to carry on. Minister, given that we are not sure whether the unit was closed or not and what has occurred for this cohort within Ravenhall, can you give an assurance that this vulnerable cohort has not been put at risk by any decisions regarding their specialist unit that may or may not have been made?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:55): I will point to my substantive answer. Ravenhall is actually a private prison, with a private operator that runs that prison. You are asking operational questions that could be directed towards them. I think, on that point, it is an operational matter, and I will leave it to the operator of that facility.

Victoria Police sniffer dogs

David LIMBRICK (South-Eastern Metropolitan) (13:55): (110) Back on 20 April I was happy to attend the 420 rally, which was a rally in support of cannabis legalisation. One of the things that they had there was lots of sniffer dogs, and I would say that my observations of their accuracy were less than inspiring. My question is for the minister representing the Minister for Police. I note that search data for weapons and other things are published yearly in the Victoria Police annual report, yet there is no data published for sniffer dogs. Why is there no data published for sniffer dogs?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:56): Thank you, Mr Limbrick, for your interest in this matter. It is a question for the Minister for Police in the other place, and, as per the customs of this place, I will pass that on to him. I expect that he will respond as per the appropriate guidelines.

David LIMBRICK (South-Eastern Metropolitan) (13:56): I thank the minister for passing that on. My supplementary question is: how can the people of Victoria be confident that sniffer dogs are being used effectively and appropriately if there is no data being published?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:57): I thank Mr Limbrick again. In relation to the supplementary question, I will pass that on as well to the minister. I am sure he will give a written response in due course.

Ministers statements: Dame Phyllis Frost Centre

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:57): I rise today to update the house on the Andrews Labor government's investments in our corrections system. Women make up a small proportion of our corrections system in Victoria, but we know how important it is that facilities and services are specifically designed for women. Last month I had the pleasure of officially opening new and upgraded facilities at the Dame Phyllis Frost Centre. This makes it a better place for corrections officers to work and a better place for women to get the help they need to turn their lives around. Our \$189 million investment and upgrade has delivered 106 new beds that will replace outdated accommodation units, a new reception area that will make the transition into custody easier, new multipurpose buildings for education and rehabilitation programs and expanded legal and telecourt facilities.

These new and upgraded facilities are the first of their kind in Australia and have been designed with trauma-informed principles. That means that the spaces make use of natural light, curves and different colour palettes to make the process the least trauma inducing as possible. We know that many women that enter our justice system have experienced trauma before entering the criminal justice system. The facilities include more shared spaces and private areas for women to engage with professional service providers. There is new technology that will make entering custody less traumatic for women. It includes dedicated spaces to enhance cultural safety for Aboriginal woman. These new and upgraded facilities will make it safer and easier for our hardworking corrections staff and partners to provide the services women need, because we know that is good for everybody.

Youth justice centres

Matthew BACH (North-Eastern Metropolitan) (13:59): (111) I have another question for the Minister for Youth Justice, this time about a government-run facility. The Cherry Creek Youth Justice Centre has been in the government's charge for almost 12 months now without welcoming a single detainee. Why does it remain vacant to this day, and isn't it true that a lack of staff is a contributing factor?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:59): I thank Dr Bach for his interest in the youth justice area. As I have stated in this chamber before, our government has made significant investments in our youth justice system, because our goal is to keep the Victorian community safe but also to give the young people in our custody the best opportunity to turn their lives around. As part of that we have invested in a new state-of-the-art facility, a standalone youth justice facility, which was a recommendation of the Armytage-Ogloff report into our youth justice system. This new facility incorporates a number of features. It has health care, education and a trade school – again, giving young people the best chance to turn their lives around.

In terms of operationalising this facility – as I said in the last sitting week, Dr Bach, if you look at the *Hansard* – we will be operating this facility this year. That work is underway. It is a large infrastructure project. Again, those opposite may have forgotten how to operationalise large infrastructure projects because they have been out of government for a long time. When I look across the chamber, there are not many people with executive government experience – Mr Davis being the only member of the opposition with executive government experience. That says a lot: Mr Davis being the only member with executive government experience.

Members interjecting.

The PRESIDENT: Order! Can the house come to order. I remind members that when I get to my feet we go quiet, please.

Enver ERDOGAN: Our facilities will be operational this year. Work in our youth justice system is rewarding work. There is an ongoing recruitment campaign as well, so there are still opportunities for people to work in our new custodial facility – a modern, state-of-the-art facility – and I encourage people to apply.

Matthew BACH (North-Eastern Metropolitan) (14:01): As I ask my supplementary I might take up the final point that the minister made regarding ongoing opportunities – and we know there are many, many opportunities – to work in the youth justice system. Are any inducements, Minister, such as sign-on bonuses, being offered to attract potential new recruits?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:01): I guess the commissioning of that facility is being done in the usual way, so there is a hiring process. In terms of employment contracts and the specifics of those, the department looks after those at the end of the day. At a ministerial level I will not get involved specifically in every single person's individual employment contract; that would be inappropriate. I

think the department has an advertising process. You can actually go online. You can look at the Careers.Vic website. You can see what employment opportunities there are, the pay grades and what those opportunities provide. It is freely available. The employment conditions are actually on the website. Dr Bach can go onto the website. I understand there are actually advertisements running on seek.com.au as well. That is another opportunity for you to see those conditions in detail.

Police conduct

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:02): (112) My question is for the minister representing the Minister for Police in the other place. A couple of weeks ago I, alongside others in this place, attended the annual Melbourne 420 day community picnic and rally, which celebrates the movement for cannabis reform in Victoria and beyond, and I witnessed the aggressive overpolicing of peaceful attendees. There was a huge number of police officers. They were sweeping through the crowd demanding documentation for medicinal cannabis use, vigorously searching people and their belongings and generally intimidating those in attendance. Minister, this really seemed like overreach for what was a friendly and peaceful picnic event. Will you investigate the actions of Victoria Police on this day and report back on whether the operational decisions were reasonable and justified?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:03): I thank the member for their question and interest in this matter. It is not the first time you have raised your concerns about police conduct or broader issues around law reform. I will make sure that in line with the practices of this place the question is taken on notice, and I will seek a written response from the minister in due course.

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:03): I thank the minister for referring the question on for answer. I would also like to note that on that same day a federal joint committee heard from police union secretary Wayne Gatt that:

Overwhelmingly, police in Victoria will focus on commercial trafficking ...

of drugs. At the 420 day picnic I would estimate there was around one police officer for every two attendees of the event. There were dozens and dozens of cops. In the same committee hearing Secretary Gatt also said that:

Police are generally under-resourced for the amount of crime that's committed in our state – and so they –

... tend to focus on the highest harm offending.

Particularly noting the current dire economic circumstances our state is facing, Minister, was the decision to allocate a massive amount of police resources to a peaceful event like 420 day based on the principle of focusing on 'highest harm offending', or was this just an attempt to intimidate a group of people who use drugs?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:04): I thank Mr Puglielli for that supplementary question. I will also pass it on for a written response from the minister.

Ministers statements: Victorian Protecting Children Awards

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (14:05): I rise to update the house on how the Andrews Labor government is recognising the important work that Victorians do every day to protect children. Nominations are now open for the longstanding Victorian Protecting Children Awards. The annual Victorian Protecting Children Awards recognise individuals, teams and groups who demonstrate excellence in working with children, young people and their families. This year marks a significant milestone: 20 years of highlighting the pivotal work and passion across the Victorian child and family services sector and community.

The Victorian Protecting Children Awards have 11 categories open for nomination to those working across the child and family services sector, child protection, government and academic organisations and foster kinship and permanent carers, volunteers and community members. Anyone can submit a nomination to recognise people and teams for their exceptional efforts to keep children and young people safe and families strong. It is a great way to show how much you value their effort and acknowledge their dedication to making a positive difference for children, young people and families across the Victorian community.

It is important that we call out the effort and achievements of those who work tirelessly every day to keep our children safe, and those people know that on this side of the house not only do we acknowledge their achievements but we support them with real action. We have invested \$2.8 billion in child and family services over the last three budgets, including \$271.6 million in the 2022–23 budget as part of the *Roadmap for Reform*, and since 2014 we have funded an additional 1180 child protection practitioners, in contrast to those opposite, who cut 500 staff from the Department of Human Services. In last year's budget we invested \$5.8 million for the establishment of the care support help desk. The help desk undertakes a range of activities for children in care and their carers, including supporting access to services, obtaining key documents such as birth certificates and Medicare cards and providing a contact point for carers. This government has invested \$160 million since 2018 to implement *Wungurilwil Gagapduir* and its nation-leading initiatives to address the over-representation of Aboriginal children in the system.

Nominations for this year's Victorian Protecting Children Awards close on Friday 19 May, and the winners will be recognised at a special awards ceremony during Child Protection Week in September. To find out more and to submit a nomination you can visit the website.

Written responses

The PRESIDENT (14:07): Regarding responses today, can I thank the Attorney-General, who is going to get a written response from the Treasurer for Mr Davis's substantive question. Mr Erdogan has committed to Mr Limbrick and Mr Puglielli for both their substantive and supplementary questions directed to the police minister. Can I also ask Minister Erdogan to give written responses to both the substantive and supplementary questions in Dr Bach's first question regarding Ravenhall.

Questions on notice

Answers

The PRESIDENT (14:08): I have received a written request from Mr Davis seeking the reinstatement of a question on notice directed to the Minister for Equality. Having reviewed the response, I order that question on notice 3 be reinstated in full as the response does not address the specific time frame of the information sought by Mr Davis.

Constituency questions

Western Victoria Region

Joe McCRACKEN (Western Victoria) (14:08): (115) My question is to the Minister for Transport and Infrastructure, and it relates to the security of the former Indigenous camp site just east of Ararat. The protest camp site was dispersed in 2020; however, the site is still being protected by at least two security guards 24 hours a day, seven days a week. Security guards are also being paid for their accommodation at local motels. This appears to be a complete waste of money where the state of Victoria is literally paying security guards to protect an empty site, and it has been going on for months and months. My question to the minister is: can the minister detail the full cost of the security for this site since the camp's closure in 2020 and release the costings? Local media have tried to get a response, but they have not been able to get anything from the minister's office so far.

Southern Metropolitan Region

John BERGER (Southern Metropolitan) (14:09): (116) My question is to the Minister for Energy and Resources in the other place, Minister D'Ambrosio, and in asking this I pay tribute to the Andrews Labor government's \$250 power saving bonus. There is very little about this project that you cannot like. If you upload your most recent energy bill to the Victorian Energy Compare website, you can receive our \$250 bill-busting, power saving bonus and see if you can get a better deal out of another energy company. That little incentive goes a long way to encourage people to compare, saving Victorians thousands through switching to better deals. Come and visit my office, email us at john.berger@parliament.vic.gov.au or call me on 7008 8466 and we can apply for you. My question to the minister is: how many people in my community of southern metropolitan Melbourne have applied for and successfully received this year's round of bonuses?

Northern Metropolitan Region

Samantha RATNAM (Northern Metropolitan) (14:10): (117) My constituency question is for the Minister for Roads and Road Safety. Yesterday morning I joined local residents, students, parents and councillors at the Bell Street bridge in my electorate of Northern Metro. This high-risk bridge sits at the intersections of Bell, Elizabeth and Nicholson streets and is frequented by pedestrians, cyclists, students from the nearby Coburg High School and travellers on the number 1 tram. The bridge's narrow footpath, sloped curves and poor traffic separation make it extremely unfriendly to active transport users, and there have been multiple collisions and near misses. Despite the tireless advocacy of residents campaigning for safe access over the bridge for over a decade, there is still no plan to improve safety at the intersection. The only safety measures have been minor traffic calming paintwork applied 12 months ago, which has done little to slow traffic. The area urgently needs a full review of risk areas around the intersections of Bell, Elizabeth and Nicholson streets and a plan of action to improve safety for bridge users. Minister, will you commit to immediate safety improvements to the Bell Street bridge in this month's state budget?

Eastern Victoria Region

Renee HEATH (Eastern Victoria) (14:11): (118) My question is for the Treasurer. The question I ask is: will the Treasurer commit to imposing no new property taxes on my constituents? Many of my constituents have expressed their frustration at the rising cost of getting into their own homes. Victorians are now the most highly taxed people in Australia. It is getting harder and harder to get into your own home as the cost of living soars. Labor has Victorians in a financial chokehold, and it is time for them to release their grip. Last weekend the *Herald Sun* reported that the Labor government is pushing ahead with plans for yet another new property tax on top of the 44 taxes that have been introduced or increased since 2014. This government should do more to help people get into their own homes rather than slapping Victorians with higher taxes that will only increase the need for social housing or affordable housing.

Northern Victoria Region

Georgie PURCELL (Northern Victoria) (14:12): (119) My question is for the Minister for Roads and Road Safety. On 14 April Noah&Lil wildlife rescue in Woodend scooped up their fourth koala this year from the Calder Freeway in Macedon. Caldie the koala was attempting to cross the busy freeway in front of trucks doing 110 kilometres per hour because he made his way through a hole in a damaged fence. The fences along the Calder Freeway are in a state of disrepair, and my constituents are not getting answers or action. Caldie was lucky that his story did not end there, like it sadly did for the other three koalas that were rescued. After rehabilitation, he is, for now, safely back in the treetops of Macedon where he belongs. If this fence is not fixed, Caldie and other native animals face the very real threat of being killed on our roads by road strike. My constituents want to know when the minister will fix the fences along the Calder Freeway from Macedon to Woodend to help keep our wildlife safe.

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (14:13): (120) My constituency question is for the Minister for Health. I recently raised several concerns regarding the governance and operational decisions of the board of management of Remembrance Parks Central Victoria. A further mysterious action by the board has recently been drawn to my attention: RPCV's 2021–22 annual report was uploaded on the organisation's website in late 2022 – I actually accessed it there – but in early 2023, around the time of the trust's desecration of graves, the document disappeared from the website. It is disturbing that the 2021–22 annual report has now been removed from RPCV's website, preventing full transparency of the organisation's actions and financial position. The report is available in Parliament's tabled documents database, but it should also be easily available on the trust's website for the general public to access. Minister, why was RPCV's 2021–22 annual report removed from the organisation's website?

South-Eastern Metropolitan Region

Rachel PAYNE (South-Eastern Metropolitan) (14:14): (121) My constituency question is for the Minister for Equality. My constituent is a resident of the City of Kingston who was upset and disappointed that a children's Easter event was shut down after a group of anti-LGBTIQ+ fringe activists threatened to stalk drag performers. In this instance the business owner and her staff were also threatened. This type of conduct appears particularly prevalent in south-eastern metropolitan Melbourne, where protest activity is organised online and has led my constituent to feel concerned for the safety of their friends in the LGBTIQ+ community. My constituent asks: how is the minister addressing the concentration of this fringe hate speech in the south-east?

Western Metropolitan Region

Trung LUU (Western Metropolitan) (14:15): (122) My question is for the Minister for Health. What action is the Minister for Health taking to assist my constituents with the new proposed 60-day dispensing period? The Albanese government has blindsided the pharmaceutical and small business community with this upcoming change to dispensing. The proposed 60-day dispensing period will have severe consequences for small business owners in the Western Metropolitan Region, with many members of the community writing to me strongly condemning this action by the Albanese government. While I appreciate this is a Commonwealth issue, I ask on behalf of my concerned constituents if the Minister for Health will advocate to her federal counterpart on behalf of me and many others in the pharmaceutical community. The increase in medication supply from 30- to 60-day dispensing will worsen the already alarming issue of medicine shortage, and the proposed change will only place further strain on existing supply. I desperately urge the Minister for Health to answer if she has taken any action to advocate to her federal counterpart the danger of the proposed change and to fight for my constituents.

North-Eastern Metropolitan Region

Aiv PUGLIELLI (North-Eastern Metropolitan) (14:16): (123) My constituency question is for the Minister for Roads and Road Safety, and it relates to a section of the Metropolitan Ring Road between Plenty Road and the Greensborough Highway. A constituent of mine has raised their concerns about the state of disrepair on this part of the road and noted that there is only a small sign acknowledging that it is a rough surface. My constituent is concerned their road is unsafe and may not be upgraded for several years, until it is completed as part of the North East Link Program. I too am concerned that this poor road surface is dangerous and ask on behalf of my constituents: what action will be taken to mend this section of road in a timely manner to ensure safety for road users?

North-Eastern Metropolitan Region

Matthew BACH (North-Eastern Metropolitan) (14:17): (124) My constituency question today is for the Minister for Roads and Road Safety in the other place. Mont Albert Primary School is a fabulous local primary school just down the road from me in our electorate. It has got about 550 kids,

achieves fabulous results in terms of student wellbeing and does really well as well. One of my constituents, called Jillian, recently contacted me to raise with me the matter of the danger some of these kids face as they come to school, especially crossing Union Road and especially crossing Union Road from the west. The point she made to me was this: there is no pedestrian crossing between Whitehorse and Belmore roads. As a result, you often see schoolchildren and others crossing the road between Yarrbat Avenue and Threadneedle Street. That is the particular point that she has asked about. The question that I would put to the minister for road safety is: will she work with VicRoads to investigate possible measures to improve safety on this stretch of road for my young constituents?

Northern Victoria Region

Rikkie-Lee TYRRELL (Northern Victoria) (14:18): (125) My question is for the Minister for Environment. After engaging landholders in Corryong, it has been brought to my attention that local farmers have an enormous task in the continual eradication of noxious weeds. Under the Catchment and Land Protection Act 1994, these practices are necessary in order to comply with state biosecurity regulations. They come at both great financial expense and energy. In some cases, farmers' efforts to mitigate the spread of invasive weeds and seeds are being hampered by a lack of reciprocated effort from the state to fulfil its obligations within state parks. These seeds can and do dry out and spread in unfavourable winds if left unattended. My question is: can the minister assure constituents in the north that if they spray weeds on fence lines bordering state parks, the state government will maintain its responsibility to do the same?

Western Victoria Region

Bev McARTHUR (Western Victoria) (14:19): (126) My question is for the Minister for Local Government, and I ask it on behalf of ratepayers of the City of Greater Geelong, who are currently paying for her government's ongoing attack on their council. In June last year local Labor members blasted the council for failing to prioritise their own personally favoured pork barrel projects – that is, of the Labor members – and the Premier himself threatened to remove the council from involvement in the supposedly regional Commonwealth Games. The minister's response to my last question, dated 24 April, references failures of governance or possible breaches of the Local Government Act 2020. She also notes the investigation focuses on integrity and transparency. So in that spirit, my question is: what exactly are these alleged breaches, and what is the total bill ratepayers are footing for the monitor she appointed to undermine locally and democratically elected councillors?

Northern Victoria Region

Gaelle BROAD (Northern Victoria) (14:20): (127) My constituency question is to the Minister for Health. Can the minister please advise what support services are available in Bendigo and the surrounding region to people impacted by stroke? In February I raised the need for ongoing funding for the Bendigo Stroke Support Centre, with no response to date. Yesterday the Stroke Association of Victoria advised that due to a lack of government funding they will be closing the centre on 19 May. I have spoken to stroke survivors, their families and carers and staff, and they are devastated by this news. I received a letter yesterday from a lady whose husband had a stroke. They moved to Bendigo to access better support services, and they are worried about the mental health of survivors and their families. Support centres like Bendigo provide a lifeline to stroke survivors and their families. Closing this service will only put our health system under increased pressure. I ask the minister to provide urgent clarity on this matter and confirm ongoing funding ahead of the state budget.

Eastern Victoria Region

Melina BATH (Eastern Victoria) (14:21): (128) My constituency question is for the Treasurer. Promoting angling, recreational fishing and boating, the Corinella Boating & Angling Club has over 200 fantastic members. With no permanent clubhouse, president Murray Wannan and his fantastic committee have worked hard to secure a foreshore precinct site and council-approved plans for a multipurpose clubroom. The build and car park are estimated at \$750,000. They have \$40,000 of their

own finances and an election commitment of \$200,000, and the Bass Coast shire has offered to provide \$310,000 if the state government stumps up the last remaining \$200,000. Treasurer, will you provide the additional \$200,000 in the budget to ensure this much-needed facility can support not only the angling club but many other community groups that could use it?

Southern Metropolitan Region

Georgie CROZIER (Southern Metropolitan) (14:22): (129) My constituency question is for the attention of the Minister for Education, and it relates to the Cheltenham East Primary School. I was out there last week visiting this wonderful educational facility and I was out there prior to the election, so I have seen it a few times. It provides educational opportunities for over 400 children, and the enrolments are climbing at this school. The main building, which houses 10 classrooms, a science room and administrative offices, was built in 1956 and is in desperate need of an upgrade. As I saw firsthand on a recent visit, lead-based paint is peeling off ceilings and walls, windows do not open properly and there is also some asbestos on site. The school community deserves modern educational infrastructure that supports best practice in teaching and learning excellence, so I am asking the minister to provide to the school the master plan for this much-needed upgrade as a matter of priority, as this in the Department of Education.

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (14:23): (130) My question is for the Minister for Local Government, and it concerns the decision of the Melbourne City Council, which impacts on my electorate too, to put in meter fees for longer periods on weekends and into the evenings. The Minister for Local Government should assess this. They should obtain the documents from the Melbourne City Council, who have been behind this decision. It will impact on many residents, it will impact on city businesses, it will impact on businesses on St Kilda Road and it will impact on a significant number of community groups, including those whose facilities are near to the parking areas. I note also arts facilities, including in my electorate, will be impacted. What I seek for the Minister for Local Government to do is to call in the documents from the Melbourne City Council and release them publicly to explain what justifies this grab for cash by the City of Melbourne.

Northern Metropolitan Region

Evan MULHOLLAND (Northern Metropolitan) (14:24): (131) My question is to the Minister for Transport and Infrastructure, and I refer the minister to reports that she was warned about potential illegal CFMEU coercion and exclusion of Indigenous firms on the state's infrastructure projects last year. We now see reports that allegedly a Mick Gatto-linked, CFMEU-backed Indigenous labour firm is taking their place in a project of great interest to my constituents, the duplication of Mickleham Road. I ask the minister what she knew and how she has allowed this to occur. Does she support the involvement of this firm at the expense of other Indigenous firms? This project has been of great interest to my constituents, including the Greenvale Residents Association and Cr Jim Overend, because for 1.6 kilometres it has cost \$130 million per kilometre, compared to Plenty Road and Craigieburn Road, which have cost \$30 million and \$50 million respectively. Will the minister stop taking the micky with Mickleham Road and guarantee this project goes ahead?

The PRESIDENT: That ends constituency questions. The standing orders say we do 15, and we did 17 today, so good luck buying real estate off me. I will just say that in future we will stick to 15.

*Petitions***Women's Centre for Health and Wellbeing Albury–Wodonga**

Wendy LOVELL (Northern Victoria) presented a petition bearing 156 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that there is a funding shortfall for women seeking support through domestic and family violence counselling, sexual abuse and trauma counselling, crisis intervention support for apprehended violence orders or homelessness, and access to therapeutic groups.

The Women's Centre for Health and Wellbeing Albury–Wodonga Inc. is a cross-border service that supports more than 100 first time domestic violence impacted Victorian women every year, yet the Victorian Government provides them with funding equivalent to supporting only 12 first time domestic violence impacted women per year.

The funding shortfall experienced by this organisation equates to more than \$300,000 every year and diminishes the quality support that can be provide to women in crisis.

The petitioners therefore request that the Legislative Council call on the Government to rectify the funding shortfall to the Women's Centre for Health and Wellbeing Albury–Wodonga Inc. and increase its core funding.

Wendy LOVELL: I move:

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

Motion agreed to.

*Bills***Operation Daintree Implementation (No. 1) Bill 2023***Introduction and first reading*

David DAVIS (Southern Metropolitan) (14:27): I introduce a bill for an act to begin implementing recommendations made by the Independent Broad-based Anti-corruption Commission in the *Operation Daintree: Special Report*, including by amending the Public Administration Act 2004 and the Parliamentary Committees Act 2003, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

David DAVIS: I move:

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

Motion agreed to.

*Papers***University of Divinity***Report 2022*

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (14:28): I move, by leave:

That the University of Divinity report 2022 be tabled.

Motion agreed to.

*Committees***Scrutiny of Acts and Regulations Committee***Alert Digest No. 3*

Sonja TERPSTRA (North-Eastern Metropolitan) (14:28): Pursuant to section 35 of the Parliamentary Committees Act 2003, I present *Alert Digest* No. 3 of 2023, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

Motion agreed to.*Report on the Statute Law Amendment Bill 2022*

Sonja TERPSTRA (North-Eastern Metropolitan) (14:29): Pursuant to section 35 of the Parliamentary Committees Act 2003, I present a report on the Statute Law Amendment Bill 2022, including an appendix, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

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

Bendigo Kangan Institute – Report, 2022.

Box Hill Institute – Report, 2022.

Chisholm Institute – Report, 2022.

Crown Land (Reserves) Act 1978 –

Order of 21 February 2023 giving approval to the granting of a licence at Gasworks Park Reserve.

Orders of 26 February 2023 giving approval to the granting of a lease and a licence at Balnarring Beach Foreshore Reserve.

Order of 13 April 2023 giving approval to the granting of a licence at Camberwell Gardens Reserve.

Order of 24 April 2023 giving approval of the granting of a lease at Albert Park.

Deakin University – Report, 2022.

Dhelkunya Dja Land Management Board – Minister's report of receipt of the 2021–22 Report.

Duties Act 2000 – Treasurer's Report of Foreign Purchaser Additional Duty Exemptions for 1 July 2022 to 31 December 2022, under section 3E of the Act.

Federation University Australia – Report, 2022.

Gordon Institute of TAFE (the Gordon) – Report, 2022.

Goulburn Ovens Institute of TAFE (GOTAFE) – Report, 2022.

Gunaikurnai Traditional Owner Land Management Board – Minister's report of receipt of the 2021–22 Report.

Holmesglen Institute – Report, 2022.

Independent Broad-based Anti-corruption Commission – Special Report on Operation Daintree, April 2023 (*released on 19 April 2023 – a non-sitting day*) (*Ordered to be published*).

La Trobe University – Report, 2022.

Major Events Act 2009 – Major Sporting Event Order of 26 April 2023 for the FIFA Women's World Cup 2023, under section 22 of the Act.

Melbourne Polytechnic – Report, 2022.

Monash University – Report, 2022.

Ombudsman – Councils and complaints: Glen Eira City Council’s approach to contractor work, April 2023 (released on 26 April 2023 – a non-sitting day) (Ordered to be published).

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

Banyule Planning Scheme – Amendment C165.

Banyule, Boroondara, Cardinia, Casey, Kingston, Knox, Manningham, Nillumbik, Whittlesea and Yarra Planning Schemes – Amendment GC204.

Bayside Planning Scheme – Amendment C188.

Boroondara Planning Scheme – Amendment C396.

Brimbank Planning Scheme – Amendment C216.

Casey Planning Scheme – Amendment C292.

Darebin Planning Scheme – Amendments C213 and C215.

Glen Eira Planning Scheme – Amendment C220.

Glenelg Planning Scheme – Amendment C108.

Greater Dandenong Planning Scheme – Amendment C228.

Greater Shepparton Planning Scheme – Amendment C233.

Kingston Planning Scheme – Amendment C214.

Knox Planning Scheme – Amendment C200.

Latrobe Planning Scheme – Amendment C140.

Maribyrnong Planning Scheme – Amendment C176.

Maroondah Planning Scheme – Amendment C151.

Melbourne Planning Scheme – Amendment C450.

Melton Planning Scheme – Amendment C236.

Merri-bek Planning Scheme – Amendment C221.

Mildura Planning Scheme – Amendment C104.

Mitchell Planning Scheme – Amendment C164.

Moonee Valley Planning Scheme – Amendment C231.

Moorabool Planning Scheme – Amendments C101 and C107.

Mornington Peninsula Planning Scheme – Amendments C284, C296 and C297.

Mount Alexander Planning Scheme – Amendment C96.

Nillumbik Planning Scheme – Amendment C148.

Port Phillip Planning Scheme – Amendments C203 and C211.

Stonnington Planning Scheme – Amendment C304.

Victoria Planning Provisions – Amendment VC231.

Wangaratta Planning Scheme – Amendments C88 and C89.

Wellington Planning Scheme – Amendment C117.

Whitehorse Planning Scheme – Amendment C236.

Yarra Planning Scheme – Amendments C312 and C315.

Royal Melbourne Institute of Technology (RMIT University) – Report, 2022.

South West Institute of TAFE – Report, 2022.

State Concessions Act 2004 – Ministerial Orders of 19 April 2023, under section 7 of the Act –

Concession (Electricity Retailers) Order 2023.

Concession (Gas Retailers) Order 2023.

Concession (Local Government) Order 2023.

Concession (Water Corporations) Order 2023.

State Owned Enterprises Act 1992 – Constitution of Breakthrough Victoria Pty Ltd, under section 75(a) of the Act.

Statutory Rules under the following Acts –

Conservation, Forests and Lands Act 1987 – No. 18.

Drugs, Poisons and Controlled Substances Act 1981 – No. 20.

Retail Leases Act 2003 – No. 24.

Road Safety Act 1986 – Nos. 22 and 23.

Supreme Court Act 1986 – No. 21.

Victorian Civil and Administrative Tribunal Act 1998 – No. 19.

Victorian Energy Efficiency Target Act 2007 – No. 25.

Subordinate Legislation Act 1994 –

Documents under section 15 in respect of Statutory Rule Nos. 19, 20, 21, 22, 23, 24 and 25.

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

Electricity Safety Act 1998 – Orders under section 120W exempting the following from section 120M(1)(c) of the Act –

AusNet Electricity Services.

Jemena Electricity Networks (Vic).

Service Victoria Identity Verification Standards under the Service Victoria Act 2018.

Sunraysia Institute of TAFE (SuniTAFE) – Report, 2022.

Swinburne University of Technology – Report, 2022.

TAFE Gippsland – Report, 2022.

Terrorism (Community Protection) Act 2003 – Inspection Report by the Victorian Inspectorate on Victoria Police records for the March to August 2022 period, under section 37D of the Act.

The University of Melbourne – Report, 2022.

Victoria University – Report, 2022.

Wildlife Act 1975 – Notices under section 86 of the Act –

Wildlife (Closure of Lake Elingamite Lake Reserve) Notice (*Gazette S199, 24 April 2023*).

Wildlife (Prohibition of Game Hunting) Notice No. 2 (*Gazette S195, 21 April 2023*) and Corrigendum to the Notice (*Gazette S196, 21 April 2023*).

Wildlife (Prohibition of Indigenous Game Birds (Quail) Hunting) Notice (*Gazette S142, 27 March 2023*).

William Angliss Institute of TAFE – Report, 2022.

Wodonga Institute of TAFE – Report, 2022.

Yorta Yorta Traditional Owner Land Management Board – Minister's report of receipt of the 2021–22 Report.

Petitions

Sunshine super-hub

Response

The Clerk: I have received the following paper for presentation to the house pursuant to standing orders: a response from the Minister for Transport and Infrastructure to petition 471, titled 'Withdraw the Sunshine station master plan', presented by Mrs Deeming on 22 March 2023.

Production of documents

Hydrogen Energy Supply Chain

The Clerk: I also present a letter from the Attorney-General dated 14 April 2023 in response to a resolution of the Council on 22 March 2023 relating to the Hydrogen Energy Supply Chain project. The letter states that the date for production of documents does not allow sufficient time to respond to the order and the government will endeavour to provide a final response as soon as possible.

*Papers***Independent Broad-based Anti-corruption Commission***Operation Daintree: Special Report*

David DAVIS (Southern Metropolitan) (14:31): On the tabled documents, I move:

That the Operation Daintree report be taken into consideration on the next day of meeting.

Motion agreed to.

*Business of the house***Notices**

Notices of motion given.

General business

Georgie CROZIER (Southern Metropolitan) (14:42): I move, by leave:

That the following general business take precedence on Wednesday 3 May 2023:

- (1) order of the day made this day, second reading of the Operation Daintree Implementation (No. 1) Bill 2023;
- (2) notice of motion 48 standing in Ms Lovell's name requiring a regional sitting of the Council to be held in northern Victoria;
- (3) notice of motion 37 standing in Mr Bourman's name on the production of documents relating to seasonal changes to the 2023 duck-hunting season;
- (4) notice of motion 18 standing in my name referring matters relating to local government funding and service delivery to the Economy and Infrastructure Committee;
- (5) order of the day 1, resumption of debate on the second reading of the Public Administration and Planning Legislation Amendment (Control of Lobbyists) Bill 2023;

and the resumption of debate on the address-in-reply to the Governor's speech be postponed until Thursday 4 May 2023.

Motion agreed to.

*Members statements***Commonwealth home support program**

Sonja TERPSTRA (North-Eastern Metropolitan) (14:44): I rise to update the house on recent circumstances regarding the Commonwealth home support program. It is disappointing to hear that Manningham council have decided in principle to transition out of providing the Commonwealth home support program from October 2023, leaving over 2000 aged residents across Manningham with an uncertain future and the potential for 112 staff to lose their jobs. This is a sizeable job cut. Council's response to this situation is very uncaring. Many recipients in Manningham require specifically tailored in-home care, which will only add to the strain on carers who are tending to the needs of elderly family members. It is a very short-sighted decision. I expect that Manningham council should be fully complying with their industrial obligations in consulting with affected staff and their union. I hope that every effort is being made by Manningham council to save as many jobs as possible. I urge Manningham council to reconsider their in-principle decision to opt out of the Commonwealth home support program and commit to ongoing service provision of this important service for elderly Manningham residents in their time of need.

Anzac Day

Bev McARTHUR (Western Victoria) (14:45): Last week I was honoured to attend and speak at the Anzac commemoration event at the recreational reserve in Maroona in my electorate. I joined the small community, including students from Maroona Primary School, to pay tribute to all who have

fought for our safety and freedom, many of whom gave their lives. I was especially pleased to meet Kerrin Gellie, who presented me with two carefully researched and beautifully presented volumes recalling the military careers of local men and the history of the soldier settlement on the BurrumbEEP estate. Shared commemorations like Anzac Day bring small communities together, creating a sense of identity and belonging which matters so much. In researching and writing *Soldiering On* and *Maroona Remembers*, Kerrin has performed an extraordinary task, working with friends, neighbours and indeed all of Maroona to document the lives of their brave forebears and to teach current and future generations the story of their sacrifice. I congratulate Kerrin on his efforts and thank the community for inviting me to celebrate the solemn but beautiful occasion with them.

Gardiners Creek regional collaboration

Katherine COPSEY (Southern Metropolitan) (14:46): In April I was invited to the launch of the Gardiners Creek, or KooyongKoot, regional collaboration, along with a number of my colleagues from this chamber and the other place, I will note. This venture sees traditional owners, community groups, biodiversity campaigners, local councils and government working together to restore and maintain this beautiful and essential ecosystem. The Gardiners Creek – KooyongKoot – catchment covers more than 100 square kilometres and is full to bursting with biodiversity hotspots, precious ecological homes to original Australian habitat. The catchment contains picturesque parklands and open green spaces which are used for recreation, exercise and sports. KooyongKoot is as important for the community who use it as it is for the wildlife and plant species that live within it.

Unfortunately, the catchment is suffering. Urbanisation has seen canopy coverage and water quality reduced substantially. Ecosystems are isolated from one another and too contained to flourish. Of course these issues are all being exacerbated by climate change. Substantial work is needed to restore the catchment. The regional collaboration will work together to foster ecosystems, restore and expand green spaces and where possible build in climate resilience. It was inspiring to see the community's enthusiasm and energy for this, and I highly commend the work of all groups involved.

John Richards

Wendy LOVELL (Northern Victoria) (14:48): It is with much sadness that I advise the house of the passing of John Richards OAM, formerly of Yarrawonga. During his lifetime John Richards was a jackaroo, soldier, farmer and newsagent. John was also the inaugural chair of the Yarrawonga District Hospital and a man who had a passion for aged care. John donated significant funding to La Trobe University to establish a centre to lead research and innovation related to the aged care workforce and health delivery initiatives for aged care in rural communities. The centre, based at La Trobe in Wodonga, is named in his honour. John was a close family friend and a man who I admired very much. He was a man that I was proud to know and to love and someone who made a tremendous contribution to the Yarrawonga community and to research into aged care. Vale, John Richards.

Remembrance Parks Central Victoria

Wendy LOVELL (Northern Victoria) (14:49): Last Thursday I attended a public meeting held by Remembrance Parks Central Victoria to report to the community the result of the trust's own investigation into their recent heartless action of desecrating graves by stripping them of memorabilia. The meeting was by far the worst example of community engagement I have ever experienced. The report's 12 recommendations were all about improving governance, communication and engagement with the community, but it was clear that the board had no intention of implementing these recommendations as the format of the meeting was very much about talking at the community, not listening to them.

The Consequence of War

Lee TARLAMIS (South-Eastern Metropolitan) (14:49): Recently I attended the launch of the Ukraine exhibition *The Consequence of War* at the Australian National Veterans Arts Museum

(ANVAM) photographed by Walkley Award winning photojournalist Gary Ramage. The exhibition impactfully illustrates the devastating impacts of the war in Ukraine through the lens and lived experience of Gary Ramage. Gary is known for documenting conflicts all over the world, putting himself into the middle of the ensuing violence to detail the important stories that need to be told. Gary travelled to Ukraine in 2022 to capture the devastating scale of the war, spending time on the front line with fighting Ukrainians and in the cities and towns with ordinary Ukrainians just going about their day-to-day lives in the middle of an armed invasion. Through his lens Gary captured confronting images that vividly portray the struggle of the people of Ukraine and the devastating human impact and personal pain resulting from this senseless and unjust war.

The exhibition is curated by Tanya Johnson, who gracefully balances the stark reality of the impact of war and the human story behind it. The exhibition also includes artwork by Ukrainian war veterans previously displayed at the Sydney Invictus Games in 2018. The exhibition serves as a powerful reminder of the destructive consequences of war, and I urge everyone to see the exhibition for themselves. The Ukrainian people are facing a humanitarian crisis as they are forced to flee their homes and seek shelter in inadequate conditions, the long-term effects of which will be intergenerational trauma.

I want to thank Gary for his powerful exhibition, which is a reminder that this war is far from over and we must do all we can to support the Ukrainian people in any way that we can. I also thank ANVAM for supporting the exhibition and their ongoing work to promote the arts across the veteran community, to enhance veterans' wellbeing through the arts and for sharing stories of our serving members, veterans and their families.

Extremism

Samantha RATNAM (Northern Metropolitan) (14:51): Over several months our local councils have been the target of an increasingly organised force intent on disrupting the business of local government. Fifteen councils have already been the target of hostile organised actions that resulted in some councils needing increased security. These groups appear connected via association with the My Place network that is closely associated with the so-called freedom movements as well as the sovereign citizens movement. These are far-right actors that were the subject of last year's parliamentary inquiry into far-right extremism. They are attacking councillors for issues ranging from climate change action measures to increased inclusion for marginalised groups to urban planning strategies like 15-minute cities. Some councils have had to reluctantly limit access to their meetings. Many councils have publicly stated they wish to remain open and accessible but have few other choices.

We were warned about this phenomenon during the parliamentary inquiry. We learned that the growth of these far-right movements can pose a threat to our democracy, and now we are seeing it happen literally. This comes just a few weeks after rallies on the steps of this place against the rights of trans and gender-diverse people, which attracted the likes of the neo-Nazis no less. The convergence of conspiracy theorists, anti-trans activism and the far right is happening – seeding prejudice and division against minority communities is a well-worn tactic. The attack on local councils is deliberate, but they will not win. The trans and gender-diverse community is strong, and together we can defeat those who seek to divide us.

Anzac Day

Joe McCracken (Western Victoria) (14:53): I recently attended a number of Anzac Day services across my electorate of Western Victoria. One of particular note was the Ballarat day service conducted by the Ballarat sub-branch of the RSL. I would like to acknowledge Ballarat RSL sub-branch president Alan Douglass, the committee and his magnificent team of volunteers. On a beautiful autumn morning in Ballarat there was a huge attendance turning out to show respect for those who had sacrificed everything so that we can have the life and the way that we currently live and enjoy today. This service was moving and thoughtful, and I could see everyone was participating with a great sense of reverence. What made the day even more special was the attendance of representatives

from *HMAS Ballarat*, whose vessel is obviously named after the magnificent city of Ballarat. As we continue to debate matters in this place into the future, we must never forget that the fallen soldiers who fought for our freedom, our individuality and our right to speak out, to have diverse views and to peacefully coexist did that for us. To all those that have fallen and their families, lest we forget.

Good Friday Appeal

John BERGER (Southern Metropolitan) (14:54): I rise to commend the Andrews Labor government for their work supporting the annual Good Friday Appeal. This year our government donated \$1 million to the cause. I pay tribute to the Premier and the Minister for Health, who attended the Kids Day Out at the Melbourne Convention and Exhibition Centre to draw attention to this work. As we know, the Good Friday Appeal supports the life-saving work of the Royal Children's Hospital. This hospital has been delivering fantastic care to the community for over 150 years. It is world renowned as an expert in paediatric care. The best clinicians from around the world support leading research at the Murdoch Children's Research Institute and the University of Melbourne's department of paediatrics. Since the appeal began in 1931, more than \$421 million has been raised in donations. That is massive. Those donations contribute to groundbreaking research, world-class equipment and technology and vital education programs.

Well done to the community for their record \$23 million raised this year – a shining testament to the very best in our community. It is these moments that make me feel proud to be a Victorian. I know that all the families take comfort in knowing that they have access to the very best paediatric care right here in our city, so I am sure this house will join me in commending the Good Friday Appeal to the floor.

Police conduct

David ETTERSHPANK (Western Metropolitan) (14:55): The week before last I went for a picnic, and it brought to mind the children's classic *The Teddy Bears' Picnic*:

If you go down in the woods today, you're sure of a big surprise

So the woods were the Flagstaff Gardens and the picnic in question was for 420, the international day of cannabis reform, and there were a few surprises. Firstly, there were about 60 armed police officers with dogs randomly searching, handcuffing and detaining people they thought might have come to the park with cannabis on their person. The second surprise was that of the dozens and dozens of 420 picnics across Australia this was the only one where police attacked the crowd. This raises a couple of questions in my mind: firstly, if police are as stretched and underfunded as is claimed, was this not an atrocious waste of resources; and secondly, if the government condones this sort of action, what does it say about Victoria as Australia's most progressive state?

Follow Bless Collective

Renee HEATH (Eastern Victoria) (14:56): I would like to acknowledge the incredible work of the Follow Bless Collective in Pakenham. The Follow Bless Collective have a food van every Thursday night that provides hot meals, life skills assistance and social support for people experiencing homelessness, disadvantage or loneliness. This was launched in June 2016 and operates at the Bourke Park in Pakenham. The food van aims to provide a hub of food and friendship for those in need in the local community. They also provide items such as clothing, toiletries and non-perishable foods for those experiencing crisis.

Recently my friend Sarah and I joined the volunteers from Beaconhills College and Follow Baptist Church on a Thursday night to help out and experience what they do firsthand. What we saw and felt was community spirit at its best. The atmosphere was buzzing, and despite the chilly evening it was filled with warmth and positivity. It highlighted to me that the answers to many complex issues are not found in government but are found in community, and this group is an amazing example of that. I saw individuals stepping up to play their part to meet the needs of those they saw around them, and it

was really incredible. I would like to thank the Follow Bless Collective for everything they are doing to make the community a better place.

Health system

Georgie CROZIER (Southern Metropolitan) (14:58): Well, the health data that has come out is nothing for this government to be proud of. It is incredibly disappointing that despite Victoria operating the most expensive ambulance service in Australia, one in three Victorians who need an emergency response through their ambulance are not being met through the response times. The code 1 response is not being met by the government's own targets. This is really concerning when you think that a third of patients who need that emergency service just cannot get an ambulance when they should. And we have got other statistics from the health data, whether that is the number of Victorians on the elective surgery waitlist who need vital surgery – nearly 79,000. Twenty-five per cent of those are not being seen within the clinically recommended time, and 21 per cent of children who need surgery and treatment at the Royal Children's Hospital have to wait for over a year. These figures are damning.

There is a lot more I would like to say on this and on the dental wait times for children with caries – the wait times for them have blown out. There are so many issues within this health data today that the government has released, and it demonstrates that our health system remains in crisis – that too many Victorians are waiting in pain. They cannot get an ambulance when they need one, and they are continuing to suffer because of the government's inaction to fix the health crisis.

Brahmin Sabha Australia Incorporated

Trung LUU (Western Metropolitan) (14:59): In April I had the opportunity to attend a Lord Bhagwan Parshuram birthday celebration in Hoppers Crossing, hosted by one of the Hindu community organisations in my electorate, Brahmin Sabha Australia Incorporated, a not-for-profit organisation formed to encourage young generations to learn their native tongues, such as Hindi and other Indian languages, and to take part in cultural events. The group also works with like-minded community organisations on charitable activities. This is the third time that a celebration of Lord Bhagwan Parshuram has occurred in Australia, but it has been celebrated in India for hundreds of years. With my strong interest in supporting our multicultural success, it is wonderful to see groups like Brahmin Sabha Australia Incorporated promoting these activities. I thank the organisation and their president Chander Sharma, and I wish the group all the best with their ventures in the future.

Greenvale Residents Association

Evan MULHOLLAND (Northern Metropolitan) (15:00): At the end of last sitting week in March I had the pleasure of speaking at a Greenvale Residents Association meeting. I want to begin by acknowledging some of the amazing work of the Greenvale Residents Association in advocating for the interests of residents, and I want to recognise the efforts of the president of the GRA Tamara Nolan. I also want to recognise key members of the executive, including Caroline Dowling, Stephen Woodhams and Richard Baran. I want to acknowledge and thank my good friend Genevieve Hamilton for introducing me to the association and Cr Jim Overend of Hume City Council, a tireless advocate for better infrastructure in the north, who spoke to locals about local council issues.

I had the pleasure of speaking and discussing with them for over an hour on several different community issues. They highlighted to me how important it is for the full duplication of Mickleham Road to be completed – the government needs to stop taking the micky with its Mickleham Road duplication project. It was particularly important for me to hear from residents of the Providence estate, who have long been promised a shopping centre that has not been delivered. One resident told me, 'You know the difference between a council road and a state government road just by looking at the length of the grass.' Public amenity is certainly a priority for these residents. I will continue to amplify the voices of Greenvale residents and locals in our Parliament, and I look forward to meeting with them again soon to discuss local issues.

Streeton Primary School

Matthew BACH (North-Eastern Metropolitan) (15:02): I want to acknowledge a fabulous school in my electorate, Streeton Primary School in Yallambie. I recently had the opportunity to get to Streeton at the invitation of the principal Leon Bell. I was welcomed also by fabulous members of the school council's leadership team, led by president Regina, and they were kind enough to take me for a tour of the school's facilities just before Easter. I know that other members of this place – Mr Puglielli and you, I think, President, and various other Labor members – have recently been to Streeton, so that is fabulous. I am sure that all members who have been to the school would acknowledge that this is a very special school. The standard of education is excellent. The grounds have immense potential. The education on offer is innovative. There are wonderful opportunities for students to work at the school's permaculture farm and to play in their water oasis, and they have fabulous kitchen facilities, but this school has clearly been let down over a long period of time by chronic underfunding. I do not want to talk down this school, but in my many years in education I have rarely seen a school in such a state of disrepair – holes in the floor, ceilings collapsing – which is having a really deleterious impact on school enrolment, so I am pleased that the member for Bundoora has assured me that there will be a huge funding injection in the budget. I look forward to seeing that eventuate in a few weeks time.

Business of the house**Notices of motion and orders of the day**

Lee TARLAMIS (South-Eastern Metropolitan) (15:04): I move:

That the consideration of order of the day 1, for the resumption of debate on the motion for the address to the Governor in reply to the Governor's speech, and notices of motion, government business, 2 to 36, be postponed until later this day.

Motion agreed to.

Bills**Human Source Management Bill 2023*****Second reading***

Debate resumed on motion of Ingrid Stitt:

That the bill be now read a second time.

Rachel PAYNE (South-Eastern Metropolitan) (15:04): I rise to make a short contribution to this bill. I will not restate its purpose or the background, which have been well and truly canvassed in this house, but I will speak to the amendments that Legalise Cannabis Victoria has negotiated. The bill before us today is fundamentally different to the bill that was first presented to this Parliament. The original framework proposed by the government was heavily criticised by stakeholders as it seemingly enabled the holders of privileged information, including lawyers, to be registered as human sources and potentially tasked to undertake information gathering on behalf of the police. This would have been, in our view, entirely inconsistent with the very purpose of the bill. Under the amended bill this cannot happen. We heard from stakeholders, and we have worked constructively with the government. Following our negotiations, we are pleased to see an extensive set of government house amendments that fundamentally change the nature of the bill and mitigate stakeholder concerns.

In relation to lawyers, these amendments change the act to effectively mirror existing legal profession uniform conduct rules that allow a solicitor or a barrister to disclose information to police if they believe there is a serious and imminent threat to national security, to the health or safety of the public, to the life of a person or of serious physical harm to a person. This is the only type of information that may be provided by a solicitor or a barrister to police in breach of client confidentiality. The amended bill provides a strict framework for the disclosure of this information. The disclosure requires the registration of the solicitor or barrister. The registration can only occur via application to and approval

from the Supreme Court of Victoria. The period of registration will be determined by the court, with a legislated maximum of seven days.

Under the amendments, the police cannot task a lawyer to do anything. The police cannot assign or give instructions to the solicitor or barrister to assign them with criminal investigations or gathering criminal intelligence. This is now not the registration of a lawyer as a police informant, it is the registration of a lawyer's contact with police in very limited circumstances and only where there is an imminent threat and oversight by the Supreme Court of Victoria – and this means that Lawyer X can never, ever be repeated.

The Royal Commission into the Management of Police Informants has also recommended that the Victorian Bar and the Law Council of Australia develop ethics guidance on these conflict-of-interest scenarios. We understand that guidance should be to cease to act. Importantly, these amendments prevent a conflict from arising at law between the existing uniform conduct rules for legal practitioners and these proposed human source management laws. This is why this framework is preferable to that proposed by the opposition. To exclude lawyers from registration and to not record the contact between a lawyer and police is to risk the repeating of the very same conduct that this bill seeks to prevent. We cannot push lawyers back into the same grey area in which the Gobbo debacle occurred.

Additionally, amendments now provide significant improvements to the bill as applied to children. Under the amended bill, the definition of 'child' is moved from 'under 14' to 'under 18'. Any child must have legal representation and/or an independent third party present in any discussions with police. Children may not be tasked by police.

Oversight of the management of human sources as a whole will continue to be undertaken by the Public Interest Monitor and IBAC. For a lawyer's contact with police to now be overseen by the Supreme Court and limited to circumstances where the lawyer is proactively divulging information because they believe there is an imminent threat to life or of serious physical harm strikes the right balance and mirrors existing professional rules. At Legalise Cannabis Victoria we are proud of the progress we have made in securing these important changes. We can now support the amended bill in this context. This is important legislation. It acts on the advice of the royal commission. Victoria now leads the country in introducing legislation to guide and oversight police use of human sources.

David LIMBRICK (South-Eastern Metropolitan) (15:09): I also rise to speak on the Human Source Management Bill 2023. The matter of government integrity is a present and longstanding issue. The fact that oversight bodies such as IBAC have become household names in this state should be of grave concern. In a similar way, the pseudonym 'Lawyer X' continues to be a household shame on the justice system. The fallout of Lawyer X has had widespread consequences for our justice system and continues to impact it to this day.

Respected institutes such as the Law Institute of Victoria and the Victorian Bar association have been tasked with directly cleaning up this mess as per recommendations from the royal commission which followed them. These institutes have worked closely with the implementation monitor to ensure their obligations have been met, and I commend them for their efforts towards restoring the compromised trust between the public and our judiciary.

The High Court of Australia described the act of Gobbo, a member of the judiciary, performing the role of police informant against their own client as:

... fundamental and appalling breaches of [her] obligations as counsel to her clients and of [her] duties to the court.

Further, the High Court described the act of Victoria Police encouraging a member of the judiciary to breach her court obligations and sanction atrocious breaches of multiple police officers' duty as 'reprehensible conduct'. Any normal person receiving this kind of feedback from a panel of High Court justices would heed these words diligently and recoil at the very thought of repeating such

behaviour. No government in good conscience should ever allow such conduct to not only be repeated but be legally sanctioned.

The government has committed to implementing all recommendations by the royal commission. It is understandable that the government would seek to satisfy these recommendations; however, the commission advised Parliament to focus on the implementation that is ‘purposeful to avoid purely compliance focused acquittal’. This bill places too much emphasis on compliance and not enough on purpose. Implementing a legal mechanism for lawyers to be used as human sources goes directly against the purpose of the commission. This is the view shared by the Law Institute of Victoria, the Victorian Bar association, Liberty Victoria, the Centre for Public Integrity, the bar council, the Victorian Aboriginal Legal Service and many barristers and lawyers in Victoria. The government claimed to have engaged with stakeholders regarding this bill, but there appears to be significant difference in opinion on this bill between the government and these bodies. Ignoring the warnings from every respected body of the judiciary is not just an act of foolishness but an act of arrogance.

This bill not only risks the already compromised faith our public has in holders of privileged information but also risks the safety of those information holders. A centralised list of every lawyer, barrister, priest, doctor, journalist and minister engaged in police informant activity would become a hit list in the wrong hands. Following Lawyer X, at the request of IBAC, Victoria Police determined that if information about Ms Gobbo were to be released her risk of death would become almost certain.

The latest round of amendments circulated by the government, which arrived shortly after meetings with royal commissioner Justice Margaret McMurdo in April, have handballed the burden of lawyer registration and its potential human rights breaches to the Supreme Court. This not only conflicts with fundamental separations of Parliament and court judges outlined within the Irvine memo but also creates conflicts of ethics outlined within the charter of human rights and fundamental mechanisms of judicial procedure. Giving any judge the power to suspend a lawyer’s or barrister’s professional obligations compromises the integrity of the trial process.

There are no provisions within this bill or any other act which consider how information collected from human sources will be treated during the disclosure of evidence source phase during prosecution. Will prosecutors be obligated to divulge their lawyer sources? Will this evidence be permissible if redacted? Without clear instruction around such a sensitive handling of information, this could risk mistrials and potentially overturning court decisions in a similar way to some of the cases which concerned Lawyer X. There has been so much hard work by the judiciary in undoing the damage caused by the Lawyer X scandal. If this bill receives royal assent in its current form, it will only serve to undo that hard work and undermine the right to a fair trial. I will not be supporting this bill or the government’s amendments.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (15:14): Thank you, everyone, for your contributions. I know that it was many weeks ago that most members made a contribution to this bill, but I do thank Ms Payne and Mr Limbrick for bringing us home today. I will just spend some time on summing up, because a little bit has happened since the introduction of this bill and obviously we did not have an opportunity to have a chat in committee. But there are just a few things I probably should try and cover off for the purpose of helping facilitate that stage. I really want to again thank people for their contributions to this bill, and hopefully we will see its passage through today. It has been a mammoth amount of work, and I want to start with some context, because the final report and its findings from the Royal Commission into the Management of Police Informants was handed to me on my first day as Attorney-General. I have brought it in not necessarily for the purpose of a prop but just in case anyone wanted to read anything that is in it. It is pretty heavy. It is pretty thorough. I got it on 20 December 2020, so you can imagine what my summer looked like – I read some of it at the beach. It was a really sobering read, because it is a really troubling set of circumstances that led us to establishing a royal commission in relation to these matters.

The royal commission was set up following the High Court decision. I want to commend former Attorney-General Jill Hennessy for establishing the commission. Of course that was in direct response to the High Court considering these matters, but it has fallen on me as an obligation and indeed a responsibility to implement the recommendations that have come out of this interrogation.

It is peculiar to me, given the comprehensive work that was undertaken by the royal commission, not just evidenced by the length and detail of the report but the issues that were canvassed in it, that it seems as though the opposition and indeed the Shadow Attorney-General have not paid a lot of attention to the royal commission's final report. In fact he has based most of his response to this bill purely on the High Court matter and what it examined. Of course that is relevant, but I do not think it is cause to ignore what was a very comprehensive response already to the High Court decision. Indeed the royal commission was established for the task of independently inquiring into Victoria Police's recruitment and management of its informants.

The royal commission received 157 submissions, including submissions from many of the stakeholders I know members have relied on in relation to their contributions, such as the Law Institute of Victoria and the Victorian Bar, and those matters, their issues, were considered as part of the final report. Repeating their views now is fine, but we do need to make the point that these are the same views that they took to the royal commission back when it started some several years ago.

The royal commission lasted 121 days, and it cost close to \$40 million. It resulted in a final report with 111 recommendations for Victoria Police, the legal profession and government to ensure that the circumstances that led to Nicola Gobbo's use as a human source will never happen again. It is clear that we took the High Court decision very, very seriously. That is why we established the royal commission, as I have highlighted, but that is something that the opposition continue to ignore. I am a bit perplexed by that, because royal commissions are set up to deal with the most serious of matters and we should not be so flippant in relation to dealing with the recommendations, whether we are in government or not.

It is important to revisit the commission's reasoning and the basis for the proposed legislative framework for the management of human sources, but I first want to echo the view that many members have taken. I am on the public record many times saying it, but I will repeat it in the chamber: I and the government are of the view that it is almost never appropriate for a lawyer to provide information on a client. The Victorian community and the legal community can be reassured that this is indeed the government's position. It is also my personal position not only as a member of the legal community but as the first law officer of the state.

I certainly hear and understand concerns that have been raised. However, it is the position of the government that we accept, as has been identified and recommended by the royal commission, that there may be very rare and exceptional circumstances where obtaining material subject to legal privilege might be necessary. Those are very rare situations. These exceptional circumstances were considered by the royal commission and include serious matters concerning the public interest such as a threat to national security and threats to the community or indeed the life of someone where those threats and circumstances do exist and lawyers feel compelled to protect the community. I want to be clear about this as well. I keep getting emails and questions about, 'Why are you encouraging lawyers to snitch on their clients?' It is not about that.

We are not actually making any changes to the obligations of lawyers – or solicitors indeed. Nothing in this bill actually obliges a lawyer to inform on their client, but if the thresholds are met, if those concerns are evident, and the lawyer or solicitor feels that they want to under that framework, voluntarily they can. It is better to ensure that we have clear guidance for the police when they are dealing with such information when it rarely occurs. We want to make sure that that exists. And I have got to say that the bill introduces the most robust system in the country, and it is through consultation and ongoing negotiation that we have actually gone even further, to the point that it is – I do not know, what is a word beyond 'robust'?

There are just so many myths about this bill. I think it is in the media today that it is likely that this bill will pass the Parliament, and I got a tweet message from a lawyer saying, 'I want to move interstate because I don't want any of my clients thinking that I'm going to snitch on them.' And I was like, 'It's actually a lot easier to be a police informant as a lawyer in other states rather than Victoria.' That is a fact.

The amendments, as I alluded to, will go beyond the processes specifically recommended by the royal commission, but as I said, you know, we embarked on a lot of consultation, particularly with members of the chamber, in order to fulfil what we committed to doing and that was to implement the recommendations. So some of those matters that we have picked up include an additional process where Victoria Police must apply to the Supreme Court to register a human source with access to client legal privilege. It is actually at this point, Mr Limbrick, I might just jump in on some of your contribution where you were concerned about the judicial independence and the separation of powers and the fact that you thought that Supreme Court judges would have to make decisions about whether lawyers had breached their obligations or not. That is not their role. That is not what the legislation is proposing to do. It is about whether it is appropriate for police to use them. They will form no judgement on their legal peers or the lawyers that are seeking to provide information. That will not be their role, and they certainly clarified that with me because they would have concerns if they were asked to be the adjudicator of legal conduct under their conduct rules and the like. The Supreme Court would hear submissions from the police and also from the Public Interest Monitor, who can act as a contradictor in matters.

A lawyer may only be registered to provide information subject to client legal privilege for a maximum period of seven days, after which the human source must be deactivated and the process started again if indeed appropriate. A strict prohibition on Victoria Police tasking a lawyer registered for the purpose of attaining information subject to client legal privilege or another privilege is also part of some of our house amendments. A good example of tasking is asking someone to wear a wire, for example, and asking them to go and ask questions to elicit information that might be useful. For a lawyer to be registered it must be that the registration is necessary to achieve a legitimate law enforcement purpose and is proportionate, and there must be an imminent threat to national security, to the health or safety of a person or of serious physical harm to a person. The safeguards in the bill are clear, and they have been well considered in great detail.

I might take the opportunity to perhaps circulate my amendments at this point in time so that they are made available, because I have started to talk about some of them, and it will give people an opportunity to have a look before I finish my summing up. The addition of significant levels of external oversight that have been introduced through monitoring by IBAC would also mean that the public can have confidence that the registration of lawyers would occur in the very rarest of circumstances. Could I please have my amendments circulated.

Amendments circulated pursuant to standing orders.

Jaelyn SYMES: We have also decided to include the words 'serious imminent threat'. 'Imminent' was another addition following further consultation so that we could ensure that the statutory formulation is of the highest threshold test and that it is directly coming from the Australian Solicitors Conduct Rules as well, just to make sure that they are aligned. It does mean that where the test is satisfied, we are confident that the requirements under the uniform conduct rules for disclosure of lawyers to police in the conduct rules will also be met, because there were some questions about whether there would be different levels of compliance or different expectations, and that is not the case; they will be comparative.

Taken together they will provide confidence to the community that registration is appropriate, that there is a lot of transparency and accountability in the decision and that community safety is protected and promoted by these laws. It is about providing clear guidance to police rather than lawyers about

when it is appropriate to consider registration of lawyers as human sources, which is effectively the problem that was identified in the royal commission.

I do want to point out that it was arguably the absence of a legislative framework that largely led to the circumstances that were the subject of the royal commission. The royal commission identified issues with police conduct. Police did not fully appreciate the risks involved with utilising a lawyer as a human source. They did not understand the risks to prosecutions, the risks to the administration of justice and the risks of undermining public confidence in the legal profession. That is why the legislative framework that is proposed by the bill means that decisions made by the police with regard to obtaining material subject to client legal privilege must be informed by legal advice. That is an important step. It means that they can get advice from lawyers about some of those issues that they should be considering before deciding whether it is appropriate to accept and register someone as a human source. That is in addition to the oversight and recommendations of the Public Interest Monitor and the external oversight from IBAC, which I have touched on. I am confident that this bill will allow police to be able to appropriately consider and manage the information they receive and to protect the identity of sources, which is very important.

The government is committed to implementing the recommendations from the royal commission. This bill does not implement all the royal commission's recommendations. As I said, there are 111; I think 25 are addressed in this bill.

The bill has brought about people wanting to re-prosecute the findings of the royal commission, and I do not think it is appropriate for us to use the chamber to effectively rehash or put ourselves in the position of the royal commission. I think that work was thorough; it was done. I do understand that there has been pressure put on members in the chamber, particularly from stakeholders who perhaps did not get their way in terms of what the royal commission's findings were and did not necessarily agree with them, but I do not think it is appropriate to use the chamber to argue once again the validity or the appropriateness of the recommendations. I think we have done that; we have been there. That is not to say that we have not undertaken detailed consideration and negotiation on some matters, but some of the fundamental principles, particularly whether or not you can register a lawyer, were well determined before my time. What we have sought to do is implement something that picks up those rarest of circumstances so that there is a clear framework for police.

I did mention this before, but I just want to touch on the fact that the bill does not alter professional legal obligations. It does not seek to alter, undermine or diminish existing professional legal obligations at all. It is an unfortunate misconception that needs a little bit of dispelling. As I mentioned earlier, lawyers are in no way obliged to provide any information, including material subject to client legal privilege, or to be registered as a human source. It must be done so voluntarily. There is no coercion of lawyers to inform on their clients. I am not quite sure how many times I have to say this. I keep getting asked about the fact that this bill makes lawyers snitch on their clients. It just does not. It is my expectation that lawyers are aware already of their professional obligations, and I know that they take those obligations seriously. They recognise their professional duties to the administration of justice and as officers of the court.

I might, by leave, request some additional time to finish my summing up, because it will be useful for the facilitation of the committee stage.

Leave granted.

Jaclyn SYMES: I appreciate that. I reckon that is the first time since I have been in this chamber that I have asked for extra time to speak. Thank you; I appreciate it.

I did just want to continue touching on this legal obligation. As Attorney-General I have supported and I will always support the profession alongside the Victorian Legal Services Board and commissioner to uphold the integrity of the profession. However, it must be noted that under the solicitors conduct rules, rule 9.2, and the barristers conduct rules, rule 82, there is recognition of the

very circumstances as described and reasoned by the commission that there are circumstances where lawyers are permitted to disclose confidential client information to police, those circumstances being, in the case of the solicitors rules, to avoid ‘the probable commission of a serious criminal offence’ and to prevent serious harm to a person’s safety. This is reflected in both solicitor and barrister rules. It has been written into the conduct rules, it recognises the need and it manages to allow for this.

If the bill were to prohibit police from registering lawyers as human sources, it could very much create confusion for police on whether they could lawfully accept information from a lawyer, in adherence to their conduct rules, providing information to protect community safety, for example. It could create perverse incentives to circumvent the prohibition, if it existed. As noted by the royal commission, a blanket ban would not eradicate the risk of confidential or privileged information being provided by a human source, nor would it equip officers with the skills to respond appropriately when this occurs. I had a lot of people say, ‘You shouldn’t regulate it at all.’ I just could not accept that argument. It did not make any sense. If you do not have a framework, then what stops it from happening? I do not accept that that argument stands up – and again, it is another argument that keeps getting put to me.

I wanted to address the question of whether the bill would diminish Victoria Police’s existing obligations of disclosure in criminal proceedings. The bill does not affect Victoria Police’s disclosure obligations to courts and accused persons in criminal proceedings. I have appreciated the constructive discourse over this bill from members of the crossbench and from members of the legal community. I do want to repeat that I do have an appreciation of the concerns that have been raised, but I do want to ensure our legislative scheme protects the Victorian justice system from the circumstances that were explored in the royal commission.

I think I have covered off most of this stuff. I might end on the other bit of misinformation that continues to be put out there: whether the bill will prevent another Nicola Gobbo situation. That keeps being put out there as well. The nature and scale of the conduct of both Ms Gobbo and Victoria Police in allowing her to covertly inform against clients represented an undermining of the justice system. I do not think anyone actually disputes that. The ripple effects of the events are still being felt, and there is little doubt that everything must be done to ensure that the events that led to the royal commission are never allowed to be repeated.

I am very confident that this bill will contribute massively to ensuring that the circumstances that led to the royal commission could not be repeated. However, it has to be noted that there are 111 recommendations from the royal commission, and this bill is just one pillar of that – it is 25 recommendations. There is no single recommendation that will stop another Nicola Gobbo. They all need to be implemented in a way that works together, and we need to see change embedded in Victoria Police and in the legal profession and in government in order to prevent this conduct. Again I will reiterate that the royal commission has looked at this issue in totality, and as a government we remain committed to implementing all of the recommendations delivered at government. We continue to work with other agencies with the recommendations directed to them to ensure that the events are never repeated.

This is important work. I do thank people for their consideration of the bill and the issues that it touches on – and we might skip to the committee stage and explore any of the issues that members still have outstanding. I will just put on record my thanks to my office and the department. There were a lot of questions about this bill, and it took up a lot of time and dedication and the use of expertise and skills from people that are really dedicated to their work. I want to thank them for their support in the development of this bill and indeed helping other members understand the ramifications and the implications and what it all meant. So let us go and answer some questions.

Motion agreed to.

Read second time.

Committed.

Committee

The DEPUTY PRESIDENT: Just before we start on clause 1, I ask Ms Copsey to circulate her amendments, please.

Katherine COPSEY: Yes. I have one further amendment, and I ask for that to be circulated now.

The DEPUTY PRESIDENT: Did you wish to speak to those amendments?

Katherine COPSEY: I am happy to speak to them during committee if that is sufficient.

Clause 1 (15:36)

The DEPUTY PRESIDENT: The government also have an amendment to clause 1, so if you want to ask questions on their amendment, perhaps we could just do that all as part of clause 1.

Matthew BACH: The opposition also has several amendments, so could I ask if they could be circulated at this time? Is that all right?

The DEPUTY PRESIDENT: Yes. If you would like to circulate your amendments, that is good.

Matthew BACH: Thank you so much. I would love for them to be circulated now and, as with Ms Copsey, I would be happy to speak to them at the appropriate time throughout the committee stage.

I just had a few questions, and I do thank the Attorney-General for her opening remarks today, which quite frankly have dealt with some of the matters that I was intending to ask her about. She did talk about oversight mechanisms in the bill, but I would not mind seeking a little bit of further information from her about that point. Attorney, you have previously said that the registration of lawyers as informants would be rare and 'subject to multiple stages of independent oversight'. I wonder would you mind stepping through, for the benefit of the house, those multiple stages.

Jaclyn SYMES: Thank you, Dr Bach. Is that in reference just to informants and human sources with legal professional privilege? Yes, just legal. The first step would be police giving due consideration to it themselves. If they wanted to proceed with the registration of the source and therefore the ability to use the information, they would have to seek legal advice as to whether that was appropriate, and then the Chief Commissioner of Police or delegate would need to apply to the Supreme Court. The Public Interest Monitor can act as a contradictor, so the PIM is involved in relation to giving a view as well, and then there is IBAC oversight of the process as well.

David LIMBRICK: The amendments circulated by the government substantially change the functions of the original bill. Normally when a bill goes through this house the human rights implications of the bill would be considered by the Scrutiny of Acts and Regulations Committee (SARC). Will there be any opportunity to examine the human rights impacts of these amendments, considering their substantial changes to the original bill?

Jaclyn SYMES: We are not intending to undertake another formal process of applying the human rights charter formally, but we always consider those implications when we are developing legislation, when we are making amendments. There is also the ability for people to challenge legislation through the courts under the Charter of Human Rights and Responsibilities. In terms of the deviation, as I think you put it, it is more restrictive in relation to the ability to register informants, so we would not think there would be much change to the consideration of human rights in relation to that. I would also say that SARC considered this bill twice.

Katherine COPSEY: Attorney, the bill is silent on whether a lawyer who has been registered as a human source to provide privileged information under clause 30B in those exceptional circumstances can go on representing their client while registered or if they can represent the same client again after a period of registration. Attorney, you have touched on this, I acknowledge, during your second-reading speech. Can you please clarify whether a client-legal relationship should continue in these circumstances?

Jaclyn SYMES: I thank Ms Copsey for her question. The commission did not anticipate that the bill would regulate the compliance of lawyers with their ethical obligations or alter those obligations. Requirements in relation to the management of conflicts of interest by solicitors and barristers are governed by the Legal Profession Uniform Conduct (Barrister) Rules and the legal profession uniform solicitors conduct rules and further clarified in the commentary of those rules and guidance from the relevant legal profession regulation bodies nationally and in Victoria. Attempting to regulate the professional conduct of lawyers outside of the uniform law framework could undermine the uniform law scheme and reduce clarity for lawyers about their obligations. Whether particular conduct would be permissible under professional conduct rules is a matter which is ultimately determined by the relevant governing body. In the case of solicitors, the Victorian legal services commissioner has jurisdiction to investigate and enforce unsatisfactory professional conduct or professional misconduct matters. The commission also made several recommendations to legal professional bodies to update the commentary to solicitor conduct rules and accompanying guidance to solicitors in relation to the management of conflicts of interest by lawyers and the specific issues that arise when making a disclosure of confidential information. I am also aware that other states, as a result of the royal commission, updated theirs as well in anticipation of some of the changes that we are making, but just to make it all clear for their jurisdictions as well.

I note that the Victorian Legal Services Board and commissioner have also published a regulatory guideline for lawyer conduct in providing information to police, which clearly states that lawyers should not continue to act for clients where they provide information to police in relation to an imminent threat. It is my expectation that much lies in the guidance provided by the VLSB and the VLSC that lawyers should cease to act for clients where they have been registered as a human source against their client. But I hope that explains the difficulty in providing for that specifically in legislation. We think it is picked up elsewhere.

David LIMBRICK: I would like to ask the Attorney about something she mentioned in the summing up. The Attorney spoke about the role of the Supreme Court, and I am going on memory here, but I think the Attorney was objecting to how I was stating their role in this process. I think the Attorney was saying that they were not involved in the process other than authorising it. But if we look at clause 30B, it clearly states in 30B(2)(b) the court has to make an assessment on whether that person:

... is reasonably expected to have access to information that is subject to a legal obligation of confidentiality and, if so, whether that information is related to the information the person is expected to provide to a police officer if registered as a reportable human source ...

Now, if this reportable human source was a lawyer, then effectively the court, by my reading, would be making a judgement on the legal status of that information that the source had and how they would provide it. I invite the Attorney to comment on that and the role of the Supreme Court.

Jaclyn SYMES: Mr Limbrick, you referred to a clause. Are you referring to the bill or my amendments?

David LIMBRICK: Your amendments, sorry.

Jaclyn SYMES: The Supreme Court's role has been introduced by way of amendment through negotiation, effectively. There was a lack of confidence in police being the final arbiter. I did not actually share that lack of confidence, but this is being included in order to provide an additional layer of reassurance that this is going to be robust and appropriate and that in no way, shape or form could a police officer just decide themselves because it helps the case. They have to go through a range of steps, and the final step to be introduced is for the Supreme Court to consider whether all the steps have been followed appropriately. It is a process-driven final step before somebody can be registered as a police informant when they have access to legal professional information and the like. It is more checks and balances to ensure the process is right for the police conduct. They do not have a view in relation to how a lawyer has acted, but they have to determine whether that person is captured by the definition in the act. That is where they would be drawing on the clause 30B that you have referred to.

David LIMBRICK: I thank the Attorney for her answer, but I would put it to the Attorney that clause 30B contains many similar considerations that the police themselves have to make – you know, things like types of information that that person has access to, their health, their wellbeing, their age, all of these other things. Many of these things they would have to consider are exactly the same as what the police would have to consider in the first place, so they would have a similar role in the process to police, so they are basically just making a similar judgement or confirming what the police have told them.

Jaclyn SYMES: They have to consider whether the information is privileged for the purpose of assessing the risk of the registration but not whether the lawyer has breached anything. It is very similar to what the police have to consider because, as I put it, our original legislation proposed that the process stop with the Chief Commissioner of Police, but people were concerned that was not robust enough. And, you know, I can see that part of the way of legislating is to consult and negotiate, and we are willing to accept a suggestion, which is why we have put a house amendment in bringing in a role for the Supreme Court, which is a final step in ensuring that everything has been done appropriately.

David LIMBRICK: I thank the Attorney for her answer. On the subject of privilege, there has not been a lot of discussion around the other types of privilege. All of the public discussion seems to have been around lawyer privilege, but there are some things I wanted to clarify around these other types of privilege. The one that piqued my curiosity the most was parliamentary privilege. Could the Attorney provide an example of the types of information that would be considered to be used? My understanding of parliamentary privilege is that it has a very wide meaning, but one of the meanings is that things said in Parliament cannot be used in legal proceedings and things like that. I am struggling to find examples of parliamentary privilege that would be used in this way.

Jaclyn SYMES: Mr Limbrick, I find it difficult to come up with a lot of examples in relation to some of the conduct that we are covering because, as I have said repeatedly, the rare exceptional circumstances where legal professional privileged information is going to be subject to the police informant regime is so rare and so confined. I am finding it difficult to come up with examples in my own head when this is even going to be used, which is probably a similar situation for parliamentary privilege, so it is difficult for me to give you concrete examples. What we want to make sure is that in the event that something comes up we have got a system that can deal with it. But I will just confer with the experts in the box to see whether they have been able to come up with tangible examples, which is always a little bit fraught when you are addressing something that may happen, not fixing an existing problem.

David LIMBRICK: I was just going to clarify I was not necessarily looking for scenarios but just what context and what type of privileged information we are talking about. When we are talking about parliamentary privilege, what type of information are we talking about? How would that actually work?

Jaclyn SYMES: Mr Limbrick, we kind of have to flip the way we discuss this, I think, because the framework is to inform police about when they can use information and when they cannot. It is not necessarily thinking about people trying to bring information to them. Because anyone can bring information to the police; it is whether they can use it, how they can use it and where protections should apply. If information came to them through parliamentary privilege, would they be in a situation where they would register it and use it? Probably not. But by ensuring that we have got a framework that says it is privileged information and therefore cannot be used, that is guidance with which they can then respond to the receipt of that information. It is better if you look at it through that framework. The whole thing is about the receipt of information, not the giving of information, and the framework that protects how you would use that information. There is nothing to stop anyone going to police about anything ever; it is just whether it can be used in court or in investigations, how you use and clarify that information giving due consideration to a range of privileges and whether that would be admissible and how and all of that. So it is more about guidance for police than necessarily, in this case, MPs.

David LIMBRICK: When evidence is collected and used in a trial, they normally have to declare the source of the evidence. How will the privileged information acquired through this bill be presented to the court in a compatible way? Obviously you cannot declare the source, because you will put the source at a particular risk. How does that work in a compatible way?

Jaclyn SYMES: There are no changes in this bill to the disclosure obligations, so the same processes apply that would ordinarily apply.

David LIMBRICK: In the amendments, in new section 30B, subsection (2)(k), it says the court must consider:

any rewards that are proposed to be given to the person if registered as a reportable human source ...

What are we talking about with rewards? Are we talking about a reward for solving a crime? Are we talking about financial payments? It is not clear to me what is actually meant by 'rewards' there.

Jaclyn SYMES: A good example would be discounted sentences.

David LIMBRICK: I thank the Attorney for her answer. Is there any possibility that these rewards might breach some sort of protection against coercion?

Jaclyn SYMES: No, and this is already a system that exists.

David LIMBRICK: Could the Attorney please provide clarity on the privilege actually engaged by this bill? Specifically there is some confusion between client legal privilege as set out in the Evidence Act 2008 and legal professional privilege.

Jaclyn SYMES: I can do exactly that. I apologise if we did not bring it to your attention. My amendments have brought in both definitions. The background is the advice was that that would be duplicative and unnecessary, but because concerns remained, and that is kind of a feature of this bill, we put it back in. It means nothing except it gives people comfort that it includes both the statutory definition and the common-law definition.

David LIMBRICK: Sorry to jump around all over the place; I apologise. Back to the different types of privilege, one of the types of privilege is journalist privilege. Is that an actual legal privilege? Because my understanding was that there is no sort of actual legal privilege there.

Jaclyn SYMES: Journalistic privilege is a form of legal privilege, but it is much more limited. There are no specific changes to that in this legislation because we are not actually altering privileges. In terms of my ability to go through the differences and when it is relevant and when it is not, that is not in the context of this bill. If you are interested in more information, I can get it for you, but it was not something that I was anticipating going through in great detail in terms of its definition.

David LIMBRICK: I thank the Attorney for her answer. One final question about privilege: one of the other privileges defined here is confessional privilege. For the sake of clarity, is that confined to like in the Catholic Church they call it a confessional: you have a confession? Or could that be something more informal such as someone talking to a priest, for example – that is not a formal confession. What are the boundaries of that confessional privilege?

Jaclyn SYMES: Similar to my response to your previous question, there is no change to what is privileged and what is not in relation to this bill. It is just the ability for police to register sources who have privileged information or not and how they can use that. I guess I would just reiterate that the bill provides safeguards and protections for all privileged information. That is the point: we do not want to undermine the ability of people to have confidence in a range of services that involve sensitive information and private information. That is not the purpose of the bill. The purpose of the bill is: when is it appropriate for police to utilise such information – in what circumstances – and what are the oversight mechanisms and the like?

David LIMBRICK: One other question about the Supreme Court's role: would the Supreme Court be expected to consider the human rights to a fair trial and protection from incrimination, and if so, will the Supreme Court be expected to suspend those rights in order to approve a potential registration?

Jaelyn SYMES: One of the features of the bill, Mr Limbrick, is the ability for the Supreme Court to impose conditions on how the information can be used, so factors such as the implications for everyone and how trials would operate would be a natural feature of their discretion in relation to the ability for that information to be used.

Katherine COPSEY: Clause 58, Attorney, provides for a situation where if the Chief Commissioner of Police does not accept a recommendation of the Public Interest Monitor, the Public Interest Monitor can only reapply for a review of the decision to the commissioner, who may again reject their advice. Attorney, can you please outline what recourse the Public Interest Monitor may have if their advice not to register a human source was twice not accepted by the Chief Commissioner of Police and specifically how this provides sufficient protections from unsound registrations by the commissioner?

The DEPUTY PRESIDENT: Just before I call the Attorney, Ms Copsey, the Attorney is prepared to answer that question now, but when we have questions that relate to specific clauses, sometimes it is better to ask them when we get to that clause.

Jaelyn SYMES: I thank Ms Copsey for her question. It is a bit loaded – you know, 'unsound registrations by the commissioner' – but all right. I have spoken to the chief commissioner at length in relation to this bill, and it is important to have oversight and safeguards and the like. I will answer your question again thinking this is in the rarest of circumstances, but you never know; let us make sure that we get this right.

Recommendations made by the Public Interest Monitor could cover material issues such as whether a source should or should not be registered, but it may also cover things such as time frames on reporting. If the Chief Commissioner of Police does not accept a recommendation of the PIM, there are several pathways under the bill for the PIM to report to the Attorney-General or to IBAC. The PIM would be able to raise concerns directly with IBAC in relation to IBAC's functions to monitor the compliance of Victoria Police with the bill and IBAC's broader jurisdiction in relation to police oversight. Under the bill, the PIM can give information to IBAC that it considers on reasonable grounds is relevant to the functions of IBAC under the bill. The PIM could also report a failure to act on its recommendations in relation to the registration of a human source to the Attorney-General under clause 62(3), subject to requirements for the Attorney-General to notify the Chief Commissioner of Police and to remove sensitive information from the report.

The Attorney-General must table a special report in Parliament within 14 days of receiving it from the PIM. Further, the PIM must report to the Attorney-General annually on the number of occasions on which its recommendations to the chief commissioner are not accepted and whether the PIM considers the chief commissioner's reasons for not accepting a recommendation are adequate under clause 62(2)(f) and also (g). Again, the Attorney-General must table an annual report in Parliament within 14 days of receiving it from the PIM. It would be open to the Attorney-General to raise any concern raised by the PIM directly with the chief commissioner or indeed IBAC, where it relates to IBAC's function, to monitor Victoria Police's compliance with the bill and IBAC's broader police oversight jurisdictions.

I guess the shorter answer to your question is that there are a number of pathways for the PIM to raise concerns in both an immediate way and a systemic way if that was appropriate. The protections provide for a thorough system but without imposing significant additional reporting or monitoring obligations on that body.

Katherine COPSEY: This is the final question for me – and Attorney, I acknowledge you did touch on this in your summing up. Attorney, the primary purpose of the bill is to ensure circumstances

that instigated the royal commission will never be able to occur again. Can you outline step by step how the current bill provides sufficient checks and balances to mitigate against that?

Jaelyn SYMES: Thank you, Ms Copsey, and I think it is a good question for you to finish on, because you have captured the fundamental issues that have sort of circled around this bill. An opportunity for me to go through that step by step and in great detail is welcome because I might have prepared something to ensure that I could respond to that question. I know that is the number one issue that people have been raising again and again – why do this if it is not going to have a positive impact and prevent something such as the Lawyer X issue happening again? The bill introduces Australia's first and most rigorous legal framework for the registration, management and oversight of human sources to ensure that the events that led to the commission cannot happen again. In Victoria there is currently no legal framework to guide police decision-making around the use of human sources and no independent external oversight or reporting requirements relating to Victoria Police's use of human sources.

Importantly, the commission did not recommend that any person should be prohibited from being a human source and recommended instead government legislate appropriate protections and external oversight arrangements for Victoria Police. Accordingly the bill does not prevent Victoria Police from registering any class of person as a human source, but high-risk human sources, such as lawyers, must be put through the most stringent registration process with the greatest number of safeguards in place. The application process to the Supreme Court will mean that in the very rare situation that Victoria Police intend to register a lawyer as a human source for the purposes of obtaining information that is subject to client legal privilege, police must obtain authorisation from the court. Where any such registration is authorised the robust system of safeguards in the bill will ensure that appropriate scrutiny is applied to Victoria Police's use of the source to ensure that the events that gave rise to the royal commission do not happen again. The safeguards include that a lawyer may only be registered to provide information subject to client legal privilege for a maximum period of seven days, after which the human source must be deactivated; a strict prohibition on Victoria Police tasking a lawyer registered for the purpose of obtaining information subject to client legal privilege or another privilege; and consideration by the court of submissions made by the Public Interest Monitor. The registration of a lawyer would also be subject to strict oversight by IBAC after the registration has been made.

IBAC has the function to monitor Victoria Police's compliance with the bill, which it will fulfil by receiving and considering mandatory reports from Victoria Police on registrations, material contraventions of the framework and the receipt of privileged information from human sources; conducting regular, mandatory inspections of Victoria Police's records; and making findings and recommendations to Victoria Police on its human source management systems and practices. IBAC will also retain its broader jurisdiction to investigate police misconduct, including in relation to any action taken by Victoria Police under the bill or any failure to comply with the bill that falls within this existing jurisdiction. The strict registration, use and oversight arrangements under the bill will ensure that, if Victoria Police does not comply with its obligations under the bill, non-compliance can be identified and rectified early to ensure that the events that led to the commission, again, do not happen ever again. This creates a significant additional level of oversight that is not present in any other jurisdiction in Australia.

I have full confidence that the safeguards in the bill alone will ensure that another Gobbo situation is extremely unlikely to occur – if not impossible. However, it is important to reiterate that the royal commission delivered 111 recommendations directed towards government, Vic Police and the legal community. To prevent another situation, we need to continue to work collaboratively to implement all 111 recommendations. The government is still committed to implementing the recommendations, and to ensure that we are accountable to deliver this I do note the work of the implementation monitor Sir David Carruthers as well as the regular reporting that I have responsibility for tabling in the Parliament on the progress of this work.

Clause agreed to; clause 2 agreed to.

Clause 3 (16:10)

Jaclyn SYMES: I move:

1. Clause 3, after line 27 insert –
“*client legal privilege* includes legal professional privilege;”.

I touched on this in an answer to Mr Limbrick earlier. It is, arguably, duplication, but to put it beyond doubt, we are putting both definitions in the bill.

The DEPUTY PRESIDENT: The question is that the Attorney’s amendment 1 be agreed to. Those of that opinion say aye, to the contrary no.

Members: Aye.

David Limbrick: No.

The DEPUTY PRESIDENT: I think the ayes have it.

David Limbrick: The noes have it.

The DEPUTY PRESIDENT: Ring the bells.

Bells rung.

The DEPUTY PRESIDENT: I will just explain to the house where we are at the moment. I have put the question on the Attorney’s amendment 1, which inserts a definition of ‘client legal privilege’ to clarify that it includes ‘legal professional privilege’. A division has been called, but Mr Limbrick has a point of order. For new members, if we are in the middle of a division and you want to speak at all, you need to cover your head.

David Limbrick: On a point of order, Deputy President, it is lovely to see you all again, but apparently I have challenged the incorrect amendment, and I apologise.

The DEPUTY PRESIDENT: Mr Limbrick, just for clarification, you wish to withdraw your opposition to this amendment?

David Limbrick: Correct.

Amendment agreed to.

The DEPUTY PRESIDENT: I invite the Attorney to move her amendments 2 to 5, which are a test for amendments 6 to 8, 14 to 16 and 18 to 46 on sheet JS27C, so we still need to move them.

Jaclyn SYMES: Sorry. There are a lot of amendments that are interacting, so I just wanted to be clear on what I was moving. I am moving my amendments 2 to 5, which are consequential amendments related to my substantive amendment for the Supreme Court’s oversight of the registration of a reportable human source to obtain and/or disseminate information subject to client legal privilege. I understand that these effectively test the substantive position that has been a topic of conversation throughout the committee. This is the amendment that you are going to call a division on, Mr Limbrick. All right. This is working out well. I move:

2. Clause 3, page 3, line 7, after “23,” insert “30C,”.
3. Clause 3, page 6, line 32, omit “application;” and insert “application; or”.
4. Clause 3, page 6, after line 32 insert –
“(d) an application to the Supreme Court under section 30A;”.
5. Clause 3, page 7, line 6, after “23” insert “or 30C”.

Matthew BACH: On this side of the house we do not oppose these amendments. We would have preferred them to go further. On this side of the house we believe that for other categories of reportable

human source, such as minors or persons with a serious medical or mental health condition, medical privilege, journalist privilege or religious confession privilege, a retired senior judge should have oversight of the power of the Chief Commissioner of Police to register them, and then in our view this person should be able to veto a proposed registration if it is not appropriate. This would have – again, in our view – provided an appropriate level of oversight to what is currently the unchallengeable power of the chief commissioner to register a reportable human source under the bill in its current form. So we do not oppose these amendments and will not be opposing these amendments, notwithstanding the fact that we would have preferred them to go further.

Amendments agreed to.

The DEPUTY PRESIDENT: Dr Bach, that will mean that your amendment 1 to this clause cannot be moved. I invite you to move your amendments 2 to 4.

Matthew BACH: I move:

2. Clause 3, page 4, insert the following definition after line 17 –
“*lawyer* means a person who is, or was previously –
 - (a) an Australian lawyer; or
 - (b) a foreign lawyer; or
 - (c) an Australian-registered foreign lawyer –within the meaning of the Legal Profession Uniform Law (Victoria);”.
3. Clause 3, page 5, line 29, omit all words and expressions on this line.
4. Clause 3, page 6, line 2, omit all words and expressions on this line.

Just briefly, for the benefit of the house, these amendments seek to secure one principal aim, and that is to prohibit Victoria Police from registering a lawyer as a human source in relation to their role or knowledge of confidential or privileged information obtained as a lawyer. That will mean that Victoria Police would not be able to use a lawyer as a source against the lawyer’s clients; however, a lawyer could still be used as a source in relation to someone other than a client as client legal privilege would not be engaged. In this house, in the other place and in the media Mr O’Brien principally but also other members of the coalition team have fully furnished the reasons why we think this is such an important thing.

David LIMBRICK: I concur with Dr Bach. The Liberal Democrats will be supporting this amendment.

Moira DEEMING: I would also like to support this amendment.

Council divided on amendments:

Ayes (14): Matthew Bach, Melina Bath, Gaelle Broad, Georgie Crozier, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell

Noes (21): John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Amendments negatived.

Amended clause agreed to.

Clause 4 (16:29)

Jaclyn SYMES: I move:

6. Clause 4, line 33, after “register” insert “, or apply to the Supreme Court for authorisation to register,”.

This is a consequential amendment related to my substantive amendment in relation to Supreme Court oversight.

Amendment agreed to; amended clause agreed to.

Clause 5 (16:31)

Matthew BACH: Attorney, I will be quick. This clause of the bill requires that informed consent can only be given if a person does not face coercion or undue pressure from another person. I wonder if you might talk us through what that would look like and perhaps provide an example.

Jaclyn SYMES: Dr Bach, in relation to the clause in the bill, we are defining the meaning of ‘informed consent’, which is not a foreign concept for many pieces of legislation. It is just specifying that in order for a person to give informed consent in relation to registration of a human source they have to give consent freely and without undue pressure or coercion by any other person. I think that it is pretty clear what that definition means, but I do not want to go into examples, because they are hypothetical situations. As with many pieces of legislation, contracts and the like, informed consent is required, and the bill seeks to be very informative in relation to ensuring what we mean by that.

Matthew BACH: I thank the Attorney. Examples are not hypothetical; they are examples. Nonetheless, former judge Stephen Charles KC has said that his view is that it is possible that under this legislation police could manipulate lawyers by threatening to prosecute them for other matters unless they register as a human source. Would that be covered as coercion?

Jaclyn SYMES: It would be my expectation that that would amount to coercion.

Clause agreed to; clauses 6 to 9 agreed to.

Clause 10 (16:34)

Jaclyn SYMES: I move:

7. Clause 10, line 14, omit “23;” and insert “23 or 30C;”.
8. Clause 10, after line 14 insert –
“(ab) the power to approve the making of an application under section 30A;”.

Amendments agreed to; amended clause agreed to; clause 11 agreed to.

Clause 12 (16:35)

The DEPUTY PRESIDENT: I invite the Attorney to move her amendments 9 and 10, which are identical to Ms Copsey’s amendments 1 and 2 on sheet KC03C.

Jaclyn SYMES: I move amendments 9 and 10:

9. Clause 12, line 2, omit “aged 14 years or under”.
10. Clause 12, lines 4 and 5, omit “who is aged 14 years or under”.

These are consistent with Ms Copsey’s amendments in relation to removing the 14-year age limit such that police would be prohibited from approaching a child of any age to initiate contact for the purpose of registering them as a reportable human source.

Katherine COPSEY: I rise to speak in support of the government’s house amendments 9 and 10 and note that my comments relate to 11 and 12 as well. These amendments, as has been noted, replicate amendments 1 to 4 introduced by me on behalf of the Victorian Greens. The amendments ensure that

all children, regardless of age, are afforded the same special protections in this bill, meaning that any person under the age of 18 cannot be:

... requested induced or procured by a police officer for the purpose of being registered as a human source under clause 12, nor can they be tasked as a human source under 15.

Prior to these amendments, the bill proposed to only apply these important protections to children aged under 14 years. The amendments reflect the fact that all children are among the most vulnerable groups of people that engage with the police, and that these interactions with police at a young age can be associated with serious, adverse future life outcomes. Knowing this, we must extend the most robust protections our laws can provide to adequately protect all children interacting with police, without exception.

I think this is especially important when children may be faced with incredibly complex and consequential choices about being registered or used by police as a human source. With these house amendments the government has acted in a way that I believe is consistent with how good government should act: that is, they genuinely listened to feedback and concerns and did not hesitate to make changes, even to their own proposals, where there was room for improvement. I give credit to the Attorney-General and her office, as she noted. But the biggest beneficiary of this new government approach will be the Victorian community, and I commend these amendments to the house.

Amendments agreed to; amended clause agreed to; clauses 13 and 14 agreed to.

Clause 15 (16:38)

The DEPUTY PRESIDENT: I invite the Attorney to move her amendments 11 and 12, which are also identical to some amendments that were put forward by Ms Copsey.

Jaclyn SYMES: I move:

11. Clause 15, line 2, omit “14 years of age or under”.
12. Clause 15, line 4, omit “aged 14 years or under”.

This is to put beyond doubt again, removing that 14-year age limit such that police would be prohibited from tasking a human source who is a child of any age.

Amendments agreed to; amended clause agreed to.

New clause (16:39)

Jaclyn SYMES: I move:

13. Insert the following New Clause after clause 15 –

“15A Prohibition on tasking a human source where information subject to client legal privilege

A police officer must not task a human source who is registered for the purpose of a police officer obtaining, or obtaining and disseminating, information from the human source that is subject to –

- (a) client legal privilege; or
- (b) client legal privilege in respect of which there is an exception to the privilege.”.

It relates to the prohibition of police from tasking a human source for the purposes of obtaining or disseminating information subject to client legal privilege, again coming back to some of the comments that I have made in my summing-up and in the process of answering committee questions. We do not think it is appropriate for human sources that have client legal privilege to be used in an active way to go and seek further information via tasking mechanisms. The example that is often used is wearing a wire.

New clause agreed to.

Clause 16 (16:40)

Katherine COPSEY: I move:

5. Clause 16, lines 8 to 12, omit all words and expressions on these lines and insert –
 - ‘(1) A police officer, during any interaction with a child concerning the potential registration of that child as a human source, must ensure the presence of at least one of the following –
 - (a) an Australian legal practitioner;’.
6. Clause 16, lines 24 to 31, omit all words and expressions on these lines and insert –
 - ‘(2) For the purposes of subsection (1), the police officer must –
 - (a) consult the child before determining who will be present during the interaction; and
 - (b) if an Australian legal practitioner is not to be present during the interaction, inform the child and the child’s parent, guardian or independent person that the child may express their wish to have an Australian legal practitioner present at any time; and
 - (c) take reasonable steps to facilitate the child’s wishes in this regard before any interaction with the child takes place or before any further interaction with the child takes place (as the case requires).’.

I will speak now, and I will summarise and commend a number of the Greens’ related amendments to clauses 16, 17 and 20 – I will cover those now – as well as a new clause, 17A, that we also propose to insert into the bill.

As I outlined in my contribution earlier in debate, with the government house amendments, the Greens have held concerns that the bill as it was introduced did not do enough to protect children interacting with Victoria Police in relation to human source matters. For example, the original clause 16 of the bill outlined the following process in relation to the registration of children as human sources: (1) that the child is entitled to the presence of a legal practitioner or a parent or guardian or, if not appropriate for a parent or guardian to be present, an independent person; (2) that a police officer must inform this child of the entitlement before any discussion about registration can occur; and (3) that a police officer must take reasonable steps to facilitate the presence of a third person or party.

Clause 17 outlined a similar process for children who were already registered as a human source for when they subsequently interacted with police in that capacity. What is apparent is that the current proposed provisions place the onus entirely on the child to determine whether or not they need an adult present with them during their registration and interactions as a human source. My concern is that a child, when put on the spot in front of an authority figure such as Victoria Police, may be unable or unwilling to give proper consideration to whether they could request an adult to be present with them in such exceptional circumstances, let alone feeling able and empowered to do so. I think many in this chamber would agree that children simply must, unless a life-or-death emergency requires otherwise, have a parent or guardian or an independent adult present when they interact with police on issues around their registration or use as a human source. I note that this same requirement, this protection mandating that an adult is present, already applies if police are to formally question a child in relation to a criminal offence. So what the Greens are really asking with these amendments is that the sorts of protections that apply in that questioning scenario be extended to circumstances relating to the registration and use of children as human sources in this bill.

My amendments 5 to 8 require that either a parent or guardian, a legal representative or an independent adult be present during any interactions a child may have either during the registration process under clause 16 or when they are registered as a reportable source who is interacting with police under the provisions of clause 17. As far as is reasonable, the amendments call for police to facilitate a child’s preference as to which adult is present. To be clear, when a child has already been registered as a human source and is interacting with police under clause 17, this requirement would only apply to the child’s interaction in their capacity as a human source – namely, when they are providing information. It would not apply in superficial instances, such as logistical arrangements – arranging a meeting time or something – between the child and police officers.

As I outlined earlier, we also fully recognise there may be rare or exceptional circumstances in an emergency where it is not possible to have an independent adult present, which is why we propose a new clause 17A in the bill, which I will now also briefly speak to. Currently there are no specific protections in the bill for children during emergency registrations or interactions, and the Greens accept that in the special case of emergency registrations, where there is a serious or imminent threat to national security, the community or human life, the conditions for registration of a child as reportable human source may need to be more flexible in terms of whether or not an independent adult is also present. New clause 17A requires in such circumstances that the police must inform the child of the right to the presence of an independent adult and take reasonable steps to facilitate this, but it does not mandate the presence of an independent person if it is simply not possible in the circumstances. We do believe this gets the balance right, protecting children's rights and protecting the community in rare and exceptional circumstances.

The final related amendment that we have put forward amends clause 20 and requires an independent third person must be present if it is not appropriate for a parent or guardian to be present at the time a child gives informed consent to be registered as a human source. The issue of what constitutes informed consent is always up for discussion, especially regarding vulnerable people placed in circumstances that accentuate their vulnerability. We accept that mandating the presence of an independent adult when a child is giving informed consent in circumstances where it is not appropriate for a parent or guardian to be present does not guarantee that true informed consent will be provided, but it does, I believe, by an additional measure help to ensure that the environment where the child is required to formally provide consent is more conducive to this outcome – they are more supported.

I would like to thank the stakeholders that the Greens engaged with, who have informed our position in developing these amendments which extend protections for young people through the registration process and in their interactions with Victoria Police. I also thank the Attorney-General's office for their feedback and work to help refine them. I hope that the Parliament will work in that spirit of collaboration and unity in supporting and passing these amendments for additional protections for children.

David LIMBRICK: Although I have serious concerns about children being used as human sources in the first place and share many concerns about the ability to form consent, I do acknowledge that these amendments will improve safeguards, and therefore I will be supporting them.

Jaelyn SYMES: The additional protections and additional measures, particularly because they are aimed at children, are supported by the government.

Amendments agreed to; amended clause agreed to.

Clause 17 (16:47)

Katherine COPSEY: I move:

7. Clause 17, lines 3 to 8, omit all words and expressions on these lines and insert –
 - (1) A police officer, during any interaction which constitutes human source activity with a child who is a human source, must ensure the presence of at least one of the following –
 - (a) an Australian legal practitioner;'
8. Clause 17, lines 20 to 33, omit all words and expressions on these lines and insert –
 - (2) For the purposes of subsection (1), the police officer must –
 - (a) consult the child before determining who will be present during the interaction; and
 - (b) if an Australian legal practitioner is not to be present during the interaction, inform the child and the child's parent, guardian or independent person that the child may express their wish to have an Australian legal practitioner present at any time; and

- (c) take reasonable steps to facilitate the child's wishes in this regard before any interaction with the child takes place or before any further interaction with the child takes place (as the case requires).'

Amendments agreed to; amended clause agreed to.

New clause (16:48)

Katherine COPSEY: I move:

9. Insert the following New Clause after clause 17 –

'17A Protections for a child – emergency registrations

- (1) A child is entitled to the presence of the following persons during any interaction between the child and a police officer concerning the potential registration of that child as a human source –
 - (a) an Australian legal practitioner;
 - (b) either –
 - (i) a parent or a guardian; or
 - (ii) if a parent or guardian is unavailable or it is not appropriate for a parent or guardian to attend, an independent person.

Example

It is not appropriate for a parent or guardian to be present if the child is to provide information about the parent or guardian or the presence of the child's parent or guardian may place the child or any other person at risk.

- (2) A human source registered on an emergency registration who is a child is entitled to the presence of the persons specified in subsection (1)(a) and (b) during any interaction between the human source and a police officer concerning the child's role as a human source.
- (3) A human source registered on an emergency registration who is a child is entitled to request the presence of a person referred to in subsection (1)(a) or (b) (or both) during any other interaction between the human source and a police officer.
- (4) A police officer must inform the child of the entitlements in subsection (1) before any interaction concerning potential emergency registration of the child takes place between the human source and the police officer.
- (5) A police officer must inform the child of the entitlements in subsections (2) and (3) before any interaction concerning registration or deactivation takes place between the human source and the police officer.
- (6) The police officer must take reasonable steps to facilitate the presence of each person entitled to be present under subsection (1) or (2) or whose presence is requested under subsection (3).'

New clause agreed to.

Clause 18 (16:48)

Jaclyn SYMES: I move:

14. Clause 18, line 8, after "register" insert ", or apply to the Supreme Court for authorisation to register,".

This is moved for a very similar reason to my moving the last few amendments.

Amendment agreed to; amended clause agreed to; clause 19 agreed to.

Clause 20 (16:49)

Katherine COPSEY: I move:

10. Clause 20, after line 34 insert –

“(3A) If it is not appropriate for the parent or guardian to give consent to the child’s registration, a police officer must ensure that an independent person is present at the time the child gives informed consent.”

Amendment agreed to; amended clause agreed to.

Clause 21 (16:50)

Jaelyn SYMES: I move:

15. Clause 21, page 22, before line 1 insert –

“(1A) A police officer must not apply to the Chief Commissioner to register as a reportable human source a person who is reasonably expected to have access to information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege, for the purpose of obtaining, or obtaining and disseminating, information of that kind.”

Everyone that has got the running sheet can see that amendment 15 is a consequential amendment similar to the others which are related to my substantive amendment to introduce Supreme Court oversight. For those that are playing along at home and who do not have this sheet that we are all following, each time I stand up and say ‘So moved as previously’, they are consequential amendments to give effect to the substantive amendment that brings in the Supreme Court oversight of the registration of reportable human sources to obtain and/or disseminate information subject to client legal privilege.

Amendment agreed to; amended clause agreed to; clause 22 agreed to.

Clause 23 (16:50)

Jaelyn SYMES: I move:

16. Clause 23, after line 22 insert –

“(1A) The Chief Commissioner must not register a person as a reportable human source under this section if –

- (a) the person is reasonably expected to have access to –
 - (i) information that is subject to client legal privilege; or
 - (ii) information in respect of which there is an exception to client legal privilege; and
- (b) the purpose of the registration is for a police officer to obtain, or to obtain and disseminate, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege.”

Amendment agreed to; amended clause agreed to.

Clause 24 (16:52)

Jaelyn SYMES: This is an amendment that clarifies that the chief commissioner must have regard to any recommendations given by the PIM to the chief commissioner relating to the registration of a reportable human source. I move:

17. Clause 24, line 22, after “Monitor” insert “to the Chief Commissioner”.

Amendment agreed to; amended clause agreed to.

Clause 25 (16:52)

Jaclyn SYMES: Amendments 18 to 20 are also consequential. I move:

18. Clause 25, line 28, after “source” insert “under section 23”.
19. Clause 25, page 26, line 7, after “source” insert “under section 23”.
20. Clause 25, page 26, line 10, after “source” insert “under section 23”.

Amendments agreed to; amended clause agreed to.**Clause 26 (16:53)**

Jaclyn SYMES: I move:

21. Clause 26, page 27, lines 5 to 8, omit all words and expressions and insert –
 - “(2) Subsection (1) does not apply if the information that the person is to be registered to provide is subject to –
 - (a) client legal privilege; or
 - (b) an exception to client legal privilege or any other privilege.”

Amendment agreed to; amended clause agreed to.**Clause 27 (16:53)**

Jaclyn SYMES: I move:

22. Clause 27, line 12, after “source” insert “under section 23”.

Amendment agreed to; amended clause agreed to.**Clause 28 (16:54)**

Jaclyn SYMES: I move:

23. Clause 28, line 3, omit “The” and insert “Subject to any conditions imposed by the Supreme Court under section 30B, the”.

Amendment agreed to; amended clause agreed to.**Clause 29 (16:54)**

Jaclyn SYMES: I move:

24. Clause 29, line 12, after “months” insert “or, if applicable, the period fixed by the Supreme Court”.
25. Clause 29, line 15, omit “the registration” and insert “a registration under section 23”.

Amendments agreed to; amended clause agreed to; clause 30 agreed to.**New clauses (16:55)**

Jaclyn SYMES: I move:

26. Insert the following New Division after Division 3 of Part 3 –

“Division 3A – Application to Supreme Court to register a person as a reportable human source for certain purposes

30A Application to Supreme Court for the registration of a person as a reportable human source for certain purposes

- (1) A police officer, with the approval of the Chief Commissioner, may apply to the Supreme Court for an order authorising the Chief Commissioner to register a person as a reportable human source for the purpose of a police officer obtaining, or obtaining and disseminating,

information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege if the police officer is reasonably satisfied –

- (a) that the use of the person as a human source –
 - (i) is necessary to achieve a legitimate law enforcement objective; and
 - (ii) is proportionate to that objective; and
- (b) that the risks associated with the person's registration as a human source have been identified and can be adequately managed; and
- (c) that the registration of the person as a reportable human source is otherwise appropriate and justified; and
- (d) of either of the following –
 - (i) that –
 - (A) there is a serious and imminent threat to national security, the health or safety of the public or a section of the public, the life of a person or of serious physical harm to a person; and
 - (B) registering the person as a reportable human source is immediately necessary to respond to the threat; and
 - (C) the information or assistance that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means; or
 - (ii) the information is subject to an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers.
- (2) An application must –
 - (a) specify the name of the applicant; and
 - (b) specify the name of the person in respect of whom the application is made; and
 - (c) specify the information proposed to be obtained, or obtained and disseminated; and
 - (d) specify the reasons why the information is likely to be the subject of client legal privilege or subject to an exception to client legal privilege; and
 - (e) specify the required duration of the registration; and
 - (f) if the application is made in writing, be signed by the police officer making the application; and
 - (g) unless the police officer making the application reasonably believes it would be impracticable to do so, be supported by an affidavit setting out the grounds on which the application is made.
- (3) If the police officer making an application under this section reasonably believes that it is impracticable for the application to be made in person, the application may be made by telephone or other electronic communication.
- (4) An application that is made without a supporting affidavit must be accompanied by any information requested by the court.
- (5) A police officer who makes an application without a supporting affidavit must provide a supporting affidavit within 24 hours after making the application.

30B Supreme Court may authorise the registration of a person as a reportable human source for certain purposes

- (1) The Supreme Court may make an order of a kind referred to in section 30A(1) only if the court is reasonably satisfied –
 - (a) that the use of the person as a human source –
 - (i) is necessary to achieve a legitimate law enforcement objective; and
 - (ii) is proportionate to that objective; and
 - (b) that the risks associated with the person's registration as a human source have been identified and can be adequately managed; and

- (c) that the registration of the person as a reportable human source is otherwise appropriate and justified; and
 - (d) of either of the following –
 - (i) that –
 - (A) there is a serious and imminent threat to national security, the health or safety of the public or a section of the public, the life of a person or of serious physical harm to a person; and
 - (B) registering the person as a reportable human source is immediately necessary to respond to the threat; and
 - (C) the information or assistance that the person is expected to provide if registered as a reportable human source cannot be obtained through any other reasonable means; or
 - (ii) the information is subject to an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers; and
 - (e) in the case of an application that is not made in person, that it would have been impracticable for the application to be made in person; and
 - (f) in the case of an application that is not supported by an affidavit, that it would have been impracticable for an affidavit to have been prepared and sworn or affirmed before the application was made.
- (2) In considering whether the court is reasonably satisfied of the matters specified in subsection (1), the court must consider the following –
- (a) whether the person is reasonably expected to have access to privileged information or information in respect of which there is an exception to the privilege and, if so, whether that information is related to the information the person is expected to provide to a police officer if registered as a reportable human source;
 - (b) whether the person is reasonably expected to have access to information that is subject to a legal obligation of confidentiality and, if so, whether that information is related to the information the person is expected to provide to a police officer if registered as a reportable human source;
 - (c) any specialist advice regarding the registration of the person as a reportable human source;
 - (d) the person's age;
 - (e) the person's health, including the person's mental and physical health;
 - (f) the purpose for which the person is proposed to be registered as a reportable human source;
 - (g) the conditions that would be imposed on the registration;
 - (h) the length of time for which the person is proposed to be registered as a reportable human source;
 - (i) mitigation of any risk to the safety of the person if the person is registered as a reportable human source;
 - (j) the adequacy of the risk assessment and any other material provided in support of the application;
 - (k) any rewards that are proposed to be given to the person if registered as a reportable human source;
 - (l) if the person is a child –
 - (i) whether registration as a reportable human source is in the best interests of the child; and
 - (ii) any expected impact of registration on the child's wellbeing; and
 - (m) any submissions made to the court by the Public Interest Monitor.

- (3) An order must specify –
 - (a) whether the information that is proposed to be obtained, or obtained and disseminated, is likely to be subject to client legal privilege or an exception to client legal privilege of a kind that permits its disclosure to law enforcement officers; and
 - (b) the purpose for which the Chief Commissioner may register the person as a reportable human source; and
 - (c) the date of making of the order; and
 - (d) the maximum period for which the registration of the person in respect of whom the application is made may be in effect, being a period that is not longer than 7 days; and
 - (e) any conditions to which the order is subject.
 - (4) An order must not –
 - (a) authorise the registration of a person as a reportable human source for the purpose of tasking the person; or
 - (b) be varied, extended or renewed.
 - (5) If an order is not made in writing, the court must provide the police officer with a copy of the order as soon as it is practicable to do so.
 - (6) An application under this section must not be heard in open court.
- 30C Chief Commissioner may register a person as a reportable human source following court order**
- (1) The Chief Commissioner may register a person as a reportable human source if the Supreme Court makes an order under section 30B authorising the Chief Commissioner to register the person.
 - (2) Before registering the person, the Chief Commissioner must ensure that the person has given informed consent to the registration and that the Chief Commissioner has a record of that person’s informed consent, as required by section 20.”.

It would have been easier to do this one first. This is the amendment which is after all of the consequential amendments which effectively relate to enabling police to apply to the Supreme Court for authorisation to register a person as a reportable human source in order to obtain and/or disseminate information which is subject to client legal privilege. It is inserting a new clause and is the additional oversight mechanism that we have arrived at in our conversations and negotiations with people inside the chamber and stakeholders that had an interest in this bill. It is an additional measure of reassurance and oversight in relation to the registration of human sources that have privileged information in a legal sense.

I know that a lot of people have had a lot of conversations with my office and stakeholders on this particular additional oversight. We believe it is superior to what was proposed by the opposition in relation to the next step that could be applied for the Chief Commissioner of Police in relation to, again, those very rare circumstances in which this type of information could be used under the regime protecting human sources and indeed the use of that information. Thank you to all of those people that have been involved in crafting this amendment.

New clauses agreed to; clauses 31 to 37 agreed to.

Clause 38 (16:57)

Jaelyn SYMES: I move:

- 27. Clause 38, line 18, after “registration” insert “or a registration under section 30C”.
- 28. Clause 38, line 30, after “registration” insert “or a registration under section 30C”.

Amendments agreed to; amended clause agreed to; clause 39 agreed to.

Clause 40 (16:58)

Jaclyn SYMES: I move:

29. Clause 40, after line 20 insert –

“(1A) A police officer must not apply to the Chief Commissioner for emergency registration of a person as a human source a person who is reasonably expected to have access to information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege, for the purpose of obtaining, or obtaining and disseminating, information of that kind.”.

Amendment agreed to; amended clause agreed to.

Clause 41 (16:58)

Jaclyn SYMES: I move:

30. Clause 41, after line 21 insert –

“(1A) The Chief Commissioner must not register a person as a human source on an emergency registration application if –

- (a) the person is reasonably expected to have access to –
 - (i) information that is subject to client legal privilege; or
 - (ii) information in respect of which there is an exception to client legal privilege; and
- (b) the purpose of the registration is for a police officer to obtain, or to obtain and disseminate, information that is subject to client legal privilege or information in respect of which there is an exception to client legal privilege.”.

Amendment agreed to; amended clause agreed to; clauses 42 to 44 agreed to.

Clause 45 (16:59)

Jaclyn SYMES: I move:

31. Clause 45, after line 20 insert –

“(4) Despite subsection (3), in the case of a registration under section 30C that is the subject of a further application to the Supreme Court under section 30A, the Chief Commissioner must suspend the registration of the human source at the expiry of the registration period determined under section 29(1) until the further application has been determined by the court.”.

Amendment agreed to; amended clause agreed to; clause 46 agreed to.

Clause 47 (17:00)

Jaclyn SYMES: I move:

32. Clause 47, page 44, line 2, after “registration” insert “unless a human source registered under an emergency registration has unexpectedly provided information which is subject to client legal privilege or information that is subject to client legal privilege in respect of which there is an exception to the privilege”.

This is in relation to the chief commissioner’s requirement to quarantine privileged information – to suspend or deactivate a registration in the event a human source provides unexpected privileged information other than in respect of an emergency registration.

Amendment agreed to; amended clause agreed to; clauses 48 and 49 agreed to.

Clause 50 (17:01)

Jaclyn SYMES: I move:

33. Clause 50, line 24, after “23,” insert “30C.”.

Amendment agreed to; amended clause agreed to; clause 51 agreed to.

Clause 52 (17:02)

Jaclyn SYMES: I move:

34. Clause 52, line 8, after “source” insert “under section 23”.
35. Clause 52, after line 17 insert –
“(ab) to appear at the hearing of an application under section 30A to test the content and sufficiency of the information relied on and the circumstances of the application;”.
36. Clause 52, page 47, line 20, omit “(a).” and insert “(a); and”.
37. Clause 52, page 47, after line 20 insert –
“(c) for the purpose of performing the function under subsection (1)(ab) –
 - (i) make submissions to the court by telephone or other electronic communication; and
 - (ii) ask questions of any person giving information in relation to the application; and
 - (iii) make submissions to the Supreme Court as to the appropriateness of granting the application.”.

Amendments agreed to; amended clause agreed to; clause 53 agreed to.

Clause 54 (17:02)

Jaclyn SYMES: I move:

38. Clause 54, line 11, omit “an application” and insert “any application”.
39. Clause 54, after line 12 insert –
“(1A) The Chief Commissioner, as soon as practicable after the making of an application under section 30A and in accordance with the regulations (if any), must provide the Public Interest Monitor with –
 - (a) a copy of the application; and
 - (b) a copy of any affidavit in support of the application and of any information provided to the court.”.
40. Clause 54, line 18, after “is made” insert “to the Chief Commissioner or the Supreme Court”.
41. Clause 54, line 19, after “Commissioner” insert “or the Supreme Court”.
42. Clause 54, line 20, after “application” insert “(as the case requires)”.

Amendments agreed to; amended clause agreed to.

Clause 55 (17:03)

Jaclyn SYMES: I move:

43. Clause 55, line 5, after “source” insert “under section 23”.
44. Clause 55, line 17, after “source” insert “under section 23”.

Amendments agreed to; amended clause agreed to; clauses 56 to 61 agreed to.

Clause 62 (17:03)

Jaclyn SYMES: I move:

45. Clause 62, page 55, after line 13 insert –
“(ga) the number of times the Public Interest Monitor was notified under section 54 of an application to the Supreme Court under section 30A; and”.

Amendment agreed to; amended clause agreed to; clauses 63 and 64 agreed to.

Clause 65 (17:04)

Katherine COPSEY: I move:

1. Clause 65, after line 12 insert –

“Note

See section 5 of the **Independent Broad-based Anti-Corruption Commission Act 2011** in relation to the meaning of police personnel misconduct.”.

This amendment was circulated at the beginning of the committee stage, and I will speak briefly to the Greens proposed amendment to clause 65. The bill is quite reliant on IBAC to provide oversight of Victoria Police’s registration, use and management of human sources. Clause 65(1)(a) of the bill provides that IBAC will monitor compliance by the chief commissioner and other members of Victoria Police personnel with the human source management framework. What is not explicit in the current version of the bill is whether IBAC, in this monitoring and oversight role, has an express jurisdiction to investigate and make findings against police officers if they seriously breach this registration framework. What this amendment seeks to simply clarify is that IBAC does have the power to identify, investigate and make findings against members of Victoria Police who breach the human source management framework by clarifying that such breaches could constitute police personnel misconduct, as defined in the Independent Broad-based Anti-corruption Commission Act 2011. In short, making this explicit on the face of the legislation will assist police officers to be aware that IBAC has the power to act strongly where there is non-compliance with the framework, and this, along with the substantive house amendments that have been introduced by the government today, should provide far improved reassurance that what happened with Lawyer X simply cannot be repeated.

We do acknowledge here that there are broader issues surrounding the adequacy and resourcing of IBAC; there will be frequent discussion in this chamber, I am sure. The effectiveness of IBAC monitoring Victoria Police is something that needs to be addressed. We do look forward to coming reforms to strengthen police oversight on this and a number of other areas. For now we think that including this note on the face of the legislation makes this jurisdiction clearer and therefore the legislation more functional. I commend this amendment to the house.

Jaclyn SYMES: I thank Ms Copsey for bringing this amendment to the house. It simply signposts that police misconduct under the bill can be interpreted as misconduct under the IBAC act, and as such we will support the amendment.

Amendment agreed to; amended clause agreed to; clauses 66 to 72 agreed to.

New clause (17:07)

Jaclyn SYMES: I move:

46. Insert the following New Clause after clause 72 –

“72A Chief Commissioner to report on applications to the Supreme Court

The Chief Commissioner must give a report to IBAC at least once every 3 months which specifies the number of applications made under section 30A and, of those –

- (a) the number that were granted by the court; and
- (b) the number that were refused and the reasons each was refused.”.

It is a new clause, but it is a consequential amendment. It requires the chief commissioner to periodically report to IBAC on the number of registration applications that are made to the Supreme Court. I expect that to be very small, if not zero.

New clause agreed to; clauses 73 to 94 agreed to.

Reported to house with amendments.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:08):
I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:08):
I move:

That the bill be now read a third time.

The DEPUTY PRESIDENT: The question is:

That the bill be now read a third time and do pass.

Council divided on question:

Ayes (21): John Berger, Lizzie Blandthorn, Jeff Bourman, Katherine Copsey, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Shaun Leane, Sarah Mansfield, Tom McIntosh, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Harriet Shing, Ingrid Stitt, Jaelyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

Noes (14): Matthew Bach, Melina Bath, Georgie Crozier, David Davis, Moira Deeming, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Evan Mulholland, Rikkie-Lee Tyrrell

Question 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 with amendments.

Joint sitting of Parliament

Victorian Health Promotion Foundation

Victorian Responsible Gambling Foundation

The PRESIDENT (17:15): I have a message from the Assembly:

The Legislative Assembly has agreed to the following resolution –

That this House meets the Legislative Council for the purpose of sitting and voting together to:

- (1) elect three members of Parliament to the Victorian Health Promotion Foundation; and
 - (2) elect three members of Parliament to the Board of the Responsible Gambling Foundation
- and proposes that the time and place of such meeting be the Legislative Assembly Chamber on 3 May 2023 at 6.30 pm.

which is presented for the agreement of the Legislative Council.

Jaelyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (17:16):
I move, by leave:

That the Assembly's message be taken into consideration forthwith.

Motion agreed to.

Jaelyn SYMES: I move, by leave:

That the house meets the Legislative Assembly for the purpose of sitting and voting together to:

- (1) elect three members of Parliament to the Victorian Health Promotion Foundation;
- (2) elect three members of Parliament to the board of the Responsible Gambling Foundation;

and, as proposed by the Assembly, the time and place of such meeting be the Legislative Assembly chamber on Wednesday 3 May 2023 at 6:30 pm.

Motion agreed to.

The PRESIDENT: A message will be sent to the Assembly informing them of the Council's resolution and requesting their agreement.

Address to Parliament

Governor's speech

Address-in-reply

Debate resumed on motion of Michael Galea:

That this house agrees to the following address to the Governor in reply to the Governor's opening speech:

GOVERNOR

We, the Legislative Council of Victoria assembled in Parliament, express our loyalty to Australia and the people of Victoria, and thank you for the speech which you have made to the Parliament.

We declare that we will faithfully carry out the important duties entrusted to us by the people of Victoria, to advance the best interests of all sections of the community.

Samantha RATNAM (Northern Metropolitan) (17:17): Victorians have come through a difficult time. The last term of Parliament was dominated by the COVID pandemic and the impact and strain it put on our community. Now, as we begin this latest term of Parliament, there are more economic, social and environmental challenges looming large.

With the budget just a few weeks away, we have seen the government trying to soften the ground for a difficult budget, a budget that will slash public services and jobs. It comes at a time when we are in the midst of the worst housing crisis in generations. There are over 120,000 people on the ever-growing public housing waiting list. The rental crisis is out of control. Families are living in tents, people are living in their cars and share house tenants are living in crumbling, mouldy houses, too afraid to ask for repairs.

It comes at a time when the cost of living is rising and workers are experiencing significant real wage cuts, when Victorians are waiting over 16 months on the public dental waiting list for treatment and when young people experiencing mental ill health are facing wait times of six to 12 months.

It comes at a time when our natural environment is facing perilous threats, with Victoria in the midst of an extinction crisis. Last term's parliamentary inquiry into ecosystem decline revealed that nearly 2000 species of plant and animal life are threatened with extinction. Climate change, habitat loss, invasive species, weak laws and inadequate monitoring and implementation of environmental laws are wreaking havoc on the health of our environment, the very environment we depend on for survival.

It comes at a time when First Nations children are being over-policed and removed from their families because there just is not enough investment in services to support their wellbeing. How often do we hear in this place that we cannot get on with the reform because the services are just not in place yet. Well, governments have a responsibility to make sure they put those services in place and fund them, not defer to their absence as a reason to continue to allow the harm to occur to some of the state's most vulnerable of citizens.

It has become a cliché to say budgets are about choices, but it is a reality. The government has a clear choice in this budget: either tax the big profiteering corporations or push people even further to the margins and make the extinction crisis worse.

Right now the big banks and corporations are reaping in massive profits, significantly pushing up the cost of living and driving inflation. Reports today suggest the big four banks will make over \$16 billion in profits in only six months – \$16 billion in profits. That is obscene when people are living in tents. The government dropped its social and affordable housing levy when the property industry said no, showing who really runs this town. But the government can make a choice, a different choice. It can make property developers pay their fair share for public and affordable housing. The gambling industry continues to rip the soul out of our community. The least we can do is adequately tax their immoral profits for investing back into our community. A 20 per cent tax on online gambling and stopping the revenue merry-go-round back to the racing industry would ensure billions more to fund services the community needs. Let us not forget this is a government that has committed over \$20 billion to two toll roads while committing less than a quarter of that amount to community housing and a small fraction to renew public housing.

We have the biggest police force in the nation and a billion-dollar prison sitting empty. The government has made bad decisions in the past. It is time to make different ones. Yet instead in the upcoming budget the Victorian Labor government is reportedly set to cut funding to essential services and axe thousands of public sector jobs. It would be unconscionable for the government to deliver an austerity budget while people and the planet suffer and the big banks, property developers, the gambling industry and corporations profiteer off the cost-of-living crisis. A different choice would be to pick up some of the revenue and savings measures the Greens are putting forward. We have identified \$30 billion to \$40 billion of revenue and savings that could be used to fund the things people need. For the Greens the choice is clear.

Motion agreed to.

Lee TARLAMIS (South-Eastern Metropolitan) (17:22): I move:

That the address be presented to the Governor by the President accompanied by such members of the Council who may wish to attend.

Motion agreed to.

Adjournment

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (17:22):

That the house do now adjourn.

Murray Valley Highway–Labuan Road, Yarroweyah

Wendy LOVELL (Northern Victoria) (17:22): (154) My adjournment matter is for the Minister for Roads and Road Safety and concerns the need for an immediate safety upgrade at the intersection of Murray Valley Highway and Labuan Road in Yarroweyah, which was the site of a recent catastrophic motor vehicle collision that claimed the lives of five people. The action that I seek is for the minister to direct Regional Roads Victoria to immediately upgrade safety at this intersection, including the removal of the significant hump in the road just prior to the intersection on Labuan Road, which is part of a decommissioned rail reserve and which blocks any vision of the Murray Valley Highway; changing the status of the controlling signs on Labuan Road from give-way signs to stop signs; installing lighted warning signs on Labuan Road to warn you are approaching a major intersection; the resurfacing of the approach to the intersection on Labuan Road and restoring the badly decayed rumble strips; the removal of some of the trees on both sides of Labuan Road that currently restrict a driver's view of any vehicles travelling on the Murray Valley Highway; and lighting the intersection at night.

The devastation caused by the recent collision that claimed the lives of five people shocked all Victorians. The collision was the worst on Victorian roads in more than a decade, and the local community surrounding the crash scene continue to struggle with the senseless loss of life caused by the collision at an intersection that was also the site of another fatality not that long ago. I am mindful that the collision is the subject of an ongoing police investigation and possible future legal proceedings, but it is imperative that the Andrews Labor government takes immediate action to improve safety at this intersection.

The intersection in question is a crossroad intersection consisting of the Murray Valley Highway running east–west and Labuan Road running north–south. Labuan Road ends at the intersection and becomes Stokes Road to the north of the highway. The intersection on both Labuan and Stokes roads is controlled by give-way signs. While travelling north on Labuan Road drivers are provided with inadequate signage to warn them of the impending intersection, and trees on both the eastern and western sides of Labuan Road restrict a driver’s view of any traffic on the upcoming major highway.

Some of these trees need to be removed and permanent illuminated signage installed. A decommissioned railway track runs parallel to and just south of the Murray Valley Highway, crossing Labuan Road only a few metres before the intersection. A significant hump in the road accompanies the track, meaning that a motorist’s view of the impending intersection is obscured until driving over the rise, and this hump needs to be removed immediately. While there are currently rumble strips on Labuan Road, the decaying road condition has rendered these ineffective, and the minister must ensure these are restored immediately, along with all other safety measures that I have outlined. The minister should also consider offsetting Labuan and Stokes roads at the intersection.

On-demand workforce

John BERGER (Southern Metropolitan) (17:26): (155) Tonight my adjournment is to the Minister for Industrial Relations in the other place, Minister Pallas, and in doing so I pay tribute to our government’s commitment to protecting insecure workers by delivering new standards and dedicated support services. Over the past few years the gig economy has ballooned in size to include hundreds of thousands of Victorians. The Andrews government has worked hard to ensure that all workers in Victoria are protected, regardless of the type of employment. Something is clear: all workers in Victoria are deserving of protection, regardless of their type of employment. In 2022 the Victorian government took the great step to extend sick pay to Victorian casual and contract workers, guaranteeing five days of sick or carers leave. Our government became the first state government to enact law criminalising wage theft and allocated \$6 million to the enforcement of the new rules, something I am proud to have played a part in. The truth is casual and gig workers are particularly vulnerable, as they do not have security in their work, and these actions protect these workers. In 2020 an inquiry into the on-demand workforce created 20 recommendations, which form the basis for the fair conduct and accountability standards. While these standards were implemented as voluntary, there are plans to introduce laws mandating compliance with the standards. The standards aim to better protect Victorian gig workers and ensure accountability and transparency between providers and workers, as well as ensuring compensation for loss of income due to work-related injury.

The Andrews government also announced the establishment of a gig worker support service. The GWSS will provide support for gig workers to ensure they are treated fairly and will advise workers about methods and recourse if their rights are infringed upon. This includes advising workers on their rights and obligations, as well as providing workers with advice about how they could obtain representation and assistance with disputes. I am proud to stand here tonight to say that this service was launched yesterday. With translation and interpreter services on hand, the GWSS will help those who need it most. An estimated 350,000 workers will benefit from this service. As this is an emerging field with many new workers, we must ensure that their rights are protected. While the Victorian government is taking steps to keep up with the rapidly evolving gig economy, there are still many workers who are not protected, due to the fact that they do not know their rights or the providers are willing to exploit them. The action I seek is for the minister to provide me with an update on what

actions the government has taken to further protect gig workers and for an update on the success of the GWSS.

Magic Valley

Georgie PURCELL (Northern Victoria) (17:28): (156) My adjournment matter this evening is for the Minister for Industry and Innovation, and the action I seek is for him to attend Australia's first cultivated meat lab, right here in Victoria. Magic Valley are a Victorian-based company that have developed lamb and pork products without killing or harming animals. Instead, a non-invasive sample, usually an ear swab, is taken from one animal, one time, in order to collect starter cells. The animal, in the first case with Magic Valley, was a lamb called Lucy, who instead of enduring a lifetime of suffering is now free to live out her life in peace. The cells obtained from Lucy were expanded and turned into stem cells, then inserted into a nutrient-rich culture medium where they literally grew into muscle and fat. The meat harvested from Lucy's single sample can now be generated over and over again without further involvement from her or other animals.

If it does not sound like the real thing, let me explain to you the ways in which it is different. Unlike traditional meat products, cultivated meat requires no slaughter. It does not contain added growth hormones or antibiotics, reducing the risk of antimicrobial resistance. In a world where up to 75 per cent of antibiotics produced are for animal agriculture, this is very important. Cultivated meat has far less greenhouse gas emissions, and there is no continuous increase in land use. Producers of lab-grown meat are using less water and less energy with virtually zero waste to create consistent and sustainable access to protein globally. Since it is grown in a lab, cultivated meat can be tailored for specific nutritional outcomes and could help eliminate the myriad health risks associated with traditional meat products, such as cardiovascular disease and cancers.

Last month I was lucky enough to be invited to one of the first-ever tastings of lab-grown pork in Australia. Despite supporting it wholeheartedly, like many long-term vegans I did not think it was something I would ever actually try myself. But the reality is there are people out there who will never give up eating meat. Now that I have tried it, I am convinced they do not have to give it up. The launch of Magic Valley cultivated pork was the first time I had eaten meat in many, many years, and it was just as I remember it. This incredible development is a game changer, and I hope the minister will commit to visiting Magic Valley and learning about these exciting opportunities that support environmentally friendly innovation right here in Victoria. If it means cruelty is off the table, then why would you eat anything else?

Thornhill Park

Joe McCracken (Western Victoria) (17:31): (157) My adjournment matter is for the Minister for Transport and Infrastructure but it could probably go broader, and it relates to the complete lack of care for the residents and locals who live in Thornhill Park just east of Melton. As we saw on *A Current Affair* last week, locals in Thornhill Park are suffering due to completely being ignored. There are no shops, there are no medical facilities, certainly no Melton hospital, no amenities, no fire station, no buses, no police station, no high school, no ambulance station, not even a train station – the train actually goes straight past – and get this: no overpass. You can only access Thornhill Park westbound on the Western Highway. To get out of Thornhill Park you have to go outbound westward as well.

This is a completely shameful situation. During the morning and afternoon school rushes, particularly in peak periods when people are going to and from work, this can add an extra half an hour to travel times, which should only be 5 minutes. This overpass, which should be over Mount Cottrell Road, has been promised for years, yet nothing has been delivered. I met up with locals recently and they were absolutely furious. Many locals made the move to Thornhill Park because they were led to believe that infrastructure, and we are talking basic infrastructure here, would be in place so they could live comfortable lives. The reality could not be further from the truth. The situation is just a complete disgrace. People have tried to make new starts with their lives by moving into this estate only to have

their dreams turn into a total nightmare. Literally over 6000 people have moved here and have been ignored, overlooked and forgotten.

The action that I seek is for the minister to join me, come down to Thornhill Park, meet with locals and properly fund and then build the amenities and local infrastructure that is needed. We are not talking about anything that is fancy; we are talking about basic essential infrastructure and other amenities that are needed. It is about priorities. Clearly Thornhill Park is not a priority. That has to change.

School gender identity policies

David LIMBRICK (South-Eastern Metropolitan) (17:34): (158) My adjournment item is for the Minister for Education in the other place. I have heard that schools allow the social transitioning of students from one gender to their chosen gender by changing their names and informing other students. I understand that sometimes this occurs without the knowledge of their parents. My request for the minister is to provide any statistics that are available about how many children are socially transitioned in school and any policies that explain the procedure for students, and in particular what is the policy for involving parents and the policies around collection or non-collection of statistics?

Armenian Remembrance Day

Ann-Marie HERMANS (South-Eastern Metropolitan) (17:35): (159) For my adjournment today I would like to raise the important issue of the Armenian Australians, who last week commemorated the 108th anniversary of the Armenian Remembrance Day, when 1.5 million Armenians and over 1 million Syrians and Greeks were killed. I call on the Minister for Multicultural Affairs in the other place to share with me in acknowledging the need to provide a framework of structured support for the Armenian community and in doing so to speak with the Premier and the Leader of the Opposition to develop a bipartisan position for Victoria on the Armenian genocide. I would like to pay tribute to the Armenian community as the elected upper house member for the South-Eastern Metropolitan Region and acknowledge the many Armenians who live in the south-east and throughout Victoria, of which several are descendants of the people who fled for their lives after the killings, which were recorded to have taken place between 1915 and 1923.

Since entering Parliament I have liaised with the Armenian National Committee of Australia. They have shared their history and informed me of the unique connection between Victorians and the Armenian people. At Frankston Mechanics Institute, which is in my electorate, we have a key location for gathering resources from many generous Victorians, and an instance of this took place in 1925. These donations were shipped to Armenia to aid people in desperate need. A significant gathering was spearheaded by a prominent professor, who dedicated his time in 1925 to raising awareness of the plight of the Armenians, which led to the raising of much-needed funds. Today there are an estimated 50,000 Armenian people who primarily reside in Sydney and Melbourne. The Armenian community have received support from many countries, including the USA, France and Canada, and these countries have recognised the killings as an official Armenian genocide.

Family tradition suggests I have my own very old Armenian heritage dating back to the 4th century. My grandfather taught me family history from the time I was a child and explained the symbols on our family crest throughout the centuries, dating back to the 4th century. Many of these symbols signify the memory of Saint Blaise, an Armenian bishop of whom I am said to be a direct descendant. I look forward to working with elected candidates to advance the public acknowledgement of our multicultural communities. In my capacity as a member of the upper house of Parliament I look forward to providing the Armenian community with a much-needed voice, particularly in my electorate. It is an honour to remember with gratitude the generosity of Australians and the courage of the Armenians who have made Australia their home and to remember the many lives that have been so tragically lost. I had the opportunity to acknowledge what happened to the Armenians for the 108th anniversary, and I look forward to seeing the discussions that will take place.

Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation

Samantha RATNAM (Northern Metropolitan) (17:38): (160) My adjournment matter tonight is for the Minister for Treaty and First Peoples, and I ask that she provides support to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation to secure suitable, culturally appropriate premises. Last week I met with the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation at their current home at Abbotsford Convent. The corporation has leased space at the convent for many years, supporting and protecting First Nations culture and connection to land and educating visitors. However, their offices are no longer fit for purpose. The convent is not a culturally safe space for First Nations people, meaning it is extremely difficult for the corporation to continue to support and promote Wurundjeri culture out of a culturally inappropriate space. Leasing space at the convent on Wurundjeri land also means that the corporation have to rent space on their own ancestral lands.

The Wurundjeri corporation is currently seeking government support to purchase premises which are fit for purpose for the work of the corporation. Supporting the corporation to secure suitable premises would allow them to continue their current work supporting the ongoing connection of the Wurundjeri people to their land and culture and to showcase the culture and knowledge of the Wurundjeri people to visitors to their land. It would be an important act of good faith by the government as we continue to progress treaty and truth telling in Victoria. I echo their ask, and I ask the minister to provide support to the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation so they can secure suitable, culturally appropriate premises.

Medically supervised injecting facilities

Renee HEATH (Eastern Victoria) (17:39): (161) My adjournment matter is for the Premier, and the action that I seek is that he rejects the Greens' outrageous and unsafe proposal to allow children to access drug-injecting rooms. When I thought I had heard it all, I read in the *Herald Sun*:

Kids would be free to inject drugs under a controversial plan by the Victorian Greens to broaden access to the state's only supervised injecting room.

Under this new plan children will be able to access this facility along with people who are subject to court orders. This is apparently based on health advice. I wonder if it is the same health advice that the government used during COVID. Last sitting week I raised concerns about the Richmond injecting room being situated next door to a school. Currently that concern seems redundant considering now they are bringing schoolchildren into the injecting room. Exposing children to drug deals, drug use, violence and death is an indictment of this government. We need to avoid normalising drugs at all costs.

Kel Glare, a former Chief Commissioner of Victoria Police, says this:

Clearly, the government of Victoria cares more about the welfare of drug addicts than about the well-being of the local population and particularly the welfare of young children.

...

Locals, including very young children, have been attacked and harassed by drug users, have witnessed dead bodies in the streets, had their properties damaged, and have seen men having oral sex with men. Other sexual activities of every description are committed in open view. Parents suffer the constant fear of their children being harmed by the presence of contaminated discarded needles and the behaviours of drug users and children themselves suffer similar fears.

A local parent Neil Mallet says Labor have not 'owned up to the inherent and immeasurable risk they have created for these five- to 12-year-olds'. So far the Labor government has ignored serious safety concerns raised by the school community. A leaked letter to Martin Foley and James Merlino outlined that the school was concerned about the decreasing enrolments due to safety fears. The school council has identified a likely and foreseeable risk of catastrophic harm and is calling on the Victorian government for urgent and immediate action. I join with the school community, and I urge the

government to reject the Greens' outrageous proposal. When the community cried out for the government to stop putting their children in harm's way, what they did not ask for was that their children would now be allowed inside the facility. It is frankly not what they asked for.

The PRESIDENT: Before we move on to the next adjournment matter, we had a query whether that adjournment matter is going against the anticipation rule. I can just clarify that standing order 12.17 says:

A member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day.

So that was fine as far as my reading goes.

Duck hunting

Jeff BOURMAN (Eastern Victoria) (17:43): (162) My matter today is for the Minister for Outdoor Recreation. Minister, I was shown a screenshot of the Game Management Authority website that had some data regarding overall behaviour in the first five days of duck-hunting season. This data has been made public every previous year. Imagine my surprise when I went to look at the GMA website, and it was not there. Well, the page had been modified, but nothing had actually changed. Well, there was an asterisk for 'protestor related' but no data there to relate to. If I were the suspicious type, I would think that the data was published and showed something the minister did not like and the GMA was forced to remove it. The action I seek is for the minister to republish the unedited data on the GMA website to bring it into line with every other year.

School bullying

Trung LUU (Western Metropolitan) (17:44): (163) My matter is for the Minister for Education. Could the minister please explain what action has been taken by the Department of Education in relation to the increase of school bullying and the images of such attacks being posted on social media like it is normal behaviour in Victorian schools. It was broadly reported in the media during April, but I personally came across a clip posted on social media of a girl at a local secondary college in my electorate. The footage shows the girl bashing another while students stand around and watch. The defenceless girl was dragged by the hair and continuously punched and kicked in the head – to my horror at the level of violence which took place in this assault. In this particular instance I believe the offending girl was suspended, but this sort of behaviour is seen to be increasing and happening right across our state. As articles state, the deplorable behaviour schoolchildren are displaying in our schools has been observed throughout Victoria and bashing and bullying are regular occurrences.

Minister, all children, no matter what their age, need to feel safe while attending school. I ask: what is the department doing? What has been put in place to protect these children's futures other than waiting around for incidents to occur and then relying on the school to respond to individual incidents? Please can the minister explain what actions are being taken by the department in relation to the increase in school bullying and such incidents being posted on social media?

Kindergarten funding

Matthew BACH (North-Eastern Metropolitan) (17:46): (164) My adjournment matter is for the Minister for Early Childhood and Pre-Prep, who, luckily, is in the chamber tonight. Just the other day I had the opportunity to meet with a range of fabulous leaders from sessional kindergartens and other kindergartens in the electorate of Kew. I was joined by the member for Kew and also the member for Hawthorn. Now, I have a dog in this fight. President, as you know, I have a particular love of sessional kindergartens here in Victoria. The model is wonderful. The staff are overwhelmingly expert and brilliant. Many facilities are owned by councils, and there are problems with the government's reform model when it comes to those facilities. I met with local councils a couple of weeks ago in our region, President, and they were saying that the government's model provides no funding for capital works, but that is a different adjournment matter. Tonight the action that I would seek from the minister is for

her to make changes to the government's so-called free kinder model to ensure sessional kindergartens are not forced to make cuts to staff or existing programs.

I have heard this message before from, normally, volunteer leaders – amazing people in our community at our kindergartens – and I heard this message loud and clear from every single participant at the kinder forum that was organised by the member for Kew the other day. The ask, if you like, from these kindergarten leaders is not huge. Principally what they want, for the benefit of the minister, is greater flexibility. Of course the government wants to be able to say that its model is one of free kindergarten, but the subsidies that the government is paying do not meet what is currently being charged by many kindergartens – certainly by all the kindergartens whose leaders I met with the other day. First and foremost, what they want is some flexibility.

We know that many kindergartens at the moment are charging voluntary fees – voluntary contributions – because if they do not, they are going to have to sack existing staff and they are going to have to cut existing programs. Under the government's model they are not allowed to charge any fees, so at the moment the government, mercifully, has provided a small one-off cash injection to allow kindergartens to continue to operate, but the understanding of these kindergartens is that that will cease to be the case next year and the year after and every single year hereafter. It is so important that we do not see a situation, which we will if there are not changes, where kindergarten teachers are sacked and where programs that are so essential for student learning are cut short. There are issues when it comes to staffing. We know that it is so hard to encourage staff to our kindergartens. There is a massive shortage. But under the government's current model, kindergartens simply have to offer a set number of hours by a set period. They want flexibility there too, Minister, to know that if they just cannot attract staff, well, they will not be forced into this rigid model.

Yinnar South property access

Melina BATH (Eastern Victoria) (17:49): (165) My adjournment matter this evening is for the Minister for Environment, so I am really pleased that she is in the chamber tonight to listen to this terrible predicament. It relates to the allocation of state government funding towards the replacement of Middle Creek bridge in Yinnar South. She will not know the specifics of it, so I am happy to elaborate. The action I seek is for a co-contribution from the state government that is acceptable to the landowner in question, Mr Greg Davis. He needs his bridge to be reinstated. Here is the problem: Crown land abuts both sides of Middle Creek, and Mr Davis's only safe passage to his home is via this bridge, which is on Crown land. He has had no physical access to his home at 220 Upper Middle Creek Road, Yinnar South, for the past two years, so he has had to create a makeshift bridge that he walks over, with pallets. He parks his vehicle on one side, walks across this bridge and then walks up to his home that is about 200 metres away. He also has family at home, and this has caused them incredible distress.

Prior to 2019 he had the bridge and it worked. But it was built in the 1950s, certainly before my constituent owned the property, and there have been a series of events that have both weakened and then ripped the bridge out completely. It is a wicked problem, both because previous local governments enabled the planning of a house to occur across Crown land, but also subsequently because in March 2019 there was a bushfire in Yinnar South, and Mr Davis claims – and I respect his claim; I have seen his photos and I have been out there – that the bridge was weakened by state government or we will say emergency services vehicles reducing this bridge and damaging it along the way. Then in 2021 we had the storms and the floods, and that washed the bridge completely away.

He has had some help from our local Department of Environment, Land, Water and Planning and now Department of Energy, Environment and Climate Action people, and they have really tried their hardest. But there seems to be a butting of heads in relation to this funding. He is asking for some fair and reasonable funding from the state government as their contribution, and he of course will then come to the party. There has been some offered, but it is absolutely not fair from his point of view, and he needs safe access. It is causing him, his family and his stock deterioration – the family's mental

health and the stock's wellbeing – so I ask the minister to review this case, come to Mr Davis and negotiate fair funding for a reinstatement of this bridge.

Hospital pharmacists

Georgie CROZIER (Southern Metropolitan) (17:52): (166) My adjournment matter this evening is for the attention of the Minister for Health, and it is in relation to appropriate funding for hospital pharmacists. I have received a letter from the Society of Hospital Pharmacists of Australia, who have also written to the minister requesting that in the upcoming state budget they are funded appropriately. They have, like many behind the scenes in hospitals, done a tremendous job throughout COVID-19 dealing with the health crisis and being able to manage very complex patients and very ill patients, as they do – and they do an extraordinary job. They have highlighted in this letter exactly what they have done over the past few years, which I will not go into in great detail.

The issue is that they have been told that Victoria will get 200 additional FTE public sector pharmacists that will be employed through the public hospital pharmacy departments – and that is expected to occur. However, there is no certainty about funding, and they have been told that it will have to come out of existing hospital resourcing. In the letter it says:

Victorian SHPA members have expressed disappointment that they have been advised their hospital's allocations are to be funded within existing funding parameters, which is deeply unfair and impractical as this will only lead to cuts in other areas of the hospital pharmacy department or other hospital departments that ultimately impact patient service delivery.

Further, this lack of dedicated funding for the 200 FTE pharmacists has caused confusions and delays to recruitment, with some pharmacy departments being instructed to advertise positions despite no funding, and other pharmacy departments are being told by their health services they aren't allowed to advertise positions amidst lack of funding and funding uncertainty.

You can see the dilemma here – that even though they have been told that they need to meet these ratios and that an additional 200 pharmacists will be required, there is no funding to employ these pharmacists to be able to meet the demands of the government, and that was agreed through the enterprise bargaining agreement process. So the action I seek is for the government to commit in this year's budget the funding for hospital pharmacists which is needed to provide that certainty and ensure that the essential services that hospital pharmacists provide are not compromised.

Labour hire regulation

Bev McARTHUR (Western Victoria) (17:55): (167) My adjournment matter is for the Minister for Industrial Relations. The federal government has recently revealed that it is now consulting on proposed changes to the federal industrial relations system intended to be introduced in the second half of 2023. One of the policy measures included in this consultation is the proposal for a framework for the regulation of labour hire at the national level. The publicly available documents regarding this proposal reveal that the federal government intends to introduce 'a single national framework for labour hire regulation' which would exclude the operation of all state and territory labour hire regulatory schemes.

It is anticipated that the federal government will likely seek to introduce labour hire regulation as a single national framework by persuading the state and territory governments that have labour hire regulatory schemes in operation to repeal those schemes rather than relying on section 109 of the Australian constitution to override state and territory laws on the basis of their inconsistency with Commonwealth laws.

In 2018 the Andrews government introduced a licensing scheme for labour hire in Victoria. Accordingly, we must presume that the federal government is currently in negotiations with the Victorian government regarding the repeal of Victoria's licensing scheme. Over the 2021–22 period Victoria's Labour Hire Authority extracted \$12.833 million in licence fees from productive labour

hire businesses, which perform a pivotal role in the Victorian economy by meeting demand surges, filling staff vacancies and providing employment opportunities.

Victoria's burdensome labour hire regulation should be repealed on principle but given the Andrews government's failed management of the economy, the state's precarious financial position and now the Premier's efforts to obtain a bailout from Canberra there is no doubt that the government will be seeking some form of quid pro quo from the interstate taxpayers to fill this hole in the rapidly deteriorating Victorian budget. So the action I seek from the minister is very specific: the minister should reveal what negotiations have taken place on this matter to date and what the Andrews government is seeking in return from the federal government for the repeal of Victoria's labour hire regulatory scheme.

Parliamentary Budget Officer

David DAVIS (Southern Metropolitan) (17:57): (168) My adjournment matter is for the attention of the Treasurer, and it concerns the recent very concerning developments at the Public Accounts and Estimates Committee where the Treasurer seems to have intervened either directly or indirectly to ensure that Mr Anthony Close, the Parliamentary Budget Officer, is not reappointed. This is a very sad development because he not only put the Parliamentary Budget Office on a very firm footing, but he was able through his high level of integrity and his great capacity to ensure that the PBO became a reliable source of information.

What seems to have irritated the Treasurer specifically are the matters surrounding the Suburban Rail Loop, where the careful, methodical work done by the PBO was able to expose a likely \$125 billion base cost for the first two stages – noting that the government had indicated repeatedly that \$50 billion would see the development of all three stages of the Suburban Rail Loop only to have the independent Parliamentary Budget Office cost the first two stages at \$125 billion. You can do the calculations as to what it might cost for the third stage, and the likely cost is approaching \$200 billion for the whole circle, as it were. Also, the debt figures that the Parliamentary Budget Office exposed, the work they did on the state's burgeoning debt, the serious debt position, were at clear odds with where the Treasurer was proposing that the state would land.

For all of these reasons we have seen a fractiousness between the government and the Parliamentary Budget Office, and my concern is that it is another independent officer who has got it in the neck because of the government's hatred of any criticism and the government's vicious response and determination to rub them out.

I am very concerned that the Treasurer's office and the Treasurer's staff have been involved in briefing people and pushing hard against the Parliamentary Budget Office to ensure that Mr Anthony Close is not reappointed. I would ask as a request in this adjournment for the Treasurer to step back and reconsider this, to release all of his correspondence, all of the correspondence that he may have had, from his office to members of the Public Accounts and Estimates Committee, including Labor members and the chair, and make those public, and to recant, to reverse his position and support the reappointment for a full four years of the Parliamentary Budget Officer Mr Anthony Close. He is a person of integrity and intelligence.

Merri Creek trail

Evan MULHOLLAND (Northern Metropolitan) (18:00): (169) My adjournment tonight is directed towards the Minister for Crime Prevention and is about a big issue for my constituents in the northern suburbs, particularly women. Last month the ABC revealed the startling inaction of the state government and Merri-bek and Darebin councils in addressing the crisis of sexual offences along the Merri Creek trail. This is a beautiful part of Melbourne that I am proud to represent, but the trail for decades has been the location of harrowing violence and sexual assault cases. It was not until 2019 when a woman was raped and nearly drowned that there was finally some proper attention and a review was commissioned. But it has been three years, and the researchers at Monash University who

conducted the review have seen almost nothing come from their recommendations, not even lighting underpasses at critical points along the trail. These locations include the Moreland Road underpass, which was specifically requested by nearly half the women surveyed.

In response to ABC inquiries the mayor of Merri-bek Angelica Panopoulos told the ABC the council had implemented a range of actions, including cutting back vegetation for visibility and widening local paths, but while this is a step in the right direction, it is quite literally trimming the edges of the problem. We need to listen to the community and to experts. Dr Bianca Fileborn, who led the research effort, wants authorities to tackle the root cause of harassment. She said she found it difficult engaging with the government in her research. She said that some departments quite overtly told her that they did not think this issue was relevant to them.

The failure of successive state and local governments to see this as their problem to solve brings us to the horrible situation where young women are being forced to consider whether the northern suburbs and the inner north are safe places for them. When we talk about issues of women's rights, this is quite fundamental. Why is it safe for me as a bloke to go exercising in the northern suburbs but my wife cannot? I want northern suburbs where my daughter can grow up and safely exercise in places like the beautiful Merri Creek trail. The action I seek from the minister is to explain whether the government views this as a problem and to explain what they are doing to ensure these critical safety upgrades are delivered. And if councils will not step up, will the minister explain what the government will do?

Responses

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (18:03): There were 16 adjournment matters this evening to various ministers, and I will ensure that members receive replies in accordance with the standing orders.

If I can just acquit the question from Dr Bach in respect to free kinder, in doing so I want to acknowledge the incredible work of all of our kindergarten services across the state. Sessional kinder is a really important part of the sector, and we will continue to support it in many different ways. I am extremely proud that our government is investing \$14 billion in absolutely transforming early childhood education in our state, and I am also very proud that 97 per cent of our kindergarten programs have taken up the free kinder initiative. This really is about making sure that thousands of Victorian children and their families who may have previously been unable to attend a kinder program because of cost-of-living pressures now can make that choice without worrying about the cost to them.

It does represent a saving of up to \$2500 per child, and services right across the state have embraced this key plank in our Best Start, Best Life reforms. It is important to note that the average kindergarten fee is \$1900 per child. The government has struck that funding rate of \$2500 in our sessional kinders, which basically translates into significantly more funding for many, many more centres across the state. It means that with that additional funding services are able to reinvest into the quality of the service, including of course the professional development and support of our amazing kindergarten teachers and educators. We have also provided additional support for those higher fee charging services to help them mitigate any of the impacts of offering free kinder.

Whilst kindergarten is a non-compulsory system, I think that the free kinder initiative is showing signs of having driven really strong participation and enrolment activity in the first part of this year. Of course we are in the enrolment drive for next year now, so enrolments are open right across the state. Free kinder is really about making kindergarten education as affordable and accessible as possible for as many children as possible, and of course we are seeing now free kindergarten for both three- and four-year-olds. The importance of two years of early childhood education cannot be overstated. All of the research shows us that it really improves developmental outcomes for children and means that they are ready for primary school. I could not be prouder of our free kinder initiative. I think it is something that the kindergarten sector and of course families right across the state have embraced.

ADJOURNMENT

Tuesday 2 May 2023

Legislative Council

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Can I just indicate to Ms Bath in relation to her constituent's issues with the Middle Creek bridge that I am not briefed on this but I am very happy to seek some advice from my department and get some information back to her about what is going on down there and what might be possible to assist her constituent.

The PRESIDENT: The house stands adjourned.

House adjourned 6:08 pm.