



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Tuesday 21 March 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 <sup>1</sup>	Western Metropolitan	IndLib	Ratnam, Samantha	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Heath, Renee	Eastern Victoria	Lib	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tierney, Gayle	Western Victoria	ALP
Limbrick, David <sup>2</sup>	South-Eastern Metropolitan	LP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

<sup>1</sup> Lib until 27 March 2023

<sup>2</sup> 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 21 March 2023**

**The PRESIDENT (Shaun Leane) took the chair at 12:02 pm, read the prayer and made an acknowledgement of country.**

*Questions without notice and ministers statements*

**Member conduct**

**David DAVIS** (Southern Metropolitan) (12:03): (81) My question is to the Leader of the Government in her capacity as the minister representing the Premier. I refer to the repeated and grubby, conflicted decisions made by the Assistant Treasurer Danny Pearson that are advantageous to firms in which he has substantial shareholdings. In particular I refer to the briefing signed by Mr Pearson on 25 June 2021 in which he approved DTF to enter into new telecommunication leases with Telstra Corporation, despite holding a substantial parcel of shares in Telstra. I ask: will the Premier sack Pearson for his corrupt conflicts of interest?

**The PRESIDENT:** Mr Davis, I am going to put the question, but I will just alert you that, if you are going to move into allegations about a sitting member, you need to do it by substantive motion.

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:04): I was not expecting this question today, Mr Davis, but there we go. It is a question for the Premier. I am sure that he can respond, but there are similar answers that I have given previously in relation to this matter. Minister Pearson was elected the same year I was. We have been in this place together eight years, and he has disclosed his interests every year in accordance with the rules. He has disclosed all of his interests, he has acted appropriately, he has now entered into other arrangements to ensure that the perception of any conflict is covered and he has again and again answered these questions himself. My answer stands. However, as you have directed that to the Premier, I am happy to pass it on to him for further response.

**David DAVIS** (Southern Metropolitan) (12:06): Minister Danny Pearson swore a ministerial oath to act without fear or favour, and I ask the Premier, through you, Minister: how is signing lucrative leases for a firm the Assistant Treasurer holds shares in consistent with his ministerial oath?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:06): I will pass that on to the Premier.

**Extremism**

**Samantha RATNAM** (Northern Metropolitan) (12:06): (82) My question is to the Attorney-General, representing the Premier. Like many Victorians, I was horrified to see neo-Nazis join with anti-trans bigots on the steps of Parliament to promote hateful and intolerant far-right ideology. These movements are dangerous, they are linked to each other and they have no place in Victoria. While the Greens welcome the government's intention to ban the Nazi salute, banning symbols and gestures must be part of a bigger response to address the root causes of the growth of far-right extremism in Victoria. In the last Parliament, the Legal and Social Issues Committee undertook an inquiry into extremism in Victoria, which made a number of recommendations on addressing the rise of far-right extremism in this state, including investing in more social cohesion and community building. The government has not responded to this inquiry as yet, and the response is now overdue. Attorney, will your government commit to implementing all recommendations from this inquiry as a matter of urgency?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:07): I thank Dr Ratnam for her question, and indeed I agree with the sentiments that she has brought to the chamber today in relation to the outrageous and cowardly acts that we saw on the steps of Parliament on Saturday. I think many of us were not only shocked but frankly just could not believe what we were seeing. There are some legislative responses to respond to that action. I was on the record yesterday

as saying that we will progress laws to ensure that the Nazi salute is outlawed. The fact that we have even got to do that in Victoria is quite upsetting, but nonetheless we will get it done.

I know your question is for the Premier, but there is a lot in my space as well. There is a parliamentary committee report from the Legal and Social Issues Committee of the Legislative Assembly that looked at anti-vilification reforms. That is effectively where the banning of the Nazi Hakenkreuz came from in the first instance, which we proudly passed in this chamber. But they also had further recommendations around protecting more Victorians from vilification, strengthening civil anti-vilification laws, strengthening criminal anti-vilification laws, expanding the Victorian Equal Opportunity and Human Rights Commission's powers to prevent vilification and requiring organisations to prevent vilification. These are recommendations that we have committed to in principle, and I have been advancing those. Actually that is where we were looking potentially at how we could ban the salute as well. After the events on Saturday, we have decided to bring forward the consideration of how we can legislate in relation to the salute, but that does not mean that these amendments are not progressing as well. We have got some consultation papers that will be going out soon in relation to that, and I think it will pick up a lot of the work that you have identified by the committee from this place in relation to extremism.

These are important issues. This government is committed to protecting our most vulnerable, and if we have to legislate to pick up the sentiments of most Victorians, then that is what will get on and do. I look forward to your collaboration as we advance those reforms.

**Samantha RATNAM** (Northern Metropolitan) (12:09): Thank you very much, Attorney, for your response. I welcome hearing the progress that has been made, and we certainly look forward to a response to all of the recommendations of that important inquiry. That inquiry also found that far-right extremist movements cause harm to the LGBTQIA+ community and that far-right extremists may see the mainstreaming of homophobic and transphobic sentiments in public discourse as legitimising the targeting of LGBTQIA+ Victorians. Given the clear connection we saw on Saturday between neo-Nazi groups and anti-trans bigots, will you ensure that addressing the relationship between far-right extremism and transphobic movements is part of the government's response to preventing the rise of far-right extremism?

**Jaelyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:10): Just to pick up on my earlier responses about the fact that your question is directed to the Premier, I also happen to be sitting next to the equality minister. We are all focused on these important issues. We certainly want to make sure that we do everything possible to ensure that equality extends to everybody in Victoria. It is non-negotiable, and we will have more to say in this space as we advance a lot of those reforms. I welcome your interest and obviously your involvement. Many people in this chamber will be part of that work.

#### **Ministers statements: LGBTQIA+ equality**

**Harriet SHING** (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:11): I rise today in my capacity as Minister for Equality. I am so proud to stand here today as a member of our LGBTQIA+ communities here in Victoria. I am so proud to be part of LGBTQIA+ communities, including trans people, who band together, tell our stories, share our experiences and try to build connections in the face of an escalating amount of bile, stigma, discrimination, isolation and trauma.

Over the weekend we saw a disgraceful display of hate. We saw an abhorrent display of the weaponising, the victimising and indeed the vilification of trans people. And then the Nazis showed up. This is not in fact able to be part of a civil debate, as it is said, when we are fundamentally talking about the rights of trans people to live without discrimination – the rights of trans people to be able to play sport, to use public toilets, to have access to employment opportunities and indeed to work their way through every day of their lives without the stigma and the discrimination that are a feature for trans people.



It should go without saying, but it cannot. The stigma and discrimination that trans people experience contribute directly to lesser life quality. They contribute to a suicide rate more than 15 times that of the general population. They contribute to a sense of isolation that limits employment opportunities, that compromises access to health care and that creates a series of isolating experiences that overwhelmingly contribute to self-harm. This is about honouring the trans and gender-diverse members of our communities, and our government will never take a backward step in confirming that equality is not negotiable.

### Adoption

**Matthew BACH** (North-Eastern Metropolitan) (12:13): (83) My question is also for the Attorney-General. Attorney, when adoption equality legislation came into force in 2017 the government said:

This law brings much needed certainty for many children and their parents who currently live in a legal haze ...

Yet your department has now confirmed that fewer than five children have been adopted since then by same-sex couples. Attorney, what action will the government now take to deliver on its previous promise of removing 'many children' from a legal haze?

**Jaclyn Symes:** Dr Bach, I am a little unclear about your question. Are you concerned about the administrative processes or are you concerned about the support for the ability for people to adopt? If it is a matter for BDM, that no longer sits with the Attorney-General. I am happy to revisit your question, because I am a little unclear about exactly what you are asking, I have got to say. But it might not even be –

**A member** interjected.

**Jaclyn Symes:** I could ask him to rephrase, but I actually think it is going to be a matter for the Minister for Government Services.

**The PRESIDENT:** I will give Dr Bach a chance to rephrase if he likes.

**Matthew BACH:** I am happy to rephrase if that would help the Attorney. The nub of my question is this: what action will the government now take to deliver on its previous promise and allow more same-sex couples to adopt?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:14): The work goes on, Mr Bach. If the legal changes have made it easier for five families to access adoption and that has been the right choice for their family, then that is a good outcome. If you have examples of individual families that are having difficult –

*Members interjecting.*

**Jaclyn SYMES:** You have asked me to identify how we can support more and many families. What I would ask from you is to bring to me any examples of people who are finding it difficult to access the laws that allow them to do such as that.

**Matthew BACH** (North-Eastern Metropolitan) (12:15): To initially respond directly to the Attorney-General, I am very happy to do that. A number of people who I had spoken with, members of the rainbow community here in Victoria, spoke on the record with the *Guardian* recently about the dreadful and ongoing discrimination that they face in seeking to access adoption. I am very happy to pass on details to you – very happy to. As I said in my substantive question, Attorney, your department has said that 'fewer than five children' have been adopted by same-sex couples since this legal change. Can you tell the house exactly how many?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:16): Mr Bach, coming back to where we left off in our conversation on your first question, the framework is there to support families to access adoption regardless of the make-up of those families. If you have specific examples of families that are having problems with administrative issues, then I am more than

happy to speak with those families. That is fine. There are a myriad of issues that can be barriers for people adopting, particularly international – overseas – barriers. But in relation to the legislation that we brought forward, it was to make things easier for families, and my invitation –

*Members interjecting.*

**Jaclyn SYMES:** I have just offered to speak directly to any families that are having difficulties under the scheme, which, as I understand it, was championed by us and opposed by you.

#### **Anti-vilification legislation**

**Rachel PAYNE** (South-Eastern Metropolitan) (12:17): (84) My question is for the Attorney-General Ms Symes, and I acknowledge her response to Dr Ratnam. In a similar light, I would like to also just talk about how deeply the actions of the far-right and anti-trans activists affected us as a community over the weekend during the rally. No-one should be expected to endure hate speech that is designed to intimidate and humiliate, especially those already vulnerable and marginalised. So my question is, Minister: when will you move to legislate extended anti-vilification protections that you supported in principle on 2 September 2021 in response to recommendation 1 of the Legal and Social Issues Committee?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:18): I thank Ms Payne for her question and indeed support the remarks that she has made in relation to the impact that actions and words have on people. It is never lost on me when we have debates in this chamber that affect the rights of vulnerable communities, particularly LGBTIQ+ communities. We have had many debates in here where we are championing the rights, but I know that that commentary in itself is quite harmful. But of course it is important work to advance. It is on the list to do. As you know, we have accepted those recommendations in principle. It was scheduled for work for me for the second half of this year. Obviously we are pulling forward some elements of it. I have got a lot of legal reform that is really important to Victorians that we are working through, but this remains one of my priorities.

**Rachel PAYNE** (South-Eastern Metropolitan) (12:19): I thank the minister for her response. I agree; in principle there has been that commitment made. But can you give us, those in the LGBTI community, some reassurance that there will also be shield-like law reform protections for us from vilification as made in that recommendation 1?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:20): Yes, indeed. Thank you, Ms Payne. We are looking at extending the list of attributes that are protected under our vilification laws, looking at hate crimes and whether there can be changes there. These are conversations that I have been having for some time, whether it is with representatives of our multicultural communities, members of the LGBTIQ+ community and advocates in this space. There is a lot of interest in it. It is complex to get right. You want to get it right. As we have said, sometimes the conversations can be harmful as well, so let us do it once. It is my commitment to you and to this chamber that we will have more to say in this space.

#### **Ministers statements: prison programs**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:20): Yesterday I was back at Loddon Middleton prison. I had the pleasure of seeing the vocational education and training centre of excellence in action. The centre of excellence is a training and employment program that connects people with job opportunities even before they are released. The program was developed by Corrections Victoria in partnership with the Bendigo Kangan Institute and major construction sector employers. I want to thank our amazing staff and the Australian Constructors Association for their work to champion and support this program.

The goal is for participants to leave prison with a clear pathway to a job. The program offers a sense of pride and achievement and a real opportunity for people to turn their lives around, because we know

that having a job does not just provide income and independence. It is one of the most important factors in reducing the risk of reoffending, and that makes all of us safer. The VET centre of excellence program deserves proper recognition given the profoundly positive impact it is having.

**Nicholas McGowan:** On a point of order, President, the minister is, I would say, slavishly reading from his notes. I have previously raised this issue for consideration. I would appreciate that it is considered and that the President come back to the chamber with respect to that.

**The PRESIDENT:** Mr McGowan, ministers statements have been read I think since they were introduced, pretty much, along with members statements and along with a number of other items in our standing orders. As I responded to you previously, there is nothing in the standing orders about reading notes. It has been a practice. It has been put down as a practice. It is a practice that I have noticed has not been adhered to for a decade at least since I have been here, so I have asked the clerks to review all our practices and come back to the chamber. I think in a debate I agree with you, Mr McGowan, that there should be more debate rather than reading. There should be more debate and rebutting people's comments from either side of the chamber; that is what a debate is about. But when it comes to ministers statements and members statements, I am comfortable that they read it, because they want to get it accurate on the record.

**Nicholas McGowan:** On the point of order, President, thank you for that reflection. Can that also include, please, attire? I am well known for being a fan of comfort and T-shirts and thongs and tracksuit pants, but in your review, if we are going to have rules in this place with regard to attire and we are all going to adhere to those rules –

**A member:** Burn the tie.

**Nicholas McGowan:** burn the tie – then I would suggest that we also look at attire as part of that review.

*Members interjecting.*

**The PRESIDENT:** Order! I would encourage members to email me any views they have on the procedures of this house. I am always interested to have conversations firsthand. We have gone from reading to what we are wearing, and I think we need to get back to questions and ministers statements.

**Enver ERDOGAN:** Thank you, President. As I was saying, the VET centres of excellence are great programs. They are about upskilling people in our custody and giving them the best chance to turn their lives around. Already 32 people have graduated into full-time employment. That is fantastic. And because of our government's record investment in the Big Build there are heaps of jobs for skilled construction workers. The construction workers of this state know which government supports them. We support people in custody turning their lives around and making a real difference.

In the coming years we are going to be expanding the program throughout our prison system. I look forward to that program continuing to deliver, because obviously we know there is an acute labour shortage across the economy and across the nation. This program is meeting that need but also meeting the justice needs in turning people's lives around. I know that many of my colleagues are committed to giving people the best chance to turn their lives around, and that is why we have made this investment. It is about skills; it is about jobs; it is about training. It brings it all together. It is about justice; it is about safer communities. And that is good for all of us.

#### COVID-19 vaccination

**Matthew BACH** (North-Eastern Metropolitan) (12:25): (85) My question is back to the Minister for Corrections. Minister, it was revealed in the *Herald Sun* on Monday that inmates and visitors to Victorian prisons no longer need to be vaccinated. However, a strict mandate is still being enforced on corrections officers, who say the rule is exacerbating the state's prison staffing crisis. Minister, I am advised that Corrections Victoria is the only correctional department in Australia that is

maintaining a COVID-19 vaccination and booster policy for staff. In light of the high number of prison units being closed due to a lack of staff, why is this policy still in place?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:25): First of all, I want to from the outset thank all our corrections staff for the amazing work they do. Anyone that understands the corrections system knows that it is a very complex and challenging environment to work in, so they do a very difficult job. In terms of what we are doing in making sure that the settings are safe and they are operating safely, people are working very hard with what they are doing. But in terms of vaccination mandates, I thought we had these debates last term, so Mr Bach is going back in time in terms of these COVID vaccination mandates. I thought we had gone beyond that point, but I am not surprised the opposition is still focused on vaccine mandates and trying to appease that element of the community. But what I will say is, in terms of health settings –

**Nicholas McGowan**: On a point of order, President, the minister is not being direct; he is now debating the question. I ask you to pointedly remind him that he needs to be direct in answering his question.

**The PRESIDENT**: The minister was relevant to the question.

**Enver ERDOGAN**: I was only 50 seconds in. I am just answering the question that Dr Bach put forward about vaccine mandates. I think it is an important point, because I think it is a contrast with the government. What we have always done as a government is listen to the professionals on health advice, and the settings in our corrections system are regularly reviewed. The settings in terms of COVID have been adjusted recently so people that are unvaccinated can get visitors into the prison system. In terms of settings for correctional staff, that is regularly being reviewed, as all the health settings are in our corrections facilities.

Our number one goal is to ensure the safety of the staff and those in our custody. We have got a duty of care to them. That is the paramount duty that I take very seriously, and so do all our staff. Obviously we will review that in due course, as we do with every other sector of the economy. But like I said, I am surprised, Dr Bach, that out of all weeks this week your focus is on COVID vaccine mandates.

**Matthew BACH** (North-Eastern Metropolitan) (12:28): Minister, have you been briefed by the department on this issue? If you have, to carry on a previous theme, would you be willing to table that briefing for the benefit of members?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:28): I am regularly briefed by the corrections commissioner on matters that happen in our corrections system, so in terms of issues around staffing and prison settings, obviously major policy differences or procedural differences are discussed. But like I said, we put the safety of our staff as paramount. In terms of any changes or adjustments, let me be clear, there is still a process to be had in terms of health settings – the setting of the health advice and the staff needing to be consulted. We need to make sure that we keep COVID numbers down in our corrections system, because obviously it is a different environment from being outside. Being in the corrections system is very different. I think it is easy to make commentary and try to compare the settings in our corrections system to the settings –

**Matthew Bach**: On a point of order, President, I have been listening to the minister and he is talking about interesting issues, but he has not gone near the question yet. Under our standing orders, at 8.07, it is necessary for a minister to be relevant, so I would ask that the minister be brought back to actually addressing the question.

**The PRESIDENT**: I believe the minister was relevant.

**Enver ERDOGAN:** As Dr Bach knows, staff continue to be required to be vaccinated. These changes have not had a significant impact on the system. Corrections Victoria will continue to monitor and make any necessary adjustments in due course.

#### **Animal welfare**

**Georgie PURCELL** (Northern Victoria) (12:29): (86) My question is for the Minister for Agriculture. Last week Humane Research Australia revealed through FOI that five macaques, which are small monkeys, have recently died unexpectedly at a breeding and research facility managed by Monash Animal Research Platform. Heart failure, chronic infections, anaesthesia errors and extreme bullying by other primates are some of the suspected causes. Macaques and humans share approximately 93 per cent of the same DNA, but their high level of intelligence has led only to exploitation. Despite claiming the highest standards of practice, this facility has only been audited once in the past decade. We only know about these horrific occurrences when dedicated advocacy groups request this hidden information. This investigation only highlights the inability for animal testing to occur without devastating consequences. What action will the minister take to investigate these monkey deaths?

**Gayle TIERNEY** (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:30): I thank Ms Purcell for her ongoing commitment in terms of animal welfare issues across this state. I think it is important to state that Victoria’s world-leading medical researchers take their animal welfare responsibilities very seriously. They are a very dedicated group of people that are doing nothing but wanting the best possible outcomes for Victorians. The relevant minister is the Minister for Medical Research in terms of the actual research, and that minister may be able to help you in terms of some questions.

But in terms of the animal welfare component, that is within my portfolio area. This is an issue that continues to be monitored, and of course it is a matter of making sure that we have the very best possible circumstances. I know that there were fairly recent amendments to POCTA, and they of course improved enforcement powers and provided for the establishment of the Animals in Research and Teaching Welfare Fund. So there have been some improvements. We also know that research is only permitted when it is crucial to improving the health and wellbeing of humans as well as animals or indeed the environment. What I can say to you, Ms Purcell, is that in terms of the matter that you have raised, I do know that Animal Welfare Victoria is actively investigating that particular case.

**Georgie PURCELL** (Northern Victoria) (12:32): Thank you, Minister, for your response. In 2020, 108 macaques and 63 marmosets were used for research in Victoria. In total, almost 600 primates were used for breeding and 66 deaths were reported. Can the minister advise which institutions are licensed to use primates for testing, breeding and research in Victoria?

**Gayle TIERNEY** (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:33): I thank Ms Purcell for her supplementary question. It is a very detailed question that requires a detailed answer. I will endeavour to provide that information to you, Ms Purcell.

#### **Ministers statements: Changing Places**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:33): I rise to update the house on how the Andrews Labor government is supporting those with disability to access appropriate amenities across our state. In the 2022–23 state budget, we allocated \$5.4 million to construct 30 Changing Places facilities, and last week I was delighted to announce that we are opening the latest round of grants for councils, not-for-profit organisations and tourism operators to build Changing Places facilities. Changing Places are accessible public toilets and change rooms for people with disability –

**Jaelyn Symes:** They’re so good.

**Lizzie BLANDTHORN:** They are awesome, Attorney-General. They make community spaces more accessible, including at popular tourist destinations as well as events, and they make them far more accessible for people with disability. They provide suitable facilities for people who cannot use standard accessible toilets and ensure that all Victorians are able to enjoy the best of what this state has to offer. We know that they make a real difference in people's lives. Victoria initiated construction of these facilities, and we continue to lead the way, building more of these critical pieces of infrastructure. After the first Australian Changing Places opened in Victoria in 2014, there are now 248 Changing Places across Australia. 113 of them are in Victoria.

It is not only grants to build Changing Places that we are supporting. Thanks to investments from our government there have been improvements to the national Changing Places website, making it more accessible, secure and functional for all users. The redeveloped website will make it easier to find the nearest Changing Places and also information for organisations wanting to construct Changing Places facilities. The website can be visited at [changingplaces.org.au](http://changingplaces.org.au).

The latest Changing Places funding round will provide funding for Changing Places facilities across two streams: local government and not-for-profit organisations, and popular tourism destinations and attractions. The funding round is now open and closes on 14 April, with up to \$180,000 funded towards each facility. We encourage Victorian local governments, not-for-profits and community organisations as well as tourist attractions or destinations to apply so that together we can build a more accessible state.

### Cybersecurity

**David DAVIS** (Southern Metropolitan) (12:35): (87) My question is for the Minister for Environment. Minister, a freedom-of-information request on DEECA's decision to reverse its planned TikTok ban shows that in January 2023 TikTok was installed on 69 active DEECA-managed devices, and I ask: how many of those 69 devices are held by DEECA bureaucrats within the environment section of the department, for which you are responsible?

**Ingrid STITT** (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:36): Wow, I did not prep that one! I understand that cybersecurity is a very important issue for all of our government departments and agencies, and I will endeavour to get a little bit of information for Mr Davis. He is obviously really very specific about what he wants to know about this, but I will provide a written response in accordance with the standing orders.

**David DAVIS** (Southern Metropolitan) (12:36): Therefore I ask as a supplementary: Minister, isn't it a fact that the DEECA IT security advice says those bureaucrats who have installed TikTok on DEECA devices, in the environment section and elsewhere, should follow that advice and remove TikTok immediately?

**Ingrid STITT** (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:37): Far be it from me to question the accuracy of Mr Davis's assertions contained in that supplementary question, but I will of course go and double-check these matters. I would expect that all of our hardworking DEECA staff would be adhering to all of the policies and procedures that are in place regarding IT and indeed beyond IT matters.

### Extremism

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:37): (88) My question is to the minister representing the Minister for Police in the other place. On Saturday I attended the counter-protest outside Parliament to oppose a far-right anti-trans speaker. Upon arriving, my queer comrades and I were immediately surrounded by police, confined to a small area some distance from the speaker. Independent legal observers present on the day from Melbourne Activist Legal Support have expressed concern that neo-Nazis and anti-trans groups were effectively granted free rein to congregate and peddle their hate because police resources and cordons were almost exclusively

directed at trans rights protest groups. Minister, what actions will you take to make sure that the policing of far-right extremist groups prevents further harm towards our trans and gender-diverse community without simply expanding police powers?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:38): I thank Mr Puglielli for that important question. It is a matter that is obviously of great public interest. Many of my colleagues have already expressed the government’s view on this matter, so I will not repeat that. In line with the practices of this place, I will forward that on to the Minister for Police in the other place and get a written response in line with the standing orders.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:38): I thank the minister for referring the question on. These legal observers present on the day have also asserted that there were a number of incidents of violence and unreasonable use of force directed at trans and gender-diverse people and that:

... Victoria Police failed to consider or uphold any of its numerous obligations to prevent discriminatory or prejudice-motivated acts towards trans and gender-diverse people in its policing of the rallies on Saturday afternoon.

Minister, what follow-up actions will you take to investigate the operational decisions of Victoria Police from that day?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:39): Thank you, Mr Puglielli, for that supplementary question. I will forward that supplementary question on to the Minister for Police in the other place, and she will take it on notice and provide a written response in due course. They are quite serious allegations put forward by you, and I am sure the Minister for Police would be interested in responding appropriately.

**Ministers statements: farming innovation**

**Gayle TIERNEY** (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:40): I rise today to draw attention to the outstanding work of Victoria’s agriculture sector in leading the country in on-farm climate action. Last week I had the privilege to meet with Olivia Lawson at her award-winning Paringa Livestock farm. I was really interested to hear about Olivia’s participation in the on-farm emissions action plan program run by Agriculture Victoria and assisted by the University of Melbourne. Olivia explained how through this program Agriculture Victoria has worked with her to develop a tailor-made emissions footprint of her farming operations which catalogues and itemises emission sources. The program also provides an action plan with options to reduce emissions and covers everything from relatively straightforward things such as planting more trees through to incrementally improving livestock efficiency to develop cattle which are both more productive and result in lower emissions. Given the awards Olivia and her husband Tom have won for best practice farming, including being recognised as the 2022 *Weekly Times* Coles beef producers of the year, there can be little doubt that Oliva and Paringa Livestock will continue to pave the way for innovative, profitable and practical on-farm climate action.

This is indicative of the great work occurring across Victoria’s agriculture sector. Farmers knowing their number in terms of emissions is an important first step in understanding and then reducing on-farm emissions. I am proud of the nation-leading work that Victorian farmers and Agriculture Victoria are collaborating on to achieve this. It gives me great hope and excitement to see Victoria’s agriculture sector pave the way for lower emission, sustainable and profitable farming. This government is proud to walk with farmers like Olivia on this great modernisation towards low-emission, high-profit farming for the future of Victoria.

**Written responses**

**The PRESIDENT** (12:42): The following ministers will get responses under the standing orders to the following members: Minister Erdogan will get Mr Puglielli answers to both of his questions to the Minister for Police, Minister Stitt has committed to Mr Davis to give him answers to both questions to her, the Attorney-General has given Mr Davis a commitment to get answers to both of his questions in the first question that he asked, and Minister Tierney has committed to Ms Purcell to get her a written response on her supplementary.

I advise the house that I have a response to a letter from Ms Purcell in relation to her question without notice 43, which she asked of the Minister for Racing via Mr Erdogan on 22 February 2023. Having reviewed the written responses, I am of the opinion that the minister has answered the substantive question; however, the supplementary question has not been answered. Therefore I order that a further written response under standing order 8.07(3) be provided to Ms Purcell's supplementary question. As it is for a minister from the other place, that further response is required in two days.

*Questions on notice*

**Answers**

**The PRESIDENT** (12:43): I have received a written request from Mr Davis seeking the reinstatement of a question on notice directed to the Minister for Training and Skills. Having reviewed the response, I order that question on notice 5 be reinstated in full as the response does not address the time frame of the information sought by Mr Davis.

*Constituency questions*

**Western Metropolitan Region**

**Moira DEEMING** (Western Metropolitan) (12:44): (81) My constituency question is for the Minister for Roads and Road Safety. When will the government upgrade the Palmers Road corridor, which involves three stretches of roads – Robinsons Road, Westwood Drive and Calder Park Drive – which connect the Calder Freeway to the Western Highway? Over 20,000 vehicles use this corridor every day. As the surrounding suburbs grow, the volume and intensity of traffic is becoming overwhelming. In the five years before COVID there were 85 traffic incidents and 80 people were injured. My constituents are desperate for the duplication of the roads along this corridor. Melton City Council has written to the minister requesting a formal upgrade of Westwood Drive and for the corridor to be made into a state arterial road. An independent analysis shows that this upgrade will deliver \$300 million of benefit to the area in the next three decades.

**Northern Victoria Region**

**Georgie PURCELL** (Northern Victoria) (12:45): (82) My question is for the Minister for Environment. It is estimated that upwards of 400 endangered southern greater gliders will perish during the imminent planned burns in the Strathbogie State Forest. This forest provides a crucial habitat to the glider, whose overall population has declined 80 per cent over the last 20 years. Seventy-four per cent of the Strathbogie Ranges have already been cleared since European colonisation, and planned burns by the Department of Energy, Environment and Climate Action are set to wipe out over 1300 hectares of crucial habitat this year alone. The glider was declared endangered under the federal Environment Protection and Biodiversity Conservation Act on 5 July 2022, yet DEECA has significantly increased the size of this burn without consideration. Expert ecologists from Save Our Strathbogie Forest and Euroa Environment Group oppose this burn due to its scale, based on years of their own data and research. My constituents want to know if the minister will reconsider the imminent burning of hundreds of endangered animals in the Strathbogie State Forest.



**Northern Metropolitan Region**

**Evan MULHOLLAND** (Northern Metropolitan) (12:46): (83) My question is to the Treasurer in the other place. In four separate state and federal elections Labor have promised to build the Wallan diamond interchange onto the Hume at Watson Street in Wallan. This is a critical infrastructure project which will unlock traffic gridlock in Wallan. I note the former federal government's \$50 million budgeted towards this project. Given there is now no-one to blame – there is a Labor government in Canberra and on Spring Street – will the state government finally stop the blame game and stump up and commit the \$130 million promised by both Labor and the coalition at the November election for the Wallan diamond interchange ramps in the upcoming state budget?

**North-Eastern Metropolitan Region**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (12:47): (84) My question is to the minister for transport, and it relates to the North East Link project currently well underway in my electorate, on which I receive frequent communication from constituents. This is a \$16.5 billion project set to add 100,000 extra vehicles every day to the Eastern Freeway. This will shift 25,000 daily commuters away from low-emissions public transport into polluting internal combustion engine cars. Vehicle pollution, both fine particulate matter and nitrogen oxide, is estimated to cause the premature deaths of more than 11,000 Australians annually. That is more than 10 times that of vehicular accidents. Given this information and the huge scale of the project, a subsequent increase in local road pollution is of key concern to constituents of the North-Eastern Metropolitan Region. As this project and construction are well underway, I ask on behalf of my constituency: what will the government do to ensure accurate and consistent measurement and publication of air pollution information from the North East Link, and how will they protect the community from this potential harm?

**Northern Victoria Region**

**Wendy LOVELL** (Northern Victoria) (12:48): (85) My question is for the Minister for Multicultural Affairs, and it concerns the need to support the Sikh community in Mildura. It goes without saying that many members of the Sikh faith in Victoria contribute greatly to their local communities, and this certainly is the case in Mildura, where the growing Sikh community are collectively known for their volunteerism and their generosity towards those in need across the region. The Mildura Sikh temple, or gurdwara, as it is correctly known, no longer meets the needs of the local Sikh community, and local leaders have plans to construct a new place of worship that will cater for the growing community. The project has three stages, and plans for the new gurdwara have been approved by the Mildura Rural City Council. The completion of the new temple is estimated to cost approximately \$1.2 million, with stage 1 costing \$450,000. Will the minister support the members of the Mildura Sikh community and provide \$450,000 in funding to complete stage 1 of the construction of the new gurdwara in Mildura?

**Northern Victoria Region**

**Rikkie-Lee TYRRELL** (Northern Victoria) (12:49): (86) My question is for the minister representing the Minister for Ambulance Services. Could the minister initiate an investigation into the appalling ambulance turnaround times within the Indigo shire region? I have recently had a concerning meeting with Indigo Shire Council. They have indicated that ambulance service response times are amongst the worst of any council in the state. I understand that this is a regional area; however, it is not amongst the most remote. Through some research of their own the council is unable to ascertain the cause of these appalling turnaround times.

**Western Metropolitan Region**

**Trung LUU** (Western Metropolitan) (12:49): (87) My question is for the Minister for Multicultural Affairs. I have received many inquiries from residents of the Hindu community in my electorate and those across Victoria who practise the Hindu faith expressing their concern and wariness when attending their place of worship following the recent attacks on temples in Melbourne and violent

incidents at Fed Square. So my question is: what action have the Andrews Labor government and the Minister for Multicultural Affairs taken to ensure that these temples are safe and those residents of Hindu faith are safe when attending their place of worship? Earlier this year the BAPS Swaminarayan Mandir temple in Mill Park was attacked, followed by another incident at the Shri Shiva Vishnu temple in Carrum Downs. The third incident was at the International Society for Krishna Consciousness temple in Danks Street, Albert Park. This is an issue about safety and the right to feel safe, and we have concerns right here.

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

**Rachel PAYNE** (South-Eastern Metropolitan) (12:51): (88) My constituency question is for the Minister for Housing. My constituent is a university student currently seeking to move closer to her campus in Dandenong to continue her studies. After two months of searching and competing with hundreds of low-income earners for rental properties, she has realised that the affordable rental situation is dire in Dandenong. She has stressed that she will either have to be pushed into accommodation she cannot realistically afford or, like some of her other student friends, have to commute for hours and hours daily from more affordable regional Victorian locations. She asks the minister: what steps are being taken to ensure that there is a steadier supply of affordable rental housing in the Dandenong area, particularly for students?

#### **Northern Victoria Region**

**Gaelle BROAD** (Northern Victoria) (12:51): (89) My constituency question relates to the Rochester community and is to the Minister for Mental Health. I ask the minister to provide information about what the department is doing to help local services recruit staff to provide mental health services the Rochester community desperately need. It is nearly six months since floodwaters swept through the town and nearly every home and business was flooded. Homes have been gutted, and people are still living in caravans and temporary accommodation. I visited Rochester last week and heard that people are living in houses covered in mould because they have nowhere else to go. Six months on, people are still under pressure and grieving, young people are struggling and the risk of domestic violence and suicide is very real. There is a shortage of mental health workers, and Anglicare and Echuca Regional Health are struggling to fill the vacancies. Local residents are being told to wait six to eight months for an appointment. More needs to be done to support the people of Rochester to provide the mental health services they so desperately need.

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

**Nicholas McGOWAN** (North-Eastern Metropolitan) (12:53): (90) My question is in respect to education, and in particular school camps. For some weeks now I have had the great opportunity to speak with any number of parents but also principals and teachers, and, alarmingly, time and again in every school I visit the concern expressed to me, a very grave concern, is because of recent changes that have occurred students increasingly throughout Victoria are unable to either attend camp because the fees are so high, or, more concerning, teachers are now being assigned to attend camps but are having to cut education and programs because of the cost. I ask the minister: would the minister and the government please urgently investigate the cost-shifting that has occurred in respect to camps, because it appears to me that children in Victoria are increasingly missing out on those vital opportunities at precisely the time we want to encourage them.

#### **Southern Metropolitan Region**

**David DAVIS** (Southern Metropolitan) (12:54): (91) I have a constituency question here. It is for the attention of the Minister for Environment, and it concerns Albert Park Lake and surrounds in Albert Park. I have had a number of constituents, including Bob Adams, come to me to explain the poor state of parts of Albert Park. This is for the attention of Parks Victoria too but ultimately for the Minister for Environment. They point to, through many pictures, plastic bottles, balls, other materials, concrete slabs all over the place, dead trees in various places that have been left in a very untidy way and a

number of seats and other fixtures in the park that have been allowed to fall into disrepair. What I am asking the minister is: will you give an account to the community and the house of your poor stewardship, and in particular what steps will you take to rehabilitate these parts of Albert Park that need attention urgently?

#### **Eastern Victoria Region**

**Melina BATH** (Eastern Victoria) (12:55): (92) My constituency question is for the Minister for Agriculture, and it relates to timber supply. The suspension of the native timber industry due to third-party court litigation is having a detrimental influence on my Eastern Victorian constituents in terms of access to firewood. Now, we know that firewood can be an efficient and very low cost way of heating homes. Indeed in many cases it is the only form of heating that people have for their winter supply. Regional constituents are concerned that the minister has not considered the impact the government's lack of action on closing the loophole in the timber code of practice and subsequent ban on timber harvesting is having on this supply. Will the minister guarantee adequate firewood supplies are available to my constituents who rely on this for heating their homes?

#### **Western Victoria Region**

**Bev McARTHUR** (Western Victoria) (12:56): (93) My constituency question is for the Minister for Environment and concerns the legal basis for the exclusion of the public from the Grampians National Park in my electorate. I have raised before my concern that instead of assumed access for all, with specific exclusions, we now have blanket exclusion with specified access. Clearly in some circumstances short-term reasons for total exclusion may exist, including bushfire, but the National Parks Amendment (Safety) Regulations 2020, approved in December last year, justified the closure of parks in order to manage risks to public safety related to COVID-19. Given even Victoria's lamentably prolonged state of emergency ended in October last year my question is: does this secondary legislation made without positive parliamentary approval and yet with vast implications for my constituents, and indeed all Victorians, remain in force today, and with what justification now the pandemic is over?

#### **Western Victoria Region**

**Joe McCracken** (Western Victoria) (12:57): (94) My question is to the Minister for Roads and Road Safety, and it relates to the Pitfield-Scarsdale Road south of Ballarat and its poor state of repair. I ask the minister: will you prioritise repairs and reconstruction works for this road as part of the next state budget, given the condition the road is in? I have had concerned locals contact me reporting large potholes. Sometimes they require road users to move to the opposite side of the road just to avoid them. Is this acceptable? Is this fair? Is this equitable? When it comes to spending on roads and infrastructure it seems that country roads always miss out. I am greatly concerned that this is not only having an impact on the wear and tear on cars but clearly it is a safety issue as well. I would really like to see the minister focus on this as a matter of urgency.

#### *Committees*

#### **House Committee**

#### *Membership*

**The PRESIDENT** (12:58): I advise the house that I have received a letter from James Newbury, member for Brighton, resigning from the House Committee, effective 21 March 2023.

*Petitions***Timber industry**

**Samantha RATNAM** (Northern Metropolitan) presented a petition bearing 2410 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Government should immediately cease all levels of logging of native and public forests.

There are reports and findings which support a stop to logging. Our forests store massive amounts of carbon and there is a new understanding in bushfire mitigation that logging also increases the risk of bushfires. The State of the Environment report shows we need to manage biodiversity in our forests, which also hold spiritual and cultural significance for First Nations people. Finally, VicForests makes no money but costs the Victorian people large amounts of money.

The Petitioners therefore request that the Legislative Council call on the Government to immediately close VicForests, stop all logging and bring forward, for immediate effect, the schemes to assist and retrain all employees affected by the closure.

**Timber industry**

**Samantha RATNAM** (Northern Metropolitan) presented a petition bearing 666 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Government should immediately cease all levels of logging of native and public forests. There are reports and findings which support a stop to logging. Our forests store massive amounts of carbon and there is a new understanding in bushfire mitigation that logging also increases the risk of bushfires. The State of the Environment report shows we need to manage biodiversity in our forests, which also hold spiritual and cultural significance for First Nations people. Finally, VicForests makes no money but costs the Victorian people large amounts of money.

**The petitioners therefore request that the Legislative Council call on the Government to immediately close VicForests, stop all logging of native and public forests and bring forward, for immediate effect, the schemes to assist and retrain all employees affected by the closure.**

*Committees***Scrutiny of Acts and Regulations Committee***Alert Digest No. 2*

**Sheena WATT** (Northern Metropolitan) (13:00): Pursuant to section 35 of the Parliamentary Committees Act 2003, I present *Alert Digest* No. 2 of 2023, including appendices and extracts of proceedings, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

**Motion agreed to.**

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

Municipal Association of Victoria – Report, 2021–22.

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

Boroondara Planning Scheme – Amendments C391 and C392.

Glen Eira Planning Scheme – Amendment C218.

Golden Plains Planning Scheme – Amendment C101.

Greater Bendigo Planning Scheme – Amendment C266.

Greater Geelong Planning Scheme – Amendment C451.

Greater Shepparton Planning Scheme – Amendment C244.

Indigo Planning Scheme – Amendment C78.

Merri-bek Planning Scheme – Amendment C201.

Moira Planning Scheme – Amendment C97.

Moyne Planning Scheme – Amendment C78.

Victoria Planning Provisions – Amendment VC229.

Yarra Ranges Planning Scheme – Amendment C215.

Statutory Rules under the following Acts –

Conservation, Forests and Lands Act 1987 – No. 14.

County Court Act 1958 – No. 16.

Planning and Environment Act 1987 – No. 17.

Subordinate Legislation Act 1994 – No. 15.

Subordinate Legislation Act 1994 – Documents under section 15 in respect of Statutory Rule Nos. 10, 14 and 16.

Financial Management Act 1994 – 2022–23 Mid-Year Financial Report (incorporating Quarterly Financial Report No. 2), March 2023 (*released on 10 March 2023 – a non-sitting day*).

Wildlife Act 1975 – Wildlife (Prohibition of Game Hunting) Notice No. 1/2023 (*Gazette S112, 14 March 2023*).

A proclamation of the Governor in Council fixing an operative date in respect of the following act:

Major Crime and Community Safety Legislation Amendment Act 2022 – Part 4 – 3 April 2023 (*Gazette S116, 15 March 2023*).

### *Production of documents*

#### **State purchase contracts**

**The Clerk:** I present a letter from the Attorney-General dated 21 March 2023 in response to a resolution of the Council on 8 March 2023 relating to Assistant Treasurer briefs on the banking and financial services contract. The letter states that the date for the production of documents does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

**David Davis:** On a point of order, President, it says there is not sufficient time to respond, but it was a very narrow request. I think just eight is the number of briefs identified precisely.

**The PRESIDENT:** I think that is not a point of order. You are going with a point of debate.

**David Davis:** The point I am making here is that the letter asserts that there is no time to comply. That is nonsense, President.

**The PRESIDENT:** I think that was debate rather than a point of order.

### *Business of the house*

#### **Notices**

**Notices of motion given.**

#### **General business**

**Samantha RATNAM** (Northern Metropolitan) (13:15): I move, by leave:

That the following general business take precedence on Wednesday 22 March 2023:

- (1) notice of motion given this day by Ms Purcell on digital tracking of racing greyhounds;
- (2) notice of motion given this day by Ms Crozier establishing a Select Committee to inquire into matters relating to the Independent Broad-based Anti-corruption Commission and the Integrity and Oversight Committee;

- (3) order of the day 2, resumption of debate on the second reading of the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022;
  - (4) notice of motion 16 standing in Ms Bath's name referring matters relating to Victoria's education system across government schools to the Legal and Social Issues Committee;
  - (5) notice of motion given this day by Dr Mansfield on the production of documents relating to the Hydrogen Energy Supply Chain project;
  - (6) order of the day 3, resumption of debate on the second reading of the Children, Youth and Families Amendment (Raise the Age) Bill 2022;
- and the resumption of debate on the address-in-reply to the Governor's speech be postponed until Thursday 23 March 2023.

**Motion agreed to.***Members statements***Newroz**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:16): Today is Newroz, the celebration of the Kurdish New Year. Newroz marks the arrival of spring and the triumph of light over evil. The occasion has been symbolised by the lighting of ceremonial fires for over 2000 years. The fires represent the survival of the Kurdish people and our burning desire for peace, freedom and unity. Kurdish Australians typically gather with family and friends, lighting fires, dancing and exchanging gifts. This year's Newroz celebration, however, has a more sombre tone in light of the devastating earthquakes in Türkiye and Syria, which deeply impacted the Kurdish community over there and obviously the diaspora. I would like to wish the whole Kurdish community in Victoria and across the globe a happy new year. Newroz pîroz be.

**Australian National Academy of Music**

**David DAVIS** (Southern Metropolitan) (13:17): I want to begin by congratulating the City of Port Phillip on its decision to support the Australian National Academy of Music in its ongoing occupation and revitalisation of the South Melbourne town hall, hopefully for the next 35 years. It is reported that if more support is provided, this could be for an even longer period. I should state that the last federal Liberal government awarded \$12.5 million for the development of the project and that during the election campaign I was happy to say in an ArtsHub article:

One key national cultural institution, the Australian National Academy of Music (ANAM), based at the South Melbourne Town Hall, needs our support. We have committed \$10 million as part of a package of support from local and national government that will support the refurbishment of the town hall as a long-term home for ANAM.

I was pleased at the time that:

John Daley, the Chair of the ANAM board, welcomed the commitment. 'We are deeply grateful for this commitment by a future Liberals and Nationals Government in support of our vision to save the Town Hall, and thereby secure our place in this community for the next half century,' he said.

ANAM is a very important institution. Indeed this chamber took a stand back in 2009, if I am not wrong by one or two years, which was very important in saving that critical institution. It is one of the few national institutions that is based here in Victoria. It is certainly an institution that we strongly support. Its very high standards are not replicated elsewhere in Australia.

**Extremism**

**David ETTERS HANK** (Western Metropolitan) (13:18): What a weekend of jarring and contrasting public displays it was. On Sunday I had the pleasure of attending the family fun day at the Australian Islamic Centre in Newport. Families representing the extraordinary diversity of our great city of Naarm gathered in peace, happiness and love to celebrate life, inclusiveness and the coming

month of Ramadan. Sunday was 19 March, four years to the day since an Australian neo-Nazi and white supremacist killed 51 people and injured 40 others at two mosques in Christchurch. Who cannot remember the horrors of that day, the brutal realities of neo-Nazism writ large with the blood of innocent members of the Muslim community?

What a contrast to Newport on Sunday was Saturday's spectacle of black-clad Nazis parading on Spring Street, spewing their vile propaganda, this time against the trans and gender-diverse community. Let us be clear: while these Nazis may be a tiny excrement smear on the fringes of our community, they create the sort of monster that slaughtered those innocents in Christchurch. They are the enemies of our multicultural society. They are the enemies of our inclusive society, be that in terms of faith or political persuasion or, as we saw on Saturday, of sexual preference and gender identity. I call on every member of this place to unite in condemning these Nazis and their transphobic fellow travellers and to take concrete action to stop the vilification – *(Time expired)*

### **In One Voice festival**

**Ryan BATCHELOR** (Southern Metropolitan) (13:20): On Sunday, with thousands of members of the local Jewish and broader community, I attended the In One Voice festival held on Selwyn Street in Elsternwick. In One Voice is a celebration of the Jewish community and culture, the largest of its kind in the Southern Hemisphere. With my federal colleague and good friend Josh Burns I walked through the market and food stalls chatting with community groups and listening to the wide range of issues that matter to them. We even survived an interview with Maurice on J-AIR, the local community radio station. The festival is held in the streets outside the Melbourne Holocaust Museum, where there are impressive community-led plans to establish a Jewish arts quarter. I acknowledge my colleague Mr Berger was also there showing his support, as were Ms Copey and Mr Southwick from the other place, and there may have been others who I missed in the crowd.

While the day and the mood of those in attendance were incredibly vibrant, they were obviously negatively influenced by the vile acts that had occurred on the steps of this Parliament just 24 hours prior, where hatemongers with their Nazi salutes sought to vilify and denigrate others. During our walk through the festival, Josh and I stopped and talked in depth with and stood alongside Jews of Pride, a coalition of LGBTIQ+ community groups and allies within Melbourne's Jewish community. As Victorians we can all be proud of the strength of the Jewish community. Their contribution across all walks of life has made our state a better place. Whenever they are subject to hate, as they were on Saturday, we will stand with them on that day, the next day and every day after that.

### **Anakie Primary School**

**Joe McCRACKEN** (Western Victoria) (13:22): I had the great pleasure of visiting Anakie Primary School recently, and what a wonderful group of grade 5 and 6 students I came across. I had no idea what questions I was going to get, but they were about guns, electric cars, roads – I sort of had an idea that roads might come up – and banning technology in schools. Who would have thought? We also talked about politics and what it is like to be an MP, the three levels of government and the D word – democracy – all in preparation for their visit to Parliament House. I also want to thank Alissa Cavanagh as grade 5 and 6 teacher and all the dedicated staff that made me feel so welcome. I could tell straight away that Anakie Primary is a wonderful learning community where there are engaged teachers and engaged support staff that help wonderful students.

There is scope for improvement. I would love to see the school supported with an undercover outdoor activity area and an appropriate arts space, and I look forward to working with the school community to help turn this vision into a reality. I look forward to returning to Anakie Primary School sometime in the future, and I wish the students and teachers all the best of luck as they try to make the school an even better learning place.

### National Close the Gap Day

**Katherine COPSEY** (Southern Metropolitan) (13:23): Last Thursday was National Close the Gap Day, the theme being ‘Strong culture, strong youth: our legacy, our future’. The *Closing the Gap* report shows how cultural determinants of health play a vital role in achieving positive long-term outcomes for Aboriginal and Torres Strait Islander peoples. Today I would like to amplify the First Nations voices heard in every page of this report.

Our legal system currently fails First Nations people too often, and the consequences can be devastating. The system is expensive and hard to access, and too often in its function it is simply racist. First Nations-led organisations are calling on us to implement the key recommendation of the Royal Commission into Aboriginal Deaths in Custody: that imprisonment only be used as a last resort. They are also calling on us to raise the age of criminal responsibility to at least 14 and reform bail laws.

On Thursday all members have been invited to attend a parliamentary screening of *Incarceration Nation*, telling the story of Indigenous incarceration in Australia. The screening will be followed by a fantastic Q & A panel of three eminent First Nations women: Nerita Waight, the CEO of the Victorian Aboriginal Legal Service; Jill Gallagher AO, the CEO of the Victorian Aboriginal Community Controlled Health Organisation; and Meena Singh, the commissioner for Aboriginal children and young people. I plan to attend, and I warmly encourage everyone in this chamber and those in the other place to join me. Justice for First Nations people must be led by First Nations voices.

### Turkish Pazar Festival

**Evan MULHOLLAND** (Northern Metropolitan) (13:24): On Sunday of last week I had the pleasure of attending the annual Turkish Pazar Festival held at Queen Victoria Market. I want to begin by acknowledging some of the amazing work done by the Moreland Turkish Association in hosting the festival every year, and I want to particularly recognise the efforts of the Moreland Turkish Association president Mr Cemal Akdeniz OAM. I want to acknowledge Mr Jemal Hasan, the president of MUSIAD Melbourne; Mr Veysel Kurtoglu, the vice-president of the Turan Australia Association; and Mr Ismail Metin from the Yunus Emre Centre for Culture and Education, all of whom I had the chance to meet at the event. In its 16th year, the Turkish Pazar Festival once again attracted thousands of Melburnians from across the community, particularly from Melbourne’s north, who throughout the day were treated to a whole bunch of musical entertainment, performances, dance troupes and most memorably some great Turkish food. I had the chance to chat with Kazim Ates about his autobiography *Paper Planes*. I want to particularly acknowledge and personally thank Mr Onur Ayyildiz from Fire and Rescue NSW, who was deployed on the recent mission to Türkiye. It was great to thank him for that. I thank all the organisers, community leaders and stallholders for their great hospitality, and I look forward to joining them again next year.

### Harmony Week

**Lee TARLAMIS** (South-Eastern Metropolitan) (13:26): Today, on 21 March, we celebrate Harmony Day and many wear orange as part of the celebration. The message of harmony is one of social cohesion and cultural harmony, with a theme this year of ‘Everyone belongs’. It coincides with the International Day for the Elimination of Racial Discrimination and is 75 years since the United Nations Universal Declaration of Human Rights was adopted. Although the declaration enshrined rights and freedoms for all without exception, Victorians still fall victim to racism. That is why today and every day we continue to proactively prevent and address racism in our state at every opportunity, because everyone’s rights matter and equality is not negotiable. As we mark these occasions today we reflect upon the fundamental values of tolerance and respect that bind our multicultural community and our wider community. We must all do our part to create an inclusive, harmonious and equal society where everyone has the opportunity to reach their full potential.

As one of the most successful multicultural nations we have much to celebrate and be proud of, with nearly half of all Australians having been born overseas or having a parent who was and more than



7.5 million people having migrated to Australia over the last 70 years. Here in Victoria we know that multiculturalism is more than just the diversity of cultures, languages, faiths and traditions; it is the knowledge that the celebrating and sharing of cultures and the understanding of cultural differences is one of our greatest strengths. That is why we continue to provide grants to support our dynamic, vibrant and diverse communities in many different ways with the provision of services and to help celebrate and share their cultures and traditions. I will continue to support their work, celebrate our diversity, fight for equality and fight against racism at every opportunity. I wish everyone a happy Harmony Day.

#### **Shepparton Albanian Harvest Festival**

**Wendy LOVELL** (Northern Victoria) (13:28): One event that I never miss is the annual Shepparton Albanian Harvest Festival, which was held last Sunday in the Queens Gardens in Shepparton. Once again the festival gave everybody the opportunity to celebrate the wonderful history of the Albanian community, both in the Goulburn Valley and throughout Victoria. An extremely large crowd gathered to enjoy some delicious traditional food and immerse themselves in the culture of the Albanian community. I want to acknowledge and congratulate Reg Qemal and his committee for their tireless work organising the festival, as well as the Shepparton Albanian society for providing what is an iconic celebration of their magnificent culture. The horticultural skills our original Albanian settlers brought with them have contributed so much to the economy and wealth of the Goulburn Valley.

#### **Firefighter state championships**

**Wendy LOVELL** (Northern Victoria) (13:28): It was a great pleasure to once again attend the opening ceremony of the CFA state urban junior championships, held at the Mooroopna Recreation Reserve last weekend. Young competitors from brigades all over Victoria converged on Mooroopna to test their skills while working as a team in a very competitive environment. I congratulate the CFA district 22, the Volunteer Fire Brigades Victoria and the Mooroopna fire brigade on hosting a very successful championships, particularly considering the impact the October floods had on the running track used for the competition. Well done to the organisers of the championships and to all that participated. I look forward to joining the CFA again next weekend for the state urban senior championships and the state rural championships.

#### **International Day for the Elimination of Racial Discrimination**

**Samantha RATNAM** (Northern Metropolitan) (13:29): Today is the International Day for the Elimination of Racial Discrimination. It is observed on the day 69 people were killed by the police in Sharpeville, South Africa, at a peaceful demonstration against the pass laws that continued the apartheid regime against people of colour. To know that those laws were only repealed in 1986 is another reminder that we cannot celebrate harmony when people continue to be oppressed because of racism. Today is a day to reflect on and commend the progress we have made, progress that means that even people like me can serve in a parliament in a colonised place like Australia. But more importantly it must be a date to acknowledge the work we have left to do.

The events of the weekend in Melbourne remind us in the most horrific way of the mammoth task we have left. I have heard some people try to minimise what happened by saying it was some people in black T-shirts playing games, but neo-Nazis are anything but a game. Maybe those who do not have to prepare for what they would do if confronted by one of those thugs may see it as such, but people like us do, because we are the target of their threats. What we saw on the weekend was the convergence of hate groups, and we know that the far right have form. They target minority and vulnerable communities and go after them. Now they are targeting our trans and gender-diverse communities, and we will not stand by and let that happen. Today we remember that racism and discrimination morph over time and join forces with other forms of hate. They fester in equivalence. They thrive in our silence. We must speak up. We must act.

**Indochinese Elderly Refugees Association**

**Trung LUU** (Western Metropolitan) (13:31): Earlier this month I had the opportunity to attend the Indochinese Elderly Refugees Association to celebrate the birthdays and longevity of their members. It was fantastic to see many of their members celebrate their 80, 90 and 100 years of age, with some still capable of effortlessly gliding across the dance floor in their golden years. The IERA provides residential care and social services for the elderly. They have six branches across the state and two aged-care centres in Cairnlea and East Keilor in my electorate. I would like to acknowledge the work that the IERA does and how it caters for the needs of elderly groups in our communities. It fosters and maintains a real sense of friendship and support amongst the Indochinese elderly communities currently living in Victoria. It provides counselling services, integrates and maintains cultural heritage, provides representation in local governments and creates opportunities for equal access to support, activities and services. I would like to congratulate the IERA, thank them for their valuable service and wish their residents all the best of health and a long and happy life.

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

**Lee TARLAMIS** (South-Eastern Metropolitan) (13:32): 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 2 to 36, government business, 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.

**Matthew BACH** (North-Eastern Metropolitan) (13:33): I am pleased to take to my feet to speak on the Human Source Management Bill 2023. It is a noble and fair aim that the government has to seek to implement to the greatest possible degree many of the recommendations from the Royal Commission into the Management of Police Informants, but that does not grant the government a blank cheque. Whilst those of us on this side of the house support many of the recommendations that have been made and support their implementation, we also are not absolved of our duties to go through, line by line, the government's response. There is a reason why the Nicola Gobbo scandal caused such intense outrage across our community here in Victoria some years ago. Victoria Police's use of barrister Nicola Gobbo as a police informant for 19 years, between 1995 and 2014, according to court documents, was what the High Court referred to as constituting 'reprehensible conduct', with Gobbo's actions being 'fundamental and appalling breaches' of the obligations of a barrister. I confess I know nobody across this house or in the other place who disagrees.

One of the reasons that we enjoy the society we do today is because of the strength of our institutions. This has been something that I have had the privilege of looking into in some of my previous studies. Our institutions only survive the test of time – institutions like this place and our courts of law – when they are invested with the trust of the people that they were established to serve. We should all be able to trust our courts. We should all be able to trust the men and women of Victoria Police. I do that; however, based on the actions of Victoria Police in the matter regarding Ms Gobbo, it became very difficult to trust the leadership of Victoria Police.

All Victorians should be able to trust that when they find themselves before a court, they know that their legal counsel will act in their best interests. There is a reason why ethics training in particular is

not only mandatory but such a critical element of the training of all law students and why this training drills into those students the really quite sacred nature of the fiduciary obligations that they have to their clients. It was this sacred obligation that Ms Gobbo breached, and my view, the view of Mr O'Brien the Shadow Attorney-General and the view of all of us on this side of the place is that we all need to work together to ensure that that type of situation does not happen again.

It is not just an academic discussion – one that we all can and potentially will over the course of this afternoon pontificate about. One of Ms Gobbo's clients, as you know, Faruk Orman was released from jail and acquitted of charges of being a getaway driver at a gangland murder because of what the Court of Appeal referred to as a 'substantial miscarriage of justice'. So the matters we saw play out some years ago regarding Ms Gobbo continue to impact the Victorian community today. I want to be crystal clear that I do not seek in any way to question the court's reasoning. In fact I agree with His Honour that Mr Orman was clearly denied his right to a fair trial. Nonetheless Mr Orman's release is immensely troubling.

In this vein the object of this bill should be to once and for all stamp out the possibility of this type of conduct ever occurring. But based on significant consultation carried out by Mr O'Brien engaging with – I need to use a stronger word than 'reputable' – incredibly highly regarded stakeholder groups, like the Victorian Bar council, the Law Institute of Victoria (LIV) and the Law Council of Australia, among many others, it is absolutely clear that this bill will not do that. I note that the government, after being subjected to intense pressure from the broader legal community, will move some house amendments of its own. Nonetheless our view even then is that those house amendments that we have sought to consult on do not go far enough.

Our concerns with this bill are really quite straightforward. We acknowledge the government's attempt to strengthen the framework for the registration of human sources. But this bill still allows for the registration of lawyers as human sources – noting, as I say, that the government will seek to move some house amendments of its own. A joint press release was put out from the Law Institute of Victoria and the Victorian Bar association that put it nicely, in my view, and I would like to quote from this media release at some length:

We are opposed to the idea that lawyers could ever be used as human sources or that they should covertly inform against their clients. To do so is contrary to a lawyer's role as an officer of the court and violates many other ethical duties that a lawyer owes to their client. The duty of strict confidentiality is there to protect the client. Encroaching on this undermines community trust and confidence in the administration of justice.

Lawyers play a central role in the administration of justice and that does not include being an evidence gathering instrument of Victoria Police.

Later Ms Tania Wolff, who is of course the president of LIV said:

Despite Royal Commission findings and a High Court ruling that a lawyer who informs on their client to the police while purporting to act for them is a clear breach of ethical obligations, this legislation ... would legitimise such conduct ...

That is why some time ago, after engaging with the Attorney and members of the government and also engaging with the crossbench, Mr O'Brien circulated to them the amendments that we will seek to move in the committee stage of our discussions. So the concern of Ms Wolff, the head of the Law Institute of Victoria, is our central concern. If the purpose of this bill is to prevent another Nicola Gobbo, well, it actually enables a system of human source registration that does the exact opposite. Why should any of us in this place seek to support a bill that strays so far in its purpose, according to some of the most highly regarded and reputable stakeholders in the legal community? That is a question, President, that through you I would put to my friends on the Treasury bench, and that is why we will seek to move a series of amendments, if you like, to save this bill from itself.

Our amendments would have the following effects. Firstly, Victoria Police would not be permitted to register a lawyer as a human source in relation to their role or knowledge of confidential or privileged information obtained as a lawyer. We believe that is of central importance. This would mean that

Victoria Police would not be able to use a lawyer as a source against that lawyer's clients. However, a lawyer could still be a source in relation to someone other than a client as client legal privilege would not be engaged – the lawyer down the road who happens to live next door to a drug lab, for example.

Secondly, 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 would have oversight of the power of the Chief Commissioner of Police to register them. Again, we think this is critical, and we think this is critical notwithstanding the amendments that the government will move. This person could veto a proposed registration if they deemed it was not appropriate. This provides a reasonable level, in my view, of oversight of what is currently the unchallengeable power of the chief commissioner to register a reportable human source under the bill in its current form.

We all know the issues that this government has with integrity and oversight – you could ask the Ombudsman, you could ask the Auditor-General, you could certainly ask the former IBAC Commissioner. In its current form this bill allows the Chief Commissioner of Victoria Police to register human sources with no appeal process and, again, we do not think that is right. The Public Interest Monitor and IBAC can make recommendations which can be ignored by the chief commissioner, another element of this bill that we think is not strong enough given the shocking miscarriages of justice that we saw during the period that Ms Gobbo was a reportable human source. It would be appropriate therefore to ensure greater accountability over the chief commissioner by enabling a respected legal figure to veto registrations when needed.

To pre-empt the concerns of those opposite and to note some of the discussions that I and the Shadow Attorney-General have had recently with members of the crossbench, I note that on this side of the house we agree with numerous reputable stakeholders that the lawyer-client relationship is sacred. There already exists the ability for lawyers to report privileged information to authorities where lives are at risk, and I think that is an appropriate carve-out.

Put simply, the great weight of stakeholder opinion is against the government on this bill, and the very significant concerns that have been raised by important stakeholders are not obviated by the amendments that I understand the government will bring forward. That is why I would implore all members of the house to support the significant amendments put forward by Mr O'Brien, which were circulated to members some time ago.

**Rikkie-Lee TYRRELL** (Northern Victoria) (13:44): This bill has some deeply concerning components, specifically pertaining to the potential erosion of public confidence within the legal fraternity. I do support the adoption of the Royal Commission into the Management of Police Informants recommendation of the implementation of a register for the management of informants. In fact as long as this information is kept secure from the public domain, this is a reasonable proposal for allowing our police force and justice system to function in a responsible manner. I also applaud the government's amendment to remove children from being activated as human sources under normal circumstances.

However, regardless of all the fail-safe parameters that the government has proposed in activating a human source from a professional, legal industry, I do not support the recommendation for lawyers, journalists, doctors or religious leaders to be utilised as informants under any circumstances. These professions need to strictly maintain a status of legal, professional privilege and confidentiality and remain free from exploitation. Without such rights these traditionally honourable professionals could be forced to act unethically, undermining their own institutions and faith in the eyes of the very public who look to them for guidance. Even under the pretence that there was a serious threat to national security, the community or the life and welfare of a person and that there was no other way of obtaining the information, whereby this bill originally sought to utilise these potential human sources, we have seen terms like these deliberately misinterpreted in an effort to validate wrongful activity in the past. I do not believe this to be the right course of action. This bill, if passed, will also create a situation

wherein some currently incarcerated, dangerous criminals may seek recourse through appeal, putting them back on the street.

The royal commission never intended to have these professionals activated as human sources. Even if it did, a royal commission simply suggesting a specific recommendation does not mean we need to implement it. We need to evaluate all of the perceivable flow-on implications and then balance all recommendations against the negative impacts that may be incurred on our collective Victorian community before allowing such drastic measures. I do not believe this bill in its current form has struck that balance.

**John BERGER** (Southern Metropolitan) (13:47): Today I rise to contribute to the debate on the Human Source Management Bill 2023, which has been proposed to regulate the registration, use and management of human sources by Victoria Police. As the member for Laverton in the other place Ms Connolly said last sitting week in a debate on a different bill – the Heritage Amendment Bill 2023, which we will get to later this sitting day – this bill was introduced into the last Parliament before the election, so it is important that we get on with it and get it done. In fact the previous government, our government, introduced a substantially similar piece of legislation to the Legislative Assembly on 16 August 2022, but the bill lapsed, unfortunately, due to the Parliament dissolving for the 2022 state election campaign on 21 September 2022.

The bill aims to provide a clear framework for police to obtain and use information from human sources. According to the report glossary or definition of terms used in the *Royal Commission into the Management of Police Informants: Annual Progress Report 2020–21*, a ‘human source’ is:

A person who covertly gives information to police about a crime or people involved in criminal activity, usually with an expectation that their identity will be kept confidential.

In other words – something that is more commonly known in the media, wider public and general conversation:

A human source is also referred to as a ... ‘informer’ or ‘informant’.

Why is this definition of what this bill is all about important? Well, on 3 December 2018 our government announced it would establish a royal commission – royal commissions are big deals, as everyone knows – and this inquiry would take place into Victoria Police recruitment and management of human sources, subject of course to legal obligations of confidentiality or privilege.

Just to remind everyone why this happened: it followed the public release of a unanimous decision of the High Court of Australia regarding Victoria Police’s use of former criminal defence barrister Nicola Gobbo as a human source. This bill aims to implement the recommendations of this royal commission. In fact the bill delivers 25 recommendations of the Royal Commission into the Management of Police Informants. And just a reminder: our government has committed to implementing the 111 recommendations found in the report.

I understand and recognise from reading the *Hansard* reports of the debate in the Legislative Assembly that members from the other place, namely, the member for Malvern Mr O’Brien and the member for Berwick Mr Battin, raised concerns about the bill, stating that it seeks to change the basis of the state’s criminal justice system. They claimed that it will regularise what is fundamentally corrupt. They also highlighted the case of barrister Nicola Gobbo, who acted as a police informant against her clients, leading to the quashing of several convictions. I would like to address these concerns by emphasising that the bill aims to provide external oversight of human sources, something that was severely lacking in the past.

The case of Lawyer X, as the member for Laverton in the other house Ms Sarah Connolly pointed out, is a clear indication of the need for greater regulation and oversight in this area. While it is true that Nicola Gobbo acted inappropriately, it was the lack of oversight and regulation that allowed her to do

so. This bill seeks to address that by providing a framework for the use of human sources, which will be the first of its kind in Australia.

The member for South Barwon in the other place Mr Cheeseman made an impassioned and commendable contribution on the bill. I wholeheartedly support his sentiments that Victorians want a criminal justice system that they can have confidence in – a criminal justice system with clear rules and laws that define the roles of police, courts and informants. The Human Source Management Bill 2023 is an important step forward towards achieving this. The bill provides safeguards for the use of human sources, including requiring senior officers to assess the appropriateness of a prospective source, informed consent and limits on using sources for different purposes. These measures ensure that the lines between the roles of police, courts and informants are clearly defined and not crossed.

In reflecting upon this debate, I also came upon remarks of my colleague in the other place the member for Ringwood Mr Fowles. He is always creative, let me say that, but he mentioned something that is quite important to this debate: that under the solicitors conduct rules, rule 9.2, and the barristers conduct rules, rule 82, lawyers are permitted to disclose confidential client information to police. The reality is that lawyers or those with legal backgrounds are aware that this exists, and the reality is that this will just continue that while providing a framework and more vigorous oversight. The bill aims to prevent situations like that of Lawyer X from occurring again, which ultimately led to the quashing of convictions and the undermining of the integrity of the criminal justice system. The provisions in the bill protect the rights of individuals while ensuring that police can use human sources effectively in the investigation and prosecution of crime.

Before I touch on the massive scale of consultation that the government has undertaken to prepare this bill, I want to say that the calls of a member in the other place – namely, the member for Berwick Mr Battin – for more consultation were misguided. The government has engaged in consultation throughout the development of this bill, including the recommendations of the Royal Commission into the Management of Police Informants. While it is true that some organisations and people do not trust the bill, it is important to remember that there will always be differing opinions on any matter of public policy. The government has considered the concerns raised and provided appropriate oversight and regulation in this bill to address these concerns.

On consultation, with any piece of important legislation the government consults extensively, and it is appropriate to do so, to craft the best piece of legislation. In this case the Department of Justice and Community Safety has consulted extensively. From my understanding, this includes Victoria Police, the Independent Broad-based Anti-corruption Commission, the Public Interest Monitor and the police informants royal commission implementation monitor, which clearly creates reports on the progress and implementation of the royal commission's recommendations. These stakeholders largely support the bill. On top of that, the Department of Justice and Community Safety has consulted with the Commission for Children and Young People, Victoria Legal Aid and the Commonwealth Attorney-General's Department on the parts of the bill that are relevant to their areas of expertise and authority. Consultation also included regular meetings of the implementation task force recommended by the commission. On top of some of the organisations that I have just listed, the task force also included the Department of Premier and Cabinet, the Law Institute of Victoria, the Victorian Bar Council, the Office of the Special Investigator, the Office of Public Prosecutions and the Victorian Legal Services Board and commissioner, and because we are thorough we also consulted with some of the relevant agencies from the United Kingdom. That is a lot of consulting.

So why human sources? The commission found that the use of human sources is a critical tool to prevent, detect and solve crimes. And it is part of VicPol's work. In their final report they found that approximately 1200 human sources registration applications were made in a three-year period from July 2017 to July 2020, and of those approximately 3.5 per cent were potentially subject to the legal obligations of confidentiality and privilege – that is around 40. But going into the future, these sorts of sources are likely to become more important. Why? Because other investigative methods are being impacted by new technology and the growing intelligence of criminal networks. One only needs to

look at ChatGPT and the future of artificial intelligence to see what criminals have in their back pockets going into the future. With the reality of human sources sticking around for the long haul, the internal procedures and policies of VicPol regulating human sources must be codified, and that is where this comes in.

Although VicPol has made significant improvements to its processes since the events that led to the royal commission, our government knows we need to create confidence and clarity in the system. We must ensure that they are appropriately managed. How does this bill go about ensuring VicPol has the highest standards? The bill sets out a process for VicPol to register human sources – and this means a strong process. It means there will be stronger requirements to register high-risk or vulnerable people as reportable human sources. It also means that in the case of an emergency there will be a quicker and easier registration process. The bill sets up a deterrent and enforcement aspect. It establishes offences to protect the safety of human sources and, when there is an investigation that involves human sources, aims to establish the utmost of integrity.

I mentioned just before how the government consulted the PIM, the Public Interest Monitor, in its development of this legislation. The bill will also provide the monitor with new functions and powers in the aim to provide VicPol with the information to make appropriate decisions when registering reportable human sources. Additionally, it will provide the Independent Broad-based Anti-corruption Commission, IBAC, with new powers to monitor VicPol's compliance with the bill, other regulations as well as VicPol's internal policies. Indeed an important aspect of this oversight will be VicPol's registration of a human source. High-risk human sources – for instance, lawyers – must be put through the most stringent registration process with the greatest number of safeguards in place. That is what the royal commission recommended, and we are a government in the business of following the recommendations of the royal commission, just like we did with the Royal Commission into Victoria's Mental Health System. In this case a senior VicPol officer must assess the risks involved. This officer must then decide that registration is appropriate and justified – after receiving legal advice. The oversight will cover VicPol's application of this process. It will be subject to the oversight and recommendations of the Public Interest Monitor and of IBAC after the registration is made.

I am proud that this bill is building upon work that the Attorney-General has been doing this year. You see, the legislation requires the Attorney-General to report annually to the Parliament by 30 November on the progress made towards implementing the commission's recommendations. I am excited for this 30 November and the work that this bill will achieve.

In conclusion, this bill is simply acquitting the royal commission's recommendations. I am proud that our government is leading the way on this legislation. In fact it is the first of its kind to be introduced in Australia – yet another example of the Andrews Labor government being ahead of the curve. This bill is also important, as it gives the government the power to make regulations that give effect to the bill and the purposes of the bill. The royal commission did not recommend that a person should be prohibited from being a human source, but it did recommend that appropriate protections and external oversight arrangements be included in a legislative framework – and that is what we are doing. I would also like to conclude by associating myself with the remarks of the Attorney-General, who made comments to the *Age* newspaper yesterday. They are supported by my comments throughout, and they are that organisations were consulted in the development of this bill. As the Attorney-General said:

This bill proposes the most robust police informant management system of anywhere in Australia ... Victorians deserve nothing less to ensure what happened with Ms Gobbo can never happen again.

I agree wholeheartedly.

Finally, as the Attorney-General said, when VicPol is rarely allowed to consider registering a lawyer as a police informant, they will be subject to multiple stages of independent oversight with regular reporting, all of which were not there before. The human sources bill is an important step towards ensuring the criminal justice system in Victoria is fair and just. The bill provides appropriate oversight and regulation of the human sources, which is essential in preventing situations like Lawyer X from

occurring again. I urge all members to support this bill and demonstrate their commitment to a fair and just criminal justice system for all Victorians.

**Nicholas McGOWAN** (North-Eastern Metropolitan) (14:00): I rise to inform the house why we do not support the Human Source Management Bill 2023. The Victorian Royal Commission into the Management of Police Informants in 2020 – indeed the royal commission into the actions of Lawyer X and the Victoria Police – encouraged legislation to make it more ethical for police to find sources of information, not less ethical. The royal commission looked extensively at the UK Covert Human Intelligence Sources (Criminal Conduct) Act 2021. The Human Sources Management Bill draws on some aspects of the UK legislation. However, this bill is weak and ineffective because it does not have the same oversight and accountability procedures as the UK legislation. As a result, it will not have the same ethical outcomes and effectiveness as the legislation it takes its inspiration from. Rather, the bill will create and exacerbate already critical issues in the Victorian legal system, because it is out of touch with reality. It does not provide a clear and effective framework for how police will create and manage their sources of information and how this affects the public view of policing and justice in this state. There are obvious structural issues with the bill. The bill is a travesty because it removes rights from Victorian citizens. It removes trust in the legal system. It creates a disjunct in the legal system.

The bill unforgivably infringes on the rights contained in the Victorian Charter of Human Rights and Responsibilities. It removes the right to a fair trial and violates the centuries-old code of ethics of law and the role of lawyers as officers of the court. In the words of Ryan Batchelor, a member of the government, on 22 February 2023, the government want to introduce pieces of legislation which he said best reflect the will of the people who – and I paraphrase – they seek to represent. If the government truly wished to represent that outcome, they would not be introducing this deplorable bill. It does not reflect the will or the best interests of the Victorian people.

This bill does not understand how things work in the real world. The methods of Victoria Police to extract information from informants are a questionable item. The ethics of the bill are murky. Under this bill Victoria Police would require consent to register a person as a human source of information. This means a person would sign up to inform without undue pressure. No lawyer in their right mind would think, without any undue pressure, ‘I am going to register with the police as an informant so I can provide them with my client’s privileged information.’ As such, the method required to get cooperation from lawyers to sign up as a human source would be extremely questionable.

Nowadays, if police wish to extract information from a person, they use coercion and manipulation tactics and leverage an individual’s wrongdoing to make them talk. It may be that human sources engage in criminal conduct themselves, and police are able to use the threat of prosecution for this misconduct to incentivise them to provide intelligence against others. How can our justice system ethically find human sources in this way? Where is the consent without undue pressure in these circumstances? Obstruction of justice and endorsement of Lawyer X cost the entire legal system a great deal of public respect. The use of Ms Gobbo as a human source exposed systematic issues with the hierarchy of Victoria Police – not police officers themselves – and had far-reaching and detrimental consequences for the Victorian justice system. Why does the government wish to add to this distrust by legally entrenching this outrageous behaviour in an act of Parliament?

There are extensive structural issues with the organisations used to monitor the induction of human sources. The Public Interest Monitor is completely inadequate to oversee the human source management program. There are minimal requirements for the position; the only qualification is to be an Australian lawyer. Stephen Charles KC is horrified about the lack of review for the Public Interest Monitor. He rightly notes that it is dangerous for one person to have so much discretion – dangerous. There should be judicial oversight with multiple minds coming to a decision in a body of this kind. The monitor in the proposed form is currently completely inadequate.

The test for a person registering as a human source is ambiguous, and what an authorising officer regards as a serious threat is seriously subjective. This use of human judgement can lead to error; it



will lead to error. It is an ineffective way to have just one person control such tests. The Victorian Bar and the Law Institute of Victoria contend that it is a simple fact that human discretion cannot be trusted without clear boundaries and guidelines. As a result, the bill fails to provide an effective monitor of induction of human sources for Victoria Police.

The Human Source Management Bill initially fails in its ethical requirement because there is no mention of any provisions for a code of practice for the creation of human sources. Why isn't Victoria going to develop a code of practice as part of a regulation – clause 90 – that should be made public and would be subject to sunset clauses, regulatory impact statements and overall parliamentary view? This would be far more ethical and fair and would ensure that Victoria Police and the Public Interest Monitor are not abusing their powers. Members of the government in the Legislative Assembly, in particular the member for Laverton, highlighted earlier to the Parliament that trust in our legal system is very important. In their endorsement of the Human Source Management Bill the member for Laverton's sentiment that trust in the legal system is important is one that I agree with. However, the Human Source Management Bill is an ineffective platform for building trust. It degrades trust. It will ultimately destroy trust. Trust in the legal system cannot be re-established through this outrageous, out-of-touch bill. The legal system is built upon systems of fairness, which this bill seeks to undermine. This bill gives the Chief Commissioner of Police the right to decide how the professional privilege of clients is used. This unelected official could have, with the absence of any direction or framework in this bill, the power to inform any level of police person about privileged information provided to them by a human source. There is no confidentiality requirement from the Chief Commissioner of Police outlined in the bill. The exclusion of frameworks in the bill surrounding the confidentiality of information given to police is a flagrantly immoral choice by this government. It shifts the management of an individual's private information away from the lawyer and the individual to the Chief Commissioner of Police and Victoria Police.

Why does this legislation not include a safeguard for confidentiality of privilege? It is provided to Victoria Police. This is an agency that already has significant powers to intervene in the lives of ordinary, everyday Victorians. Why do we give them more power, unnecessary powers, which can prevent the administration of justice? This is an extreme oversight, and in combination with no code of practice for the creation of human sources, I and my colleagues have serious questions about the integrity and effectiveness of this bill. It will not assure an effective legal system. This bill will reduce the already limited trust the public have not only in the investigations of our legal system and the police but more broadly in the government's hypocrisy and out-of-touch agenda.

There are two important pieces of legislation in existence which I would like to draw the attention of members to which work in conjunction with each other – the Terrorism (Community Protection) Act 2003 and the Evidence Act 2008. Both acts specifically protect the legal professional privilege of people accused of a crime. In the Evidence Act it is very clear that client privilege applies to all communication at any time, whether preliminary to legal proceedings or not. As a result, under this bill any conversation a lawyer has with their client could be revealed to police and threaten their client's privilege. This bill raises the issue of how these acts will work together. How can a client be protected under these two acts yet at the same time their privileged information can be threatened if their lawyer is a human source under the Human Source Management Bill?

It also makes me wonder why terrorists are getting better rights than Victorians. The bill will remove this fundamental right for citizens accused of a crime – in other words, their right to legal professional privilege. Are the government suggesting that terrorists should have more legal rights than an accused Victorian citizen or accused citizens? This view of the government's is frankly unethical and in conflict with existing acts. The Human Source Management Bill is inadequate in supporting the criminal procedural rights of anyone accused of a crime. This bill directly contradicts the Victorian charter. The right to a fair hearing for an accused person is expressly stated in the Victorian Charter of Human Rights and Responsibilities at section 24. This bill undoubtedly infringes on that right to a fair trial by creating evidentiary issues. This is clear grounds for an appeal. The number of cases which have been

appealed on the grounds of fairness from Lawyer X is astounding, and it is a disgrace that this government wishes to endorse this behaviour – in fact legalise it. Just one lawyer, Lawyer X, has had 1297 cases brought into question.

Her behaviour has undermined public confidence in the criminal justice system and threatened the unalienable right to a fair trial. The investigation into the impact of Lawyer X's conduct is ongoing and has cost the legal system millions of dollars on appeals. Who knows how many more cases will be brought into question as the investigation into the conduct continues. How many future cases from other lawyers and other sources conducting themselves like Lawyer X will cost the state of Victoria many more millions of dollars – to say nothing of the outcomes. And, by extension, how many more criminal convictions will be overturned to the issues of how the evidence was acquired? This bill brazenly endorses lawyers that register as an informant to behave like Ms Gobbo.

This bill will further undermine the confidence in the Victorian legal system. This method of using lawyers to provide police with privileged information is unprincipled and it is callous. Several reputable legal organisations have serious concerns about the operability of the Human Source Management Bill. The Law Council of Australia and the Australian Bar Association have major concerns over the bill, as do the Victorian Bar and the Law Institute of Victoria. These bodies are the most knowledgeable in the country about our legal system. In their eyes it is disgusting and deplorable to allow this bill to pass. Allowing this bill through will significantly disrupt the equilibrium of our legal system. The Australian Bar Association president Peter Dunning KC stated that:

An Australian lawyer should never be registered as a human source in relation to information disclosed to them which is the subject of client confidentiality.

The bill directly goes against the ethics of the judicial system.

It is deeply concerning to the Victorian Bar and the Law Institute of Victoria that the government would endorse this behaviour where lawyers inform police about privileged information belonging to their clients. Lawyers being used as human sources like Nicola Gobbo and being allowed to covertly inform against their clients is contrary to a lawyer's role as an officer of the court and would violate multiple ethical duties that are owed by a lawyer to their client. In any court case a client owns the legal professional privilege. It is the client's discretion which information and legal privilege they provide to their legal representation. As such, this bill, requiring the lawyer to disclose information and privilege to police, means that they give up the client's rights, not their own. I seriously doubt that this government has considered the consequences of removing a fundamental part of the criminal justice system if this bill goes through.

Further, this will bring a lawyer into lifelong jeopardy. Once it becomes clear – and it will become clear when the information the police could not have discovered through ethical methods is presented at a trial – that a lawyer has broken the trust of their client, there will be consequences that go far beyond the simple case itself. The lawyers who do sign up – with supposed consent – to be a human source would not have the kind of career and practice purpose they had envisaged. Lawyers as professionals more generally will also lose an unprecedented level of confidence in their ability to fairly represent clients effectively. Stephen Charles KC, a former Victorian Court of Appeal judge and member of the Centre for Public Integrity, has said on the record in a radio interview with the ABC that he would be 'raising hell' about the bill if he were still a judge in court. He contends that it is 'intended' to allow another Lawyer X scandal to occur. It is clear, it seems to everyone but the government, that lawyers should never be placed in a position of informing on their clients under the Human Source Management Bill.

If this bill is to pass, it will create a fiasco of the legal system. It removes the rights of Victorians and makes a mockery of our justice system. This bill has no code of practice to explain how Victoria Police will ethically register lawyers as human sources or how they will use the information they obtain through this system. The court will be thrown into disarray and jeopardy. This bill violates deeply ingrained ethical principles. The passing of the Human Source Management Bill will exacerbate issues

of ethics and procedural fairness in the courts. The bill falls gravely short in its aims, outlined by the government, to be more transparent, open and accountable in the legal system. Instead, it creates division and less fairness to the Victorian legal system. The High Court has made its position on lawyers behaving in this manner and in the manner of Lawyer X clear through its contempt of Ms Gobbo. The behaviour of Lawyer X was a travesty to the administration of justice, and this should not be endorsed by the government. In the words of the Law Institute of Victoria president Tania Wolff:

... if we have learned anything from the royal commission, it's that lawyers should never be used as human sources.

The Human Source Management Bill shows a serious lack of perspective and a serious lack of understanding of the current political climate and the bedrocks of the Victorian legal system.

**Jacinta ERMACORA** (Western Victoria) (14:15): I am pleased to speak in support of the Human Source Management Bill 2023. Following a High Court decision in 2018, the government established the Royal Commission into the Management of Police Informants. This was due to the revelation that Nicola Gobbo, a prominent and experienced criminal defence barrister, was registered with Victoria Police as a human source on three occasions between 1993 and 2010. Within that period Ms Gobbo provided information to Victoria Police about her clients and their associates. It is estimated that Victoria Police filed more than 5000 written reports from her information, which assisted police to make nearly 400 arrests.

The royal commission heard from 82 witnesses, which included over 50 police members, over 129 days of hearings. The commission delivered its final report to the Victorian Governor on 30 November 2020. It includes 111 recommendations in total, 54 of which are recommendations directed to the Victorian government. From the outset the Andrews government has been committed to implementing all of the commission's recommendations. In the final report, recommendation 8 is that the Victorian government implement legislation to regulate the registration, use and management of human sources by Victoria Police and establish an external oversight regime. The Human Source Management Bill 2023 satisfies recommendation 8, along with 24 other recommendations: 9 to 18, 44 to 56 and 58, which includes conferring functions and powers on the Public Interest Monitor, IBAC and the Victorian Inspectorate that are necessary to carry out their oversight roles. A similar bill was introduced in 2022 but lapsed on the 59th Parliament's expiration.

The bill was developed in close consultation with Victoria Police, the Public Interest Monitor, IBAC, the Victorian Inspectorate, the Commission for Children and Young People, Victoria Legal Aid and the police informants royal commission implementation monitor. As a result, the government has ensured that the bill is largely supported by stakeholders, viable for operation by Victoria Police and compatible with the commission's findings.

If we have a look at what 'human source' means, under the bill a human source is defined as 'a person Victoria Police has registered to confidentially provide information or assistance to police to assist with a criminal investigation'. It is of primary importance that the human source's identity remains protected to keep them safe. Human sources can engage in human source activity, which comprises a range of conduct when done for the purpose of assisting a criminal investigation. Examples include gathering of criminal intelligence with a human source by obtaining information from the person and using or disseminating information obtained by a police officer from the person. Perhaps in plain English, a human source is a little bit similar to an undercover police officer but more like an undercover civilian or undercover professional without the training, obligations and protections afforded to the role of a police officer.

This bill provides for the safety of a human source, ensures that a framework and procedures are in place within the system and codifies the nature of professional relationships in these circumstances. All stakeholders and the Victorian community at large can recognise the benefit of human sources in organised criminal enterprises.

The overarching purpose of ensuring safe and effective management of human sources is community protection. At its core the bill has a focus on risk management that is inherent within the use of human sources. The main risks identified are: risk to the safety of the human source, risk to prosecution and administration of justice and risk of undermining trust in professional relationships. The bill defines three categories of human sources. Those offering one-off information to police who do not meet any other risk criteria do not need to be registered. Registered non-reportable sources are those who have an ongoing relationship with police and do not meet the other risk criteria. Registered and reportable sources are deemed higher risk. Important to note is that lawyers remain permitted to be registered as human sources, which the royal commission recognised may come under ‘exceptional and compelling circumstances’, such as a need to respond to a significant threat to community safety.

Of course the provision of an external oversight model addresses the risk that the human source system may be abused. The bill succeeds in empowering IBAC to retrospectively monitor compliance. Also, it instigates a framework for high-risk sources, requiring the Chief Commissioner of Police to consider advice from the Public Interest Monitor and be held to account as to their use of that advice. The Public Interest Monitor will oversee all registrations of higher risk reportable human sources and will have the power to make recommendations to Victoria Police about applications to register reportable human sources. This oversight provided by experts is exactly what was lacking in the Lawyer X scenarios.

There is also the requirement for IBAC to account to the Attorney-General, the Minister for Police and the Chief Commissioner of Police to ensure the framework is followed and compliance is held to a high standard. This process is a joint venture with Victoria Police, who will update their internal policies to ensure alignment of the legislation and practical guidelines. I would be remiss not to mention that one of the most important aspects of the policy enforcement is penalties. If a person discloses information about a human source without being authorised, they can incur a maximum penalty of two years jail.

Under the recommendations of the commission, the government enacted the Police Informants Royal Commission Implementation Monitor Act 2021, which requires the Attorney-General to provide annual progress reports on the implementation of progress. I am proud to echo the words of Minister Symes that each year the government has fulfilled the commission’s recommendations with enthusiasm and without hesitation. Twelve months on from the final report, the Andrews Labor government had implemented all three- and six-month time frame recommendations. They were delivered on time. By May 2021 the government had released a detailed response to the final report, outlining the approach that would be taken to address each recommendation, and allocated \$87.92 million for this work. The government also introduced three pieces of legislation: the Police Informants Royal Commission Implementation Monitor Act, which provides powers to the implementation monitor; the Special Investigator Act 2021, which delivers 11 recommendations and ensures criminal conduct and breaches relating to Ms Gobbo are investigated; and the justice legislation amendment.

Two years on from the final report, the government had delivered on 23 of the 54 recommendations as directed – and again within the time frame. The government on such delivery was conducting a review of police oversight. At the same time, the Andrews government established the independent implementation monitor, which saw the appointment of Sir David Carruthers to assess the adequacy and implementation of the commission’s recommendations and report to the Attorney-General on further action required for full delivery. Sir David provides ongoing advice on the implementation of the recommendations, ensuring that the commission’s intended outcomes are achieved.

I note that the Victorian Bar association and the Law Institute of Victoria have voiced their concerns about the use of lawyers as human sources, and their concerns have been heard. I understand the difficulty in striking the best balance between using human source information against the professional privilege of a lawyer and their client. There is a certain level of discomfort for professionals when a core tenet of their practice is exempted from application. However, there are a number of well-established and accepted examples of this across a range of disciplines within our community. For

example, there are a significant number of defined examples of legally privileged relationships, such as client legal privilege, journalist privilege, medical privilege, religious confession privilege, parliamentary privilege, judicial privilege and public interest immunity. A therapist reporting high-risk suicide ideation is one example. It is an obligation of a therapist to report suicide ideation if a method has been identified by a client, if that client has the means to implement that method and if that client presents as being in a frame of mind to do so. This is an example of where the importance of preserving therapeutic confidentiality is countered by the threat to the life of the client through suicide. As with this bill, practitioners are provided with a framework of best practice to ensure accountability and the safety of clients in these complex situations. Another example is mandatory reporting of children at risk of harm in therapeutic human services in hospital and education contexts. This is where health practitioners, teachers and welfare practitioners are required to report to child protection authorities any concerns they may have about the safety and welfare of children.

This bill recognises the value of upholding legal professional privilege to the high standard it deserves. The bill prevents Victoria Police from using a lawyer as a human source to obtain privileged information unless there is a serious threat to national security, the community or the life or welfare of a person. There is no other way of obtaining the information. This is consistent with lawyers' existing ethical obligations, which allow them to breach confidentiality if there is a serious risk to any person's safety. The balance has been drawn to ensure that Victoria Police can register and provide protections to a lawyer in such circumstances. If this bill banned Victoria Police from registering lawyers as human sources, it might prevent lawyers from confidentially providing this critical information to police. If lawyers were banned from being human sources, it would inhibit them from exercising their own ethical judgements. This framework allows lawyers to be protected in these rare, complex and often high-stakes criminal investigations.

Furthermore, I also recognise the importance of securing convictions through legally obtained evidence. The illegally obtained evidence by Ms Gobbo undermined existing convictions, which in turn undermined community confidence in the court system and community safety. The real consequence of Ms Gobbo acting as an informant is believed to have affected over a thousand convictions, as they were not afforded a fair trial. The bill seeks to institute long-term court outcomes to ensure community safety in extremely niche examples of high-level criminal enterprise. These scenarios are very rare but do need to be codified and provided for in the relevant acts.

**Michael GALEA** (South-Eastern Metropolitan) (14:29): I am pleased to contribute to what is a very important bill, the Human Source Management Bill 2023. This is a bill that seeks to better protect human sources used by Victoria Police as informants, who help to prevent, detect and solve crime. This bill will establish a legislative framework for the registration, use and management of Victoria Police's human sources, with external oversight to be conducted by the Public Interest Monitor and the Independent Broad-based Anti-corruption Commission, better known of course as IBAC.

This bill responds to and delivers on 25 recommendations made by the Royal Commission into the Management of Police Informants. The commission, as many members will know, was established in 2018 to investigate Victoria Police's use of human sources following revelations of their use of Nicola Gobbo, a former criminal defence barrister. I note Dr Bach's contribution, in which he went into some detail about the matter. The commission made 111 recommendations, of which 54 were directed to the Victorian government and 41 to Victoria Police, with recommendations also made to other bodies, including the Director of Public Prosecutions, the Victorian Bar Council, the Public Interest Monitor, the Independent Broad-based Anti-corruption Commission – IBAC – the Law Institute of Victoria, the Law Council of Australia, the Legal Services Council and the Victorian Legal Services Board and commissioner.

The commission was asked to determine the number of cases that may have been affected by the conduct of Ms Gobbo as a human source, and to what extent, at various times over a 14-year period. In addition, the commission was asked to examine the adequacy and effectiveness of Victoria Police's current processes for the recruitment, management and disclosure of human sources who are subject

to legal obligations of confidentiality or privilege. Victoria Police apologised for the events that led to the royal commission and summarised the way that those events were permitted to occur and to continue, which was as a result of organisational and systematic failures of their use of informants. In its apology Victoria Police said:

... without reservation that the way in which Ms Gobbo was managed as a human source in a way that resulted in a profound interference with the relationship between lawyer and client was a major failing. The consequences of that failing are resonating through the criminal justice system and will do so for many years. It has come at a very high cost to the organisation, to public confidence and to the criminal justice system.

The systemic failings resulted from a lack of policy, structure and oversight of the informant program, as well as an unprofessional culture that, because of its covert nature, saw users of informants and the informants themselves conduct themselves inappropriately and without accountability. The commission made 21 recommendations to Victoria Police around the need to update its internal policies relating to human source management, and they have all been delivered. Many of the commission's recommendations to the government are around the need for legislated regulation and oversight of the use of human sources by Victoria Police.

Specifically the bill sets out processes for the registration, use and management of Victoria Police's human sources by providing necessary powers, responsibilities and decision-making processes to Victoria Police. It requires that Victoria Police go through a formal registration process before they can use a person as a human source. A senior officer within Victoria Police must formally assess the suitability and justify the use of the person as a human source. Not everyone that provides information to Victoria Police will need to be registered as a human source. For example, people that provide witness statements or occasionally volunteer some information will quite rightly not be covered under this bill. The bill prohibits Victoria Police from using a person as if they are a human source unless the person has been registered as such. The person's informed consent to be registered as a human source is to be obtained prior to the registration process, and this bill also prohibits Victoria Police from using a human source for a different purpose than was approved in the initial registration.

Importantly, in certain circumstances people will need to be registered as reportable human sources. There are stricter registration requirements for two categories, and they are, firstly, vulnerable people and, secondly, those who are expected to have access to privileged information. Vulnerable people will be those under the age of 18 and those with serious medical or mental health conditions. In these circumstances, the registration process will require the chief commissioner to determine if the person can be registered, and a medical specialist and the Public Interest Monitor are also required to make recommendations before registration can take place. In addition, this bill prevents people aged 14 and under from acting as human sources. As in the case of Nicola Gobbo, access to privileged information increases the risk for the informant, and greater scrutiny is required in this type of registration. The bill only allows Victoria Police to intentionally use a human source in breach of obligations of privilege in very rare circumstances. Only the chief commissioner or their delegate can register the person and only in the instance where there is a serious threat to national security, the community or the life and welfare of a person and where information could not be obtained through other means.

We know that this bill is widely supported for delivering upon 25 of the commission's recommendations, but there are a couple of matters which are not supported by some, and I would like to address these because they are very significant aspects of the intentions of this bill. In the case of using a human source in breach of privileged information – for example, a lawyer – this would only be permitted in exceptional circumstances. The bill is very specific about this. This is a contentious issue to some stakeholders, including the Law Institute of Victoria and the Victorian Bar, and we understand the reasons why. We know of the outcomes that arose from Nicola Gobbo using privileged information in her role as an informant and the resulting impacts, such as overturned convictions and attempted overturned convictions. We are all also conflicted by the legal, moral and ethical issues that are at the heart of using privileged information from a human source. However, we must also acknowledge that when Nicola Gobbo was used as an informant by Victoria Police there was little to

no human source management policy or practice established, certainly none with the legislated regulation or independent oversight that this bill will address. We live in a very different time than at the height of Nicola Gobbo's informing, and we have learned so much from that time, thanks to the royal commission that we have established.

I understand that some media – in particular the *Herald Sun* – are dissatisfied with the potential use of lawyers in exceptional circumstances. A provision of the bill makes it an offence to disclose unauthorised information about a human source, including information that reveals identity or if that person has previously been used as a human source. The *Herald Sun* argue that if these provisions had been in place at the time that they investigated and revealed the use of Nicola Gobbo by Victoria Police, their revelations would have never come to light. They are correct in that matter. But on the other hand, if this legislation had been in place to manage human sources and if the independent oversight bodies had been in place, none of what took place in the use of Nicola Gobbo would have occurred, because it could not. Under the legislation that this bill will create, Nicola Gobbo would have had to have been registered using strict criteria – including, as I said, being registered by the chief commissioner; obtaining and considering legal advice and any recommendations by the Public Interest Monitor; and being able to justify that their use was in relation to a serious threat to national security, the community or the life or welfare of a person and that the information could not be obtained through any other reasonable means. The human source would then have to be re-registered every six months as a higher risk reportable human source, and then the use of that informant would have to be to the satisfaction of the independent oversight bodies.

The law institute are concerned that this bill seeks to legitimise the use of lawyers as informants. Because the use of privileged information goes to the core of this issue, the royal commission did actually consider this aspect thoroughly. The commission reasoned that there may be exceptional and compelling circumstances where it would be appropriate to register a lawyer as a human source, such as the need to respond to a significant threat to community safety. If I may quote from page 27 of the royal commission's report:

As this inquiry has shown, the use of lawyers as human sources poses clear risks. These risks also apply to the use of other human sources who have access to confidential or privileged information. This is not to say that police should be absolutely prohibited from using human sources who are subject to legal obligations of confidentiality or privilege, but it does mean that the use of a human source who has access to confidential or privileged information should be a rare occurrence, treated with extreme caution and subject to strict ...

guidelines. And that is exactly what this bill seeks to address.

The opposition, I note, is also concerned that the use of privileged information breaches ethical obligations. Again, the commission's recommendations on this are highly considered, and I now quote from recommendation 16, which says:

That the Victorian Government, in developing the legislation for Victoria Police's registration, use and management of human sources:

- a. requires that the Chief Commissioner of Victoria Police or their delegate must be satisfied that there are exceptional and compelling circumstances to justify the registration of a human source where Victoria Police intends to obtain or disseminate confidential or privileged information from that person
- b. provides that 'exceptional and compelling circumstances' be defined as circumstances where there is a serious threat to national security, the community or the life and welfare of a person; and where the information cannot be obtained through any other reasonable means
- c. requires that the Chief Commissioner or their delegate must consider formal legal advice before deciding to register a human source with the intention to obtain or disseminate confidential or privileged information from that person
- d. requires that the Chief Commissioner or their delegate must have regard to any recommendations or submissions on the proposed registration that the Public Interest Monitor has made before deciding to register a human source with the intention to obtain or disseminate confidential or privileged information from that person.

The commission found that a blanket ban was not warranted, as it would not eradicate the risk of confidential or privileged information being provided by a human source and neither would it provide Victoria Police with the skills and framework to be able to respond appropriately when it did occur. Further, lawyers do currently have the ability under the uniform conduct rules to disclose confidential information where they believe on reasonable grounds that there is a risk to any person's safety, and they can already break that privilege or confidentiality to advise the police or other appropriate authorities.

As I have mentioned, this bill also, importantly, establishes an external oversight model where the Public Interest Monitor provides oversight for registration of those higher risk reportable human sources. IBAC also retrospectively monitors Victoria Police's compliance with the bill and regulations and also their relevant internal policies. The Victorian Inspectorate will in turn provide oversight of IBAC and of the Public Interest Monitor's exercise of coercive information-gathering powers. There is currently no external oversight for Victoria Police's handling of human sources other than IBAC's existing jurisdiction to investigate police misconduct. According to the royal commission:

Independent, external oversight encourages police officers to use their significant powers fairly and lawfully, and adhere to high ethical and professional standards, including when they are using covert methods and tactics. It helps to hold officers to account when they act improperly, and supports public trust and confidence in policing.

...

Consistent with the views of stakeholders and other available evidence, the Commission considers that external oversight of Victoria Police's use of human sources would:

- encourage compliance with legal and policy requirements for the registration and use of human sources
- mitigate risks to Victoria Police, human sources and the criminal justice system
- raise policing standards, including by assisting police to balance competing public interests and make ethical decisions
- address a gap in Victoria's current oversight system, noting that other covert police powers and methods are subject to external oversight
- support transparency and improve public confidence in Victoria Police's use of human sources.

The report further says that:

While the Commission considers that greater scrutiny is warranted for human sources who might provide confidential or privileged information to Victoria Police, it is also of the view that a broad external oversight function is warranted for all human sources. This recognises the inherent risks and potential intrusiveness of the use of human sources, evidence of historical and ongoing non-compliance with human source management policy requirements among some Victoria Police officers, and the need to assure the community that police manage all human sources ethically and appropriately.

There are very few other pieces of legislation in fact that do contain as much oversight as this bill.

In conclusion, this bill addresses much in the substantive issues investigated by the commission and goes a long way towards ensuring confidence in a system that is fraught with legal, ethical and moral considerations. I congratulate the commission on their investigation recommendations. I also congratulate Victoria Police for their willingness to right their wrongs and the Attorney-General and the government for acting so swiftly and decisively to implement these recommendations. I commend the bill to the house.

**Katherine COPSEY** (Southern Metropolitan) (14:44): I rise to speak on the Human Source Management Bill 2023. I will touch on some of the issues broadly in my contribution because this bill is in a state of flux. Given there are numerous amendments and potential house amendments being circulated at the eleventh hour, we need more time to consider and consult.



The bill today represents the substantive government response to the Royal Commission into the Management of Police Informants, which concluded in 2020. The royal commission was established because of the Lawyer X scandal: the extraordinary circumstance in which Victoria Police used a lawyer as an informant to work against her own clients over a sustained period of time, which has already resulted in a number of convictions being overturned, with a number of others still in limbo.

With remarkable understatement, the commission concluded that the conduct by Victoria Police officers regarding Lawyer X:

... seems to have fallen short of the behaviour required by their legal, ethical and professional obligations ...

The High Court was less equivocal, stating that Victoria Police engaged in:

... reprehensible conduct in knowingly encouraging [Ms Gobbo] to do as she did ...

The royal commission further stated:

If the organisation –

Victoria Police –

and systems were flawed, it was because the individuals who made up the organisation and developed its systems, particularly senior leaders, lacked the moral clarity, vision and ability to fix those flaws.

It added:

Much of the conduct ... could not have occurred without critical failures of leadership and governance in Victoria Police ...

In short, there were systemic failures. This bill attempts to address the systemic failures. The bill proposes a process for the registration, review and deregistration of human sources to ensure that Victoria Police appropriately identify and manage any risks from the use of a person as a human source. The bill also proposes a review capability on applications for registration of reportable human sources via recommendations from the Public Interest Monitor to the Chief Commissioner of Police. The IBAC is also proposed to monitor and report on police adherence to the new process. We welcome the introduction of oversight on the activities and operation of Victoria Police in this regard. However, like many, the Greens are concerned that the oversight provisions detailed in the bill do not go far enough and do not directly prevent a Lawyer X situation from recurring.

We are particularly mindful of the fact that the Lawyer X case was not simply a case of a few bad apples in the lower ranks of Victoria Police. In fact most senior members of the Victoria Police command not only were aware of the Lawyer X situation but also had full awareness of the ramifications and consequences for the entire legal system of engaging with Ms Gobbo in this way. Yet we are currently being asked to believe that the culture within Victoria Police has turned around pretty much overnight, that Victoria Police is capable of change and that Victoria Police will act with impeccable integrity from this point onwards. While recently Victoria Police have stated positive things about cultural change, the Greens are concerned about how deeply these public words match the reality.

Recently IBAC completed a perceptions of corruption survey covering the public sector, including Victoria Police. An overwhelming majority, 84 per cent of police and police personnel, agreed with the assertion that police misconduct happens in Victoria. Eighty-five per cent of respondents thought that there was a high or medium risk of breaches of professional boundaries, and almost 50 per cent thought that there was a high or medium risk of Victoria Police personnel being involved in perverting the course of justice. While the survey did report that a large majority of police thought the ethical culture of Victoria Police was either strong or moderate, the majority of police personnel who thought the ethical culture was weak were those who had been in the organisation for less than 10 years, so recent. When asked to elaborate on this, many personnel felt that there was:

... a recurring theme that senior staff set the standards but do not necessarily adhere to them.

This sounds worryingly familiar to those who are aware of the royal commission's findings. These results tell us that there is a large cohort of Victoria Police personnel who do not trust their own organisation to act with integrity, but today as a Parliament we are being asked to have such trust.

The issue of trust is particularly relevant to the two most controversial issues of this bill in its original form: one, its failure to impose narrower limits or an outright prohibition on lawyers acting as human sources regarding legally privileged client information; and two, the fact that Victoria Police and the chief commissioner retain final decision-making on who can be registered as a human source. These are two substantive concerns that have been raised consistently across Victoria's peak legal bodies and even those in other jurisdictions, including the Law Council of Australia. These are issues that the opposition amendments seek to address. We believe they have developed some good amendments that we understand are supported by the Law Institute of Victoria and other key stakeholders.

On the other hand, we are also aware that the royal commission did not explicitly recommend an outright prohibition on lawyers being used as human sources and decided, on balance, not to support an independent agency, person or court making the final decision as to whether or not to register a human source. The government have now also come forward with their own house amendments that may go some of the way towards resolving these issues, but we are yet to fully assess this.

Resolving these issues is further complicated by two recent developments – first, media reports this week confirming that both Justice Margaret McMurdo, who led the royal commission, as well as the counsel assisting the royal commission Chris Winneke KC have concerns with the original bill as it stands. I understand that the Attorney-General met Justice McMurdo this week, and while it has not been reported exactly what the specific concerns of the former commissioner are, it seems unwise for us to approve this legislation in its current form prior to these concerns being properly aired and resolved, especially because the Attorney has made it clear she would like to see this bill accurately reflect the findings and recommendations of the royal commission, which I believe by extension means the opinions and intentions of the royal commissioner subsequent to the finalisation of the report. So the Greens will seek further assurances that former commissioner McMurdo's concerns have been resolved.

That leads me to the second development, which is the ongoing refusal of Victoria Police to release 11 sensitive human source files to the Office of the Special Investigator (OSI) with a view to checking them for potential miscarriages of justice. We know already that Victoria Police disappointed the royal commission by refusing to provide them with all of the relevant requested human source files for auditing, saying that 11 files were too sensitive to be audited and using the same public interest immunity that they tried to use to prevent the Lawyer X scandal being revealed. It was this refusal that led the royal commission to make a specific recommendation, recommendation 6:

That the Victorian Government, within three months, appoints a suitably qualified and independent person to review the 11 Victoria Police human source files subject to a claim of public interest immunity.

To its credit, the Victorian government effectively acquitted its side of this recommendation by creating the OSI, with a budget of \$13 million, to achieve recommendation 6. The only problem is that Victoria Police still will not release the files, despite the clear and unambiguous intention of what needs to occur in recommendation 6. Now, like with the Lawyer X scandal, resolving the matter of those additional 11 files looks like it will end up in the High Court. The fact that Victoria Police, in spite of the royal commission and the explicit direction of recommendation 6, still believe that checking human source files for miscarriages of justice is not in the public interest is a significant issue of whether the Greens can support this bill in its current form. How can we take Victoria Police at their word that they have changed and will now cooperatively comply with independent oversight and external recommendations – that are not binding in the original bill – as prescribed in this bill if they themselves are fighting the implementation of the royal commission recommendations in the courts? Moreover, how can the Parliament accept the government's position that the royal commission recommendations and intentions should be respected and followed when apparently this does not

apply to Victoria Police? But I do believe that the Attorney and her office are genuinely committed to delivering the best human source laws that they can. The Greens will continue to work through the government's most recent draft house amendments and potential additional house amendments to resolve any problems in this bill.

I will also briefly summarise the Greens' important amendments before I conclude for today. The Greens believe that the safeguards outlined in the bill are not sufficiently robust to adequately protect children interacting with Victoria Police when they are being registered or used for human source activity, so we have amendments to strengthen these protections. I ask that these now be circulated.

#### **Amendments circulated pursuant to standing orders.**

**Katherine COPSEY:** The Greens' proposed amendments 1 to 4 have since led the government to make house amendments to have the same effect. I thank the government and the Attorney's office for acting on our feedback and introducing those house amendments. The remaining Greens amendments are similar to those we circulated in the other place and mandate the presence of an adult in all interactions with police in respect of a child's role or potential role as a human source. I will have more to say in committee, but I just remind those considering our amendments that we are dealing here with a new bill that seeks to improve the future operational standards of Victoria Police – and so we think this demands us legislating the highest standards possible – yet at the same time the bill does not impose reasonable standards of protection for children in what we all would agree is one of the most vulnerable situations that any child could find themselves in when in contact with police officers.

We believe this means it is entirely reasonable to say that Victoria Police can and should do better to guarantee, not just take reasonable steps, that children are adequately protected in relation to their involvement in human source issues. I expect the next 48 hours to be busy, but I do want to thank the Attorney-General and her office as well as the Shadow Attorney-General in the other place for their genuine and constructive engagement with the Greens on this bill to date – and those stakeholders that have participated in engagement as well.

This is a difficult and complicated bill dealing with difficult and complicated issues, and there is work to be done. But the Greens are committed to helping deliver the best legislation possible.

**Tom McINTOSH** (Eastern Victoria) (14:56): I rise to contribute to the debate on the Human Source Management Bill 2023. This bill sets out the process for dealing with informants in a responsible manner in legislation. At the moment, this process is done internally by Victoria Police. The introduction of the bill increases oversight of this process, firstly by legislating the framework of who needs to be registered, under what circumstance, who signs off and what exceptions there are but also by establishing an external oversight model, with the Public Interest Monitor, the PIM, and the Independent Broad-based Anti-corruption Commission, IBAC, across all human source activity involving Victoria Police. This strengthens the system in Victoria for registering and dealing with police informants or human sources and makes sure this is done in an ethical and justifiable manner.

The bill delivers 25 of the recommendations of the Royal Commission into the Management of Police Informants, which was brought about by the revelations about former criminal defence barrister Nicola Gobbo, being a registered Victoria Police human source. That situation highlighted risks with the use of people with professional privilege by Victoria Police, the need for oversight to be legislated and the need for that oversight to be accountable to independent bodies.

The bill deals with recommendations 8 to 18, 46 to 56 and 58 of the royal commission into the management of human sources, which were directed to the Victorian government. Some of the recommendations that are worth noting are recommendation 8 to implement:

... legislation for Victoria Police's registration, use and management of human sources, to provide a clear framework for police to obtain and use information from human sources and to ensure they are used in an ethical and justifiable manner.

That is what we are here to debate today with the introduction of the Human Source Management Bill 2023.

Recommendation 10 is that the Victorian government:

... defines ‘reportable human sources’ as a class of people who are prospective or registered human sources and who are reasonably expected to have access to confidential or privileged information.

To be clear, this class of human sources deemed reportable does not include all police informants. It does not include people who are not likely to have professional or privileged information. This bill does not require a person to be registered as a human source if they fall within other categories of people who provide information to Victoria Police, such as witnesses and anonymous tip-offs. A person who approaches Victoria Police to confidentially volunteer information on a discrete occasion is also not a human source under the bill unless they are reasonably expected to have access to privileged information, are under the age of 18 or have a serious medical or mental health condition.

So there are three categories of human source informants under the bill: those offering one-off information to police and who do not meet any other risk criteria; registered non-reportable sources, being those who have an ongoing relationship with police and do not meet other risk criteria; and registered and reportable sources, who are deemed higher risk.

Recommendation 11 is that the Victorian government:

... establishes clear decision-making arrangements that demonstrate alignment between the seniority of the decision maker and the level of risk posed by the registration of human sources.

This specifies that this should be the Chief Commissioner of Police or the delegate who is an officer at or above assistant commissioner.

Recommendation 12 says that the chief commissioner must be:

... satisfied that in registering any human source, the registration is appropriate and justified, including that:  
the use of the person as a human source is necessary to achieve a legitimate law enforcement objective and is proportionate to that objective  
the risks associated with the person’s registration have been identified and can be adequately managed.

This is an important safeguard, particularly for sources who are under the age of 18 or may have access to privileged information.

Recommendation 13 says that the chief commissioner may ‘impose conditions’ on the registration of human sources and they must determine a period of registration and a review of that registration.

Recommendation 14 is that people that may have access to confidential information be deemed a reportable human source.

Recommendation 15:

the Chief Commissioner ... must consider formal legal advice before deciding to register a reportable human source

and have regard to any recommendations from the public interest monitor.

This is in response to the royal commission’s findings that despite the extraordinary circumstances of a criminal defence barrister becoming a human source against the very people she represented, neither the officers who registered her nor their superior officers sought legal advice as part of the registration process.

Recommendation 16 – and this is a recommendation that I will come back to – says:

... the Chief Commissioner ... must be satisfied that there are exceptional and compelling circumstances to justify the registration of a human source where Victoria Police intends to obtain or disseminate confidential or privileged information from that person

... there is a serious threat to national security, the community, or the life and welfare of a person; and where the information cannot be obtained through any other reasonable means

Recommendation 18:

... allows the Chief Commissioner of Victoria Police or their delegate to make an emergency authorisation of a reportable human source. This power should only be used in circumstances where: there is a serious threat to national security, the community, or the life and welfare of a person; the threat is imminent; and the information is not able to be obtained through any other reasonable means.

As is often the case when it comes to justice, the bill is about balance. The bill balances the right of a victim for justice to be served. This means punishing people who have done the wrong thing under our laws. In fact the community may think this is the only consideration. Commissioner the Honourable Margaret McMurdo AC even noted this in the final report – that on the surface it would seem that we should take whatever means necessary to hold people who have done the wrong thing to account. Prosecuting people, even people who are in fact found guilty of doing terrible things, must be done in accordance with the strictest standards of our justice system, including the right to have it ensured that any information about the case was collected in a responsible and accountable way, including the right to the best representation to put forward your case.

At the heart of the debate on this bill is the treatment of professionals with access to privileged or confidential information as human sources. Under what circumstances should they be allowed, if at all, to break with that professional duty to inform police about matters they have received under privilege? That is of course the reason this legislation is being introduced – because of the actions of a particular lawyer and the real consequences of this in terms of the carriage of justice.

In the bill:

*privileged information* means information subject to the following legal obligations of privilege –

- (a) client legal privilege;
- (b) journalist privilege;
- (c) medical privilege;
- (d) religious confession privilege;
- (e) parliamentary privilege;
- (f) judicial privilege;
- (g) public interest immunity –  
but does not include –
- (h) the privilege against self-incrimination; or
- (i) privilege that attaches to information relating to settlement negotiations as referred to in section 131 of the **Evidence Act 2008** ...

Of great focus is the role of lawyers, and rightly so, due to their essential role in the justice system as advocates for the people that they represent. In Victoria lawyers have obligations to their clients and to the court itself. This bill does not take the extra step of legislating to exclude lawyers from being registered as human sources.

Going back to the reason for the bill in the first place and the way the system has currently operated under Victoria Police policy and procedure, lawyers are not currently excluded, so there is not a change in what can happen with the introduction of this bill. The bill does not make it easier for lawyers to inform police. In fact the opposite is true, and strict safeguards and measures are being put in place through this bill to ensure this is only done under exceptional and compelling circumstances. The commission reasoned that there may be exceptional and compelling circumstances, such as the need to respond to a significant threat to community safety, where it would be appropriate to register a lawyer as a human source. This has resulted in recommendation 16, which I have touched on above,

which allows people with access to privileged information to become police informants, including lawyers. Again, recommendation 16 states:

... the Chief Commissioner ... must be satisfied that there are exceptional and compelling circumstances to justify the registration of a human source where Victoria Police intends to obtain or disseminate confidential or privileged information from that person

... there is a serious threat to national security, the community or the life and welfare of a person, and where the information cannot be obtained through any other reasonable means

The government has accepted the commission's findings and committed to implementing the recommendations, including recommendation 16. The commission considered that a blanket ban was not warranted as it would not eradicate the risk of confidential or privileged information being provided by a human source, nor would it equip VicPol with the skills to respond appropriately when it does occur.

This bill embeds significant checks and balances for those rare occasions where there may be exceptional and compelling circumstances. It is important to note that the legal profession already has established obligations to maintain legal privilege and where it would be appropriate to break privilege for community safety. This bill mirrors those obligations but sets up a mechanism for Victoria Police to receive any privileged information as well as the appropriate safeguards to ensure that it is appropriate to do so.

Lawyers currently have the ability under uniform conduct rules to disclose confidential information where they believe on reasonable grounds that there is a risk to any person's safety, in which case they can break privilege or confidentiality provisions to advise the police or other appropriate authorities. It is not the best outcome for the bill to take the extra step of excluding lawyers, going above what is currently in place and making no consideration for exceptional and compelling circumstances. There is always the possibility of unforeseen circumstances where a provision like this could save lives, and that could be a lot of lives. This needs to be considered amongst all of the safeguarding that goes along with it. Remember, the systemic failing in the Nicola Gobbo case was that Victoria Police did not have an adequate understanding of the risks related to privileged information and was not equipped to appropriately manage a human source who had access to privileged information. This bill sets up a framework for Victoria Police to receive any privileged information as well as the appropriate safeguards to ensure that it is appropriate to do so. The bill balances the need to ensure the interest of justice is maintained against the ongoing need to protect our community.

A key concern is that by not conducting these registrations properly and properly preparing for the legal risks of using certain people as informants there could be potential consequences for the case when it is finally heard in court. The commission highlighted that cases have been overturned because of what happened with Nicola Gobbo and went further by indicating that an eye-watering number of convictions could be affected. To ensure justice is carried out this guidance must be in place and it must address the inherent risks that are there as a matter of fact when dealing with human sources. These are the safety risk to a human source, the risk to prosecution and administration of justice, and the risk of undermining trust in professional relationships. The use of human sources or informants is an important part of policing and information gathering, and the bill delivers the appropriate balance between mitigating these risks and ensuring Victoria Police can continue to use these fundamental police practices in an accountable way.

There are other vulnerable groups used as human sources that will have extra oversight and protection because of the bill. The bill will provide strong protections for young people who are used as human sources. Firstly, though, can I say when I reflect on what we are talking about here, I really do hope no young person is in a position where they ever have information to give to police in an important criminal proceeding that would meet the criteria. The thought that children know or are involved with people planning terror or significant actions to harm the community is truly awful, and I would hope

that other safeguards in our society are able to step in and ensure that children are not exposed to this sort of stuff in the first place.

To register a young person as a human source Victoria Police must show that there is a serious threat to national security, the community or the life and welfare of a person or that a serious offence is being investigated. There must also be no other way of obtaining the information. Young people must be treated as higher risk reportable human sources, meaning the Public Interest Monitor and a senior police officer must be involved in the registration decision. This gives the use of young people external oversight to ensure their wellbeing. In addition, there is a requirement for specialist advice to be considered before a young person can be registered as a human source, such as from a psychologist or a social worker.

The bill sets out the process for dealing with informants in a responsible manner in legislation. At the moment this process is done internally by Victoria Police. The introduction of the bill increases oversight of this process, firstly by legislating the framework – who needs to be registered and under what circumstances, who signs off and what exceptions there are – and also by establishing an external oversight model by the Public Interest Monitor and IBAC of all human source activity involving Victoria Police. This strengthens the system in Victoria for registering and dealing with police informants, or human sources, and makes sure this is done in an ethical and justifiable manner. The bill delivers 25 of the recommendations of the Royal Commission into the Management of Police Informants, which was brought about by the revelations about former criminal defence barrister Nicola Gobbo being a registered Victoria Police human source. The bill delivers recommendations 8 to 18, 46 to 56 and 58, which were directed to the Victorian government.

**Sheena WATT** (Northern Metropolitan) (15:11): I rise today to continue debate on behalf of this side of the chamber on the Human Source Management Bill 2023, which is an important step to fulfilling the Victorian government's commitment to implementing all recommendations of the Royal Commission into the Management of Police Informants. This was already expressed in the minister's second-reading speech, but I would like to reiterate that the bill is the first legislation of its kind in our nation and is comparable to a similar legislative scheme in the United Kingdom. It sets out the process for the use and management of Victoria's police informants, also known as human sources, and establishes an external oversight mechanism and model to ensure that human sources are used in an ethical and justifiable manner. This bill delivers on several recommendations of the royal commission by establishing a legislative framework to regulate Victoria Police's use of human sources.

For those curious as to why we need this bill, the use of police informants is a practice used by Victoria Police in criminal investigations to help prevent, detect, investigate and solve crime. The current processes for the use of police informants by Victoria Police are regulated by the organisation's own internal procedures and policies. We can see how this could be subject to misuse. That is what happened, and that is what the royal commission found. This bill sets out to establish that legislative framework, currently missing, to regulate Victoria Police's use of human sources.

By way of history, the government established the Royal Commission into the Management of Police Informants in December 2018. This announcement followed a 2018 High Court decision which unmasked Lawyer X and revealed former criminal defence barrister Ms Nicola Maree Gobbo was a registered Victoria Police informant. The royal commission delivered its final report, containing 111 recommendations, in November 2020, of which 54 were directed to the Victorian government. In May 2021 the Victorian government released its response to the royal commission's final report. This is where the Victorian government reiterated its commitment to implementing every single one of the royal commission's recommendations. This bill acquits 25 recommendations in setting up a legislative framework for the registration, use, management and external oversight of Victoria Police's human sources, thereby addressing recommendations 8 to 18, 44 to 56 and, further, 58 from the royal commission's final report. The royal commission found that while police informants play an important and instrumental role in both investigating and preventing crime, the use of a person as a human source can also create substantial risks. Victoria Police's use of Ms Gobbo as an informant exposed systemic

issues within the organisation and had far-reaching and detrimental consequences for the justice system in our state.

The royal commission also identified that the covert nature of a human source relationship increases the risks of Victoria Police officers engaging in corruption and misconduct and can expose individuals to significant safety risks. Using informants with access to privileged information can also undermine public trust in important professional relationships, such as relationships between lawyers and clients, not to mention a lawyer's duty of confidence. While Victoria Police has made significant progress in updating its internal human source management policies since the beginning of the royal commission, Victoria Police's internal policies are not enough on their own to prevent the sorts of events that gave rise to the royal commission from happening again. The royal commission made 21 recommendations to Victoria Police to update its internal policies relating to human source management, and all of these have now been delivered.

But to come back to my earlier point, in contrast with other covert powers exercised by Victoria Police, there is no statutory regulation or independent external oversight of the organisation's informants or human source program. Policy alone is insufficient to instil confidence in our broader Victorian community that the risks brought about by the use of human sources will be appropriately managed, and new legislation is required. The royal commission in its work identified that, and that is what brings us to this bill before the chamber today. 'Why does that in fact bring us here?', some may ask. Part of the royal commission's recommendation is that the government introduce legislation to regulate the use and management of human sources by Victoria Police and establish an external oversight regime for the use and management of human sources and police informants. The royal commission emphasised the importance of a clear legal framework to facilitate the effective use of police informants and human sources to investigate and prevent criminal activity, and that is while ensuring at same time that their use is ethical, called for and justified.

The bill before us sets out the process for the registration, use and management of Victoria Police's human sources by providing necessary powers, responsibilities and decision-making processes to Victoria Police. The bill requires Victoria Police to go through a formal registration process before they can use a person as a human source. Victoria Police further is required to register a person as a human source if Victoria Police wishes to use the person to gather information or provide assistance to Victoria Police and the person has a reasonable expectation that their identity or relationship with Victoria Police will be kept confidential.

The royal commission also highlighted the importance of independent external oversight as an important check and balance against the use of police powers, ensuring that Victoria Police is held accountable while maintaining the Victorian people's trust and confidence. This bill sets out to establish the legislative framework for the registration, use and management of Victoria Police's human sources, with external oversight to be conducted by the Public Interest Monitor, or PIM, as he or she is known, and of course the Independent Broad-based Anti-corruption Commission, which we know as IBAC. It establishes the external oversight model, where the Public Interest Monitor provides oversight for the registration of higher risk reportable human sources, and IBAC retrospectively monitors Victoria Police's compliance with the bill regulations and of course the relevant internal policy. The Victorian Inspectorate will in turn provide oversight of IBAC and of the PIM's exercise of coercive information-gathering powers to respond to the royal commission having identified that the covert nature of human source relationship increases the risk of Victoria Police officers engaging in corruption and misconduct and can expose individuals to significant safety risks. The bill takes a risk-based approach to the management of police informants, seeking to balance the mitigation of these risks with ensuring police can continue to use this important aspect of policing. The identified risks which were taken into consideration for this bill include the risk to the safety of the human source, the risk to the prosecution and administration of justice and the risk of undermining trust in professional relationships.



The bill has been developed in close consultation with a broad range of stakeholders, including Vic Police, including the PIM and including IBAC. This also further includes the Victorian Inspectorate, the Commission for Children and Young People and Victoria Legal Aid. Also I note there was the Victorian police informants royal commission implementation monitor. From this consultation process the bill finds the appropriate balance between mitigating some real risks and ensuring Victoria Police can continue to use this important aspect of policing: preventing, investigating and ultimately solving crime. This bill ensures Victoria Police's use of people who have access to privileged or confidential information as human sources will be appropriately constrained and will only be utilised when it is absolutely necessary and only if it is ethically called for and justified. Consultation for this bill has ensured that the settings in this bill are broadly supported, operationally feasible, realistic and workable for Victoria Police and consistent with the royal commission's recommendations and overall intent. That is of course what this bill is for, after all.

I have got a further note to say that the bill has a commencement date of 30 September 2024 to provide the necessary involved agencies with time to prepare for its implementation. I would like it to be noted that agencies have indicated that they will require time to update and align internal policies, deliver new training, recruit staff and agree amongst themselves on information-sharing protocols. Regulations may also need to be developed to support secure information sharing between the agencies, recognising that Victoria Police has been using human sources really for some time. This bill includes transitional arrangements to ensure that the existing human sources are re-registered under the bill before us today. Higher risk reportable human sources will need to be re-registered within six months of commencement, while non-reportable human sources will need to be re-registered within 12 months of commencement.

To come back to where it all started – with Ms Gobbo – the royal commission reasoned that there may be exceptional and compelling circumstances, such as the need to respond to a significant threat to community safety, where it would be appropriate to register a lawyer as a human source, and thereby recommended that Victoria Police could register a person who may have access to privileged information, and this does include lawyers. This bill therefore embeds significant checks and balances in those rare occasions where there may be exceptional and compelling circumstances, where it would be appropriate to break privilege for the safety of the community.

My friend and colleague a member for Southern Metropolitan Region has already gone to great lengths to describe the specifics of the bill, and can I thank him for his contribution. Of course there have been other contributors from our side as well. I would like to acknowledge a member for Western Victoria and a member for South-Eastern Metropolitan Region. With that, I will just note that I will not repeat some of their earlier remarks, but I thank them for speaking to the depth of this bill and its impact on our community. But I will take this opportunity to give recognition to former Attorney-General the Honourable Jill Hennessy and the work she did with the royal commission, which made this bill before the chamber today possible.

To finish off – and I am almost at the conclusion of my remarks today – the bill before us introduces a comprehensive regulatory framework to ensure Victoria Police uses human sources in an ethical and justifiable manner, subject to external oversight. The bill, the Human Source Management Bill 2023, includes robust safeguards for instances where Victoria Police wish to use vulnerable people as human sources or where the use of a person as a human source could result in a breach of privilege. This bill before us represents another important step in increasing and restoring confidence in Victoria's justice system, ensuring that the events that led to the royal commission can never occur again.

I know that there are a number of further speakers on the bill before us today, from all sides of this chamber in fact, as I understand.

**A member:** Not all sides.

**Sheena WATT:** Well, perhaps not all sides, but a number of speakers representing different views, and I do welcome the opportunity to hear more contributions on the important bill before us, the Human Source Management Bill 2023. Thank you so much for your patience as I delivered my remarks. I commend the bill to the chamber.

**David ETTERS HANK** (Western Metropolitan) (15:25): I rise to make a contribution on behalf of Legalise Cannabis Victoria on the Human Source Management Bill 2023. This bill sets out to regulate Victoria Police's registration, use and management of human sources and to provide a framework for police to obtain and use information from human sources in an ethical and justifiable manner. We are all aware of the context: the reprehensible conduct engaged in by Victoria Police and Nicola Gobbo that fundamentally breached foundational principles of our criminal justice system in a way that should never, ever be repeated. That conduct led to a royal commission, and this bill delivers on 25 of the 111 recommendations that followed. I do congratulate the government for causing that royal commission and for its commitment to those recommendations.

There is no doubt that a framework must be established to manage the use of human sources and to ensure that gross Gobbo mistake is never repeated by police in this state. However, this bill in its original form was almost unanimously criticised and seemingly would have enabled the holders of privileged information, including lawyers, to be registered as human sources in certain circumstances that may well have provided a pathway to permit exactly what this bill should have been seeking to prevent. It seemingly contradicted the views of the High Court and the Supreme Court of Victoria and was widely opposed by stakeholders. I thank Liberty Victoria, the Centre for Public Integrity and others for their consultation on these matters. We too should be very respectful of the significant work of the royal commission and the heavy weight that its recommendations bear. It is the highest order of inquiry that can be conducted in this state, and we should not forget that fact.

We could not have supported this bill in its original form, but the concerns of stakeholders are significantly addressed by amendments foreshadowed in this house, including quite fulsome house amendments from the government that go to the heart of many concerns that we and others in this place have identified. We are also sympathetic to the concept that, just as lawyers' professional conduct rules allow now, there are some circumstances where lawyers should be able to pierce their veil of confidentiality to, for example, alert police to a serious and imminent threat to someone's life. We would not want to see a situation where the laws we make today inadvertently prevent that from occurring or contradict legal profession uniform conduct rules.

But there are points on which we will not compromise. Children should never be tasked by police as human sources. Lawyers should never be tasked by police as human sources. The piercing of any legal confidence should be a matter for the legal professional and only where it is consistent with their existing professional obligations and in circumstances of a serious and imminent threat to save a life or lives or prevent serious harm. The ultimate decision-maker, should a lawyer be registered for the purpose of that type of information disclosure, must be judicial, not the Chief Commissioner of Police. It is utterly implausible to believe that oversight of the commissioner of police in real time should be the commissioner of police. In that sense we consider it not negotiable that critical oversight be provided by an independent and eminent third party of suitable standing.

In no way should we permit confidence in our criminal justice system to be undermined by interference in the lawyer-client relationship and the requirement that the lawyer act in the best interests of the client. We cannot jeopardise the client's right to a fair hearing and the integrity of the administration of justice. As I stand no amendments have been circulated in the chamber, and it is probable that we will need more time to consider all the moving parts of this important legislation.

**Ryan BATCHELOR** (Southern Metropolitan) (15:29): I am very pleased to make a further contribution on the Human Source Management Bill 2023 in the chamber today. It is a bill that obviously, as many of my colleagues have discussed in great detail, does address some very significant

and serious issues in the operation of Victoria Police and their practices and also in the administration of justice in the state of Victoria.

It is a matter which obviously the government has given very serious consideration to over the last few years and a matter the wider community have had the benefit of seeing and hearing about via the evidence and reports of the Royal Commission into the Management of Police Informants into this topic following the High Court of Australia's decision in *AB v. CD, EF v. CD* in 2018, published in December of that year. Certainly what you saw in the High Court's decision was a very detailed and thorough consideration of these matters. The government clearly at the time took the view that they were very serious matters that were being raised. The response that the government – the Premier and the then Attorney-General – gave upon the publication of the High Court's decision in early December 2018 I think underlines the significance of and the gravity with which the government treats the matters that the High Court considered. They requested, at the Governor's hand, the convening of a royal commission into the management of police informants. That commission, over the course of its deliberations, certainly went to a number of matters, received detailed evidence and made a number of recommendations.

In the consideration of the legislation that is before us we need to reflect upon the seriousness with which the deliberations of that royal commission took place and the antecedent causes of the royal commission so that we, in deciding on the legislation before us and whether this is a matter that warrants the passing of new laws, can reflect on the benefit and the wisdom of that royal commission. We know that the royal commission, after its extensive investigation and deliberations, made 111 recommendations to improve the circumstances that led to this particular set of circumstances in relation to Lawyer X and in its final report, handed down in late November 2020, made 54 recommendations directed at the Victorian government for implementation.

Importantly for us in the debate today we might reflect on the fact that it was the commission itself that recommended that the government introduce legislation to regulate Victoria Police's use of human sources. This is not something that has just come from the government; this is something that was recommended by a royal commission – a royal commission which spent years deliberating on these issues. With all of the gravity and responsibility of the royal commission, which the commissioner contained in all of her recommendations, what we saw here was a recommendation that the government legislate to regulate Victoria Police's use of human sources – and that is exactly what this bill does. It acquits 25 of those recommendations in setting up a legislative framework for the registration, use and management of external oversight of Victoria Police's human sources. Indeed it is going to be, as other members have noted, the first of this kind of legislation in Australia. It is comparable to a similar legislative scheme that exists in the United Kingdom.

Obviously the royal commission in its deliberations considered whether it was appropriate, what were the circumstances and what was the nature of the framework that should regulate Victoria Police's use of human sources. It did not recommend that there be a blanket ban on classes of persons, particularly those holders of information which could be subject to lawyer–client privilege should be precluded from registration as a human source. It is a very complex and sensitive matter. The commission reasoned in its final report, on page 107, volume 1, that there may be exceptional and compelling circumstances where it would be appropriate to register a lawyer as a human source, such as the need to respond to a significant threat to community safety. That discussion and deliberation by the commission resulted in recommendation 16: that Victoria Police can in fact, under the proposals put forward by the royal commission, register a person as a human source who may have access to privileged information. However, what this bill does is introduce a range of safeguards – oversight mechanisms and, for the first time in the state of Victoria, a regulatory framework to facilitate that occurring.

The Victorian government, in the preparation of this legislation, has accepted the commission's findings and recommendations and is ensuring that there is not an absence of a framework to govern Victoria Police in these circumstances and provide Victoria Police with the skills and framework to

respond appropriately when sets of circumstances relevant to matters of the registration of human sources who may have access to lawyer–client privilege make it appropriate. I think the bill in the regulatory framework that it sets out embeds significant checks and balances in those circumstances where there may be exceptional and compelling reasons for the registration of such a human source. It is important that we continue to acknowledge the royal commission’s deliberations on that matter and the safeguards that are put in place. Mr Ettershank, in his prior contribution, obviously made reference to the fact that there are already, under the uniform rules for the legal profession, established circumstances where, under obligations to maintain legal privilege, it may be appropriate to break that privilege in certain circumstances, particularly in relation to community safety. That is a practice that is widely understood and observed within the legal profession. What the bill is trying to do is establish a framework so that it is very clear what the process and procedures are and what the law is with respect to how this should occur in the future.

The bill, in setting out this regulatory framework, the first of its kind in Australia, will seek to regulate how Victoria Police manages its informants by setting out the necessary powers, responsibilities and decision-making powers within Victoria Police for this practice. In keeping with the concept that we need to have this practice checked at appropriate levels, the bill establishes an external oversight model where the Public Interest Monitor provides oversight for the registration of high-risk reportable human sources and provides the Independent Broad-based Anti-corruption Commission with the powers to retrospectively monitor Victoria Police’s compliance with the terms of the registration framework set out in this bill, its regulations and relevant internal policies and provides for the Victorian Inspectorate to, in turn, provide oversight of IBAC and of the Public Interest Monitor’s exercise of its coercive information-gathering powers.

In setting out this framework, the bill takes a risk-based approach to understanding how human source management will occur within Victoria Police by identifying the risks, such as the safety risk to the human source, the risk to the prosecution and the administration of justice and the risk of undermining trust in professional relationships. In setting up a risk-based framework, the bill provides the police with sets of circumstances. For example, sources providing one-off information to Victoria Police that do not meet any other sort of risk criteria and do not need to be registered; other forms of registered but non-reportable sources – those who have an ongoing relationship with police but do not meet other risk criteria; and sources deemed registered and reportable who are deemed as higher risk. They include people in a range of categories, including those, and this has been subject to a lot of consideration in debate today, who could be reasonably expected to have access to privileged information. Even if they are providing one-off information, people who have access in those particular circumstances require registration. It is about identifying the particular sets of vulnerability, identifying the particular sets of circumstances that we are most concerned about and requiring registration even if that information is only being provided on a one-off basis.

The bill also places obligations on the Chief Commissioner of Police with respect to understanding that level of risk and requires the Chief Commissioner of Police to consider legal advice, advice from the Public Interest Monitor and any retrospective advice received from IBAC in deliberations on the administration of the human source registration scheme.

Obviously we think the bill has been the subject of very detailed consideration within government and by the royal commission over the course of what has been – my maths is not always great – the four or five years since these matters were first brought to light. There are a lot of questions around how Victoria wants to take forward its administration and regulation of reportable human sources by our law enforcement community.

The other thing that I think is important in the context of the debate here, and certainly others have raised these issues, is that the bill does provide protections for vulnerable people, including young people, who are to be used as human sources. Younger people are treated as higher risk, and there is a range of specialist advice that needs to be taken into account. Clearly there are sets of circumstances where people over the course of debate both in this chamber and in the other place have been asking

questions about how the bill will work in practice. People, including our friends on the crossbench, are concerned about the extent and scope of the oversight model that is in place so that we as legislators can be confident that the laws we are passing have sufficient protections and external oversight within them so that in the administration and the powers that we are granting from the Parliament to the members of the executive to undertake actions and obligations under the law they are doing so in a way that we deem as legislators to be suitable.

There has been that kind of conversation taking place, and I think what we have demonstrated is that the government takes these matters so seriously that it has been engaging in good faith with members of Parliament who are concerned about some of the matters identified here, who do want to see some of the processes and procedures that the bill seeks to develop strengthened in key ways. We have indicated our intention to move some house amendments clarifying a couple of those matters, including stricter rules about the tasking of human sources where information is subject to client legal privilege, and as part of the registration process in those sets of vulnerable circumstances, some amendments that would seek to strengthen the process for the Chief Commissioner of Police in authorising registration as human sources persons who may reasonably be expected to have access to lawyer–client privileged information. I think what you have seen over the course of the government’s consideration of these issues in the last five years is that we take it seriously. They are important matters that need to have a legislative framework put in place so that the registration and use of human sources in Victoria can be done properly and within a legal framework that is robust.

**Adem SOMYUREK** (Northern Metropolitan) (15:46): Given the Lawyer X scandal it is prudent for the government to come back with a piece of legislation which has as its objectives to regulate Victoria Police’s registration, use and management of human sources. Unfortunately the government seems to have ignored a key component of the Royal Commission into the Management of Police Informants report, which states in chapter 12 that the reforms should be ‘drafted carefully and in consultation with Victoria Police and other justice and legal profession stakeholders’. I certainly consider the Law Institute of Victoria, the Law Council of Australia, the Australian Bar Association and the Centre for Public Integrity as key stakeholders, yet all these organisations have serious concerns with the current drafting of the bill.

There are two main points of contention. First is that police will continue to use lawyers as sources against their own clients, which is exactly what happened in the Lawyer X scandal. Secondly, the bill allows for police to use children as human sources, which is not appropriate. I therefore will support the opposition and the Greens amendments to the bill. Lawyer–client privilege is a fundamental tenet of our legal system, and the dilution of that tenet will have serious ramifications in undermining confidence in the administration of justice in this state. So I would urge the government to reconsider whether it should rectify the bill to address those two points of contention.

**Lee TARLAMIS** (South-Eastern Metropolitan) (15:48): I move:

That debate on this bill be adjourned until the next day of meeting.

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

### **Heritage Amendment Bill 2023**

#### *Second reading*

**Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

**David DAVIS** (Southern Metropolitan) (15:49): I am pleased to rise and make a contribution to this bill – the Heritage Amendment Bill 2023 – noting at the start the opposition will not oppose this bill. There are a number of parts to this bill that are completely unexceptionable and indeed logical. The purpose of the bill is to amend the Heritage Act 2017 in relation to notices and publication and inspection of documents and hearings. For example, some of the electronic hearing aspects we strongly

support and see good sense in. It is also to provide for exclusion determinations and a number of other general amendments.

It does make amendments in relation to notices and publication and inspection of documents. The bill contains a number of notification and publication requirements as well as requirements that certain documents, the Victorian Heritage Register and the Heritage Inventory, be physically available for inspection. The amendments made by this division provide for the Heritage Council and the executive director to comply with these requirements via online publication, provided the Heritage Council and the executive director continue to facilitate inspections by persons on request. Again, these are not disagreed with and follow some of the COVID innovations.

There are number of amendments in relation to hearings being conducted by the Heritage Council. Part 12 of the principal act governs the conduct of the Heritage Council in its hearings. Division 2 of part 2 of the bill makes a number of amendments to part 12 to allow the Heritage Council to conduct hearings electronically. Again, this is innovation that flows out of COVID, and we clearly support these points.

The bill also provides for exclusion determinations. It allows applications to the executive director of Heritage Victoria to exclude a place or object from the Victorian Heritage Register. Applications are likely to be made where there is some possibility that a place or object has some heritage value or where this remains unclear. The process will allow the significance of the heritage place or object to be established and considered as part of the planning stages.

What does this mean and what are the potential pitfalls? It does make sense to bring heritage determinations up-front in a process. It does make sense. It helps local communities. It helps planners. It helps developers to know what they are dealing with. So the concept of bringing these decisions early, bringing the matters into the public domain, debating them early and scoping them in a structured way is relevant and can potentially be helpful. If at that point a part of a site is excluded because the work has been done, that gives a developer greater security going forward. It also means that at that early point local communities are in a position to advocate for areas that they actually do believe deserve proper heritage protections.

I do sound, I might say, a note of caution. If the bill works in the way the government has outlined to the opposition and in the way, being generous, I think might be intended, there is scope for better outcomes, both for the development industry and for local communities in terms of heritage protection. My note of caution is that these exclusion approaches can be used malevolently too. That is my concern. A government that has shown itself prepared to use and misuse planning provisions, to use section 20(4) of the act, to take all control from local communities and to strip away local democratic involvement is not necessarily a government I trust with greater powers and greater machinery and greater mechanism. Just because there is machinery or a mechanism in the act does not mean it will be used properly, and it does not mean it will be used malevolently either. Really often, as with many of these things, it is the intent of the people who are using this machinery.

We have seen with transport project after transport project that the government has overridden local communities. It has taken all power to itself, and it has done so at tremendous cost to local communities, with suboptimal planning outcomes achieved. Often transport projects, as I say, are projects that have merit and are broadly supported by the community. The implementation of a good project can still do significant damage if the processes are wrong – if the override of local communities is wrong.

We have seen, for example – and it is one that I have talked about in this chamber many times before – the Surrey Hills and Mont Albert level crossing issues, where the government lied to the community in 2018 about them getting two stations. They said, ‘There’s a rail-under-road solution,’ which was supported by the community, but then the government came back and said, ‘No, no, we’re only going

to build one station instead of two and we're going to take an area of parkland' – which is an important area of parkland – 'and build a station and car park and so forth on that site.'

This again was done using section 20(4) powers and Major Transport Projects Facilitation Act 2009 powers to override. As with a lot of these, the government has been using techniques to exclude proper local involvement. Even councillors are not able to have the proper say that they would want to have and are not able to properly consult with communities. The government is increasingly using gag contracts, gag arrangements, that say if you want to discuss this with the relevant department or agency, you will have to sign a gag order, a gag contract, which will stop you talking to local communities, which will mean you cannot communicate with your community, you cannot put in front of them what is being proposed, to scope that up in a sensible way and come back with sensible suggestions. You do not have that capacity because the material is not able to be shared with a local community.

These techniques are being used right across the state, whether it is the sky rail on the Cranbourne and Pakenham lines or whether it is many of the issues about the proposed Suburban Rail Loop where again gag orders are being used. Again the government has taken more power to itself and is showing every sign that it is going to misuse those extraordinary and almost unconstrained powers. This is my point about bills like this: conceptually, we see that there is value; misapplied, the bill can give much greater power to the government and enable it to act malevolently, enable it to act in a way that is against the community interest and enable it to act in a way that leads to lesser outcomes. A number of concerns were raised about clause 100 in relation to general powers of entry, and that is a legitimate set of questions.

As a couple of my colleagues have said, the bill in many ways is straightforward. It modernises legislation and increases the visibility of the Heritage Act 2017. If I can just make some general comments about heritage, the government is going headlong to strip out many of our heritage zones and to diminish the place of heritage in our city, and we see this across a wide area. In recent months in this chamber I have raised issues, for example, about Hawthorn and elsewhere where important heritage streetscapes have been damaged and left exposed by government failing to act to protect them.

We put forward proposals for greater examination of heritage during the last Parliament. During the parliamentary committee process I sought to move to widen a planning inquiry to ensure that heritage protections and the scope of heritage protections were firmly on the agenda for that public inquiry. That was opposed by the government and defeated. I think that was a mistake. We have got a city that is growing, a city with greater density, a city that is going forward in a number of ways. We need to preserve vegetation and tree canopy. We also need to preserve streetscape and heritage. There needs to be proper open space. We have seen these recent figures. Melbourne at 8 million and 9 million – a huge city – is a city that could lose its heart, could lose its history and could lose the ambience that is what has brought so many people to our city. I say that part of that is protecting heritage. I say that part of it is making sure that there is proper account taken of heritage. This bill is not opposed by the opposition, but we do sound that significant note of caution.

**Sheena WATT** (Northern Metropolitan) (15:59): It is my absolute pleasure to rise today and make my contribution on behalf of this side of the chamber to the Heritage Amendment Bill 2023. The purpose of this bill is to deliver heritage legislative changes first proposed in the lapsed Building, Planning and Heritage Legislation Amendment (Administration and Other Matters) Bill 2022 from the 59th Parliament. Much like the lapsed bill that I just mentioned, this bill will improve the operation of the Heritage Act 2017. The bill provides for online access to notices and inspection of documents and notices, allows applications for exclusion from the Victorian Heritage Register and clarifies and improves the operation of the Heritage Act.

I will come back to these points in greater detail later in my contribution. With the indulgence of those here in the chamber now, let me begin with a bit of a vision, a bit of a language lesson, about the differences as I understand them between place and space, both of which I will be exploring in my

contribution. They are both really common and have featured much more prominently in public debate of late, and you would not be blamed so much for using them interchangeably, but there is of course a subtle difference, and I think it is in that difference that we can wrap our heads around what heritage really is all about. We need to ensure that we are best positioned to preserve, celebrate and cherish our state's rich, colourful and very much living and thriving heritage, because these things are not static.

'Space' is what we know as a defined area within the physical space. It is a location; it is a physical point in geography. 'Place', however, is entirely something else. It is a space with meaning to people. It is a space with value to people. It is a space where memories happen. It is a space which is important to people and is more than just a location or a point in geography. It is what a space becomes or where it develops or when it is given by people a personality or, later, a spirit – some may call it a vibe. A place is where people can feel a sense of connection to the location – where it resounds with their cultural or personal identity. And I think it is places which are important to and valued by communities and cultures among the people of Victoria which we should preserve, celebrate and cherish, because these places are a significant part of what makes Victorians Victorians. We have to do our best to secure our state's historic beauty and heritage for future generations to come.

My area of Northern Metropolitan Region is so, so rich and absolutely spilling over with beautiful heritage sites and significant places.

**David Davis:** A lot of them are being trashed. They're not being protected like they should be.

**Sheena WATT:** Well, this one here, right here where we are today, is one place that is being protected and refurbished, and I cannot wait to see what it becomes. When you go outside you only need to walk down Bourke or Collins streets to find many iconic and significant places, like the Old Treasury precinct, like the Royal Arcade and the Block Arcade and – even newer than those – the Rialto. Some love the many splendid terraces and the period architecture of mansions and places of worship not far from here in East Melbourne. It is a very nice view from my office out back to St Patrick's Cathedral, a very significant place of worship here in Melbourne. Not too far from my new electorate office in Brunswick there are a few of the old Presbyterian church buildings along Sydney Road, now decommissioned. There is John Curtin's old house along Fallon Street, where he resided in his late 20s, from 1912 to 1915, during his staunchest anti-conscription phase, and there is the Brunswick fire station and flats on Blyth Street, designed by the architects at Seabrook and Fildes in 1936 and constructed between 1937 and 1938, with the red and white bricks and featuring modernist architecture – the first station of the Melbourne Fire Brigade to be designed in this modernist style.

Finally, because I am enjoying this bit of a history lesson here, I am going to indulge myself in the spirit of celebrating the 8-hour day movement in Victoria and Labour Day, which has just passed. I recently joined Minister Kilkenny for a tour and visit of the historic Victorian Trades Hall along Lygon Street in Carlton, where the first stone of Trades Hall was laid with funds from the 8-hour workday movement in Victoria, where its builders set out to build a true workers parliament. Any of us who have been there recently will have seen what a rich heritage it has. Today it is the site of the world's oldest continuing trade union building, something that many of us on this side are enormously proud of.

Across the road from Trades Hall on Lygon Street is a place known to some. It is an institution to others. It is the John Curtin Hotel. The John Curtin Hotel is awash with history and is particularly close to members associated with the union movement in our state. It has especially long links to Labor's longest serving Prime Minister Bob Hawke, and we have Victoria's heritage system to thank for it being saved after fears of demolition late last year, and it today continues its role as a live music venue and a place for a round of beers with mates. I could go on – I could.

**David Davis:** Tell us about the Corkman.



**Sheena WATT:** That was a great shame, the Corkman, but all around the inner north and beyond there are so many places. I have just picked the places that sort of come to mind that are very much close to this place, but right across the Northern Metro –

**David Davis:** The Corkman doesn't come to mind; it's not there anymore.

**Sheena WATT:** Look, it is true.

There are many places of significance to Victorians, and this bill will do its part to ensure we do our very best to preserve that history and heritage.

Now, I am going to spend some time after that declared love of all things Trades Hall and mention that this bill provides for online access to heritage hearings, documents and notices. What does this mean for Victorians? It includes removing the requirements to make documents available in person during a state of disaster, a pandemic declaration or a state of emergency; allows online access to key documents and public notices at any time; and clarifies that the Heritage Council may conduct a hearing online at any time. This bill makes several changes to primary functions within existing legislation to allow for online notices responding to a number of issues which arose during the COVID-19 pandemic.

I will take a moment now to turn to amendments in the bill concerning exclusions from the Victorian Heritage Register, because there is no ability for agencies delivering major government infrastructure projects to confirm the heritage significance of a place or object during the planning stages currently and there is a significant risk that major government infrastructure projects could be disrupted or delayed by the receipt of a new nomination to the heritage register after works have started. This bill makes amendments to allow agencies to apply to the executive director of Heritage Victoria to exclude a place or object from the Victorian Heritage Register. Applicants will be required to provide detailed information to support a case for exclusion, including reasons why the place or object should not be included in the heritage register based on the assessment criteria published by the Heritage Council. This is to provide a more effective way of establishing the heritage significance of a place or object in the early stages of major infrastructure projects. This change will allow a proactive assessment of the significance of affected places and objects to be established by Heritage Victoria and the Heritage Council well before a project begins.

This is absolutely necessary to getting things going and getting things done and getting things built. After all, the Andrews Labor government is embarking on the most ambitious infrastructure investment program this state has ever seen. Front of mind is our government's \$100 billion Big Build program of rail and road works currently underway, which will see the Suburban Rail Loop absolutely transform the way people all around Melbourne metro and beyond travel and has the Melbourne airport rail as a part of it, which will connect Melbourne Airport to Victoria's regional and metropolitan rail networks so Victorians will not have to worry about airport parking – well, that is a point of great grief for a number of us that have ever had to park at the airport – or hitting up a friend to play driver for airport drop-offs, which too is a cause of great grief, before a trip. We will also see the Level Crossing Removal Project remove 110 level crossings in total – that is 110 dangerous and congested level crossings gone for good across Melbourne by the year 2030, with 67 right now gone as we speak. Along the Upfield line in my area of Northern Metropolitan Region five level crossings have already been removed and are gone for good, with another eight to go by 2027.

There is the West Gate Tunnel, the North East Link and the Metro Tunnel, which will feature five new stations, which are Arden, Parkville, State Library, Town Hall and Anzac, connecting to the Sunbury line via North Melbourne station and to the Pakenham and Cranbourne lines via South Yarra station. The Metro Tunnel will untangle the city loop, Melbourne's biggest bottleneck, so that more trains more often can run across Melbourne.

There is our ambitious target to build 100 new schools by 2026, of which we will have built and opened 75 – three-quarters and well ahead of schedule – between 2019 and 2024, including the new

campus of North Melbourne Primary School. The Molesworth Street campus will open in term 2 of this year, which is in just a few weeks, and I know the students there are absolutely thrilled to bits with the prospect of moving into the new Molesworth Street campus. There is our historic \$1.7 billion Melbourne arts precinct transformation project across the Yarra in Southbank, which I understand my colleagues from Southern Metropolitan Region are extraordinarily excited about and which will deliver the NGV Contemporary. This will be Australia's largest contemporary gallery in a world-class cultural precinct, because this city is the cultural capital of Australia; there is no doubt about it.

Of course I am going to talk about housing and the absolutely landmark and historic \$5.3 billion Big Housing Build, which will see more than 12,000 social and affordable homes delivered for Victorians. This is the biggest investment in social and affordable housing by any state or territory ever. Every new social and affordable home built through the government's investment is a home taking pressure out of the housing market and provides a place to call home for a family in need – which, by the way, also puts downward pressure on overall rental prices in the private market and improves housing affordability. This is the importance of getting on with the job and doing things, not just talking about them, because that is what governments do. That includes making the process of building things and getting on with major projects just a little bit easier. That is what the people of Victoria need – for it to be just a little bit easier. Members of this chamber have raved on about shortages of housing stock and rental units while their colleagues in local government oppose new residential builds and developments. People need places to live.

This bill makes a number of operational improvements, finally, to the Heritage Act, with key changes relating to processes for issuing heritage permits, consents for archaeological sites and entering places and objects into the Victorian register.

To conclude, the amendments will improve heritage outcomes and make it easier for people to engage with heritage in Victoria while ensuring that our government agencies are best placed and resourced to deliver our government's pipeline of historic infrastructure programs and projects, which will transform the lives of Victorians for the better. There is so much more that I would like to say about it. I will just take a moment to acknowledge my colleague a member for Eastern Victoria Mr McIntosh, who in reading and considering this bill and in his remarks thought that it was worth reflecting on the importance of Aboriginal heritage in our state. While this bill particularly enables a whole lot of works in our state, major projects, of course it has strong linkages to the maintenance and preservation of Aboriginal cultural heritage. So to you, Mr McIntosh, can I just take a moment to thank you for raising that as something that is very dear to your heart. It is something that all Victorians should be enormously proud of. You indeed come from an area with a very rich and vibrant Aboriginal heritage, and I know you will fight very hard for its protection in the years to come. I just wanted to take that moment to acknowledge and thank you for your considered leadership on that, and I look forward to hearing your contributions to this important bill later on and other contributions being made by members of this chamber. Thank you for the opportunity to speak, and I commend this bill to the chamber.

**Evan MULHOLLAND** (Northern Metropolitan) (16:14): I rise to speak on the Heritage Amendment Bill 2023. I thank Ms Watt for her contribution. I too had a beer or two at the Curtin back in the day when I was on the National Union of Students Victoria executive as the secretary. I had a few drinks with comrades, I will admit, at the Curtin hotel.

This bill seems pretty straightforward and seeks to make some, I think, practical improvements. The bill modernises the legislation and increases public visibility of the Heritage Act 2017 by allowing online access to key documents and notices via the Heritage Victoria and Heritage Council of Victoria websites and public access to council and heritage hearings. It will also be enhanced with a process for hearings to be held using audio and visual links. Due to the nature of the pandemic that we have just lived through, these are pretty commonsense changes. They do seem like a no-brainer.

While we are considering changes to this act and heritage, it does allow me to question the government's silence on the increasing impact heritage overlays are having on turbocharging the crisis around housing affordability in this state, particularly for young Victorians. In my inaugural speech to this place, in December last year, I spoke about what I believe is my duty as a millennial MP to do what I can in assisting my generation to achieve the great Australian dream of home ownership. As I said then, I believe it is immoral that large sections of our inner cities, flush with good transport, schools, health care and other infrastructure, remain almost flat, with obsolete overlays denying young Victorians a chance to own their own home where they want to live.

As parliamentarians we must at every opportunity reject short-sighted and unfair approaches to housing development – putting strict overlays on places of limited significance. Heritage overlays on sites of significant architectural importance can be done sensibly. On the other hand, the bizarre independent Planning Panels Victoria report into the City of Melbourne's Carlton heritage review, which said there was a significant justification for applying the heritage overlay on a brutalist-style car park on the corner of Grattan and Cardigan streets in Carlton, is a perfect example of what is wrong with our heritage listing process. They say one man's trash is another man's treasure, but why we would want to heritage list a museum to cars is beyond me. Yet we have significant architectural experts lining up to opine on what is no more than a seven-storey pile of concrete. While some in the political class might not want to admit it, we do have a housing crisis. That is not to say – I will say – that significant sites and buildings should not be heritage listed, but it is about striking the right balance, which I do not believe has occurred in the City of Melbourne heritage review.

Defenders of heritage listing and overlays will often argue that listing does not affect development if the facade is maintained, but what we are now seeing are some truly absurd prohibitions on developments. Just consider for a moment Maribyrnong City Council's decision to quietly place 900 heritage listings on properties in Footscray that include 1960s suburban, single-storey brick veneer and weatherboard homes. If they sound like ordinary houses to you, it is because they are. That is why I am concerned that restrictions are not always about heritage but about using the guise of heritage to stop housing development, and that needs to be called out for what it is: nimbyism. While some might think they are on the side of the angels in fighting a holy war against evil property developers, in large part all they do is send my generation packing to growth areas where infrastructure is already a decade behind growth. I will say: Green-tinged councils have been largely responsible for this, and if we have a gander at the New South Wales election going on at the moment, the teal political party has now become the nimby political party as well.

But amongst my generation there are young Victorians fighting back against encroaching nimbyism, and I want to acknowledge their advocacy: the 'yimbys' – those who do not say no but say yes to development 'in my backyard'. Yimbys represent a generation of potential home owners who find themselves locked out of the market by skyrocketing prices and who rightly point to supply constraints worsened by zealous planning rules and nimby objections. They know the iron laws of supply and demand are too often ignored. They know the only way to improve housing affordability in areas where young Victorians want to live is to boost new housing supply by allowing new builds.

The Melbourne-based yimby Twitter account Heritage: Why? is one tireless campaigner that raises awareness at the cost that burdens and is borne by young people when developments are stifled in inner and middle suburbs. The cost of new public infrastructure necessary to make outer growth areas livable is borne by all of us and is far too often built far too late. Just ask the residents of Kalkallo in the outer north, who continue to be stuck in traffic for an hour and a half every day because of this Andrews Labor government's lousy planning and lack of upgrades to roads like Donnybrook Road. I am all for residents having their say about what they believe to be inappropriate development. I am not about to go into bat for developers; some deserve the poor reputation that they cop. But we need to understand that it is not developers that are moving into these homes and apartments, it is the next generation and migrants – I will say on Harmony Day – that are looking for a slice of the great

Australian dream. There is a cost to stopping development, and it is mostly borne by the young, the aspirational and Victorian new migrants.

I do think we need to think about this. When we get a heritage application, government consults with councils, and councils consult with affected communities, heritage experts and architects, but no-one is consulting with those Victorians who would potentially move in. For every heritage expert, for every architectural expert and for every council infrastructure expert, bureaucrat and local community, there are thousands of young people who would love to live in that neighbourhood – who would love to live in Brunswick, who would love to live in Carlton, who would love to live in Preston – but are being pushed out to growth areas and forced to deal with the lack of amenity and infrastructure that has gone into those growth areas. I think that is pretty immoral. I believe strongly that that is pretty immoral, and that is doing my generation a deep disservice.

I want to talk about an extraordinary analysis released recently by John Burn-Murdoch of the London School of Economics Data Science Institute and the *Financial Times*. It shows English-speaking countries have faced far worse decreasing housing supply than other developed nations like developed European countries. Those Anglo countries, like ours, that fear and block sensible density in greater numbers have seen a far steeper price rise than developed European countries. I think we should take analysis like this really seriously, because what it shows is basic supply and demand. If you build less of something, you make it rare and you make it more expensive; build more of something and you make it cheaper.

We have some in this place and local government political types, usually from the left of centre, blocking housing developments when they come to local government, while at the same time they have got scores of bureaucrats screaming about housing affordability and for the government to do something. It is like that meme where the person is riding along on a bicycle and puts the bar through their wheel. These are the people blocking sensible development. We know through lots and lots of research and data, like I just mentioned, that if you build more things, more apartments, more houses and more sensible infill development, you make those homes cheaper. That is what I would like to see, certainly, because as I said, I think with the nature of heritage protections at the moment – and I am not against sensible heritage protections – heritage overlays are being used as a political tool to stop development, and that is doing my generation a great disservice.

What we end up doing is sending young people to growth areas, and we are sending young people to growth areas where there is a serious lack of development. I want to talk about my own electorate. There is the GAIC, the Growth Areas Infrastructure Contribution Fund. Currently in the City of Hume there is \$74 million unspent by the Treasurer – unspent by the Andrews Labor government. This is one of the biggest growth councils in the state, a place where the government is approving new precinct structure plan after new precinct structure plan, like the Craigieburn West PSP that the council opposed because their very reasonable logic was that you are not upgrading Mickleham Road in the section where you are putting the PSP, so you are going to end up with the exact situation you have in Kalkallo, where Donnybrook Road is not duplicated all the way through. They put 6000 people in a new housing estate, and then they end up waiting an hour and a half in the morning to get out of their estate. Now, Daniel Andrews – I give credit to him – came out and said that he was looking into the Kalkallo issue, but he also said he did not know whose fault it was. He did not know if it was the developer; he did not know if it was the council. The Department of Transport and Planning have blamed the council, but I say to Daniel Andrews: it is your fault.

It is his fault, because the Andrews government should have seen this coming in Kalkallo, but they are repeating the same mistakes with growth just further south, in Hume City Council as well, where there is \$74 million left unspent in the Growth Areas Infrastructure Contribution Fund. Daniel Andrews is happy to spend over \$1 billion on removing level crossings in Brunswick, and for the people of Brunswick that is great, but at the same time you have got council pushing against sensible five- and six-storey developments in Brunswick. Why can't people that do not get a say in these developments get a share in that infrastructure spend that the Andrews government is spending on by living in

Brunswick, where every level crossing gets removed? I am sure the people of Donnybrook and Mickleham would love that line to be taken out of V/Line and electrified so it is on the Metro network. I am sure they would love the new train station that was promised to them. But it just does not happen in the growth areas, because the Andrews government is not putting in the investment, which again is part of the immoral nature of some of the planning amendments that go on and that I was talking about. We are happy to approve new PSPs, put people in the growth areas, but not willing to back that up with the investment in the growth areas that is required to create a community.

I think where there are existing communities and there is that existing access to amenity we should be welcoming. I am someone who is on the record for a very long time supporting a big Australia. We want to be a welcoming country. I am also a big free trader. If free trade is the belief that the exchange of goods and services across borders is fundamental to our prosperity and if we believe in the free trade of goods, we should also believe in the free movement of migrants with valuable skills. Let us not pull the ladder up behind us. Instead we should helpfully drop it down so the next generation of Australians can secure a home where they want to live.

**Michael GALEA** (South-Eastern Metropolitan) (16:29): I also rise to speak on the Heritage Amendment Bill 2023, and in doing so I would like to take a brief moment to acknowledge the contributions of colleagues Ms Watt and Mr Mulholland just now as well. I have got to say, having a point of unity over the Curtin hotel and hearing the word ‘comrade’ from the Liberal side of the chamber was quite a shock for me today.

**Georgie Crozier**: It was for me too.

**Michael GALEA**: I am sure it was. This place never ceases to disappoint and surprise us.

This is a very useful bill. The bill proposes changes to the Heritage Act 2017 in Victoria. It will modernise and streamline our heritage application and submission processes whilst preserving our rich cultural heritage, promoting public engagement and awareness and ensuring that future generations can appreciate and learn from what can be very important sites.

One of the main objectives of this bill is to address the challenges that arose during the COVID-19 pandemic, particularly regarding access to heritage processes. The bill will seek to improve access to notices and documents held by the Heritage Council and the executive director, ensuring that they are available for inspection not just in person, as is currently the case, but online as well. The amendments in the bill will enable the Heritage Council to conduct its hearings online via audiovisual link, which will increase the opportunities for the public to actually participate in heritage processes and see them firsthand as well and allow for more accessible methods of communication. The proposed amendments will also allow agencies to apply to the executive director of Heritage Victoria to exclude a place or object from the Victorian Heritage Register, ensuring that the significance of the heritage place or object can be established and considered in the planning stages of a project as well.

These reforms will fundamentally address the challenges that arose during the COVID-19 pandemic, particularly by improving access to heritage processes. The bill will address the issue of accessing notices and documents held by the Heritage Council and the executive director, ensuring that they are available for inspection both in person and online. This adaption is crucial in accommodating situations such as states of disaster, pandemic declarations or emergencies, during which inspection can be limited to online access. However, when these circumstances do not apply, access must also be provided for individuals who wish to inspect a document or notice in person upon request. The response is based on the experiences faced during the coronavirus pandemic in 2020–21, when restrictions on public movement prevented Heritage Victoria and the Heritage Council from making documents available for the public to view in person at their offices – a requirement under the current Heritage Act. The proposed amendments are designed to allow for the publication and inspection identification requirements to be met in a more modern, flexible manner, which would minimise disruptions associated with social distancing measures, such as those imposed during the COVID-19

pandemic. Additionally, the amendments will enable the Heritage Council to conduct its hearings online, via audio or visual link, which will increase opportunities for the public to participate in heritage processes by allowing for more accessible methods of communication. Overall, these changes largely modernise existing processes and enhance public access to statutory documents.

Currently there is no ability for agencies delivering major government infrastructure projects to confirm the heritage significance of a place or object during the planning stages. This creates a significant risk that such projects could be disrupted or delayed by the receipt of a new nomination to the heritage register after work has already started. To tackle this issue, the bill introduces amendments that will allow agencies to apply to the executive director of Heritage Victoria to exclude a place or object from the Victorian Heritage Register. Applicants will be required to provide detailed information to support a case for exclusion, including reasons why the place or object should not be included in the heritage register based on the assessment criteria, which will be published by the Heritage Council. Applicants will need to ensure that the information in any such application is complete, as even if an exclusion is granted, a new nomination for inclusion on the heritage register can still be accepted if new and significant information is received. Applications will be reviewed by the executive director and assessed against the same threshold as applications for inclusion. Any such decision to grant an exclusion will be made public, and anyone with a real and substantial interest will be able to request that the Heritage Council then review the decision. If the executive director is completely satisfied that the place or object does not and will not meet the threshold for inclusion in the Victorian Heritage Register, the exclusion application would then be granted. However, if the place or object does have the potential for inclusion, it would become a nomination for inclusion and be progressed accordingly. These changes will allow the significance of the heritage place or object to be established and considered in the early planning stages of a project. If a place or object is then excluded from the heritage register, no new nominations will be able to be made for five years unless significant new information is received.

Consultation has taken place for this bill with heritage bodies, non-government organisations and other government agencies, including the Major Transport Infrastructure Authority, the Heritage Council of Victoria, Australia ICOMOS, the National Trust of Australia Victorian branch and the Royal Historical Society of Victoria. Consulted parties supported the amendments as safeguards to ensure that recognition and protection of our cultural heritage will not be undermined.

It is important to also emphasise some key changes in this bill that relate to the processes for issuing heritage permits, consents for archaeological sites, and entering places and objects into the Victorian register. These amendments will not only improve heritage outcomes but also make it easier for people to engage with heritage in Victoria. For instance, the amendments remove the requirement for the executive director to obtain consent from the Heritage Council before serving a written notice to show cause to an owner. This will expedite action when there is evidence that a property is at risk from neglect. Furthermore, the bill will enable minor permit amendments without requiring the applicant to pay a fee, allowing for works or activities proposed by the application to be less harmful to a registered place or object or to deliver improved heritage outcomes. Furthermore, in order to increase certainty for owners, these amendments will ensure that they are notified of decisions sooner and within set time frames. Moreover, these amendments will make it easier for communities and stakeholders to participate in heritage processes. The provisions for online access will facilitate community members to ensure that their views are heard. Additionally, changes in this bill will prevent notification of permits and other key documents over the Christmas period when community members may be less able to engage. The bill also grants additional time for responsible authorities and municipal councils to make submissions in the permit process. By incorporating these points, the bill seeks to modernise the heritage process and make it more accessible for all stakeholders, thereby preserving Victoria's rich cultural heritage while promoting public engagement and awareness.

When it comes to protecting heritage sites across Victoria, Labor's record is clear. Through the Living Heritage grants program the government has provided \$60 million in funding since 2016–17 to protect

Victoria's significant heritage places. This funding has supported 185 conservation projects across the state, of which 130 such projects have already been completed. Examples of these conservation efforts include the Queen Victoria Women's Centre, the Ballarat Mechanics Institute and the Hamilton Botanic Gardens. Moreover, the government has strengthened protections for buildings with local heritage protections following the shameful and illegal demolition of the Corkman hotel. These measures demonstrate the government's commitment to preserving Victoria's cultural heritage, ensuring that future generations can appreciate and learn from these important sites. The bill, with its proposed amendments and improvements, aims to further this commitment and make it easier for people to engage with our heritage in Victoria.

The Andrews Labor government also has a strong commitment to managing the state's growth whilst ensuring that Victoria's best features are protected and enhanced. We do, unfortunately, know the opposition's record of ignoring local communities: cutting necessary services and cutting infrastructure projects and a general failure of planning policy. The Andrews Labor government, in contrast, over the last decade has been focused on delivering the best outcomes for local communities. In metropolitan Melbourne the government is guided by the existing planning blueprint *Plan Melbourne 2017–2050*, which supports jobs, housing and transport whilst building on our legacy of distinctiveness, livability and sustainability. The establishment of nine regional partnerships ensures that local communities play a central role in planning for their region's future. The government has also protected and enhanced Victoria's best features by implementing stronger protections for heritage buildings and introducing new protection against overdevelopment across sensitive parts of Melbourne and Victoria, including important landscapes like the Surf Coast, the Bellarine, the Bass Coast and the Macedon Ranges.

The government is also streamlining the planning process by cutting unnecessary red tape, increasing Victoria's housing supply and creating thousands of jobs. In 2022 planning made a significant contribution to the Victorian economy with various project approvals, such as the development facilitation program, the Big Housing Build program, the Big Build project approvals, construction activity approvals and renewable energy permits. Victoria is leading the nation in the supply of new homes, with about 62,000 new homes approved for construction in 2022 alone. This surpasses other states like New South Wales and Queensland, which had 53,000 and 35,000 approvals respectively.

There is of course always more to be done, and this is a government that is intent on doing that work and delivering better planning outcomes for all Victorians, including new home buyers and people trying to enter the market. The opposition's planning record has been characterised by prioritising developers over local communities, with a laissez-faire approach on issues such as Ventnor, Fishermans Bend and other skyscraper projects which have actually left communities worse off. There is definitely a place for further supported development and growth, but I would also note, to Mr Mulholland's point, that it was actually the previous Liberal government that last expanded the urban growth boundary. We are doing the work, though, in our outer suburban areas and in our inner suburban areas as well, where there should be more appropriate development. We have unfortunately seen some councils – I do agree with you, Mr Mulholland – who have championed very, very sensible planning ideas and then turned around and opposed them in their own backyard, and I join you in saying that is not enough. We need to have our councils working together in the interests of all Victorians to provide more houses in the right, appropriate places, and in those outer suburban areas too. Like Mr Mulholland, I look after an outer suburban area, and I am very happy to report that we are doing that work in those growth areas. Quarters Primary School in Cranbourne West opened just this year. There are new schools being built all the time. In every part of the city and every part of the state there are new schools being built.

We have also been doing the work with level crossing removals. In a few years time every remaining level crossing on the Pakenham line will be removed, for example, including the ones in my region at Station Street in Beaconsfield and at Webb Street in Narre Warren too. We are doing that work. Near the Station Street, Beaconsfield, one there is going to be a huge new development within the existing

urban growth boundary at Minta in Berwick. The Level Crossing Removal Project there will support that new development in time, as the houses are now starting to be built. We are also extending the Pakenham line to Pakenham East to support the thousands and thousands of new homes in that estate. This is a government that gets on with doing the work to support growing areas as well as established ones too.

Furthermore to that and in closing as well, the Heritage Amendment Bill 2023 will streamline and modernise the heritage process. It will do so whilst ensuring that Victoria's rich cultural heritage is preserved for future generations. These changes increase opportunities for the public to participate in heritage processes by allowing for more accessible methods of communication. They will largely modernise existing processes and enhance public access and accountability when it comes to heritage statutory documents. So if anyone, for example, lives a fair way out from the CBD in places like Pakenham or Kalkallo or even further out in the regions as well or has other accessibility requirements which preclude them from making the journey into the city to view such documents, they will be able to do so under the changes in this legislation.

The amendments in the bill will improve access to Heritage Council documentation and notices for all Victorians, a commonsense measure that will allow for greater engagement by all members of the Victorian community, those interested in heritage and those trying to get into the first home owners market as well, and it will improve heritage outcomes at the same time. The government's commitment to preserving Victoria's cultural heritage and planning for the state's growth is demonstrated in this bill. The Heritage Amendment Bill 2023 is a very important step towards a more modern and accessible heritage process in Victoria. Its proposed changes will benefit existing Victorians and future generations of Victorians as well, and it is for those reasons and the ones I have previously gone into that I commend this bill to the house.

**Georgie CROZIER** (Southern Metropolitan) (16:43): I rise to speak on the Heritage Amendment Bill 2023. I was going to make just some brief comments. It is an important bill because it is talking about heritage protections and streamlining services and how it will improve the Heritage Act 2017 with respect to notices, publication and inspection of documents as well as conduct of hearings and exclusion determinations.

Mr Galea was making a very good contribution, but he did go off on a tangent a bit, and he was again blaming the Liberal government. The Labor government have been in power in this state for nearly two decades, and I have got to raise the point that for the last eight or nine years the issues around heritage protection in my area of Southern Metropolitan Region have been very significant. There are some tremendous community groups out there who have just had no joy with various ministers for planning, who have just washed their hands of some very serious issues. You say the rich cultural heritage is preserved in this state – well, it is not in some areas.

In some of the areas in my particular electorate the councils have no say, because your government is overriding their ability to have a say. That is happening across Southern Metropolitan Region. So to say that you have done such a great job and slap yourself on the back and say, 'We're the only ones that recognise rich cultural heritage,' is absolute baloney. I want to just place on record the number of people that have come to my office, to the office of Mr Davis – he has outlined the coalition's position very clearly on this – and to the office of the Leader of the Opposition Mr Pesutto, the member for Hawthorn. In these areas there is significant cultural heritage. It has to be looked at. There is also Mr Southwick down in Caulfield, where they have been overridden as well. They have not been listened to by the government.

The government might like to say that they are the ones to protect the heritage of Victoria, but I have to say, when the Metro Tunnel went down St Kilda Road and destroyed that magnificent boulevard of trees, there were things that we did to try and get heritage in respect of that aspect. I know it is not a building, but it is a part of Melbourne – a very significant part of Melbourne. It was just destroyed, the magnificent heritage of those trees and that boulevard. That is part of planning. That is part of our rich



cultural heritage. This government bulldozed trees, so your record is not as rosy as you might like to think, Mr Galea.

**Michael Galea:** Do you want development or not?

**Georgie CROZIER:** Well, you can do both. You bulldozed trees down St Kilda Road, and it destroyed many aspects of that magnificent boulevard. It is a gateway to Melbourne. And that is what happened. If you had done the project properly, you could have dug a bit deeper and preserved them. That is what we found out. You were not in the Parliament at the time.

But I want to return to what Mr Mulholland said as well and the very important issue facing many of his friends and constituents, housing availability. And if anyone recognises this, it is Mr Mulholland. He has done a lot of work on this. He understands it very, very well. This government has been very sloppy on this and has not done the work. We have got a housing crisis. There is a lack of availability for young people to get into the market, and that is largely based on state government decisions. So let us not think that government decisions in this very important area around housing affordability do not matter; they do. And we need more young people to be able to aspire to and access their own homes – to have their own homes. It is very, very important. I want to just make note of that important point that Mr Mulholland raised in this debate.

So just to get back to it, this is a very simple bill. It allows the Heritage Council of Victoria to hold hearings electronically. It allows for greater accessibility and ensures disruptions are minimised if there are restrictions on meeting face to face – and don't we know how face-to-face meetings through the COVID-19 pandemic were disrupted. It is very pleasing that we are not going back to that. It is a sensible measure to be able to have those hearings electronically.

The bill permits the executive director of Heritage Victoria to exclude places and objects from the Victorian Heritage Register. Applications in relation to this could occur where it is unclear if a place or object has heritage significance, and the bill allows for consideration of this during the planning stages of a project. I go back to my point about St Kilda Road and trees – a place that is very significant. The planning stages of the Metro Tunnel were not undertaken properly and as a result we have lost that magnificent boulevard as it was.

I will conclude my remarks by saying again that planning is a very important aspect. It is important to everyone. Again, it is very important to many constituents within my electorate of Southern Metropolitan Region, and legislative provisions that allow for easier access to documents and meetings and generally improve transparency around planning decisions that affect our neighbourhoods and local amenity are greatly welcomed.

But I say again: the lack of ability for some of the councils within my area to have a say about government projects, I think, shows the nature of this government and how they say one thing but do another. Community consultation is incredibly important; having the ability to have that is incredibly important. We have seen too many times where the government has just overridden council and not provided proper processes. With those few words, as Mr Davis and others have said, we will not be opposing this bill.

**Lee TARLAMIS** (South-Eastern Metropolitan) (16:50): I move:

That debate on this bill be adjourned until the next day of meeting.

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

### *Adjournment*

**Ingrid STITT** (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (16:51): I move:

That the house do now adjourn.

### Crime prevention

**John BERGER** (Southern Metropolitan) (16:51): (107) My adjournment matter is for the Minister for Crime Prevention in the other place Mr Anthony Carbines, and the action I seek is an update on the work of his department. For many years the Andrews Labor government has remained committed to pragmatic, progressive and principled policy, putting forward many sound policy positions, so it has been great to see the recent \$42 million investment in comprehensive crime prevention strategy. This has backed early intervention and crime prevention programs, which empower communities and support communities to avoid crime.

Recently I had the pleasure of meeting with Kamal Ibrahim, the founder of One Ball. Kamal migrated to Australia from Ethiopia with his family in 2003 at the age of 12. Through his passion, soccer, Kamal found a way of connecting to his new community and went on to represent Australia on the world stage as a young Socceroo. One Ball gives young people, especially those from culturally and linguistically diverse backgrounds, the opportunity to connect to their community while improving their physical and mental health. Their positive kick soccer program received nearly \$50,000 in funding through round 1 of the youth engagement grants program to help fund this amazing work.

It is also encouraging to see that our crime prevention strategy is backed by a commitment to finding and applying evidence-based policy in crime prevention, in partnership with leading Victorian universities. I have been invited to meet, on 4 April, with Professor Pascale Quester, vice-chancellor of Swinburne University of Technology, an important partner of our government in our crime prevention strategy. You see, Swinburne was funded over \$170,000 through round 1 of the Crime Prevention Innovation Fund in 2021 for a research project focusing on finding strategies to improve secondary school completion rates for secondary school students from the Pasifika background. This is vital work. We know the importance of improving secondary school completion rates for young Victorians. Supporting the Pasifika youth research program has been Swinburne Uni's partner, the Centre for Multicultural Youth. They have worked with senior community members to co-design a culturally responsive framework that improves education and employment pathways for young people. This is the sort of stuff that only Labor gets done. One of the best forms of crime prevention is for the young to engage with their school and community, so I am glad to see that Minister Carbines met with Professor Quester and the research team late last year to receive an update on the project. I intend to meet with the professor to receive an update on these important works. I commend everyone involved in ensuring this program is successful. So my question to the minister is: can he supply an update on the progress in supporting the Pasifika youth project and provide my office with a copy of the final report once it is completed?

### Extremism

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (16:54): (108) My adjournment matter is for the Premier. The action I seek is for the Premier to take on the growing threat of transphobic ideology and implement the recommendations of the inquiry into far-right extremism. Just under a month ago I requested that the Minister for Equality meet with me and representatives of our trans and gender-diverse community. This was in light of vile comments made in this place about my community. I am ashamed and outraged that today I need to call out this behaviour again.

On Saturday, as members would be aware, a pack of far-right, anti-trans campaigners and supporters gathered on the steps of this Parliament. I, alongside hundreds of queer people and allies, assembled across the street in order to oppose them. We saw the police pepper spraying and brutalising trans people. We saw how far-right activists were left undisturbed, free to demonstrate and assemble as they pleased. We saw their speakers spouting queerphobic hate and bile to their followers. We saw their signs referring to me and my peers as freaks, as paedophiles. They stood alongside Nazis as they gave Nazi salutes and marched on the steps of this building. But what was truly bone-chilling was to see members of this chamber standing with them. This is simply unacceptable. Prior to the rally a member of this chamber escorted an anti-trans figure around Parliament grounds like a guest of honour. And

to quote the guest, 'It's not very often you get endorsed by an MP.' How disgusting. What an embarrassment to this Parliament – not to mention that the same member then went on to speak at the rally.

In the days since, many trans and gender-diverse people have expressed the sheer terror they felt being confronted with this behaviour – to see hatred against a vulnerable community so openly tolerated on our streets, to see neo-Nazis, transphobes and members of Parliament rallying together and to see police turn around and violently intimidate those who showed up to oppose them. How should trans people feel knowing that there are people in Parliament who want their identity erased?

Right now Victoria's anti-vilification laws do not protect people on the basis of gender or sexuality. This needs to change. We need to take action to ensure this does not happen again, to ensure the queer community are protected from harm and are free to live as their authentic selves. I know we can work together to expel far-right ideology and Nazism from Victoria. I call on the Premier to adopt the recommendations of the inquiry into far-right extremism, thereby affirming that these views have no place in this Parliament or in our community.

### **Rural and regional roads**

**Wendy LOVELL** (Northern Victoria) (16:57): (109) My adjournment matter is directed to the Minister for Roads and Road Safety, and it concerns the standard of road maintenance being deployed to repair regional Victorian roads. The action that I seek is for the minister to intervene and order a review of the maintenance program to ensure that all repairs carried out on roads by Regional Roads Victoria are completed using the correct method and equipment so all repairs carried out are of the highest quality to ensure the longevity of the work. The appalling condition of many roads in regional Victoria can be attributed to the chronic underinvestment in road maintenance since the election of the Andrews Labor government. The maintenance and safety of regional roads has never been a priority under Labor, who upon winning government scrapped the successful country roads and bridges program. While the government has trumpeted a belated program to repair Victoria's road network, there is evidence that many repairs are being undertaken with such poor quality standards that the repairs last just a brief period of time, in some instances only a few hours.

During the adjournment debate on 9 February 2023 I raised the need for the government to invest more money to properly fix our regional roads and cited the Katamatite-Nathalia Road in my electorate as one road that had been insufficiently repaired using premix that broke up when the first large vehicle drove over it. In her response the minister blamed the recent floods for the terrible state of regional roads in my electorate, conveniently ignoring two facts: firstly, that the roads were in a state of disrepair prior to the floods, and secondly, that the floods were five months ago and the roads are still not being repaired properly.

I have recently been contacted by a constituent with many years experience in the construction of roads throughout Victoria, including in estate subdivisions, local roads and major freeways. My constituent has also expressed many concerns about the standard of the work currently being undertaken to repair our damaged roads and states that most worksites do not even use the correct equipment to ensure the repairs are of a high standard. The constituent states that he decided to resign from one company because he knew the repair practices employed by the company would mean the same section of road would need to be redone in only a few months time. My constituent's concerns are consistent with the reality of road maintenance by the Andrews Labor government, with the practice of not properly repairing damaged roads leading to sections of roads in my electorate and throughout Victoria remaining dangerous for prolonged periods. The minister claims the government is repairing Victoria's regional road network, but she needs to ensure the repairs are done once and done properly, and I call on her to order a review to ensure this is the case.

### Railway House, Beaconsfield

**Michael GALEA** (South-Eastern Metropolitan) (17:00): (110) I raise a matter for the Minister for Transport and Infrastructure in the other place, and the action I seek is for the minister to take action to protect the Beaconsfield Railway House and the bunya-bunya pine tree from proposed demolition as required by the Level Crossing Removal Project. I have been approached by many residents in and around Beaconsfield concerned by the threat of demolition that could see the end of a historic house that is highly valued by the community. The Railway House was built in 1888, and at that time a bunya-bunya pine tree was planted. In recent years the house became a home to Ian and Yvonne Cole, who lovingly and meticulously restored the home to its original state.

In its planning scheme Cardinia Shire Council has a heritage overlay over the property it considers as significant and seeks to protect. The bunya-bunya pine tree is also 135 years old, and along with the Railway House it represents the history of Beaconsfield. It is considered significant by the Cardinia Shire Council and is also considered culturally significant in that it was used as a food source for Indigenous people, who ate the nuts and the shoots produced by the tree. Indigenous people also used the tree to remove bark for kindling and held large community events to celebrate the harvesting of the kernels. The tree was so significant to Aboriginal families that they would own a group of trees and pass them down from generation to generation. The ownership of these trees proves the importance of them, as hereditary personal property transfer is unusual.

The Level Crossing Removal Project at Beaconsfield is a very important continuation of our level crossing removal works undertaken on the Pakenham line. It is impressive that this entire line will be level-crossing free and that as a result communities along the corridor will be safer and our roads and rail services will be less congested and more efficient. The Beaconsfield and neighbouring communities are very passionate about the history of their township, and in response to seeking to protect the heritage they have created a campaign which includes a petition and storytelling. Cardinia Shire Council have made a submission seeking to protect this property, and Cr Brett Owen has also made representations to me on behalf of Beaconsfield residents. In closing, I ask the Minister for Transport and Infrastructure to assist the Beaconsfield community in preserving their significant heritage.

### Ballarat car parking

**Joe McCracken** (Western Victoria) (17:02): (111) My adjournment matter is to the Minister for Regional Development, and it concerns the promised 1000 free car parking spaces in the Ballarat CBD. The action that I seek is for a review of the program to be conducted with the review to be made public. The 1000 car parks were a commitment made at the 2018 state election. In the 2019–20 budget \$30 million was set aside from the Regional Car Parks Fund to complete these works. The member for Wendouree at the time said in the Ballarat *Courier*, and I quote:

We are working ... with the City of Ballarat to identify key precincts of parking demand and our plans are on track ...

That was in March 2021. ‘On track’ – really? As reported in the Ballarat *Courier* later in 2021, a time line had been published on the Regional Development Victoria website which indicated construction would begin in 2020. I checked the website this morning, and the staged completion of the Ballarat car parks across various locations has a status of ‘ongoing’. Need I remind everyone that it is 2023? There are a number of different projects that are spoken about. They range from a multistorey car park at the SMB Fed Uni campus, another additional set of car parks at the Ballarat Base Hospital, a multilevel car park at Bridge Street and also on- and off-street parking at other sites. At the time the member for Wendouree also said that the final locations will not be finished until May 2022, although the plans were not set in stone. I will save everyone the bother of actually checking on site – nothing has actually been delivered. I visited street traders in the troubled Bridge Mall area along Sturt Street, and they are telling me that car parking is an issue. When will we actually finally see these 1000 car

parks fully delivered, because it has been nearly five years since they were promised? Ballarat deserves much, much better than this.

### **Wildlife road strike**

**Georgie PURCELL** (Northern Victoria) (17:05): (112) My adjournment matter this evening is for the Minister for Roads and Road Safety in the other place, and the action I seek is for the reporting of wildlife road strike to be made mandatory. From 2021 to 2022, 9225 native animals were hit by cars on Victorian roads. It has been confirmed that there has been a more than 53 per cent increase in road strike over five years. These figures are devastatingly high, and they do not factor in animal strikes reported to other authorities and, importantly, those not reported at all. As road users we have become desensitised to the carnage of road strikes and oblivious to the very real threat our native animals face.

The Macedon Ranges, which I live in and represent, has some of the state's highest death tolls. After travelling extensively across Northern Victoria I have been personally taken aback by the increase in deceased wildlife and the amount of pouches I have had to stop and check. It is not-for-profit organisations and volunteer wildlife carers that are cleaning up and rehabilitating our wildlife in huge and increasing numbers.

This crisis is not just devastating our wildlife – it is putting Victorians at risk on our roads and costing us money. The average crash costs motorists \$5123, and many of them can be easily avoided with education and regulatory change. Our native icon, the kangaroo, is involved in the overwhelming majority of animal collisions, contributing to nine out of every 10 claims. Despite this, they are mentioned nowhere in the roads act. In fact the term 'wildlife' is not mentioned at all. Just recently a koala was left dying in the middle of the Hamilton–Port Fairy road. More than a dozen motorists failed to stop and assist as the koala lay still, alive but motionless, unable to move with broken legs and severe internal injuries. Finally, and unsurprisingly, it was a dedicated wildlife carer who eventually assisted. The koala was silent when the rescuer approached, but screamed loudly when she collected his broken body from the asphalt. His injuries were far too extensive and he was later euthanised, suffering that could have been alleviated much earlier if motorists had simply stopped to assist or to report his injuries.

This is just one story of many that regularly come through our office. By implementing mandatory reporting of wildlife strikes for road users we will not only get an even clearer picture about just how severe this problem is, we will protect our native animals from suffering drawn-out, painful deaths, and our fellow road users.

### **Melbourne Indigenous Transition School pedestrian crossing**

**Evan MULHOLLAND** (Northern Metropolitan) (17:07): (113) I am seeking action from the Minister for Roads and Road Safety, and the action I seek is the investigation of a pedestrian school crossing on Church Street between Swan Street and the Vaucluse in Richmond. I had the great pleasure of visiting the Melbourne Indigenous Transition School, MITS, in my electorate in Richmond and meeting with Paul Barcham and Edward Tudor. The MITS is a year 7 and 8 transition school for Indigenous students from remote and regional communities in the Northern Territory and Victoria. It is a specialist boarding school that delivers tailored year 7 and 8 programs to several dozen students a year. MITS is located within the Richmond Football Club at Punt Road Oval, and their boarding house is a short walk away on Richmond Hill. From year 9 onwards the students go on to study with MITS partner schools, which are well-reputed schools in the independent, government and Catholic sectors.

MITS achieves extraordinary outcomes for their students, with excellent retention numbers and attendance rates. Continuing their incredible work, they have a new 40-student boarding house funded by the former federal coalition government opening later this year on Church Street, opposite their school facilities. I think everyone would agree with my belief that the safety and wellbeing of what are in many ways vulnerable students is incredibly important and is an imperative, and specifically so by extension is making sure that they can get from their school to their place of residence as safely,

quickly and conveniently as possible. It is incredibly important. However, this might not be the case. The students will be residing in this new boarding house and will have to walk several hundred metres to the Vaucluse or to Swan Street to safely cross Church Street, and those familiar with Church Street – within the tram tracks; sorry, Bev – know how busy and congested Church Street can get with both cars and trams. MITS has continuously requested a pedestrian school crossing on Church Street between Swan Street and the Vaucluse, only to be ignored by the department of transport.

If this was a government school being set up there, a pedestrian crossing would be considered a priority on this state government road. Student safety is of great importance. It can never be understated for any child or school, but especially in this case for these young Indigenous students. I seek the action of the minister to investigate a pedestrian school crossing. I also invite her to come with me to the Melbourne Indigenous Transition School to see the great work it does and the high-priority need for a pedestrian crossing.

### E-cigarettes

**David LIMBRICK** (South-Eastern Metropolitan) (17:10): (114) My adjournment matter is for the attention of the Treasurer. It was highlighted in the *Herald Sun* recently that the government has failed to release a report into illicit tobacco and vaping regulation. This is a nationally significant policy discussion that is underway at the moment. There are strongly held and diverse views on what role nicotine vaping plays in society – whether it is a great innovation that allows smokers to manage their nicotine dependence without the health harms of smoking or whether it is all a dangerous ploy by big tobacco to trap young people into a lifetime of nicotine dependence.

My views on this matter are well known. Since my election in 2018 I have consistently advocated for the rights of vapers, with the Liberal Democrats and former senator David Leyonhjelm advocating for the rights of vapers as far back as 2015. Today the Nationals at the federal level have come out to support easing restrictions and allowing adults to more easily access nicotine harm reduction products, such as e-cigarettes. The New South Wales Greens also have taken a policy to the New South Wales election to appropriately regulate vaping products – welcome to the party, guys. It has taken quite a long time, but maybe common sense will prevail. I am sure members of the government will be upset at the prospect that products which have helped millions of smokers around the world quit their dangerous habit might be more easily available, at least for adults.

This is not to dismiss the concerns of parents and teachers who worry about the use of vaping devices at schools. It may seem counterintuitive, but the solution is obvious to many of us, and it seems that the federal National Party and New South Wales Greens agree that allowing appropriately regulated access for adults who vape will better allow the industry and the government to regulate these devices and restrict access for minors.

If you are having trouble following the logic, I would encourage you to read an excellent article by Professor Nicole Lee and Brigid Clancy in the *Conversation* today. It is evidence based and cuts through a lot of the hype, cautioning against proposals to ban vaping and highlighting that our current approach has only made things worse. But what advice has Better Regulation Victoria provided the government? Well, we do not know beyond what the *Herald Sun* has reported, as this report has not actually been released. Whilst the government should obviously just accept that vaping is here to stay and allow for a sensibly regulated sector – and I would welcome any announcement to that effect – at the very least this report should be released, and that is my request to the Treasurer.

### Local government accountability

**Trung LUU** (Western Metropolitan) (17:13): (115) My adjournment matter today is for the Minister for Local Government. The state government has axed the council watch website [knowyourcouncil.vic.gov.au](http://knowyourcouncil.vic.gov.au) and replaced it with a spreadsheet with thousands upon thousands of rows of unsorted data, making it impossible to orientate and compare the information. So the action I

seek today is for the minister to reinstate the council website [knowyourcouncil.vic.gov.au](http://knowyourcouncil.vic.gov.au) to its original form.

The website was originally designed to allow residents to make comparisons of 66 council services, including waste collection, libraries, animal management, maternal health, local roads and key financial and governance indicators. It provided a service that was transparent, with easy access for all residents. It brought transparency back to local government and allowed residents to get some indication of how their local council was performing and how ratepayers money was being spent.

When the minister originally launched the website, she claimed it would act as a one-stop shop for all things local government information, and it was part of the Andrews Labor government's commitment to ensuring councils are transparent and accountable to their community. Well, it looks as if transparency and accountability only matters when it suits the Labor government. So today I ask if the minister could please honour and deliver on the commitment that was undertaken by the Labor government and reinstate the original website [knowyourcouncil.vic.gov.au](http://knowyourcouncil.vic.gov.au) so residents can understand and know what their money is being spent on and to give transparency and accessibility to residents so they can compare the rates and the money being spent.

### **Social housing regulation review**

**Samantha RATNAM** (Northern Metropolitan) (17:15): (116) My adjournment matter tonight is for the Minister for Housing, and the action I seek is that he table the final report of the social housing regulation review. In 2021 the government undertook an independent review into the regulation of our social housing sector, looking at how it supports both existing and prospective tenants and also encourages future investment in public and community housing. The interim report made a series of important recommendations for reform, including introducing minimum housing standards for social housing properties, having a single regulator for public and community housing, having a shared complaints body and putting tenants' interests in legislation. The final report was delivered to the then minister in May 2022, but the report itself has never been made public.

In fact the regulation review is not the only outstanding item from the last term. The government's promised 10-year strategy for social and affordable housing similarly failed to materialise. There has been little progress on the Ombudsman's recommendations from her investigation into complaint handling in the social housing sector, which found that public and community housing renters were being failed by current complaints processes and recommended the creation of a new social housing ombudsman. And they have completely failed to respond to the Legal and Social Issues Committee inquiry into homelessness. This was a broad-ranging report on the whole continuum of the housing and homelessness sectors and made important recommendations for systemic reform, including that the system be reorientated away from the crisis management focus to early intervention and sufficient long-term provision of housing.

We are approaching the end of the initial tranche of the Big Housing Build funding, yet the number of social housing homes in Victoria has increased by just 74 units in the last four years – a paltry number given that over 12,000 new homes were promised and the waiting list has grown by about 45 per cent, from 45,000 applications in June 2018 to 64,168 in June 2022. This means about 120,000 people are waiting for social housing. Current residents and the many families and individuals on the waiting list in the housing sector are desperate for a long-term vision and planning from the government. We need a commitment that the Big Housing Build is not a flash in the pan but will be backed up by ongoing long-term investment in public and affordable housing, and we need to see a proper commitment to systemic housing reform, including by committing to implementing the outstanding recommendations from inquiries and reports from the last term of government. As a starting point in this reform, I ask the minister to table the final report of the social housing regulation review.

### Regional infrastructure

**Gaëlle BROAD** (Northern Victoria) (17:17): (117) My request for action is to the Treasurer – to prioritise the regional infrastructure projects in the next state budget. Regional Victoria’s population is growing rapidly, and we need significant investment in our roads, hospitals, schools and rail. In the last state budget, regional Victoria only received 13 per cent of new infrastructure spending, but nearly 25 per cent of Victorians call it home. In the last eight years the Victorian government has increased its spending on major projects from \$16 billion to \$106 billion. Victoria’s Big Build is pouring billions into Melbourne projects while regional Victoria is left waiting – waiting for basic infrastructure.

Hospital upgrades are long overdue at Cobram, Bright, Daylesford, Euroa and Shepparton, and Mildura also needs a new hospital. In Kilmore and Shepparton large trucks still drive through the centre of town, and they have asked for a bypass for decades. In Mildura locals have been lobbying for a new residential drug and alcohol rehabilitation facility for years. Until it opens, locals need to travel over 4 hours for support. In Cohuna the community have asked for a new childcare centre for the last eight years because they need it to help the town grow. East Loddon college is waiting on upgrades, and at Bridgewater Primary funds for a playground were promised three years ago. The Murray Basin rail project was due to finish in 2018, and we are still waiting.

Last year’s floods put further pressure on our basic infrastructure needs, and funds are needed to help communities recover. Our roads are falling apart after years of neglect, and last year’s floods made them even worse. In New South Wales the government allocated \$500 million to help local councils repair roads, but our local councils are still waiting. Regional Victorians are tired of waiting and deserve a fair share of state government funding. Thirty billion dollars of taxpayers money has already been wasted on project cost blowouts. Imagine the difference that would make, building the infrastructure that we need in regional Victoria.

Former Labor Premier John Brumby chaired a regional economic development and services review, and he urged the Victorian government to show leadership in prioritising and investing in regional and rural economic growth. I totally agree. I ask the Treasurer to listen to local communities and prioritise regional infrastructure in the next state budget.

### Gas supply and prices

**Bev McARTHUR** (Western Victoria) (17:20): (118) My adjournment matter is for the Minister for Energy and Resources, recently honoured with the additional title of Minister for Climate Action. It relates to the costings and calculations carried out by her department in last year’s *Gas Substitution Roadmap*; in particular I am interested to know more detail about the specific cost calculated for the electrification of Victorian suburbs currently using gas. The issue has been brought to prominence recently by figures produced by the federal Parliamentary Budget Office for independent senator David Pocock, which show that it would cost over \$11 million to electrify a single ACT suburb of just 1000 houses. While the minister and her colleagues make much of the falling price of electricity – not that we have seen it really, but anyway, she makes a lot of it – in contrast to the rising price of gas, this estimate suggests the capital cost of conversion for the entire state of Victoria would be enormous. Indeed the estimate extrapolated from Senator Pocock’s figures are that electrification would cost more than \$66 billion nationwide. I have long thought it was in the minister’s interest and that of gas opponents to restrict the supply of gas and see the prices rise, but in the interests of Victoria, is a transition to purely electric power truly affordable? So the action I seek from the minister is a full disclosure of the costings as made by her department. Without this there will never be sufficient public trust to support this vast commitment of taxpayer dollars.

### Alfred hospital

**Georgie CROZIER** (Southern Metropolitan) (17:22): (119) My adjournment matter this evening is for the attention of the Minister for Health, and it is in regard to the condition of the Alfred hospital.



People in this chamber know that I have been asking the government for years to provide proper funding to the Alfred hospital.

**David Davis:** It's deteriorating.

**Georgie CROZIER:** It is deteriorating, and it is in a terrible state in some parts, Mr Davis, and I will come to that point in a minute.

**David Davis:** There are rats.

**Georgie CROZIER:** Well, there were mice in the theatre. When I went through, finally, the Alfred last year after the government allowed me to go and visit it, I was taken into the theatres, and I was told by a surgeon that they had seen mice in the theatre areas. I worked in those theatres some decades ago, and they have not changed at all. They need upgrading. You have got leaks in various parts of the hospital and mice running around in theatres. It is completely unacceptable.

I want to also bring the house's attention to some of the comments around the state of the Alfred by Professor Mark Fitzgerald, who is the director of trauma services there, who described the work at Alfred's trauma centre with emergency and trauma patients like 'waves' on a beach, 'they never stop'. The intensive care unit deputy director Andrew Udy said demand had been steadily increasing for years and they had been running 'essentially at or near capacity for quite a period of time'. Professor Fitzgerald has previously declared that conditions at the hospital are hopeless, and he made an urgent call for the state government to reveal their plan for one of Australia's oldest and busiest hospitals – yet it is all falling on deaf ears. There is no money that is needed to the extent that the Alfred needs it. When you have got eminent healthcare professionals like Mark Fitzgerald and Andrew Udy, who are working in these very busy areas of intensive care and the trauma unit, you have got to take notice, yet the Andrews government has failed to do that.

It has been noted that Professor Fitzgerald said that the hospital was in dire need of investment and staff needed to know if it was going to be upgraded or closed. In a 2018 review he described the Alfred's operating theatres as prehistoric. It is just ridiculous that in 2023 we are still talking about this, given the work that they have done and what they have done over the past few years with COVID. I have been through that intensive care unit and the trauma centre, and they do extraordinary work. The action I seek is for the government to prioritise the Alfred in this year's budget and provide the planning and the funding to upgrade this vital hospital, not only for thousands of Victorian patients but also for many, many Australian patients.

### Gippsland rail services

**Melina BATH** (Eastern Victoria) (17:25): (120) My adjournment matter is for the Minister for Public Transport in the other place and relates to the Gippsland V/Line rail service. Last Thursday night my constituents, a family, were one of the many families in Victoria who wanted to travel to the G to watch their football team play. They were keen to avoid the Monash Freeway and the night works that we often see on that link, so they checked at the Traralgon railway station the day prior whether the train was running, the bus was running et cetera. They were assured that the train was going to run to Melbourne and from Melbourne, so they caught the train at 4 o'clock, ready for round 1. Forty minutes into the train journey they were informed by a V/Line employee that there was no return train. What that meant was that at the end of their football match they scrambled and had to fly, as it were, by foot to Southern Cross station to catch the bus back home. They made it just in time to catch the 10:59 bus back to Traralgon. They sat in the railway station for 30 minutes, and then the journey that normally would take 2 hours from Melbourne to Traralgon took 4 hours. What sort of a disincentive is that for families to catch public transport and take their cars off the road? It is no incentive at all.

V/Line often spruiks reliability and punctuality. Well, let us look at punctuality. The V/Line train service has not met any punctuality targets for decades – nor reliability targets. I may be slightly exaggerating, but it has been years and years. In fact in February their punctuality was down to 79.6 per

cent on the V/Line Gippsland line. The website talks about the importance of reliability and punctuality. The only time that the V/Line Gippsland line met its punctuality target was in January this year, when there were no trains running. So you have got punctuality on a V/Line line when there are no trains running and it is school holidays.

**Georgie Crozier:** It's like a dead fish.

**Melina BATH:** Indeed. Yes, they are not resting, they are just unwell. Now, the bottom line is my constituents are frustrated. They want to catch public transport. The action I seek from the minister is to prioritise the improvement of the Gippsland line so that families can travel down and back by rail and to finish these Gippsland rail upgrades, which are taking an eternity.

### Public libraries funding

**David DAVIS** (Southern Metropolitan) (17:28): (121) My matter for the adjournment is for the attention of the Minister for Local Government, although it will be of interest to the Minister for Creative Industries as well. It relates to public libraries. I am in receipt of communication, as I think many are, from Public Libraries Victoria. They point to the deteriorating financial position of public libraries in this state under this Labor government. Indeed they point to the fact that interlibrary loans have recently been suspended. Libraries cannot afford, they say, the 300 to 720 per cent escalation in courier costs. As a result, many Victorians have now lost access to the resources they want and need.

They go further to make the point that funding for public libraries has not kept pace with inflation nor the growth in the Victorian population and the demand for library services. Despite modest little dollops of spending, the Victorian government's per capita funding for public libraries has continued to fall in real terms.

What they are seeking in the 2023–24 Victorian budget – and I think it is a very reasonable set of questions and asks – is for the indexation of the public library funding program to population forecasts plus an annual indexation that is linked to CPI. We know that inflation is out of control. We know that the government nationally and in Victoria have fed that CPI growth and are not returning that to groups like Public Libraries or to the expansion of the Living Libraries infrastructure program – they ask for at least \$28 million over four years.

I mean, the truth of the matter is: local governments have had rate capping in place. At the same time the state government has withdrawn or not kept pace in terms of the funding that is needed to keep up with what is there in terms of demand, in terms of new population and in terms of the very significant support and demand for library services.

Libraries are of course very important meeting places for those in the community. Many older people find libraries are an important part of their social outing. They can meet people at a library meeting room or nearby. Young people often are able to congregate at libraries to do some of their homework and the various studies that they do. So libraries need to be properly resourced. Local government has by and large, I think, done a huge job in trying to keep our libraries running and working very well, and I can vouch for the fact that a number of my family members use our local library and enjoy that engagement. I would say the minister needs to step forward, guarantee proper funding for the libraries and make sure that it keeps pace with population and CPI, and I would expect that the libraries not be left alone in this budget.

### Economy

**Renee HEATH** (Eastern Victoria) (17:31): (122) My adjournment matter is for the Treasurer and relates to the significant debt incurred in the increasing interest repayments we are currently experiencing. The action that I seek is for the Treasurer to provide a detailed plan of how we will repay this debt so we do not burden future generations with crippling repayments. According to the October 2022 budget update, net debt is projected to be at \$165.4 billion by 2025–26. That is almost 25 per cent of Victoria's economy. Currently net debt is around \$100 billion. With interest rates increasing

we have seen interest repayments rise to \$10 million per day. How many teachers would that train? How many new roads would that build? How many homeless people could we house? How many more students with special needs would we be able to support – or more hospital beds? How many more cases could we see in our local court systems? The list goes on and on. But what really concerns me is who pays for this. Once we are all gone from this place, there will be a new generation of leaders that will have to come in and grapple with the consequences of today's spending. There will be a new generation of taxpayers that will need to fund these repayments. In effect we are burdening the next generation or the young people of today with being the debt reducers of tomorrow. It is like going into a restaurant, ordering the most expensive meal and then expecting the next five customers to come in and foot the bill. It is time for this government to get its finances under control.

### Power saving bonus

**Sheena WATT** (Northern Metropolitan) (17:33): (123) My adjournment matter is for the Minister for Energy and Resources, the Honourable Lily D'Ambrosio. The action I seek is for the minister to please provide me an update on how the most vulnerable residents in my area of Northern Metropolitan will be supported in taking up the next round of the \$250 power saving bonus opening this Friday. That is right, the power saving bonus is back. From Friday of this week every Victorian household will be able to access a new round of the \$250 power saving bonus, which has helped 1.8 million Victorian households find a better energy deal in previous rounds.

The Andrews Labor government knows that the pressures on our family budgets are tough right now. With winter around the corner and the dreaded energy bills that come with it, there has never been a better time to secure the best deal for your power bill. The power saving bonus does just that by asking users if they are getting the best deal or if their years of loyalty to some big privately owned power companies have been costing them in the hip pocket, because every cent and every dollar matter right now. Some consumers have discovered that they have been dropped off from discounts available to our elderly, our sick and our low-income earners. The power saving bonus helps our families right when they need it most, and for some of the most vulnerable in the community it means the difference between the heater being on or off this winter.

This round, like the previous round, is open to all eligible Victorian households, even if they have received payments in the last round. Now, many people got online and did the whole thing themselves, but some folks from the Northern Metropolitan community experienced certain technological and technical challenges with navigating the internet to lodge their applications. In the last round it was incredible to see that Victoria's most vulnerable were able to access support in applying for the power saving bonus through the community outreach program. Over 50,000 applications were assisted with by the wonderful staff at Anglicare Victoria, Bendigo Community Health Services, Brotherhood of St Laurence, the Consumer Action Law Centre, Good Shepherd, Neighbourhood Houses Victoria, Community Information & Support Victoria, the Ethnic Communities Council of Victoria and State Trustees. The government is about action, and with this round of the power saving bonus we are helping to drive down the pressure for Victorian families and help with the cost of living.

### Responses

**Gayle TIERNEY** (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (17:36): This evening we have heard 17 matters in the adjournment. They have ranged from roads, health, housing, libraries, vilification laws to crime prevention. All of these matters will be referred to the relevant ministers.

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

**House adjourned 5:37 pm.**