Hansard

LEGISLATIVE COUNCIL

60th Parliament

Wednesday 8 February 2023

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Members of the Legislative Council

60th Parliament

President

Shaun Leane

Deputy President

Wendy Lovell

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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	Western Metropolitan	Lib	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	South-Eastern Metropolitan	LDP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Lovell, Wendy	Northern Victoria	Lib	Watt, Sheena	Northern Metropolitan	ALP

Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;
Greens – Australian Greens; LCV – Legalise Cannabis Victoria; LDP – Liberal Democratic Party;
Lib – Liberal Party of Australia; Nat – National Party of Australia; PHON – Pauline Hanson's One Nation;
SFFP – Shooters, Fishers and Farmers Party

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Wednesday 8 February 2023

The PRESIDENT (Shaun Leane) took the chair at 9:34 am, read the prayer and made an acknowledgement of country.

Bills

Road Safety Amendment (Medicinal Cannabis) Bill 2023

Introduction and first reading

David ETTERSHANK (Western Metropolitan) (09:35): I introduce a bill for an act to amend the Road Safety Act 1986 to provide that prescription medicinal cannabis that does not impair driving is to be treated in the same manner as other prescription drugs and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

David ETTERSHANK: I move:

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

Motion agreed to.

Business of the house

Notices

Notices of motion given.

Members statements

Midsumma Festival

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (09:39): It was a real pleasure to join many, many Melburnians, Victorians, at the 2023 Midsumma Pride March in St Kilda this weekend. Together with thousands of Victorians we marched to show solidarity with the LGBTIQ+ community.

Equality is not negotiable in Victoria. I am proud to be part of a government that stands with the LGBTIQ+ community, and it was very special to be able to join the Parks Victoria team, who were there in very big numbers as part of their celebration of Pride in Parks at a pre-march barbecue. They had a huge turnout; almost 60 staff came along with family and friends. We were joined by the Forest Fire Management Victoria staff, including the chief fire officer Chris Hardman. I am really proud of the work of Parks Victoria in creating a safe and welcoming work environment for their LGBTIQ+ colleagues. A huge thankyou to the Pride in Parks network for organising such a great event, and thank you for having me along that day.

It was also wonderful to join many colleagues from both sides of the aisle and both chambers and of course the many friends we have in Rainbow Labor that day. It was a fantastic display of the tolerance of Victorians and the pride that we take in our diversity right across the state.

Lunar New Year

Matthew BACH (North-Eastern Metropolitan) (09:40): I want to put on record my thanks to the Asian Business Association of Whitehorse for putting on a fabulous festival a couple of weekends ago to mark the beginning of the Lunar New Year, the Year of the Rabbit. For our friends in the Vietnamese–Australian community it is the Year of the Cat; nonetheless this particular festival was to mark the beginning of the Year of the Rabbit. I am really privileged, as is the President, to represent a

part of our state that has a particularly high proportion of folks who have come here over the years from China, obviously from the beginning many moons ago, a long time before my family arrived on these shores, during the gold rushes and ever since. People who have come here from China and other Asian countries have obviously made the most extraordinary contribution to multicultural Victoria. It was great to be there, again with representatives from across the aisle, to mark the beginning of the Year of the Rabbit – for our friends in the Vietnamese community, the Year of the Cat – and so a very happy new year.

Amazing Greys

Georgie PURCELL (Northern Victoria) (09:42): I recently had the absolute pleasure of helping at the Amazing Greys emergency foster kennel build and saw for myself just how hard volunteer community groups are working to rescue thousands of greyhounds from the racing industry after they are no longer deemed profitable to race. The rescue greyhounds themselves, however, were unsurprisingly lazing about and not doing much work at all, as lounging is their true – well, their only – sport.

As it stands, the greyhound racing industry in Victoria is breeding almost four times as many puppies as it has the capacity to rehome. While it is encouraging to see such a strong volunteer network willing and able to save some of the greyhounds at risk of death, it is a reminder that it should not have to be up to volunteers to clean up the mess of our racing industries, and there is so much more that can be done to support them. That is why I will be calling for support from the government for greyhound rescue groups like Amazing Greys and many others across the state. In the meantime we will keep rolling up our sleeves and working hard together to show the government and all Victorians how beautiful and deserving of protection these long dogs really are.

Midsumma Pride March

Ryan BATCHELOR (Southern Metropolitan) (09:43): On Sunday with colleagues here I marched with thousands of others to show love and solidarity at the annual Midsumma Pride March in St Kilda. With state and federal colleagues and Rainbow Labor we reinforced Victoria as a state where diversity is celebrated and a state where equality is non-negotiable. Solidarity and support go beyond the Pride March. You have got to do more than just turn up. As a government we understand the need to address the systemic challenges faced by the LGBTI+ community, and that is why at the Pride March the government announced the opening of applications for two new grant programs empowering these communities. I look forward to working with the LGBTI+ community groups in my electorate to see what I can do as an ally to support them.

New Street, Brighton, social housing

Ryan BATCHELOR (Southern Metropolitan) (09:44): Last week I also joined the Minister for Housing to inspect the new social and affordable homes being built in New Street, Brighton. I know this is a development close to the heart of so many in this place, and it is great to see so much new social housing being built right across this state and being built by union members too. These 299 new homes will add so much to the community, benefiting hundreds of residents with a new energy-efficient roof over their heads. I look forward to closely watching the progress of these homes being built and reaching completion and to seeing residents move back in later in the year.

Bruce Valpied

Bev McARTHUR (Western Victoria) (09:44): Today I wish to say thank you to a gentleman who had an extraordinary reputation across western Victoria for his dedication to family and community. Seventy-seven-year-old Bruce Valpied died last month after a two-year battle with lymphoma. Bruce was born in Ballarat, the son of a fruiterer and one of seven children. After starting his career in Melbourne in the police force he moved to Horsham with his young family and wife Kaye. It was a place where he took up small business, ultimately becoming an undertaker, a role he continued with dignity until retirement.

Bruce made his mark with the community. He was actively engaged in multiple service and sporting clubs – the epitome of a real local. His return to his home town in 2008 was Ballarat's great fortune. Again he committed to Rotary in a big way and also to the Ballarat Sportsmen's Club, with 11 years as the club secretary. The Mackenzie/Valpied Award now recognises those who give service to sport. Beyond all this, Bruce Valpied was a beautiful husband, father and grandfather. He was loved and will be truly missed. Vale, Bruce Valpied.

East Melbourne Child Care Co-operative

Sheena WATT (Northern Metropolitan) (09:46): I was delighted to recently mark the completion of two key local early childhood education upgrades at centres in East Melbourne. First up I officially opened the brand new kids kitchen at Powlett Reserve children's centre and kindergarten. Kindergarten is where children develop the knowledge and skills that will stick with them for life, and thanks to an investment from the Andrews Labor government the kids at Powlett Reserve can get into the kitchen, get creative and have the best start they can. I was also invited to open the brand new children's yard at Yarra Park children's centre. The playground is now much more accessible for children of all abilities to play with ease and safety, and the upgrade was proudly supported by the Andrews Labor government. The second it opened up the kids were swarming all over it, so I am delighted to report that the playground was a hit.

The Andrews Labor government's commitment to supporting early childhood education is profound. We are investing almost $5 billion over this decade into the sector, as well as making free three- and four-year-old kinder. For families free kinder means more choice, more flexibility and more money saved.

I want to lastly acknowledge the tireless work of the executive director of the East Melbourne Child Care Co-operative Rebecca Vouch as well as all the early childhood educators for the work they do. You ensure our next generation have the very best start in life and set them up for the years to come. I look forward to visiting again.

Australia Day awards

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (09:48): I rise today to congratulate the 17 constituents of Western Victoria Region whose contributions to our community were recognised in January's Order of Australia awards. Foremost is the late Archie Roach, just one of six Australians to become a companion, an AC, in the general division for service to the performing arts, to Indigenous rights and reconciliation and for his support of emerging First Nations artists.

A number do outstanding work in their fields of expertise but most received the Order of Australia for volunteering in diverse activities that are crucial to community life. Portland's Charles Debono is a fantastic example. Charles was awarded the Emergency Services Medal after 40 years of work with VICSES in Portland and Heywood. He has put his energies to responding to road accidents, major floods in Victoria and New South Wales, bushfires and even in Western Australia a tropical cyclone. VICSES has benefited from his leadership and his ongoing mentoring of young and new members.

Joy Leggo OAM has combined professional life and volunteering since she was 15 in an incredible range of roles, including health, multicultural and aged care services, Lifeline counselling, volunteering with schools and as the chair and director of Sirovilla, a social housing enterprise for disadvantaged people. Joy is currently CEO of the not-for-profit Cultura, which offers community services, training and education in Geelong and the Surf Coast, including working with refugees in Colac.

As with so many award recipients, Charles and Joy have made it clear that their primary motivation is about helping people and working for the community. Across the electorate – *(Time expired)*

South-Eastern Metropolitan Region multicultural communities

Lee TARLAMIS (South-Eastern Metropolitan) (09:50): The vibrant and diverse communities of Melbourne's south-east are an integral part of our state's multiculturalism, and recently these communities have come together in harmony to celebrate Thai Pongal, Lohri, Makar Sankranti, Bihu, Lunar New Year, Theophany, Indian Republic Day, Sri Lankan Independence Day and many other significant occasions. These celebrations reflect the vibrancy of the community that I am so proud to represent and the importance of embracing and celebrating our diversity whilst reflecting on the things that we have in common and what unites us.

The Springvale Lunar New Year festival was a colourful and lively celebration, with vibrant street stalls, lion dances and traditional music and dance performances.

Theophany Eve celebrations at the Ukrainian community centre in Noble Park brought together people from diverse backgrounds, including newly arrived displaced Ukrainians, in the spirit of unity to celebrate this Christian tradition.

The Thai Pongal festival in Keysborough showcased the rich cultural heritage of the Tamil community with traditional dance and music performances, food stalls and cultural and sporting activities.

Indian Republic Day and Sri Lankan Independence Day were vibrant, inclusive and joyful celebrations reflecting on the courage, resilience and determination of the people who sacrificed so much to overcome adversity and achieve peace, freedom and independence. They were also occasions to acknowledge their immense contribution to our great state.

I thank the many multicultural and multifaith organisations who worked tirelessly to organise these and many other events and for sharing different experiences, cultures, traditions and languages. Your contributions help build a more dynamic, vibrant and diverse Victoria. With each new wave of migration our community grows stronger with the sharing of new customs, food and traditions. I am committed to supporting these communities, and I look forward to continuing to celebrate the diversity that makes our community and our state so special.

Türkiye and Syria earthquakes

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (09:51): I rise to express my deep sorrow at the news of the devastating earthquakes that struck on Monday in Türkiye and Syria. A rescue operation is now underway across south-east Türkiye and northern Syria. The death toll this morning when I checked the news from this tragedy had risen to over 7800. Unfortunately, last night I had an opportunity to speak to family and friends in the region, and they were very fearful that this figure may be tens of thousands when the full outcome of the earthquakes is discovered. Obviously millions of others have been left homeless. Last night I spoke to my wife's cousin. She and her young children were out in a tent last night when it was raining. It is the middle of winter still there of course, so they are in very tough conditions and my thoughts are with them.

Many of the cities affected are very close to my heart. My dad is from the city of Adana, a city where many of the buildings have collapsed. Many other cities – Antep, Urfa, the city of Diyarbakir, which is a centre of Kurdish culture in Türkiye – have also been greatly affected.

I also wish to express my gratitude to the federal government for the $10 million announcement that Prime Minister Albanese and our foreign minister Penny Wong made yesterday. I think that will go a long way in assisting many people over there.

I would like to also take this opportunity to extend my condolences to all those that have been affected by this devastating tragedy. In particular I know that a lot of families in Northern Metropolitan, the region I represent, have been greatly affected. We have the largest Turkish and Syrian community in Melbourne, and my thoughts are with them, because I can imagine the sleepless nights they are having

to endure. My thoughts are also with the families of the victims and all the rescue workers that continue to do their work.

Bills

Children, Youth and Families Amendment (Raise the Age) Bill 2022

Statement of compatibility

Samantha RATNAM (Northern Metropolitan) (09:54): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the Charter), I make this statement of compatibility with respect to the Children, Youth and Families Amendment (Raise the Age) Bill 2022 (the bill).
>
> In my opinion, the bill, as introduced to the Legislative Council, is compatible with, promotes, and strengthens, the human rights protected by the Charter.
>
> I base my opinion on the reasons outlined in this statement.
>
> **Overview of bill**
>
> The purpose of the bill is to raise the minimum age of criminal responsibility in Victoria from 10 to 14 years old by amending section 344 of the Children Youth and Families Act 2005 (the CYF Act).
>
> The bill prohibits the use of solitary confinement in relation to a person detained in a remand centre, youth residential centre or youth justice centre, and requires the Secretary to prepare and publish minimum requirements for meaningful human contact during isolation.
>
> The bill also makes other consequential amendments to the CYF Act, as well as to forensic procedures in the Crimes Act 1958, and fines and infringements in the Fines Reform Act 2014 and the Infringements Act 2006.
>
> **Human Rights Issues**
>
> In my opinion, the human rights protected by the charter that are relevant to the bill are:
>
> - The right to recognition and equality before the law (section 8)
> - The right to life (section 9) and the right of protection of families and children (section 17)
> - The rights of children in the criminal process (section 23)
> - The right to protection from torture and cruel, inhuman or degrading treatment (section 10)
> - Cultural rights, including Aboriginal cultural rights (section 19)
> - Humane treatment when deprived of liberty (section 22)
>
> **The right to recognition and equality before the law (section 8)**
>
> Section 8(2) of the Charter provides that every person has the right to enjoy his or her human rights without discrimination. Section 8(3) provides that every person is equal before the law and is entitled to the equal protection of the law without discrimination, and has the right to equal and effective protection against discrimination.
>
> Laws, policies and programs should not be discriminatory, and you have the right to exercise your human rights without discrimination. This means that you cannot be treated unfavourably because of your personal characteristics protected by the law.
>
> 'Discrimination' for the purposes of this right is defined under section 7 of the Equal Opportunity and Human Rights Act 2010 to include direct or indirect discrimination on the basis of an attribute, including a person's age.
>
> To uphold equality before the law, the legal system is required to recognise the different attributes of young children and adults. The evidence in the fields of child development and neuroscience indicates that the frontal cortex of children under 14 is still developing. This means that these children are more likely to act impulsively and with less regard for the consequences than adults.
>
> Therefore, Victoria's current minimum age of criminal responsibility does not currently recognise the relevant developmental attributes and personal characteristics of children under 14 relative to older children or adults, and I consider that subjecting these children to criminal charges and justice procedures and sanctions represents inequality before the law.

The bill will promote the right to equality before the law by limiting the application of criminal law to persons only of an age where they possess the necessary developmental maturity to understand and to adhere to the law.

The right to life (section 9) and right of families and children to be protected (section 17)

Section 9 of the Charter provides that every person has the right to life and that public authorities must not arbitrarily or intentionally deprive someone of life.

Section 17 of the Charter provides that children are entitled to be protected by society and the State. Section 17(2) states that every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Early contact with the criminal justice system leads to negative long-term health outcomes. Youth detention and incarceration is also associated with higher risks of psychiatric disorders, depression, substance use, and suicide.

In 2019 the Victorian Ombudsman documented the widespread solitary confinement of children in prisons and youth detention, while also noting the unequivocal evidence that such solitary confinement has a profound impact on health and wellbeing of children.

Victorian data shows that the younger the child comes into contact with the criminal justice system, the more likely they are to continue offending into adulthood and the more serious this offending becomes. The ongoing high recidivism and escalation of serious offending of young children who engage with the criminal justice system is also likely to raise levels of victimisation, potentially impacting the right to life in the broader community.

Based on the well established evidence, I consider that the criminal justice system negatively impacts young children's immediate and future health and mortality, and hence their right to life under the Charter. The bill will promote the right to life under section 9 of the Charter by preventing the damage to the health and wellbeing to children, and potentially the wider community, from young children's early childhood engagement with the youth justice and detention systems. It will further promote the right to life by prohibiting the use of solitary confinement of young people and by requiring the development of minimum requirements for meaningful human contact during periods of isolation.

I further consider that allowing children under 14 to be held criminally responsible is failing to protect or act in the best interests and needs of children in section 17(2) of the Charter because of the criminogenic effects of the criminal justice system on very young children, diminishing their chances of rehabilitating, reintegrating and making a positive contribution to the broader society as adults.

The bill will protect and act in the best interests of children and families by allowing children under 14 who display problematic behaviours to be diverted from the criminal justice system and into age specific therapeutic programs, operating in a family and community environment. Such programs are more likely to address, and not aggravate, the underlying causes of their behaviours, and result in better long-term health and social outcomes both for the child, their family and the community.

The rights of children in the criminal process (section 23)

Section 23 of the Charter provides specific rights for children who are being detained or convicted of an offence, recognising that children are vulnerable due to their young age. Section 23(3) states that a child that has been convicted of an offence must be treated in a way that is appropriate for his or her age.

As children under 14 are unlikely to be able to fully comprehend the criminal nature of their behaviours, they are also unlikely to fully understand the nature of their engagement with law enforcement, the courts or any criminal sanction or punishment. A criminal justice response to their behaviour, therefore, is likely to re-traumatise these children.

The current minimum age of criminal responsibility means that children aged between 10 and 13 years old can be subject to these damaging criminal justice procedures, including detention, regardless of whether or not criminal charges against them are sustained. Indeed, data from the Sentencing Advisory Council shows that a very high proportion of children charged with an offence in Victoria are held on remand due to their inherent vulnerability, and that younger children under 14 years old are the most likely to be held on remand only to have their charges later dismissed or withdrawn.

I consider that the frequent pretrial exposure to justice procedures, including pre-trial detention, constitutes a significant practical weakness in the potential protections offered to children under 14 years by way of the common law presumption of doli incapax.

Therefore, I consider that the current low age of criminal responsibility does not sufficiently protect the rights of young children in the criminal process as provided under section 23 of the Charter.

Raising the minimum age of criminal responsibility to 14 years of age, will exclude some of the most vulnerable children, from damaging criminal justice procedures and detention. In my opinion, the bill promotes the rights of children to be dealt with in the criminal justice system in a way that is appropriate to their age and maturity, including diverting children away from the system due to their young age.

The right to protection from torture and cruel, inhuman or degrading treatment (section 10)

Section 10 of the Charter provides that Victorians have the right to be protected from torture and any treatment or punishment that is cruel, inhuman or degrading. These protections apply to public authorities in Victoria, such as state and local government departments and agencies, and people delivering services on behalf of the government.

This right is relevant to this bill, as such treatment may occur to children in the criminal justice system when people are held by police or in youth detention.

As already outlined, children, and in particular young children, do particularly badly as a result of spending time in prison and youth detention across a range of social indicators.

In 2019, the Victorian Ombudsman observed frequent practices that may amount to solitary confinement of children in Victorian prisons and youth detention centres including an alarming number of instances of prolonged solitary confinement, a practice prohibited by the international standards known as "the Mandela Rules". In the context of Australia having recently ratified the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) , the Ombudsman concluded that many of these practices were likely to be contrary to law and incompatible with Victoria's human rights legislation.

The UN Human Rights Council Universal Periodic Review (UPR) has also been strongly critical of Australia's low age of criminal responsibility. During Australia's third UPR on 20 January 2021, approximately 31 UN member states recommended the age be raised, with 16 countries calling specifically for a minimum age of at least 14 years old.

I consider that Victoria's current age of criminal responsibility, allowing children as young as 10 to be detained and experience forms of solitary confinement, falls below the current international human rights standards, as well as the right to protection from torture and cruel, inhuman or degrading treatment under the Victorian Charter. By raising the minimum age of criminal responsibility, and prohibiting the use of solitary confinement in relation to young people detained in a remand centre, youth residential centre or youth justice centre, and requiring minimum requirements for meaningful human contact during isolation, the bill will prevent the damaging treatment of children under 14 and young people in youth detention and prisons.

Cultural rights, including Aboriginal cultural rights (section 19)

Section 19 of the Charter provides that people with particular cultural, religious, racial or linguistic background must not be denied the right to enjoy or practise their culture. Section 19(2) recognises that Aboriginal people hold distinct cultural rights.

Aboriginal and Torres Strait Islander people are overrepresented in the criminal justice system, including as children. Victorian Aboriginal children aged between 10 and 17 are around 10 times more likely to be in detention than non-Aboriginal children. This overrepresentation is intergenerational, often impacting children from a very young age.

The overrepresentation of Aboriginal children in the criminal justice system has a strong negative impact on the ability of Aboriginal people to exercise cultural rights, as outlined in section 19(2) of the Charter.

The Australian Medical Association has observed the particular harms for Aboriginal and Torres Strait Islander children from early contact with the criminal justice system, while the Victorian Ombudsman has also noted that Aboriginal children are more likely to experience solitary confinement in Victorian prisons and youth detention centres.

The additional negative health effects of detention, specifically impacting Aboriginal children, are compounded by the fact that very young children aged 10 to 14 are already vulnerable in the youth detention system by way of their age.

The bill will effectively prevent very young Aboriginal children from having significant contact with culturally damaging criminal justice procedures and youth detention. It is intended that as a result of this bill, Aboriginal children aged under 14 whose behaviour would otherwise have led to engagement with the criminal justice system, be diverted into well-resourced Aboriginal Community Organisations to deliver culturally appropriate programs for children and families to address behavioural problems.

Therefore, I consider that raising the minimum age of criminal responsibility will promote the specific cultural rights in section 19(2) of the Charter by reducing the likelihood of Aboriginal and Torres Strait Islander

children becoming entrenched in the justice system, while better enabling and empowering Aboriginal families, communities, and organisations to support their children grow into adults in culturally safe ways.

Humane treatment when deprived of liberty (section 22)

Section 22(1) of the Charter provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.

In 2019 the Ombudsman found that incidences of isolation, seclusion and separation of children and young people in Victorian youth justice centres often equate to solitary confinement as defined by the Mandela Rules. The Ombudsman concluded that many of these practices were likely to be contrary to law and may be incompatible with Victoria's human rights legislation including with section (22)(1) of the Charter.

I consider that by prohibiting the use of solitary confinement of young people and requiring the development of minimum requirements for meaningful human contact during periods of isolation this bill will uphold and promote the rights of young people under section 22(1).

Second reading

Samantha RATNAM (Northern Metropolitan) (09:54): I move:

That the bill be now read a second time.

Two years ago, I said I was proud and humbled to be introducing a bill to raise the age of criminal responsibility in the Victorian Parliament, to make Victoria the first state in the nation to raise the age.

Today my feelings are perhaps a step closer to frustration with our lack of progress in this place towards finally committing to this most obvious evidence-based reform, although I am also encouraged that outside of this place the case for reform has continued to grow – such that today there are no longer any credible arguments or reasons not to raise the age in Victoria to 14, even if in truth there never really were, beyond the weaknesses in our politics and in our governments.

When questioned by me on this issue over the last four years, the Victorian government has deflected by describing truths, rather than providing any reasons, as to why they have not acted.

They have said that raising the age will require a lot of work to identify and strengthen the gaps in the available child services across the state.

They have said that they will need to develop alternative pathways, such as restorative justice programs, to the criminal justice system for very young children.

Finally, they have said that they are focused on programs that target the causes of children under 14 years old engaging with the criminal justice system in the first place.

To all this I can only fully agree, and I commend the government where they have started this work.

But all this is no excuse to abandon human rights and the life outcomes for that small number of children under 14 that will inevitably end up in contact with the criminal justice system.

We cannot simply give up on these children, 10- to 13-year-olds, and just accept that their lives are destined to follow a path of greater trauma, mental illness, ongoing contact with the adult prison system and premature death, not due to their own complex needs but because of the way we as a society chose to respond.

Not when we now know there are much better options.

To plagiarise an expression recently made popular in Victorian politics, good government must do both.

We must do all we can to address the root causes of children engaging with the criminal justice system, such as socio-economic inequality and intergenerational cultural disadvantage.

But we also must accept the facts that any early contact with the criminal justice system, not just the exceptionally rare cases of detention under sentence, is criminogenic and a significant risk factor for not only lifelong social disadvantage but also serious offending and ending up in an adult prison.

Good government must also work to prevent this. And the evidence says this starts by raising the age of criminal responsibility to 14.

I am not going to repeat again, as I did in 2021, the many reasons why Victoria needs to raise the age.

As I said, I think we have now got to the stage where we have well and truly answered that question.

If necessary, anyone can now access the comprehensive submissions and analysis from the leading legal and medical stakeholders, as well as the recently released report of the Standing Council of Attorneys-General.

But before summarising the bill, I will outline briefly the context behind the second aspect of this bill, added since 2021, proposing to establish a prohibition on solitary confinement in youth detention centres.

In 2019 the Victorian Ombudsman inspected three different Victorian secure facilities: the adult Port Phillip Prison, the Malmsbury Youth Justice Precinct, as well as secure welfare services, a child protection facility.

What she found at all three facilities was practices amounting to the solitary confinement of children and young people – practices clearly in breach of both the Victorian charter of human rights and the UN convention against torture.

Solitary confinement is explicitly defined under international law, by rule 44 of the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the Mandela rules, as 'the confinement of prisoners for 22 hours or more a day without meaningful human contact'.

Officially the Department of Justice and Community Safety and the Department of Families, Fairness and Housing do not define or use the term 'solitary confinement' in these facilities – they prefer less menacing expressions like 'isolation' for youth justice, 'seclusion' in secure welfare and 'separation' in prison.

However, euphemisms aside, the Ombudsman found that incidents of these practices, isolation, seclusion and separation, used against children in Victorian facilities, often equate to solitary confinement as defined by the Mandela rules.

As the Ombudsman outlined in her report, the solitary confinement of children and young people is particularly egregious because of the established medical evidence that people under 25 are still developing physically, mentally, neurologically and socially, meaning periods of solitary exacerbate the risk of causing serious and lifelong harm.

More disturbingly, at the Malmsbury Youth Justice Centre she found the disproportionate use of isolation and solitary confinement of Aboriginal young people, despite it being established since the royal commission into deaths in custody that Aboriginal prisoners subjected to solitary confinement suffer more extreme anxiety and trauma from such experiences.

The Ombudsman was unequivocal in her recommendation, and I quote:

> Recognising the significant harm caused by the practice, that it is not unreasonable for detaining authorities to provide meaningful human contact even when a person is isolated, and that separation and isolation do not invariably amount to 'solitary confinement', establish a legislative prohibition on 'solitary confinement', being the physical isolation of individuals for '22 or more hours a day without meaningful human contact'.

Last year the government finally acknowledged this recommendation by introducing a bill to prohibit solitary confinement, but only in secure care facilities, not youth detention centres or prisons.

Then without explanation, the government refused to debate or try and pass its own bill, inexplicably leaving the most vulnerable children in the child protection system without a statutory protection against solitary confinement.

This is unacceptable and we call on the government to urgently reintroduce this bill.

At the same time this bill today will extend the government's proposed prohibition, which we hope and expect to be reintroduced in their child protection bill, to also apply to youth justice and youth detention centres.

This is particularly important because it was the two correctional facilities, not secure care, where the Ombudsman found the worst instances of solitary confinement and breaches of human rights, concluding that, I quote:

> … many of the practices in both our youth justice and prison systems are likely to be contrary to law, incompatible with Victoria's human rights legislation, oppressive, discriminatory or simply, wrong.

I will now summarise the bill.

1. Raising the age of criminal responsibility

The age of criminal responsibility in Victoria is established by section 344 of the Children, Youth and Families Act 2005 (the act), which states:

> It is conclusively presumed that a child under the age of 10 years cannot commit an offence.

The bill seeks to amend section 344 to state that:

> It is conclusively presumed that a child under the age of 14 years cannot commit an offence.

This means that children aged 13 or younger can no longer be charged with a criminal offence or be subject to criminal law proceedings, while children aged 14 years and above may continue to be charged with criminal offences.

This amendment makes redundant the current rebuttable common-law presumption, known as doli incapax, that a child between 10 and 13 years cannot commit a crime, because they are incapable of differentiating between right or wrong.

Although some claim that this presumption offers sufficient protection to children in criminal matters, this view has been thoroughly criticised by legal experts.

Because we know that in Victoria the majority of children that are charged aged 10 to 13 will be held in custody on remand, but also that these same children are almost certain to have their charges dismissed by a court or withdrawn by prosecutors.

The result is in Victoria we have a situation where a small number of children under 14 are being held in detention but none are serving time under sentence, nor are they ever likely to do so.

Effectively, this means children experience the worst aspects of the criminal justice system, including invasive criminal procedures and pre-trial detention, regardless of their guilt, and are then dumped back into the community in a worse place than when they entered.

Those few voices continuing to argue against raising the age on the basis that we need to 'continue' to make 10- to 13-year-olds face consequences are either ill informed or are deliberately misrepresenting the practical realities of the current system, which does not do this.

Unlike the current system, which charges, remands and releases young children without sentence, this bill allows the development of systems to be put in place for children to understand and comprehend the consequences of their behaviours, through restorative community-based agencies and programs.

Other intensive interventions should provide housing, treatment of mental health and addiction problems, specialist medical treatment, and education support. Aboriginal-operated organisations will be resourced to provide culturally appropriate programs for First Nations children.

The bill's delayed commencement date, 1 July 2024, allows sufficient time for these alternative therapeutic and restorative community-based programs to be properly embedded as the alternative to the criminal justice system for all children aged under 14.

This will take time, so the bill has transitional arrangements providing that raising the age of criminal responsibility is not retrospective and that children between the ages of 10 and 13 at the time of an offence committed before the commencement day can continue to be held responsible in criminal law proceedings.

However, it is expected that, in practice, a discretionary approach will be adopted when considering whether to commence criminal proceedings against children under 14 in the period prior to commencement.

2. Prohibiting solitary confinement in youth detention

The bill inserts two new sections in the act.

New section 487AA imposes a prohibition on use of solitary confinement across all youth justice facilities: remand centres, youth residential centres and youth justice centres.

'Solitary confinement' is defined in the bill as the physical isolation of a person without meaningful human contact for more than 22 hours within a 24-hour period, consistent with the Mandela rules.

New section 488AAA sets out that the secretary, DJCS, must prepare and publish the minimum requirements for what constitutes 'meaningful human contact,' and these must be complied with by any person employed or engaged in a youth justice facility. It is intended that these requirements should include the need for in-person contact.

Conclusion

This bill is about making sure we uphold the most basic human rights of children, to be treated in a way that appropriately recognises and responds to their age.

The bill also proposes, somewhat incredulously in the year 2023, that we act to ensure that we no longer treat children that are held in detention in a way considered as torture under international law.

But the bill is not simply seeking to tick a box to uphold the most basic human rights for our international reputation, because the primary aim of the bill is to reverse the practical, demonstrated and ongoing failures of the criminal justice and youth detention systems when responding to the complex and dysregulated behaviours of the most disadvantaged children in the state.

Failures that are why these children are far more likely to show up at emergency departments shortly after their release with incidents of self-harm.

That is why their life expectancy after experiencing youth detention is a fraction of the national average due to early death.

And that is why, rather than reducing criminal offending, they result in a reoffending rate from youth detention somewhere north of 80 per cent and a normative pattern of escalation leading to adult incarceration.

So yes, this about us meeting minimum standards of humanity, but it is also about the practicalities of responding to a Dickensian-era system that is failing children, and failing broader society, and finally responding with a more sophisticated and contemporised evidence-based model.

As I said two years ago, we can continue to put our heads in the sand, but we cannot deny the evidence, the crime data, the economics forever.

We have wasted two years since I last called for a commitment to act on this issue.

Now surely it is the time to make this commitment that is necessary so we can begin the real work of building a better system.

I commend this bill to the house.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (10:08): I move:

> That debate on this bill be adjourned for two weeks.

Motion agreed to and debate adjourned for two weeks.

Parliamentary Committees Amendment (Preventing Government Dominated Investigatory Committees) Bill 2022

Statement of compatibility

Samantha RATNAM (Northern Metropolitan) (10:08): I lay on the table the statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

> In accordance with section 28 of the Charter of Human Rights and Responsibilities Act 2006 (the Charter), I make this statement of compatibility with respect to Parliamentary Committees Amendment (Preventing Government Dominated Investigatory Committees) Bill 2022.
>
> In my opinion, the bill, as introduced to the Legislative Council, is compatible with the human rights protected by the Charter.

Second reading

Samantha RATNAM (Northern Metropolitan) (10:08): I move:

> That the bill be now read a second time.

This bill makes important changes to the Parliamentary Committees Act 2003 to ensure a government that is currently in power at the same time also does not dominate the composition of the Victorian Parliament's joint investigatory committees.

Parliament has five statutory joint investigatory committees upon which important oversight functions are conferred under the Parliamentary Committees Act.

Like all investigatory bodies, both the independence and the perceived independence of these committees is critically important for them to properly fulfil their functions on behalf of all Victorians.

More often than not, joint investigatory committees will inquire into, scrutinise, and report upon the actions and decisions of the government and executive of the day.

For example, the Public Accounts and Estimates Committee is charged with conducting detailed scrutiny of the government's annual spending and revenue in the budget papers, worth tens of billions of dollars, and holds hearings where it questions the executive on these matters.

Despite this, the chairperson of all investigatory committees has also historically been appointed from the ranks of the very government that it seeks to scrutinise, while the composition of committee membership is made up of a majority of government MPs either in absolute terms or by way of holding the chairperson's casting vote where membership numbers are even.

This obvious conflict of interest, where members are expected to serve the Parliament impartially, whilst simultaneously remaining loyal servants to their political party and their executive leadership,

casts serious doubts on the committees' effectiveness in scrutinising government policy and decision making.

As Catherine Williams, from the Centre for Public Integrity has said, I quote:

> Scrutiny by an executive-dominated parliamentary committee is not real scrutiny.

And such real or perceived conflicts, and accusations of executive interference, have proven more than just academic in recent years.

For example, last year the chairperson of the Integrity and Oversight Committee bizarrely prevented the IBAC Commissioner from giving evidence to an inquiry on the grounds he may prejudice his own investigations, which many suspected was actually to prevent any inference of the Premier's involvement with IBAC for political reasons.

It was also disclosed last year that the previous chairperson of the same committee had told supposedly independent auditors reviewing Victoria's integrity agencies to remove any references to the Andrews government underfunding or under-resourcing the state's anti-corruption body in their final report.

We also saw back in 2020 the chairperson of the Electoral Matters Committee railroading witnesses during hearings into the 2018 election, effectively banning them from giving the evidence they wanted on the issue of upper house voting reform, because confronting these issues was, and here I quote from a November 2022 article in the *Age*:

> … the delicate manoeuvre that would inevitably upset key crossbenchers whose votes the government needed to pass laws.

During the pandemic, the Scrutiny of Acts and Regulations Committee was also criticised by the Centre for Public Integrity for not undertaking any review of public health directions or at the very least inquiring as to whether such directions constituted legislative instruments for the purposes of the Subordinate Legislation Act 1994 (Vic).

Finally, in a report of 13 August 2022, Paul Sakkal, writing for the *Age*, quoted two anonymous government MPs who confirmed it was common for the Premier's staffers to be involved in the affairs of a committee, including giving overbearing directions on key decisions and recommendations in policy reports. One of the MPs described the situation as, I quote, 'part of the command-and-control model. It's about knowing what's being said, controlling the flow of information and managing the story.'

All this seems to confirm the claim from Associate Professor William Partlett of Melbourne University, who is an expert in constitutional law, and I quote:

> Parliamentary committees (are) … being openly, or behind the scenes, directed by the executive.

But despite these examples, this bill today is not partisan political or about the current government, because it is naive to think that committee members from any other political party forming the government would somehow be immune from the same conflicts and pressures that currently apply to Labor MPs.

Indeed, albeit only when forced to, this government has recognised and addressed this very problem in one instance, when in 2021 it legislated that the Pandemic Declaration Accountability and Oversight Committee should have a non-government chairperson, with no more than half of the members of that committee to be government MPs.

Yet this is only one of five committees.

It is obviously incongruent to recognise the importance of independent investigatory committees for a solitary committee while at the same time permitting all the other, arguably more critical, committees to continue being government dominated.

In simplest terms, this bill proposes to make the rules on the composition of committees that currently only apply to the Pandemic Declaration Accountability and Oversight Committee apply consistently across all the statutory joint investigative committees.

The proposed changes will improve the impartiality and general investigatory functions of the committees.

But also, in the case of the Integrity and Oversight Committee, it will remove any real or perceived political conflict of interest in the appointment of a new IBAC Commissioner, a process that is scheduled to occur in the first half of this year.

The IBAC Commissioner is appointed by the Governor in Council on the recommendation of the minister under section 20 of the Independent Broad-Based Anti-Corruption Commission Act 2011.

However, section 21 of this act also outlines a process by which the minister's recommendation can be vetoed by the Integrity and Oversight Committee prior to appointment by the Governor in Council.

Given the IBAC Commissioner's broad powers to investigate government corruption, section 21 is intended to provide Parliament's protection from a government potentially appointing a partisan commissioner as a means of protecting itself from IBAC investigations.

However, obviously this veto power is moot when the Integrity and Oversight Committee is dominated by MPs from the same government that recommends the appointment.

So this is an important bill right now, while also being an important bill for future parliaments.

And for these reasons I commend this bill to the house.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (10:15): I move:

> That debate be adjourned for two weeks.

Motion agreed to and debate adjourned for two weeks.

Production of documents

Health workforce

Georgie CROZIER (Southern Metropolitan) (10:15): I am pleased to be able to rise and move my motion, which is on the notice paper as motion 3. I move:

> That this house, in accordance with standing order 10.01, requires the Leader of the Government to table in the Council, within 14 calendar days of the house agreeing to this resolution, a copy of any and all briefings provided by the Department of Health or any other department, agency or public official to the Minister for Health and/or the Premier, from 1 July 2022 to date, concerning staff shortages in the public health system.

This is a very simple documents motion. It relates to a very important issue that is facing our state – as I have been speaking about for many, many months – around the staff shortages in our public health system and the issues that are arising that are affecting Victorian patients and their families and are impacting those medicos that are treating them and managing their conditions and everybody involved in their care.

It is a really important motion that I am putting to the house today, because what we know is that there are staff shortages. The government's four speakers are going to stand up and go on about this being a once-in-a-100-year event with the pandemic and it being a global resource issue. We know that. Everybody knows that COVID hit the world, hit Australia, but here in Australia, Victoria was the worst affected. Out of any state or territory it was Victoria that had the harshest of restrictions and the worst impacts to all Victorians, and that has ricocheted around the country, no doubt. But it is critical if we are to fix this health crisis that is absolutely getting deeper that we understand the true depth and

that we have the transparency to understand exactly what the government was briefed on about these staff shortages.

Why I talk about this is because as a former nurse and a midwife who has worked in some major metropolitan hospitals I understand the challenges of rostering and how it can impact the delivery of care. Of course I have never experienced what healthcare workers – nurses and doctors and everybody else involved in our public health system – have experienced over the last few years, which has been extraordinary, and I want to just pay tribute to all those that have done the work over the last few years. Nevertheless there are nurses that speak to me and tell me about the numbers of people that are leaving our public health system – and they are leaving in their thousands – and we need to understand the depth of experience that is left.

I have spoken about the need to understand what is happening around our state, the gaps in our health system, so that we can actually address those, work with the federal government to fast-track visas to get nurses or doctors or allied health professionals into those areas. What we are seeing around regional Victoria is a severe shortage. I was recently in Narracan for the election that occurred there, and while I am talking about that, can I put on record my congratulations to Wayne Farnham, who had to front up a second time after the new election that was required. But nurses were speaking to me, and one nurse from Gippsland came up to me and said, 'I'm telling you: experienced nurses are leaving our emergency department.' So what is the depth of the problem? We need to understand that, and that is why I am saying that we need to have those briefings in the interests of all Victorians.

We know that this health workforce shortage is a massive challenge for government. I acknowledge that. I am not disputing that it is not a challenge, and I have great concerns about how the government is going to meet what they have said they are doing. I say that because just a few weeks ago the data that was released showed that more than 10,000 healthcare workers resigned from public health services in Victoria in 2021. Now, this was in the height of the pandemic, but those 10,000 are a massive loss to our health workforce. That is a rate of health workers resigning of more than 200 a week. You take those people out of the system and you are going to have massive issues. The government is papering over it. I have no doubt that government MPs will stand up and say, 'We have done more than anyone else in the history of mankind, recruiting more nurses', using their usual spin. They will say, I have no doubt, that they have recruited 26,000 public healthcare workers since 2014, including more than 8500 during the pandemic. That 26,000 over the past eight years equates to around 3000 a year, but we are losing 10,000 a year at more than 200 a week, so the figures do not add up.

We must understand the depth of this crisis. This is a simple documents motion. I do not need to say much more. I do not want to waste the chamber's time in saying too much more, but I do want to say that we know those resignations continued from 2021 into 2022, and the government has a commitment to provide around 22,000 healthcare workers in the next three years to the health and community health sectors – 22,000. That is a significant number when we are losing them at the rate we are. It is going to be a massive challenge. That is why I think we need to understand the briefings that were provided to the minister and to the Premier about this issue. Now, if they have not had briefings, fine, then tell us. If they had those briefings, then release those documents.

I know, and Victorians know, that the government has an issue around transparency. We all know that. We have seen it over many years, the lack of transparency and the spin that this Andrews Labor government continue to provide, but I think Victorians have had enough of that. This is a new term of government and Victorians deserve to understand exactly what the status is in relation to the numbers that are leaving the system, the numbers that have left and where those gaps are, not just who they are recruiting. Numbers are numbers, but we need to understand what those numbers are. What is the experience? Where are they leaving from? Are they leaving from one particular area? Let us have a look at that. I am sure the government has that detail from briefings. If they do not, then that is another question and I would ask why that has not occurred.

This is a simple motion. I hope the government considers it and that we get this motion passed through the house as quickly as possible.

Sonja TERPSTRA (North-Eastern Metropolitan) (10:24): I rise to make a contribution in regard to this motion on the notice paper moved by Ms Crozier. I note that what it requires – it is a standard documents motion, of course – is:

> … the Leader of the Government to table in the Council, within 14 calendar days of the house agreeing to this resolution, a copy of any and all briefings provided by the Department of Health or any other department, agency or public official to the Minister for Health and/or the Premier, from 1 July 2022 to date, concerning staff shortages in the public health system.

Our government has a proud record in regard to our health system. At the outset I just want to make it clear that it is our government that supports not only making sure we have a properly funded healthcare system but also our healthcare workers. We have some amazing, dedicated professionals that work for the public in Victoria every single day, and I would just like to thank everybody who works in the health system for their tireless dedication and work in the health system in the incredibly challenging period that we know we have all just been through with the pandemic.

Our healthcare workers are amazing, and I can say I have had the benefit of listening to Ms Crozier's contribution and I know Ms Crozier's background as a nurse. But also before I came to this place I worked for the nurses union – the Australian Nursing and Midwifery Federation, Victorian branch – and it is a titan of a union. It is a very strong union and it is I think probably one of the largest unions, if not the largest union, in Victoria, and that is because our healthcare workers – our nurses, our midwives – know that the protection that is afforded through that union, the good work that that union does to help nurses and midwives in their workplace and the advocacy that the union does on behalf of its members are amazing. It was an enormous privilege to have worked for the nurses union, and I just want to shout out to the leadership of the union, particularly Lisa Fitzpatrick and Paul Gilbert, who are amazing and provided amazing leadership for that union.

Returning to the motion, I just want to talk a little bit more about it, because this is a targeted motion. It is particularly seeking documents around concerning staff shortages in the public health system. One thing I know and that is obvious and apparent when you work in the health system is that there are always people who come and go in the health system. Working as a nurse or a midwife in the healthcare system is a very challenging role, but it is an extremely rewarding role as well. I know that, even in my role as a member for the North-Eastern Metropolitan Region, nurses and healthcare workers who speak to me every day acknowledge and thank the Andrews Labor government for the support and the funding that we have put into the healthcare system.

I will note for the record, just as an example, that we have invested in a $270 million nursing and midwifery package that will see 17,000 nurses and midwives recruited and trained and a $3000 retention payment for every worker in our health system. What we have done is targeted where we know that there are staff shortages, and those things have been announced and well ventilated. We know that these challenges existed even before the pandemic, and then when the pandemic hit it brought these things into sharper focus. Also, those investments in the healthcare system are on top of our $12 billion pandemic repair plan. We will be training or hiring up to 7000 healthcare workers, including $59 million to support more than 1125 registered undergraduate students of nursing to enter the workforce each year over the next two years.

So really, when Ms Crozier talks about shortages – and I learned this when I was at the nurses union – you cannot just snap your fingers and say, 'Hey, let's get some more nurses on board.' It is a pipeline, and you need to make sure that the pipeline provides those workers, because it takes years to train healthcare professionals. You cannot just plonk someone in. I know even students have to be supported in the workplace and they have to be mentored and tutored by experienced nurses and midwives. So this is a pipeline issue and it has always been an issue, but as I said, the pandemic has brought this into sharper focus. Also, there is $9.8 million to deliver 75 registered undergraduate students of midwifery

each year over the next two years; $5.6 million to allow an additional 288 graduate enrolled nurses to hit the ground running in our hospitals, with dedicated supports that they need; $4.6 million to help allied health professionals transition into advanced practice roles; $1.5 million to support Aboriginal health students and cadetships, scholarships and training support; and $15.7 million for 400 additional perioperative nurses and to upskill up to a thousand nurses and theatre technicians. We are also turbocharging our international recruitment efforts to employ an extra 2000 international and expat healthcare workers. There are so many more things that I could go on with –

David Davis: On a point of order, President, as the member said, there are so many more things she could go on with, but actually it is a very, very narrow motion. It is a documents motion.

Sonja TERPSTRA: Did you listen to Ms Crozier's contribution?

David Davis: I did. As the member is now going off into training and TAFE and a whole range of things, all of which are very interesting points –

The PRESIDENT: Mr Davis, there is no point of order.

Sonja TERPSTRA: Thank you, President. I might say I was waiting to see, Mr Davis, what grounds your point of order was being made on, but they did not emerge. So I will continue with my contribution as I was going to.

Since 2014 we have invested record amounts in our healthcare workforce, including nearly 4000 more doctors, which is a 44 per cent increase, and nearly 10,000 more nurses, which is a 27 per cent increase. I know there are other speakers who are going to speak on this motion, and I am watching the clock, which is running down right now. But you can see just in the small contribution that I have made how I have highlighted the massive and record investments in our healthcare system.

I know other speakers will probably go to some of the technical aspects of the documents motion, but I just might focus on and point out some of the failings of the Liberal government over there: 1300 beds in 12 hospitals were closed by Kennett, and there was the closure of our state's special infectious diseases hospital in Fairfield – which kind of became pretty important during the pandemic, I would have thought. It waged war on paramedics and refused to negotiate.

David Davis: President, on a point of order, this is a narrow documents motion, and the member is now into discussing a government in the 1990s, which has nothing to do with these documents.

The PRESIDENT: There is no point of order.

Sonja TERPSTRA: And more than a billion dollars were cut during four years in office. So again, for the Liberals to come here today, for the opposition to come here today and to try and cast this motion in a way that suggests we are trying to hide something, we are underinvesting and our healthcare professionals and our healthcare workforce are very disappointed and upset with us – I have never heard anything more ridiculous.

I also note they promised only $83 million towards the redevelopment of Ballarat Base Hospital at the 2014 election; there were 73.7 per cent code 1 incidents within 15 minutes in 2013–14; and they refused to release quarterly response times over the last 18 months of the term. So again, I am trusting that other speakers will go to some of the ridiculous approaches that the coalition had on documents motions, because particularly it is this government that, if you look at our record in terms of releasing documents, consistently releases documents when they are requested. Those opposite when they were in government had a very poor record of cooperating and releasing documents. So for the opposition to say that we are either hiding things or whatever it is – I do not even know; the sense was not really a coherent kind of stream there. But again, to try to say that we are underinvesting or not on top of workforce planning and the like is really kind of – wow, I do not even know what you could call it, but it is quite ridiculous. Nevertheless it is something that this government is acutely aware of, and we have done a lot of work around workforce planning and retention.

We have also further invested $353 million in the winter retention surge and payment. So you can see all of these payments are targeted towards making sure that we can retain the most experienced and qualified staff but also attract more people into our healthcare system, because as I said, when I worked at the nurses union one thing was apparent, and this has not changed over time: there is a churn in our healthcare system. That is normal; that is what happens. The pandemic obviously brought that into sharper focus, so we have made sure we have targeted our investments to supporting our healthcare workforce – our most important nurses, our midwives, our amazing healthcare workers and our allied healthcare workers who work in our hospital settings each and every day, working to protect and help Victorians when they need it the most: when they are in hospital and acutely ill.

I will leave my contribution there. I look forward to hearing the contributions of other speakers, particularly around the record of those opposite and how poor it was.

Sheena WATT (Northern Metropolitan) (10:33): I do like talking about health – I truly do – so this is a great opportunity, and thank you to Ms Crozier for putting this motion up for discussion here in our chamber. I am delighted that the first thing I am speaking about here is in fact health. Of course I want to begin by acknowledging our health workers for all that they do. Since the very beginning of the pandemic you have been on the front line in some extraordinarily tough conditions and under extreme pressure which none of us could ever, ever have imagined in the years before.

I have talked about it a number of times and I will say it again: I have spent most of my adult working life in health organisations and community organisations, and I have seen firsthand the extraordinary work of our clinicians and practitioners and will take a moment to thank some doctors, nurses and health workers but give a particular shout-out to the Aboriginal hospital liaison officers for all that they do. You are out there on the very front line.

David Davis: On a point of order, Acting President, this is a narrow documents motion, and the member has indicated that she wants a broad health debate. It is not a broad health debate; it is a motion about the provision of documents to the chamber. It is not a motion about broad matters. She began by saying she would like to talk about health in the broad and welcomed the chance to talk about health on a wide front. It is not a wide front motion; it is actually a very narrow one under standing order 10.01.

The ACTING PRESIDENT (Sonja Terpstra): Thank you, Mr Davis. I note your point of order. However, I will direct your attention back to Ms Crozier's opening remarks. There is no point of order there, but I will encourage Ms Watt to get back to addressing the point.

Sheena WATT: I will go back to that, but can I take a moment to acknowledge Acting President Sonya Terpstra and offer to her my congratulations and best wishes as she takes on this very challenging new role. I am sure we can all agree that it is a tough gig up there in the chair, so all the very best to you, Ms Terpstra, as Acting President. I will try now to take into consideration what you are saying, which is that I bring some of my remarks back to this being a documents motion.

It is true that the government takes a number of considerations into account when looking to release documents. These include whether or not the documents referred to in the said motion would prejudice legal proceedings; prejudice intergovernmental and diplomatic relations; materially damage the state's financial or commercial interests, such as if there is a tender or there are taxation policy issues; prejudice law enforcement investigations, national security or indeed public safety; or otherwise jeopardise the public interest on an established basis – in particular, where the disclosure would. Of course there are also considerations as to revealing confidential legal advice to the executive government; revealing information obtained by the executive government on the basis that it be kept confidential, including because the documents are subject to statutory confidential provisions that apply to our Parliament; and revealing directly or indirectly the deliberative processes of cabinet. There are considerations that are made by the government when it comes to documents that may reveal high-

level confidential deliberative processes of the executive government or otherwise generally jeopardise the necessary relationships of trust and confidence between a minister and public officials.

This being, I believe, our first documents motion of this Parliament, it is worth outlining those considerations for the chamber, particularly when we have a number of new members that may be interested to know and understand what some of the considerations of our government are when it comes to documents motions. These are a somewhat frequent feature of our Wednesday debates, so I hope that you will know and note that.

Of course the Andrews Labor government has a really proud history of a range of transparency bills, actions and activities, including some bills that have been supported by our government in the past, including the Transparency in Government Bill 2015, which came about in the earliest years of the appointment of the Andrews Labor government; the Integrity and Accountability Legislation Amendment (A Stronger System) Bill 2015; the Parliamentary Budget Officer Bill 2016; and the Family Violence Reform Implementation Monitor Bill 2016. I was personally involved in some of that work through my work with the Royal Commission into Family Violence, and I note that that is a quite strong and powerful act in its work in reform of our family violence sector. Of course there are also others that may be of note to members, including the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2018 and then the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2019. So there you go; there are some bills that we have moved with respect to transparency.

I wish that that was in fact a track record that I could say our government built on from the previous government, but the truth is that in the 57th Parliament the Legislative Council passed six documents motions, the at-the-time LNP government responded in part by providing documents in part for three of those six documents motions and the LNP government provided no documents for 50 per cent of those motions. I will just repeat that, because it bears repeating: the LNP government responded in part by providing documents in part for three of the six motions and provided no documents for 50 per cent of those motions. I would like that noted and known to the chamber, and I may from time to time repeat that as we continue to debate documents motions here in the chamber.

No documents at all were provided in response to requests by Labor seeking orders for documents on ambulance response times, Patrick stevedores' relocation and the east–west link business case – for which just an executive summary was released, which contained none of the details of the project. In the 57th Parliament the LNP left 1174 questions without notice unanswered. That is quite an extraordinary number, and it is nearly double the amount of questions without notice unanswered by Labor in the 58th Parliament. So there you go. This is just some of the history of documents motions and some of the considerations that the government does make when considering documents motions here before our chamber.

I am going to go back and take the last little bit to discuss some of the opening remarks of the mover of the motion, Ms Crozier, which were about – what was it? – health and data and statistics, and I could go on for days, frankly, about the Andrews Labor government's commitment to health, what we have done in the last term and the commitments that have been made. But there is one thing that stands out for me – and there are just so very many. That is of course that there are nearly 700 highly skilled and highly sought-after internationally based healthcare workers who have touched down here in our state and helped boost our frontline health services right across regional and metro Victoria. These doctors, nurses, midwives and allied health professionals are making a huge difference on the ground. I know that because I live in their neighbourhood. I live right near Royal Melbourne Hospital, Royal Children's Hospital and the Parkville precinct – some of the best researchers in the country – and we are very, very lucky to have them here in our country in a very challenging time. So I look forward to continuing to champion them and their efforts in our community.

Michael GALEA (South-Eastern Metropolitan) (10:44): Thank you, Acting President Terpstra, and may I say as well how wonderful it is to see you sitting in the chair there. I am very excited to be speaking on my first motion as a member of this council and thank the Honourable Ms Crozier for bringing it to our attention. It has been quite a busy few months since the last election, and I know we are really raring to go. There are a number of things underway specifically in relation to the health portfolio that this government has already achieved and will continue to achieve in our third term.

I would like to begin by talking directly about our health workforce. Our health workforce day in, day out do an amazing, amazing job. Obviously, as many have said previously, they do an incredible job; they have done an incredible job specifically around the pandemic. However, every day in good times and bad our health workers go in, day in, day out, doing hard work, looking after Victorians when we need them the most, and I do want to join all Victorians in thanking them for that. Obviously, those are the ones that we hear about lots – the nurses, the ambulance paramedics and the doctors. But there are also the lesser recognised health workers – the patient service attendants, allied health professionals, ward clerks and all of them – so I do want to acknowledge them. As Ms Crozier referred to in her opening remarks, yes, the pandemic has absolutely thrown our health system – many health systems around the world in fact – a real curveball, and this government is rising to the challenge of fixing our health system, as we need to.

In terms of staffing, there have been a number of initiatives already that have taken place. Of course, as other speakers have referred to – and I believe you, Acting President Terpstra, referred to – the $270 million nursing and midwifery package will bring 17,000 nurses into our system, and there are also the $3000 retention payments for nurses. I think it is not just important of course that we acknowledge bringing new staff into the system, as many in this debate have already said; it is vital that we actually retain the staff that we do have and that we retain the experience that they have as well, which is frankly invaluable.

There were a number of points raised in relation to this documents motion, and I would like to address a few in brief. I would like to pick up as well on what my colleague Ms Watt just said in relation to ambulance response times. Under the 57th Parliament, the last time those opposite were in government, a number of motions, as Ms Watt said, were completely rejected for the provision of documents. One of those motions was to do with ambulance response times, and that is something that directly goes to the heart of staffing in our health system. Many of us would be aware – certainly many of us in this chamber are very aware – that during those years from 2010 to 2014 ambulance response times were at their worst on record and the worst in the country as well. It was up to the Andrews Labor government in our first term, from 2014 onwards, to address that issue, and that is exactly what we did. Ambulance response times in Victoria went from the worst in the country to the very best in the country, and now that the system has been facing more challenges through the pandemic, we are doing the absolutely essential work of bringing that system back up again. The reason my colleagues in the house can be confident that that will happen is because we have done it before and will do it again.

It is particularly interesting to note I think that whilst they were in government those opposite refused to actually provide any answers on ambulance response times or indeed the staffing situations which led to it. Indeed there were some very disheartening comments made at the time by those responsible, calling paramedics thugs. They called them hardline. They said that they were exploiting the crisis. But there was a crisis that they refuse to ignore.

This is a government on this side of the chamber that is absolutely committed to providing the support our ambulance system needs, and that is evidenced through the fact that over the past eight years of our terms in office we have actually increased dramatically the numbers of Ambulance Victoria's workforce by more than 2000 more paramedics, which is a 56 per cent increase from the time that we came into government.

I would also like to note that there is a lot of investment going on across the state that this government has been delivering and will continue to deliver that is going to directly influence the staffing levels and contribute to better patient outcomes as well as better staff outcomes. It was this Andrews Labor government that brought in nurse-to-patient ratios. There were absolutely none under the previous government. In 2015 we brought in those patient ratios, and in 2019 we strengthened them. Only this side of the chamber will continue to do what is required to support our working staff in hospitals and in other healthcare settings.

There are a number of other commitments that we have made during the last election that will continue to see our hospital system be strengthened and supported. In my region alone there will be the upgrade to the Dandenong Hospital – $295 million – and a bigger and better Monash Medical Centre, with up to $560 million of funding. There is also going to be just outside my region a brand new hospital for West Gippsland. About two years ago my partner suffered a health issue. Thankfully he is okay now, but we went as quick as we could to Warragul hospital, and great hospital though it is – the staff were absolutely fantastic – the condition of the building was perhaps a bit dated, shall we say. Only this government is going to invest by building a brand new hospital in West Gippsland, in Drouin East, and that is going to be wonderful. That is a community that is growing enormously as well, and it is one more example of the way that we are supporting the health outcomes of Victorians right across the state. Of course there are a number of projects already delivered in my region as well, such as the upgrade of Casey Hospital, such as the upgrade of Frankston Hospital and also, just outside my region, stage 1 of the Wonthaggi Hospital, and stage 2 of that will be coming along very shortly under this term of the Andrews Labor government.

There are also a number of initiatives that we are undertaking for retention of our healthcare workers. That includes a $5 million package to expand the nation-leading worker wellbeing centre, expand the nursing and midwifery health programs to provide one-on-one psychological and physiological supports for more nurses and midwives and expand the doctors health program too to make sure that our doctors, our junior doctors and our specialists have the supports they need and that they get them when they need them.

It is also worth mentioning that in the context of health this is an area where we do have some overlap with our federal colleagues as well. That is why we have also announced that we will be supporting our GPs through a $32 million investment to incentivise our doctors, especially our new doctors, to become GPs, offering financial services and incentives for them to do so by enrolling in the GP training program. We have had nine years of underinvestment from the Morrison government and previous Liberal governments in Canberra, and that has put increased pressure on our health system here in Victoria, as it has right across the country. It should not be up to the states to do that, but that is an investment that we have made because those on this side of the chamber believe in putting the health outcomes of patients first and delivering those health systems for all Victorians and getting the best possible outcome. We do hope that with the Albanese Labor government we will be getting some better outcomes for our GPs there as well, which will obviously have flow-on effects through our emergency departments, through our hospitals and through our ambulance services as well. So there are a number of other initiatives there that we will be making, and we will be continuing to look at approaches that we can take to improve the health situation in Victoria and to improve the staffing levels. As I said, we are the only ones on this side of the chamber who have the track record of investing in nurse-to-patient ratios and in the support of those things as well.

We have also done a massive generational boost to paramedics. That is through the investment of $16 million for an additional 40 mobile intensive care paramedics – 40 MICA paramedics. It is also through the $20 million towards paramedic practitioners, which will be transformational as well because that will have a significant effect on reducing the effect of ramping on our hospital system by having more paramedics equipped to deal with issues that will not require transport to hospital. As you can see, there is a vast range of commitments, as other speakers have said as well. I am sure all of us on this side of the house could spend all day talking about all the initiatives that we do have.

There is also an international recruitment campaign which will be targeting up to 700 very highly skilled health workers from across the world. Victoria is already a health destination, already a science destination, for many across our international community. That will continue to be strengthened by the investment in that program with up to $10,000 for healthcare workers coming to work in a metropolitan setting and up to $13,000 for those coming to a regional setting, because it is vital, especially, that we upskill and upgrade our hospitals and our health services in the regions as well.

In conclusion, if I may, this government does have a very strong record on this issue. We will continue to provide the health system that our state needs, and we will continue to provide every support that we can to support our health workers as they do their jobs, which is, as I say, vital to the wellbeing of all Victorians.

Ryan BATCHELOR (Southern Metropolitan) (10:54): I am very pleased to rise and speak on the motion moved by Ms Crozier, which is on the notice paper in her name, seeking under standing order 10.01 the Leader of the Government to bring within 14 calendar days of agreement to the resolution a copy of any and all briefings provided by the Department of Health or any other department, agency or public official to the Minister for Health and/or the Premier from 1 July 2022 concerning staff shortages in the public health system. It is a significant issue, and it is a very wideranging request for the production of documents.

I do want to just reflect a little bit on the contribution that Ms Crozier made in moving the motion and also echo some of the points that my colleagues have already made to the chamber, because they are important. This is a very critical and important issue. The health of our health system relies on the health of the staff who comprise it, because our health system and delivering health care to Victorians are nothing without the people who deliver it, whether they are our nurses or our paramedics, whether they are the orderlies and cleaners who make sure our hospitals are functioning or whether they are the doctors or the surgeons who are performing those sorts of things – you and I could only imagine how difficult and stressful that work is.

We know that the work that is done in our healthcare system by these outstanding health professionals – and I join my colleagues in paying tribute to them – can only be done successfully when supported by a government that believes in the work they do but demonstrates that belief by making sustained and serious investment both in the health infrastructure but also in health services and importantly in healthcare training and workforce development. We know that since coming to government the Andrews Labor government has invested more than $2 billion in the training and development of our health workforce – that is $2 billion more for our nurses, doctors and allied health professionals. That means since 2014 we have seen nearly 4000 more doctors in our health system, a 44 per cent increase; nearly 10,000 more nurses, a 27 per cent increase; and we have more than doubled the Ambulance Victoria workforce, with almost 2000 more paramedics.

But we know that particularly in the course of the last couple of years it has been incredibly difficult to get the scale of training and recruitment through our domestic training pipeline to meet the demands that our healthcare system is seeing, which is also why we have taken the decision to accelerate our international efforts to recruit an additional 2000 international and expatriate healthcare workers. Often these are Australian healthcare workers who have gone overseas, and part of this resource is to try to get them to come home, and we think that is an incredibly important part of making sure that our health workforce is strong.

I want to talk a little bit about the underlying causes and stressors that we are seeing on the workforce particularly in our hospitals but also in other healthcare settings. Of course we have gone through a one-in-100-year pandemic. The impact that pandemic has had on our healthcare workforce is serious and significant. In my previous life in my previous job I did some research on the question of: what were the international trends of the international healthcare workforce? The common themes in that research were things like burnout and exhaustion were real, and what the staff – particularly the nursing staff in our hospitals but right across the board with those allied health professionals and doctors –

were telling us was both that they needed to have the support of increased programs and increased services but also that they really appreciated in the institutions in which they worked having their voices heard and having theirs voices listened to, because when they feel like they are being valued and part of the system, they can work and everyone can work together to try and make sure that those institutions that are delivered to patients are working as seamlessly as possible.

One of the things the pandemic did in providing an enormous burden that needed to be addressed in terms of the need for healthcare services was it also opened up the door to innovation and an ability for our healthcare workforce to adapt and respond quickly to the needs that were being presented to it. So I think, in considering the action we are going to be taking and the requests that are being made of the government to deliver information about the healthcare workforce through this request for documents, we do need to consider some of those issues.

But the other point – I think it was well made by my colleague Mr Galea – was that the shortages that we are experiencing today are because of the actions of the past. You do not just turn up one day and find you have got healthcare shortages. You do it because you have had sustained periods of underinvestment in skills development and training at a national level in this country, and that is what we are seeing the consequences of. We did have nine years of a federal coalition government which systematically underfunded and undermined our public healthcare system, and that has had serious issues on the workforce. But unfortunately we did have a period here in Victoria when under the last coalition government there were cuts made to our TAFE and training system, and when you make cuts to the training system you impact on future workforce capacity, because you are simply not training the people who are then going to turn up and do the jobs that we see. You cannot ignore what has happened in the past, particularly on the skills and training side of the equation and in the way that the former Liberal government here really decimated the TAFE and skills sector. It has taken a lot of effort and a lot of work, particularly by the minister sitting in the chamber today, the Minister for Training and Skills, to rebuild that training system.

I also want to reflect just briefly on this documents motion that we have got before us today, because it is a very broad motion and it is seeking a range of documents. I just want to go back and quote this:

> … any and all briefings provided by the Department of Health or any other department, agency –

and we have got a number of departments and agencies across the public service –

> … to the Minister for Health and/or the Premier …

from the middle of last year. I do not want to just label it as a fishing expedition, but that is what it is. It is a fishing expedition that really is designed to divert the efforts of our tireless public servants away from their critical task and critical work – trying to figure out actually how to solve the healthcare workforce issues in this state, providing policy advice and delivering programs so that we fix the problem that is being identified in the motion here. What we are seeing with this motion for the production of documents is an attempt to divert their efforts and activity away from their central task of doing the policy work and doing the program delivery into going back and going through their files, checking their emails and doing the diligent work of document production, which they will do because they are good public servants. Quite frankly, I would prefer those public servants to be spending their time working on a policy solution to this issue.

If the opposition need help in policy development, particularly on the health workforce, there are probably a number of ways they could go about it rather than just by looking over the shoulder of the government and reading a copy of the work we have already done. There is in fact probably a good way: by getting out and talking to doctors, talking to nurses, talking to professional associations and talking to the TAFE and training system about how we tackle our workforce problems in health care, rather than moving in this chamber wide and expansive motions seeking copies of any and all briefings provided by the health department or any other agency in what is in effect an attempt to copy the homework of the government.

We know our policy development is good in this state, because we have got good public servants and we have got a good set of ministers who, as the last election shows, know what they are doing. What we want to see is the opposition potentially spending a little bit more time on their policy development and less time seeking to divert the attention and efforts of our public service into producing pages and pages and pages of documents.

Jacinta ERMACORA (Western Victoria) (11:04): Acting President Terpstra, I am pleased to see you in that role. I rise today to respond to this documents motion in particular relating to staffing issues in the health system. Like my colleagues, I do not think it is possible to talk about health staffing rates without acknowledging the role of all of our health workers during the height of the pandemic and the level of dedication and commitment of those workers who found themselves in a situation that almost no-one in living memory had ever experienced. Very, very few people alive today remembered the previous pandemic. The health administrators also had to respond by developing brand new systems of response that were urgent and life changing. I want to acknowledge those health workers and say a very big thankyou to those workers for their commitment as well.

This government has a really strong record on supporting health worker staff retention, and that has been particularly exemplified in my own Western Victoria Region and particularly in Warrnambool and south-west Victoria. In Warrnambool, at South West TAFE, it is now possible to study nursing for free. As my colleagues have mentioned, this is not going to be a short-term fix, but it is an action nonetheless. Again, at Deakin University in Warrnambool it is now possible to study nursing for free, and in addition to that there is a public sector sign-on bonus for graduate nurses who come on board in the public sector. These are actions, not investigatory requests. These are actions of a government addressing the challenges that we have faced.

There is also no question that we cannot talk about retention of staff and support of a positive environment for health workers without referring to new health facilities. In Warrnambool this government's $384 million investment in the stage 2 of the Warrnambool Base Hospital is a beautiful example of supporting staff retention and providing an excellent workplace environment along with improved health care. That improved health care will include additional emergency facilities – a larger emergency department, brand new and state-of-the-art – and also new operating theatres in that facility. As part of that project the new laundry and supply department will be constructed offsite. That is a $50 million project on its own that will service the entire region of south-west Victoria in terms of the hospitals. Casterton, Portland and through to Apollo Bay will be serviced by an automated, brand new state-of-the-art laundry and supply department. This is an example of another intervention that this government is doing rather than just sitting back and counting numbers.

Nurse-to-patient ratios are also a significant contribution to retention of health staff, and that has been another improvement experienced by Warrnambool Base Hospital and the south-west region. There is no better place to exemplify the benefit of that than in public-owned aged care facilities during the pandemic, where health outcomes were comparatively stronger. In addition to nurse-to-patient ratios, $44 million for eight new PET scanners, including one in Warrnambool, is another important action that this government has taken. As the Premier pointed out, having access to a PET scanner close to home makes a massive difference to patients and their families. It means answers and, critically, earlier access to life-saving care. This is all part of ongoing future planning for more diagnostic equipment for sick Victorians and recruiting and training more than 24,000 health workers. This will take time, but it is planned and happening as we speak.

In conclusion, this government is actually addressing health worker staffing by taking actions like having nurse-to-patient ratios, free nursing studies and a sign-on bonus and investing in new facilities like the Warrnambool Base Hospital and PET scanners.

Tom McINTOSH (Eastern Victoria) (11:10): I, like my colleagues, am very happy to stand and talk to this today. I hope for all of us in here – in particular I know it is for those on this side with me – health is a fundamental for us; health care must be available to all. I know for me that is a fundamental

belief. For all in our community, if we do not have our health, we have nothing. Much like the other fundamentals – access to jobs, safe housing, education and a sustainable environment and climate – health is absolutely critical to us all.

So I thank Ms Crozier for the motion that has been put forward and acknowledge that over the past two years there has been a huge effort from everybody who has worked in the health area in Victoria, around Australia and indeed around the world. For those I have known personally, whether it be family or friends, I know the stress and the strain that has been put on them and indeed their families as they have worked through what has been an incredibly challenging time. But I think it is very worth noting the work this government has done and has done over a very long time on health, and that is why I talk about a fundamental belief – it being fundamental to our core. My colleague Mr Batchelor talked about the lack of belief or commitment that has occurred over a nine-year period in the federal government, which has led to many of the difficulties, strains and stresses that have been put on health services all around Australia and also here in Victoria. So I agree with the comment that it is on all of us to work together to look for policies that are going to get the best outcomes for everybody who needs the health system and health services.

Whether it is the landmark $270 million nursing and midwifery package that will see 17,000 nurses and midwives recruited and trained or the $3000 retention payments for every worker in our health system, this is a government that works with, not against, our health workforce. That is on top of our $12 billion pandemic repair plan. We will be training or hiring up to 7000 healthcare workers, which is important not only to support the system but obviously to get more people into well-paid work. There will be $59 million to support more than 1125 registered undergraduate students of nursing that will enter the workforce each year over the next two years. There will be $9.8 million to deliver 75 registered undergraduate students of midwifery each year over the next two years; $5.6 million to allow an additional 288 graduate enrolled nurses to hit the ground running in our hospitals with the dedicated support that they need; $4.6 million to help allied health professionals transition into advanced practice roles; $1.5 million to support Aboriginal health students with cadetships, scholarships and training support; and $15.7 million for 400 additional perioperative nurses and to upskill up to 1000 nurses and theatre technicians.

We are also turbocharging our international recruitment efforts to employ an extra 2000 international and expat healthcare workers. As I have already said, this has been an issue not just here in Victoria or Australia but around the world – the demand for well-trained workers – and I believe that we offer the conditions and the pay that people are going to want to come here for. It is the work we are doing, the investment we are making, that will see that happen. Since coming to government we have invested over $2 billion in the training and development of our health workforce; that is more than $2 billion in our nurses, doctors and allied health professionals. Since 2014 we have invested record amounts in our health workforce, which has seen continuing workforce growth in the public system, including nearly 4000 more doctors, a 44 per cent increase, and nearly 10,000 more nurses, a 27 per cent increase, and more than doubled our Ambulance Victoria workforce, with almost 2000 more paramedics – that is a 56 per cent increase. And lucky we did, because what we have had coming at us has required all of that.

Again on the international recruitment campaign, healthcare workers are in extremely high demand right across the world, affecting international recruitment pipelines around the country. Nearly 700 highly skilled and highly sought after internationally based healthcare workers have now touched down and are helping boost our frontline health workers across regional and metro Victoria. These doctors, nurses, midwives and allied health professionals are making a huge difference on the ground.

In the global environment, where healthcare workers are in such high demand, we know there is more to do to support international clinicians to call Victoria home. Our recruitment program provides a more competitive incentive package for applicants, financial supports for health services and a strengthened and targeted central campaign. Clinician payments will cover travel, visa, clinical registration and other relocation costs to enable candidates to successfully transition into their new

workplace – Victoria. Payments will be $10,000 per metropolitan recruit and, I am glad to say, $13,000 per regional recruit to encourage workers to live and work in regional or rural Victoria. The financial support we are offering clinicians is comparable to programs in other jurisdictions and countries, such as Western Australia and Canada.

When it comes to retention, not only are we backing our health workforce by attracting more health workers into our world-class health system, we are focused on retaining our valued staff, because we know how important it is to look after their mental and physical wellbeing as they carry out this invaluable work. That is why we are delivering more supports for our frontline workforce, including almost $5 million to expand the nation-leading worker wellbeing centre, expand the nursing and midwifery health programs to provide one-on-one psychological supports for more nurses and midwives and expand the doctors health program to make sure that our doctors, junior doctors and specialists have the support they need. I think it is imperative that we support those that are supporting all of us.

All of this is on top of the $32 million statewide package to provide practical psychosocial support tailored to the needs of each workforce, including the provision of psychologists and counsellors onsite to provide proactive support to workers, additional workplace rest and recovery spaces and programs to better support families. We have also invested a further $353 million in the winter retention and surge payment. We continue to work extremely closely with our health services unions and workforce representatives to make sure we are doing everything we can to support them in this time.

Then we have our election commitments – more support for our nurses and midwives. We have got a $150 million package to properly value those who care for Victoria. For our paramedic practitioners we have got $20 million to establish the paramedic practitioner role with an agreed model of care that can strengthen our ambulance service. In a massive boost to the next generation of paramedics this government will invest $16 million to add another 40 mobile intensive care ambulance paramedics to our ranks. To support our GPs, we will invest $32 million to incentivise doctors to become GPs, offering financial incentives for doctors who enrol in a GP training program. The package to increase the number of GPs will deliver $30,000 top-up payments for first-year trainee GPs, ensuring they do not take a significant pay cut to become a GP. We will also cover the cost of their exams in their first year, investing $10,000 per trainee. As I said earlier, that is unfortunately something we are having to address, but we are. The program will be available for two years, and we will continue to work with the Albanese Labor government to increase the number of rural generalist GP training places so that even more medical students and junior doctors can join this critically important profession.

On the ground we have got $250 million for the Monash Children's Hospital, $200 million for the Joan Kirner Women's and Children's Hospital, $135 million for the Casey Hospital, $162.7 million for the Northern Hospital stage 2 expansion, $55 million for the St George's aged care facility, $577 million for the Victorian Heart Hospital and $115 million for the Wonthaggi Hospital, which was completed this year.

And when we look to the skyline of Footscray we can see that $1.5 billion is being invested in the hospital there. I think I heard the statistic recently that it has more cranes than any other project in Australia. I know I have not seen so many cranes on one project; it really is incredible, as is the pace that that is going up.

There is $900 million to $1 billion for a new hospital in Melton; $1.1 billion for the Frankston Hospital redevelopment; $541.6 million for the expansion of the Ballarat Base Hospital; and $384.2 million for the Warrnambool Base Hospital. I would also like, before I run out of time, to mention the Wonthaggi Hospital and the West Gippsland Hospital.

Georgie CROZIER (Southern Metropolitan) (11:20): Just in response, at the conclusion of my motion, I urge members to support this. I am hoping the government will provide these briefing documents. It is a simple documents motion, as was highlighted in the other place yesterday in a

question to the minister on the cancellation of surgery for cancer patients at Peter MacCallum hospital. Professor Michael Henderson said there will be implications for patients who cannot receive that vital surgery. These are the issues we need to understand. They were cancelled because of a lack of staff. So this is what I am talking about. This is a simple documents motion, and I hope the government will reply within the required time frame.

Motion agreed to.

Bills

Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022

Second reading

Debate resumed on motion of David Davis:

That the bill be now read a second time.

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (11:22): There is a fair bit to get through in relation to Mr Davis's bill. One of the things that I want to do today in putting a variety of considerations onto the public record is to take us through some well traversed but nonetheless very relevant territory as it relates to the integrity framework in Victoria. It was not in fact that long ago that it was on this side of the Parliament, on the government benches, that then Leader of the Government Gavin Jennings moved and indeed was successful in carrying a series of amendments to the integrity framework.

Those amendments – amendments in a very long list of amendments after the shambolic efforts of the former coalition government to establish an integrity framework – introduced the offence of serious misconduct in public office. They introduced the offence of serious misconduct in public office to the remit of the integrity framework and the jurisdiction here in Victoria not because the opposition supported these amendments but despite their opposition. Mr Davis was amongst those who opposed the introduction of the offence of serious misconduct in public office from the reach and contemplation of the integrity framework in Victoria. He opposed it. The very member of this place who is now moving – from his soapbox, from his high horse, from his ivory tower – a series of amendments which purport to make changes to the integrity framework, because those who are opposite know better, literally has on the record a vote opposing the introduction of the offence of serious misconduct in public office. This is an embarrassment to those opposite.

When I think about the opposition's policy document – bear with me here, because it is in the mists of time but nonetheless relevant – in the lead-up to the 2010 election there was an integrity report and a review that was undertaken. Indeed it found that there were changes required to the integrity system in Victoria. As I recall, the shiny blue document issued by the coalition at that time began with a phrase borrowed – I think to Shakespeare the Bard's detriment – from one of the greatest orators of our time, one of the greatest storytellers of our time. It started with 'Something is rotten in the state of Victoria'. This was a very significant starting point from which the now opposition leapt off the blocks to purport to have the upper hand, the high ground, when it came to integrity. Yet what did they do? They introduced an integrity framework in Victoria which was so woefully inadequate that it required more than two dozen amendments. If there is any reason to doubt the opposition's credibility when it comes to the bona fides of improving an integrity framework in this state, it is there in the very history of the coalition's own actions. Mr Davis is not even listening to this contribution. And if anything speaks volumes to the cavalier attitude taken by those opposite to matters of integrity, it is the fact that when the detail is presented, when his own voting record is presented, he is quite literally nowhere to be seen.

I look at the way in which this bill has been brought to the chamber and the second-reading speech that Mr Davis has incorporated into *Hansard*, and it is laden – it is dripping – with hyperbole.

Hyperbole is true to form for Mr Davis, and indeed for those opposite, because when it comes to analysis of the way in which the integrity framework operates in Victoria, hyperbole is about as good as it gets. The record of those opposite speaks for itself, but Mr Davis feels that it is necessary to come in and add rhetorical flourish in the form of his second-reading speech.

One of the things that Mr Davis has missed is the point of what the integrity framework actually does. In the second-reading speech – I will take those who are following along intently with this particular matter to the text of the second-reading speech – the restoration of the power of the commission to hold public hearings has the effect, to paraphrase Mr Davis:

> … of repealing from the principal act the requirement for an IBAC examination not to be open to the public unless the IBAC considers on reasonable grounds a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing; the conduct that is the subject of an investigation may constitute serious corrupt conduct –

again I take you back, by reference to what I said earlier, to the fact that Mr Davis opposed that inclusion within the integrity framework –

> or systemic corrupt conduct; or serious police personnel misconduct; or systemic police personnel misconduct.

Mr Davis effectively wants to remove a requirement that integrity processes be undertaken subject to the caveat of reasonable grounds. This is what we are dealing with here. And if anything betrays the true motivation for Mr Davis's effort in moving this particular bill, it is the fact that he wants to reach into the integrity and oversight process and remove the requirement for an integrity body to be required to consider various matters on reasonable grounds. This is an astonishing claim by the opposition of infusing the integrity framework with a greater degree of rigour. Removing reasonable grounds from the consideration of an integrity and oversight body is a staggering departure from the way in which judicial and quasi-judicial functions and systems have operated – to paraphrase someone from some time ago – for hundreds of years. Mr Davis has form when it comes to failing to understand the way in which integrity frameworks and systems operate here in Victoria or indeed around the country, but quite frankly he does not care, because the substance and accuracy of the way in which the system currently operates is not relevant to the purposes of bills like this one.

Victoria has worked assiduously, notwithstanding opposition, notwithstanding nay votes from those opposite, to enforce and tighten the system of regulation and of integrity oversight in this state for the last eight years. We have been here on many occasions talking about the funding, talking about the assistance and talking about the scope for independent integrity agencies to undertake their work. We have been here on numerous occasions talking about the way in which the system operates, not only to provide a measure of transparency and accountability as it relates to individual matters but also to undertake education around the importance of integrity, on the importance of opportunities for whistleblowers to speak out and on the importance of opportunities for public education to be undertaken such that people know and indeed have confidence in public decision-making. Whether it is a departmental matter or indeed undertaken in the course of government decisions, that provides a measure of confidence that is necessary and appropriate in the circumstances of public administration.

Mr Davis loves to talk about integrity, and I am not going to stand here today and cast aspersions on perhaps the matters that Mr Davis would not want discussed in this chamber around integrity; those matters are on the public record. Indeed in this place, as Dr Bach would well know, I have made numerous comments about matters that may be somewhat uncomfortable for Mr Davis to countenance, and therefore I am surprised, as indeed everyone else would be surprised, that one of the first matters pursued by Mr Davis in this Parliament is to revive a matter which for him would cast aspersions, for example, on the way in which he conducts himself or indeed his affairs in the course of public office.

When I think, for example, about the way in which those opposite when in government have sought to run as fast as they can from transparency and accountability, I see that it is only obvious that once

in opposition they will do everything that they can to deflect from the reality of the situation of their own shambolic affairs when they sit on these government benches and indeed when they are going about their own matters. When I think about the ways in which conduct is exercised, or indeed not, by those opposite, there is a long list – a very long list – a list that is longer and would take longer than the 19 minutes that I have available to me to go through. If I could table various reports that are on the public record, I would, but I do not have them available to me right now. They have been canvassed exhaustively, and I do not want to cause Mr Davis any further embarrassment. I think he probably achieves that objective all on his own.

What I want to do in talking to these particular matters that Mr Davis has canvassed in this extraordinary monologue that purports to be a second-reading speech is to talk about the way in which public investigative hearings function. As integrity and oversight committee heads and indeed agency heads have noted – from the Victorian Inspectorate through to the Independent Broad-based Anti-corruption Commissioner, through to the Victorian Ombudsman and through to the Office of the Victorian Information Commissioner – the matters relating to privacy and indeed to dignity and indeed to the reputation of witnesses and of parties to investigations and inquiries are well canvassed. I would encourage Mr Davis and indeed anyone else who wishes to know about the framework by which tests operate to determine the application of principles of reasonable grounds and damages to personal reputation, safety or wellbeing to go over the many reports that have been issued in the course of the last two parliaments and that have been the subject of commentary from those integrity agency heads to edify and to in fact shed light on the fact that reasonable grounds are a necessary part of the way in which an appropriate balance is struck.

One of the things that public investigative hearings do not guarantee is procedural fairness, and procedural fairness, as we well know, is something which applies to these integrity agencies. It does not, for example, apply to parliamentary committees, but it does apply to the way in which integrity agencies conduct their investigations and inquiries. It is important that public hearings are considered very carefully and indeed that the measure of confidence and indeed utility of a decision to undertake a public hearing is the subject of a test, for example, of reasonable grounds. Public hearings do not in and of themselves guarantee a finding of corruption or of misconduct on the allegations that the investigation is reaching into. Public hearings do not guarantee confidence in the process, and nor in my view do they encourage or achieve protection or promotion of integrity in our institutions. These objectives, to my mind, are met through a range of other functions, responsibilities and powers enjoyed by and deployed by integrity agencies in this state.

These legislated safeguards and protections that I have spoken about enable us to strike a very careful balance. The importance of equilibrium in these processes should never, ever go without saying. We know, for example, that sensitive information that is disclosed in a way that cannot in fact be the subject of refutation in the moment or after the fact can nonetheless create an enormous level of damage or an enormous level of innuendo, of unproven allegation, irrespective of whether that integrity agency makes findings on that particular matter, on that particular evidence. It is in fact the casting of material into the public domain which fails to actually achieve the objective that Mr Davis's bill purports to achieve whilst also causing significant damage at the same time.

Again, integrity agency heads have been on the record repeatedly about the fact that a decision to conduct and to hold public hearings is never taken lightly – and nor should it be. The point here is: nor should it be. I hold integrity agencies to the standards that they purport to operate because to do anything else would be improper and inappropriate. I, along with what I hope would be everybody else, apply the standards of absolute independence of integrity agencies in the discharge of their functions and their powers. To reach into the work of integrity agencies in the conduct of their inquiries and their investigations is in fact to undermine and to destroy in reality or by perception the nature of independence which integrity agencies enjoy and indeed deserve to have and be able to deploy in the course of their functions.

When we talk about this particular bill, we need to ensure that everybody understands that the purpose of the IBAC is to investigate, amongst other things, allegations of corruption and misconduct and to undertake investigations that support the promotion of integrity and public confidence in this state. The only way to do this, as I have indicated, is to strike that careful balance between the potential infringements of rights and of standing of individuals who may be investigated and any other individuals who may be involved. The welfare of witnesses and participants is also of crucial importance.

I have spoken in this chamber on numerous occasions about the importance of independence of our integrity agencies. I have also spoken about the importance of systems of analysis and of inquiry by this Parliament, including through the Integrity and Oversight Committee, which do not reach into the role and the functions of integrity agencies in the discharge of their functions. To do that, whether on some purported platform of merit or transparency or in fact for political pointscoring and retail campaigning opportunities, undermines the very system that we on these government benches have worked so hard for, despite opposition to the introduction, for example, of the offence of serious misconduct in public office from those opposite.

We see here a bill which is intended to create yet another conversation about matters which integrity agencies have investigated, have made findings in relation to, have acquitted and indeed in the case of at least one matter determined should not be a platform by which the politicisation of referrals to integrity agencies continues. I am paraphrasing one particular head of an integrity agency here, who could not have been clearer. The theme that ran through commentary in the latter part of last year to various matters referred to integrity agencies was that they should be referred for proper purposes, that they should not be referred simply as an effort to grab another headline or another front page, that integrity bodies need to be able to do their work – of which they have much – without interference, without straw men, without decoys and without dead cats.

Those opposite do not seem to have cottoned on to the fact that when they purport to reach into the functions of integrity agencies they create a very, very nasty precedent indeed, a precedent which undermines public trust and confidence, a precedent which takes us away from the individual and specific objectives of the more than two dozen amendments moved and passed by the last two governments under Premier Daniel Andrews. It creates a nasty precedent, which obviously Mr Davis and those opposite have seen is a worthwhile bet, because they can proceed with a second-reading speech/random monologue that makes all sorts of claims that are a tired routine from those opposite. What I suspect may well happen from today is that Mr Davis may well hit social media and both of his followers may well receive a tweet or two that casts aspersions on this government's commitment to integrity, which purports to say that we are shirking accountability and responsibility, and he will ignore the fact that we have worked assiduously to create and indeed to sustain and indeed to fund and indeed to resource integrity bodies around this state to establish and to maintain a system of accountability. Mr Davis has left the chamber now.

Members interjecting.

Harriet SHING: I would suggest that Mr Davis's commentary as he exited the chamber may well be unparliamentary, but I am not going to seek to interrogate that at this stage with the time that I have left. We need to make sure, as I said earlier, that that balance is struck and struck carefully. We need to understand the impact of processes and proceedings on the lives, the welfare, the wellbeing and the reputation of those who participate in them.

The very fact that this bill is called 'restoration of examination powers' creates a pretty significant link here to the improper purpose for which this bill is being brought. This is a political bill. This is a bill which in fact ignores the matter of the Baillieu government establishing IBAC in 2011 – an IBAC which was so impotent as to require at least two dozen sets of amendments. It is a title which invites cheap social media along the lines of what I have just described, which invites people to gloss over the efficacy or otherwise of the safeguards that the Liberals say are unnecessary, indeed saying that

these protections should be walked back. These protections are important, and there are countless people, not just in the community, not just in our judiciary, in our executive and indeed in our parliaments but more broadly, who understand the importance of that equilibrium and of that balance. I would go so far as to say, to my point earlier, the heads of integrity agencies are on the record about the fact that this balance exists appropriately, is executed carefully and is discharged with a very keen understanding of the human impact that inquiries and investigations have upon the people who are either subject to that inquiry or indeed assisting with it. The name of this bill suggests that the bill in fact is going to restore IBAC's examination powers. That is not the case – again, more poetic licence, more rhetorical flourish from Mr Davis. If nothing else, he is consistent. IBAC's powers to investigate, which are coercive and inquisitorial, remain intact.

I would encourage anybody who is listening to this debate to begin from the starting point of what is already embedded in the integrity system in Victoria, what is already there – the systems and frameworks, objectives and parameters that inform the integrity system and are deployed by the heads of integrity agencies and their officers in meeting the objectives prescribed in various legislation, prescribed in those more than two dozen sets of amendments moved and passed, notwithstanding opposition, by this government over the last eight years. What is being attacked in this particular bill are those safeguards, which are so important in considering the impacts of public investigation on individuals involved against the public interest in a public hearing. There is nothing to stop an integrity agency from issuing a report once various components of procedural fairness have been satisfied and have been met and appropriate opportunities have been given for people involved in those matters to provide responses prior to the issuing of such reports, to run a commentary, to reach certain conclusions and to make findings and indeed recommendations. We have seen integrity agencies do this numerous times. There are many, many reports on the public record which have outlined the basis for various inquiries, have outlined the evidence presented to those integrity agencies or indeed have revealed as part of an inquisitorial process the findings reached in relation to that material and recommendations that are put to government, including to agencies, about the way in which matters germane to integrity and germane to proper, appropriate and considered decision-making can and should be achieved.

The Integrity and Oversight Committee focused on witness welfare in a report tabled in the Parliament last year. There is really good reason as to why the Integrity and Oversight Committee sought to inquire into witness welfare, and I note for those who are new in this Parliament and those who are new to the subject matter of integrity that I was the chair of the Integrity and Oversight Committee for much of that particular process. The inquiry was undertaken by the Integrity and Oversight Committee – an independent committee of the Parliament, a committee not bound by procedural fairness and a committee in fact which was not empowered to investigate the substance of individual inquiries, which was not empowered to reach into the matters being contemplated as part of individual inquiries and which was only equipped and should only ever have been equipped to deal with systems within those integrity agencies as they relate to general matters.

David Davis interjected.

The PRESIDENT: Order! Mr Davis!

Harriet SHING: Because for the Integrity and Oversight Committee to reach into the carriage or substance of individual inquiries would be to run roughshod over the very independence that those opposite are now seeking to say is sacrosanct. It was incumbent upon the Integrity and Oversight Committee not to reach into individual matters.

David Davis interjected.

Harriet SHING: Mr Davis knows this better than anybody else, and yet now we see, as the first effort of this Parliament, Mr Davis bowling up yet another matter that ignores the reality of oversight by the Parliament, which is not substantive in nature and which can only go to various matters of

systems, of administration and of the carriage of general issues around the integrity framework, and instead he just makes up yet another fable that he can run on social media.

What a disgrace. What an indictment of the scant regard that those opposite have in real terms for integrity. I would encourage Mr Davis and indeed anybody else to read section 7 of the Parliamentary Committees Act – read it very carefully, Mr Davis. I have made public comment on section 7 on numerous occasions, and it cannot be that an integrity and oversight committee or indeed any other committee can reach into individual matters or permit or facilitate a circumstance whereby individual matters are the subject of analysis, findings, conclusions or recommendations by an integrity agency or its investigations themselves. We cannot support this bill.

David Davis interjected.

The PRESIDENT: Thank you, Mr Davis. You will get a chance to respond to the second-reading debate at the end of it.

Sonja TERPSTRA (North-Eastern Metropolitan) (11:53): I also rise to make a contribution in opposition to this bill as proposed by Mr Davis, the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022. While I was sitting in the chamber listening to Ms Shing's excellent contribution – a complete dismantling of the fiction that is behind the reasoning for this bill proposed by Mr Davis – I also had the benefit of being able to quickly read through the comments and the second-reading speech that Mr Davis made on 20 December last year. It is extremely concerning to note – and I will use the word again – the level of fiction that is really weaved throughout the comments. We just had an election the outcome of which saw the return of the Andrews Labor government, and unfortunately this really is about Mr Davis not liking the outcome of that and wanting to relitigate things that the good people of Victoria had an opportunity to make a decision on just recently, in November.

So again here we are in the first week in Parliament having to revisit these sorts of fictions. It is really an abuse of process to continue to relitigate things or litigate things continually which really are, as Ms Shing put it, a politicisation and a political attack on this government. It is nothing more and nothing less. It is incredibly obvious and transparent that Mr Davis hopes that if he keeps saying things that really are untrue, somehow they might miraculously become true and there will be some sort of magicking about alternative facts all of a sudden maybe becoming a reality. The facts of the matter are that that just does not happen.

It is really concerning to me because our integrity agencies are incredibly important. We need to have our integrity agencies able to have oversight and appropriate mechanisms to review decisions of government. Again, this bill really does smack of someone who just does not like the outcome and so keeps relitigating things. Honestly, it is embarrassing. The commentary and the second-reading speech and the lengths that Mr Davis goes to to try and create alternative facts – it is like if you say something often enough then it becomes true – are just not reality. It is just ridiculous.

As I said, the government supports Victoria's integrity agencies and we recognise the importance of IBAC being able to use its public examination powers when necessary to undertake its functions to promote integrity and expose serious and systemic corruption and misconduct. IBAC has done some amazing work in this space. There has been a range of integrity inquiries not only into government but into a range of government agencies, and I commend them for their fantastic work. But again, this is really about creating some kind of fictional bogeyman, that 'government bad' – everything we do, 'Government bad, government bad' – and we need to have some kind of inquiry into it. Some of these matters that were touched on in second-reading speech – I am not going to mention the name of it because I really do not want to ventilate it again and draw any attention to the ridiculousness of some of the stuff that is in here – were some of the most well-ventilated and inquired into matters in the lead-up to the last election, with multiple agencies inquiring into some of these things and turning up nothing. I am not sure what purpose trying to bring this bill before the house would achieve. As I said,

it would not somehow magically alter facts that have been well ventilated and well examined by a number of agencies.

It is an abuse of process and a waste of this chamber's time, and I also point out to the opposition that not only is it a waste of this chamber's time but it is a waste of taxpayers funding and money to put something forward just simply as a political stunt. It is a stunt to continue to try and ventilate these issues when really, as I have said before, they have been the most looked over, picked over, by many agencies and there is nothing to see here. Mr Davis wants to talk about integrity but, honestly, Ms Shing went to multiple examples of those opposite and their poor record in this particular area. It is something that is a waste of this chamber's time. This government has a strong record of making sure that the integrity agencies are funded appropriately to do the work, the very important work, that they need to be doing.

Let us be clear about this. Public investigative hearings do not guarantee procedural fairness, and Ms Shing talked about this in her contribution. Public hearings do not guarantee a finding of corruption or misconduct based on allegations that the investigation is subject to. Most importantly, public hearings do not guarantee public confidence in the process nor the protection and promotion of integrity in our institutions. But not only that, there is no denying that the public investigative hearings can have a significant impact on the individual's rights, with serious costs for the privacy, reputation and welfare of the individuals involved. That is why, and Ms Shing also touched on this, there needs to be a balancing of considerations when integrity agencies are conducting public hearings, because there was a terrible situation that we are all aware of, which was very public last year, where somebody took their life. That is something that is a very extraordinary and serious consequence. These integrity agencies are well placed and, as appropriate, will balance a number of considerations in determining whether hearings should be public or not.

We seem to have a situation where Mr Davis wants to politicise everything that our integrity agencies ever do or do not do simply because of the fact that he does not like the outcome of the work of some of the inquiries that were undertaken, and of course I note that he takes extreme exception to the work of Integrity and Oversight Committee and the report on witness welfare, which Ms Shing presided over and that committee inquired into. You cannot just say, 'I don't like the outcome, so I'm going to continue to try and relitigate and change the facts and create new facts', that somehow that is going to magic away the outcome, that we might get a different outcome. I know the good people of Victoria will not listen to that. They see it for what it is, and I look forward to continuing my contribution after question time.

Business interrupted pursuant to sessional orders.

Questions without notice and ministers statements

Timber industry

Samantha RATNAM (Northern Metropolitan) (12:00): (17) My question is to the Minister for Agriculture. Yesterday I joined a protest on the steps of Parliament calling for the end of native forest logging. I heard how desperate VicForests is becoming as it logs ever more sensitive ecosystems. This comes after reports that Nippon Paper may close down part of its Maryvale operations due to a lack of wood supply. Minister, the writing is on the wall for native forest logging in Victoria. There are simply no more areas to log that are not in sensitive biodiverse areas. So I ask: will the government bring forward its transition package for the industry and workers and end native forest logging for good this year?

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:01): I thank the member for the question. As a matter of context I will say the following, and that is that the framing of this whole issue has three parts. Essentially, the Liberal coalition opposition's position in terms of the timber industry is I think a position that is, one, inconsistent, because they have got their heads in the sand. They –

David Davis: On a point of order, President, question time is not an opportunity for the minister to have a go at the opposition in response to a question from Ms Ratnam. The truth of the matter is she should just answer the question.

The PRESIDENT: Mr Davis, when you have a point of order I will call you and then you will give the point of order. But I am actually going to uphold your point of order. Question time is not on opportunity just to attack people in the chamber, so I will bring the minister back to the question.

Gayle TIERNEY: Thank you, President. I was characterising the opposition's position in terms of the timber industry before then going on to characterise the Greens' position and then coming back to what the government's position is. In terms of the Liberal Party and the National Party, they just do not want to understand or consider what the important issues are within the industry. I characterised it as 'head in the sand' but also inconsistent, because –

Matthew Bach: On a point of order, President, you ruled earlier, and the minister has now repeated exactly the same expression that you based your ruling upon. She is openly flouting your ruling, and she should be made to desist and to actually answer the question.

The PRESIDENT: I think she was putting a different context, so I would not believe she was flouting my ruling. I will just call her back to the question.

Gayle TIERNEY: Thank you, President. Then of course the Greens position, to be quite frank, is one where they want the timber industry to cease immediately.

Of course the government's position is in opposition to those opposite and is in opposition to the Greens position. Our position is that we understand that the current situation is very complex. We absolutely understand that. We understand that there are significant challenges throughout the timber industry. But we knew that several years ago, and that is why we developed the *Victorian Forestry Plan*. Of course that is a staged transition. We do understand that this is an industry in transition. Our approach is to have a managed approach to that transition.

But not only that, what we are doing at the moment is providing some stabilising mechanisms to ensure that workers can get paid that are currently stood down at Opal. Indeed the forestry plan also has associated grants funding that provides support to communities, townships – timber communities – as well as industries and companies attached to the timber industry. Of course we have also provided and will continue to provide support mechanisms as people are leaving but also whilst they are still employed to provide them with information and also other health services that are available. So our position is to have a much more – *(Time expired)*

Samantha RATNAM (Northern Metropolitan) (12:05): Thank you, Minister, for your response. Right now VicForests are so desperate they are logging in the Wombat State Forest, which the government have promised to turn into a national park, and have even proposed logging in the Dandenongs national park and in the High Country next to our most famous bushwalking trail. Does the government believe it is appropriate for VicForests to be logging in national parks or areas about to become national parks?

Gayle Tierney: I would love to answer that question, but I do not believe it is for me.

The PRESIDENT: Have you put that as a point of order? You do not believe it is for you. Who do you think it should be directed to: Minister Stitt? Dr Ratnam, I will give you a chance to rephrase. It sounds like it is not –

Members interjecting.

The PRESIDENT: Yes. So if you want to you can rephrase your supplementary in response to the minister's response to your previous question.

Samantha RATNAM: For the sake of clarity, what I am trying to articulate is the behaviour of VicForests, who are getting so desperate, in the context that the transition is taking too long. There are not going to be forests left to log at this rate if we do not bring forward the end of native forest logging.

Gayle TIERNEY (Western Victoria – Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (12:07): I am also trying to answer this, but I think that was more of a statement than a question, Dr Ratnam.

Magistrates Court of Victoria

Georgie CROZIER (Southern Metropolitan) (12:07): (18) My question is to the Attorney-General. Attorney, the Productivity Commission's *Report on Government Services* confirms that Victoria's Magistrates Court has the worst criminal case backlog in the country. More than 25,200 criminal matters are waiting more than 12 months to be heard in Victoria, compared to fewer than 6300 in New South Wales. Attorney, given these massive backlogs and the distress that these delays cause to victims as well as the accused, why has the Labor government funded only one additional magistrate this financial year?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:08): I thank Ms Crozier for her question and the opportunity to talk about the Magistrates Court and the fantastic job they are doing to get on top of court backlogs, particularly as we are coming out of the pandemic. Thank you for referencing the ROGS data, Ms Crozier. I think for context, if you refer to that report in greater detail, you will acknowledge that it identifies that there are 145 full-time magistrates in Victoria and it says that that is the highest of all jurisdictions based on population and the use of our therapeutic programs.

In relation to court backlogs, it has been a real challenge, but I have been really impressed in my work with the courts. They are continuing to bring to me ideas, innovations and ways to deal with matters pre court so they do not actually end up in courtrooms, for example.

In relation to some of the stats, I can say that despite the challenges of the pandemic the Magistrates Court has managed to drive down its pending case load to 94,445 matters at the end of December, representing a 35 per cent reduction from its peak of matters in December 2020, which coincided with the restrictions due to health measures protecting Victorians from the pandemic.

Of course there is more work to be done, but these rates are clearly demonstrating that we are trending in the right direction. I would really like to thank the Chief Magistrate for her ongoing efforts and those of the courts as they continue to recover. We have appointed many new magistrates to the court, and they bring great enthusiasm and experience and have really hit the ground running at the start of this year, which is demonstrating that more and more cases are starting to get through our courts. They had a really good year last year, despite some of these challenges.

We have a range of therapeutic programs and specialised courts in our magistrate system to make sure that we are dealing with underlying causes of crime to really make sure that we are addressing recidivism, because one of the leading drivers of our courts is when people continually get in a spiral and come back to court again and again. Some of the highlights I would like to bring to the chamber's attention are the opening of the two new Drug Courts in Shepparton and Ballarat, the launching of the new Koori Court sites in Wodonga and Wangaratta and the launching of the new federal jurisdiction for Koori Courts, with 369 matters already initiated and many completed, so there are significant achievements.

There are a lot of programs. I think the online Magistrates Court is something that I have spoken about in this chamber before, but for the benefit of new members it is an opportunity for magistrates to be able to be flexible and hear matters online. There are a lot of appropriate matters that people do not actually have to come into court for. Quite often that is where you do not get through matters, because something comes up or there is an adjournment and you have got to come back another day. All of

that contributes to backlogs and pressure on our courts. The online Magistrates Court gives the ability for a magistrate to sit in front of a computer and deal with a matter regardless of which part of the state it is in, so it is really helping to get through those all-important cases, and they are really making inroads in the criminal list, which is also – *(Time expired)*

Georgie CROZIER (Southern Metropolitan) (12:11): Attorney, thank you for that response. You did reference the backlogs, and my supplementary question is: given that Victoria has the worst court backlogs in Australia, how many months or years will it take for Victoria's Magistrates Court criminal case backlog to be reduced to no worse than the national average?

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:11): I thank Ms Crozier for her follow-up question. This is a question that I get regularly, and I cannot put a date on when we will return to prepandemic levels or indeed some of the references that you want to make with national averages, because you cannot compare us with different jurisdictions that actually have different data and different ways that they register different matters. It does not necessarily always correlate. Complex matters take longer. Simple matters take –

Members interjecting.

Jaclyn SYMES: I cannot predict which matters are going to be hitting the courts in the next while. It is a moving set of circumstances based on the matters that come before the court. There is not that one matter equals this amount of minutes, so you cannot forecast exactly how long it is going to take to get through individual matters. You can have a rough idea, and at the start of – *(Time expired)*

Ministers statements: justice system

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:13): This is just an opportunity to talk about the Attorney-General portfolio at what is the beginning of another four-year term and a great opportunity to think about my priorities and reflect on the two years in the role to date. I am of course very proud of the reforms that we have implemented over the past two years, but we are certainly not wasting a moment to make further progress towards a fairer, fit-for-purpose and more accessible justice system.

The government is delivering a fairer approach to offending behaviour across our law and justice system, particularly with young people. It is great to have the new Minister for Youth Justice joining us in the chamber, and a lot of collaboration between his office and mine is underway and will continue. We of course do want to prevent young people from entering the justice system in the first place. We know it is not rocket science. There are plenty of programs and diversion programs that are already working, but we know that there is more to do, and of course we will have further discussions around raising the age of criminal responsibility, which I know is of interest to many people in this chamber.

I have already foreshadowed changes to bail laws. That work is continuing as a matter of urgency, and I certainly take the opportunity to thank those in the community who have talked to me about their experiences and views on this critical reform. Work is being done to review the classification of certain low-level, non-violent offences that result in highly vulnerable and disadvantaged Victorians getting caught up in our prison system.

Last year we took the approach of having a more victim-centred focus by enshrining affirmative consent as law in Victoria, but that work has not stopped. We have not been shy in setting a standard of consent that meets community expectations. We want to continue to build on the strategy and look into further improvements that make the justice system less harmful, more victim focused and fit for purpose for those who experience sexual and/or family violence. We know that delivering lasting change is about cultural change as well, and many of us are committed to that endeavour. I look forward to sharing lots of the achievements – *(Time expired)*

Duck hunting

Georgie PURCELL (Northern Victoria) (12:15): (19) My question is for the minister representing the Minister for Outdoor Recreation, and of course I will be taking the first opportunity to ask a question about recreational duck shooting. The public campaign to end duck shooting has been running for almost 40 years in Victoria. Polling has consistently shown an estimated 85 per cent of Victorians support a ban on duck shooting, with the strongest support in regional areas. Six out of eight game species of native waterbird show long-term population decline, and researchers now believe eastern Australia has had a population collapse of 90 per cent over the past four decades. It is clear that there is no other option but to cancel this year's duck-shooting season. When will the government make an announcement on whether the season will proceed?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:16): I thank the member for the question now that she has the opportunity to speak and to ask questions following her inaugural speech yesterday. This is a matter which Mr Bourman has also asked about, and this reflects the very passionately held views about this subject that exist not just here in this chamber but across the Parliament and within the community more broadly. I am very happy to refer this matter to Minister Kilkenny in the other place and to seek an answer in accordance with the standing orders.

Georgie PURCELL (Northern Victoria) (12:16): Last week the Premier acknowledged that duck shooters break the rules and said that the government was awaiting a report to inform the decision on the future of Victoria's waterbirds. The Game Management Authority has a long history of failing to prosecute, and in 2017 an independent review by Pegasus Economics confirmed complaints were being frequently dismissed. Will the government consider all of the evidence, including reports that were not followed up by the GMA, in reaching its decision on the 2023 duck-shooting season?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:17): Thank you, Ms Purcell, for that supplementary question. In accordance with the standing orders, again I will seek that a response be provided by Minister Kilkenny to you through me.

Maribyrnong River flood review

David DAVIS (Southern Metropolitan) (12:17): (20) My question is to the Minister for Water. Minister, yesterday Mr Nick Wimbush stood down as chair of the Maribyrnong River flood review, and I ask: on what date were you first aware that Mr Wimbush was appointed to this role?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:18): Thank you, Mr Davis, for that question, because it does provide me with an opportunity not just to talk about Melbourne Water's review of the floods as they occurred last year but also to talk about the floods themselves, and that is I think a subject which everybody here should be very interested in hearing more about.

Members interjecting.

The PRESIDENT: Order! The minister has been speaking for about 20 seconds, and she should be heard in silence.

Harriet SHING: When Melbourne Water announced that it was undertaking a review, the terms of reference were discussed broadly around the way in which the flood event occurred and the extent to which various decisions contributed to its effects. The terms of reference of that review are available on the Melbourne Water website. There have been a number of in-person and online information sessions that have been conducted, and I would make the point here in this place – and I would hope that everyone around this chamber would echo these points in their communities – that there is an opportunity for people who have been affected by these floods to share their experiences and their perspectives by way of a submission to this review, I think between now and the middle of March.

Again, this is something which I think is an important opportunity for people to share with communities around the terms of reference and the way in which they will be considered. I am very happy, Mr Davis, to find out the date upon which I was advised that Mr Wimbush was heading the inquiry and to provide that to you.

David DAVIS (Southern Metropolitan) (12:19): Minister, on 15 December 2022 Melbourne Water announced Mr Wimbush as chair of this review. Were you aware of this appointment prior to it being publicly announced?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:20): Thank you, Mr Davis, for that supplementary question. As you quite rightly point out, there was an appointment on 15 December, and as I have indicated in my substantive answer, I am very happy to find out the information that you have asked about and to come back to you. It is quite literally a –

Members interjecting.

Harriet SHING: I am very happy to provide that information to you, Mr Davis, which I would hope provides you with the detail that you are after.

Ministers statements: LGBTIQ+ equality

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:20): It is Pride Month, and as the Minister for Equality it is an important opportunity for me to talk about the work that has been undertaken by Victorian communities to come together to recognise LGBTIQ+ communities. These communities comprise our friends, our family members, our workmates – those who we love and who love us in return – and Sunday was an extraordinary opportunity for people to come together at the Pride March to demonstrate solidarity with and support for LGBTIQ+ people. The young and the old gathered in St Kilda for a beautiful expression of colour, of celebration, of storytelling and indeed of a determination to continue the mood for change, which has gathered pace in Victoria in particular over the last eight years.

This is work that we are determined to continue. This is work which is informed by more than $22 million in an election commitment, which will deliver grants funding, organisational and event funding, opportunities for LGBTIQ+ leadership program participation and pride in ageing – again an opportunity for older LGBTIQ+ people in Victoria to retain the dignity, the autonomy and the identities that are too often hidden or indeed suppressed in older age. We need to make sure that visibility is not just a thing to celebrate in and of itself but a touchstone to connection, to participation and to funding for better services and programs. What better way to do that than with a record turnout not just from these benches here in the upper house but from the government benches in the other place. I look forward to seeing that the voting record of those who turned up from other benches will be matched by their determination to march at Pride.

Maribyrnong River flood review

David DAVIS (Southern Metropolitan) (12:23): (21) My question is again to the Minister for Water. Minister, did you or any member of your office have any communication yesterday with Melbourne Water in relation to the appointment of Mr Nick Wimbush to the role as chair of the Maribyrnong River flood review?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:23): Thank you, Mr Davis, for that question. Not that I am aware of; I certainly did not.

Members interjecting.

Harriet SHING: I said, 'Not that I am aware of; I certainly did not.'

Members interjecting.

The PRESIDENT: Order! I think the answer was no.

David DAVIS (Southern Metropolitan) (12:23): President, it was not quite no; it was 'Not that I am aware of', and that leaves open the question that staff were involved. Minister, at any stage this week –

Harriet Shing: On a point of order, President, Mr Davis has a habit of a preamble to his substantive and supplementary questions which invites debate. He should in fact be confined to asking the questions that he wants to ask rather than in fact going down these rabbit holes that are pretty familiar terrain for you, and that includes verballing me.

Georgie Crozier: Further to the point of order, President, the question was fairly specific. It was, 'Minister, did you or any member of your office?' That was the –

Members interjecting.

Georgie Crozier: She said, 'Not that I am aware of – not me.'

The PRESIDENT: Thank you, Ms Crozier. It is not a debate, because there is no point of order. On Ms Shing's point of order, Mr Davis, during question time you called a point of order on a minister making commentary towards the opposition. Your point of order was that question time is not an opportunity to make derogatory commentary towards either side of the chamber. Then just before, in your question, you made derogatory commentary towards this minister. There is no one-way street. I would further advise that as part of a preamble to a question the minister can use that in their response and be relevant to the question within the preamble as well. I call the minister to respond to Mr Davis –

Members interjecting.

The PRESIDENT: Okay. I am up to speed on that one now. Mr Davis, can you ask your supplementary question.

David DAVIS: My question is to the minister again and is supplementary. At any stage this week did you or a member of your office discuss with Melbourne Water how they should respond to media inquiries about Mr Wimbush's appointment?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:26): Not that I am aware of. I certainly did not.

David DAVIS (Southern Metropolitan) (12:26): I move:

> That we take the minister's answer into account on the next day of meeting.

Motion agreed to.

Melina Bath: On a point of order, President, noting your ruling and your writing to us about behaviour in the chamber, I just heard Minister Shing say 'gutless', and I do not feel that that is parliamentary.

The PRESIDENT: I am not too sure if it was directed towards an individual or directed towards a collective, but if it was felt that it was directed towards a particular individual, they can call a point of order for it to be withdrawn.

Harriet Shing: Allow me perhaps to indicate that this was a decision significantly lacking in intestinal fortitude.

Members interjecting.

The PRESIDENT: I do not think that helped. I think the best thing to do is move on and allow Mr Ettershank to ask his first question of the term.

Maribyrnong River flood review

David ETTERSHANK (Western Metropolitan) (12:27): (22) My question is to the Minister for Water. I attended last week one of the public consultations on the Maribyrnong flood event that you referred to. I enjoyed the session, and looking at the terms of reference for the review, it raises some interesting issues. But as one of my neighbours said at the meeting, pointing to the section of the terms of reference that is marked 'out of scope', 'Mate, what's happening with the interesting bits?' Now, those interesting bits include appropriate policy responses to the event, future potential mitigation measures, the overall emergency response adequacy, the flood recovery process and consequential planning issues that arise. Minister, how does the government propose to discuss with the public and those affected by the flood those out-of-scope issues?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:28): Thank you, Mr Ettershank, for your question and for rising to your feet to ask the first question following your inaugural speech yesterday. This is a matter which, again to put on the record, has been an enormous source of distress and of loss for people not just within the Maribyrnong community but all across the state. And this is where again it is important to recognise that when we come to this place and when we talk about the way in which improvements can be made we understand and recognise that there have been and there continue to be significant numbers of people who have been displaced; businesses that have been disrupted; and primary producers, farmers and indeed people right across rural and regional Victoria who are continuing to feel the impact of the flooding events which are one-in-50-year events and one-in-100-year events and which have caused untold damage.

One of the things that I do want to note, germane to your question, is the scope of the terms of reference. They are in fact broader than a range of reports would perhaps have people understand, and this is where the information sessions are a good opportunity – as you have indicated, you have attended one already – for people to understand the way in which the independent review is being undertaken. This is a review – and this is for the benefit of those opposite to understand – that is being undertaken at arm's length. What will happen once this review is finalised is that there will be a review report that is provided to government with findings and/or recommendations that come to us for response.

When I look at the way in which the terms of reference operate, the terms themselves include but are not limited to: the overall emergency responses, including flood warnings and evacuation procedures to the extent that Melbourne Water is a contributing agency to warnings issued by the SES, along with the Bureau of Meteorology, and the way in which watch-and-act warnings were issued two days before the event – and there were variables within the scope of what happened on the ground, as you would well know – and they can then inform learnings about the way in which modelling is conducted; flood recovery actions; possible future flood mitigation options; and planning policy processes and reviews.

In addition to that work that is being undertaken, this is about the way in which impact can be understood and the extent to which impact can be measured and the way in which that was contributed to and the extent to which there may have been a contribution as a consequence of other decisions. So it is again really important that people are in a position to understand the breadth of the terms of reference, and you would also know from the community information session that you attended that there were other attendees beyond Melbourne Water there. Again this is about making sure that the SES, Emergency Management Victoria and the – *(Time expired)*

David ETTERSHANK (Western Metropolitan) (12:32): I understand entirely, and I thank the minister for her response. It seems to me, and this is perhaps too big an issue to resolve here, that what you are talking about is a review that is literally being done by Melbourne Water of Melbourne Water, and it is limited to Melbourne Water, albeit that there is an independent panel. I guess looking at these

out-of-scope issues, these are big issues. These are bigger issues than Melbourne Water; they affect many areas across Victoria. And I guess a lot of people would like to know that the government is ahead of the game. I understand what you are saying about a one-in-50 and a one-in-100. But go to Lismore and talk to them about a one-in-100. It is a joke, and we have seen that a lot. So I guess I would like to understand, Minister, how these bigger issues are going to be discussed with the Victorian public and particularly with those who have suffered at the hands of the events in question.

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:33): Thank you for the supplementary question. Again you raise a really important point. It is about how the totality of circumstances and decisions that were taken not just during the floods but in the immediate aftermath and as broader planning, mitigation and prevention preparedness activities are undertaken into the future. Again, this is a whole-of-state issue, but to the extent that that relates to Melbourne Water's work I am advised that the collating of issues as they relate to other matters is then going to be part of a communication of that substance to community members. Indeed there have been preliminary discussions with partner flood agencies and that they include the Department of Energy, Environment and Climate Action, the SES, Emergency Management Victoria, Emergency Recovery Victoria and also local councils. This is something which the emergency management commissioner Andrew Crisp and the emergency services minister have also commented on in public domains on a number of occasions now.

Ministers statements: family services

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (12:34): Family services – that is, programs, supports and therapies which are specifically designed to help vulnerable families live healthy, happy and fulfilling lives – are a fundamental part of our government's social contract. From supported playgroups, parenting education and counselling through to integrated and intensive family services, the family preservation and reunification response, specialist disability practitioners, early health family services and many more, family services are keeping Victorian families connected and they are helping them thrive. In my first ministers statement I want to update the house on the record investment being directed to these important services as well as pay tribute to the incredible workers who deliver them and acknowledge those families who access them.

Family services funding in Victoria has increased from $119 million per annum in 2012–13 to over $387 million per annum in 2022–23. Our government is investing more than three times the amount in family services than those opposite did in 2012–13. Dr Bach has written about early intervention and family support, and I am sure he believes it is important – it is obviously a no-brainer – but the opposition does not even recognise the importance of family services with the allocation of such a portfolio.

In case we all need of reminder of why it is important, I share this case from the early help family service program. Lucy is a single mother of Chinese background with three young children, two with autism. She is a victim of family violence, isolated, struggling with mental health and financially insecure. The early help program at the children's school supported Lucy to access the NDIS, Centrelink and a mental health plan. They also built her parenting confidence, provided material aid and linked her with a weekly peer support program. According to Lucy, 'The early help program solved lots of my problems in a short time.' She reports that her confidence as a parent has been restored significantly and she understands where to go for support.

Family services matter. They keep families out of the statutory child protection system. They help families through the child protection system. That is why we have a portfolio for it and invest in it.

Maribyrnong River flood review

David DAVIS (Southern Metropolitan) (12:36): (23) I have another question for the Minister for Water. Minister, when were you first advised of the serious conflicts in the position of Mr Nick Wimbush as chair of the Maribyrnong River flood review?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:36): Thank you very much for that question. I am going to have to reject the premise of the question on the basis that it seeks to conclude that there are conflicts rather than perceived conflicts. This is where again I would take you to the comments in today's media that indicate very clearly a desire not to cloud the carriage of the independent review with a concern around a perceived conflict of interest.

David Davis interjected.

Harriet SHING: Mr Davis, it is good to hear that in fact from your seat you have rephrased that to be about a perceived conflict.

Sonja Terpstra: On a point of order, President, I cannot hear the minister for the constant stream of interjections coming from Mr Davis. I think the minister is entitled to be heard in silence.

The PRESIDENT: I uphold the point of order. The minister is entitled to be heard in silence.

Harriet SHING: Thank you very much, President. Mr Davis, again, you have rephrased to refer to a perceived conflict of interest. What I also want to do is to correct your supposition that this was anything other than a resignation.

Members interjecting.

The PRESIDENT: Order! Ms Crozier, let the minister finish her answer.

Harriet SHING: Mr Davis, Mr Wimbush resigned in order to make sure that this particular independent review can be undertaken to provide a process whereby affected members of the community can have their say on the experiences, the perspectives and the distress that they went through in the course of that particular flooding event.

When I look to the reportage that has been issued on that particular inquiry, I just want to let you know that a journalist had reached out prior to the publication of the detail about Mr Wimbush's resignation and that that was the first point at which I was made aware of Mr Wimbush's resignation. That should give you some guidance, Mr Davis, that it occurred after the decision had in fact been taken that Mr Wimbush would resign from his position as chair of the independent review.

David DAVIS (Southern Metropolitan) (12:39): Very interesting indeed. Melbourne Water outlined that a probity adviser was in place for Mr Wimbush's appointment. It appears that probity adviser has failed, and I ask: will you release the probity review that was undertaken prior to Mr Wimbush's appointment?

Harriet SHING (Eastern Victoria – Minister for Water, Minister for Regional Development, Minister for Commonwealth Games Legacy, Minister for Equality) (12:39): Mr Davis, this supplementary question that you have asked again ignores the fact that this is an independent review. For me to run commentary on an independent review means that by extension it is no longer an independent review. I think that community members, that households, that individuals who are affected by these floods deserve an independent review. I do not have that probity advice, Mr Davis, because the very nature of an –

David Davis: On a point of order, President, I am asking about the probity adviser and whether she will release the probity adviser's advice.

The PRESIDENT: Thank you, Mr Davis. The minister is answering the question.

Harriet SHING: Mr Davis, you seem to think that the probity advice was something that I had a role in. The very nature of an independent review is that I am not part of this work and that in fact this is a matter for Melbourne Water. It is quite literally not my information to release, and for you to suggest that it might be my information to release seeks to undermine the independence of a review which is exactly what affected communities in Maribyrnong and around the entire state deserve.

Youth justice system

Matthew BACH (North-Eastern Metropolitan) (12:41): (24) My question today is for the Minister for Youth Justice. Minister, priority 2.4 of the government's youth strategy says that you will:

> Expand supports for young people aged 10 to 13 years in … the youth justice system.

However, it has now been revealed there were 72 fewer youth justice workers in 2022 than in 2021. How are these cuts to the number of workers consistent with expanding support for young people in Victoria's youth justice system?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:41): I thank the member for their question and their interest in matters of youth justice. Dr Bach has had a longstanding interest in youth justice and young people, so I appreciate his question because it gives me an opportunity to talk about our government. I do not agree with the broad premise that our government has less youth justice workers since being elected as a government. Since getting elected we have actually increased the number of people working in the sector. But I think his question is about what we are doing in the youth justice space.

What we are doing is investing in youth justice in our state. We have invested in, obviously, state-of-the-art facilities. We have invested in new facilities and infrastructure at Cherry Creek. We obviously have a number of extra staff at these facilities in terms of infrastructure and staffing. But if he is alluding to some sort of labour shortage or he believes that there are openings in the labour market, it is fair to say that we are in a very tight labour market across the country, not just in youth justice. The last time I checked, the unemployment rate in our state was 3.5 per cent, and in regional Victoria it is 2.8 per cent.

It is important to understand that our youth justice workers do amazing work. The important and rewarding work that they do provides a career path for people that want to help young people in our state turn their lives around, because that is the primary goal of our youth justice system. It is about keeping Victorians safe but also giving young people an opportunity to break the cycle of reoffending. We are doing that and it is a rewarding job, and I commend the staff that do that work.

But in terms of vacancies that he may be alluding to, we are operating in a tight labour market. The youth justice sector is hiring, like many other sectors, but it was only just last year that Mr Davis and I were talking about labour shortages in the events and tourism sector. So it should come as no surprise that with a 3.5 per cent unemployment rate our government is clearly doing something right – 2.8 in regional Victoria, the lowest in the nation. I will leave my answer there.

Matthew BACH (North-Eastern Metropolitan) (12:44): I do thank the minister for his response. By way of supplementary: Minister, these cuts to youth justice workers – 72 fewer youth justice workers in Victoria in 2022 than in 2021 – have seen important education and mental health programs also abandoned. How is the abandonment of programs for those within the youth justice system consistent with your commitment to expanding support for young people?

Enver ERDOGAN (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:44): I thank the member for their question and their interest in this area. Again I just wish to state from the beginning that I do not agree with the premise that there are cuts in the sector. In fact the shadow minister in this space himself alluded to record –

Matthew Bach: On a point of order, President – my apologies to the minister for cutting him off – I know that he made this assertion in his first response. It is in relation to I think it is 8.07 of our standing orders, at part (1), where it is necessitated that ministers are factual. The minister seems to be arguing the point. It is a simple fact there are 72 fewer youth justice workers now than in 2021.

The PRESIDENT: There is no point of order. The minister was answering the question and has a right to dispute any assertions as well.

Enver ERDOGAN: I will answer the question. Like I said, I just do not accept that there are cuts. In fact it was the shadow minister that talked about our record investment, and I will note that the opposition, with all due respect, talk about costs in the sector whereas we talk about investment in the sector. On the one hand you cannot write op-eds lamenting the large amounts of investment we are making in youth justice and then on the other hand come in here and talk about cuts to the sector. We are making record amounts of investment. If the member would say there are vacancies in youth justice, I would accept that premise because of course we are hiring and we are delivering more newer, modern facilities. These are facilities that cater not only to the traditional, I guess, youth justice facility that you may have in mind but these are multidisciplinary, they have medical, they have vocational services – *(Time expired)*

Ministers statements: early childhood education

Ingrid STITT (Western Metropolitan – Minister for Early Childhood and Pre-Prep, Minister for Environment) (12:46): Free kinder is now a permanent feature of our kindergarten system, and I could not be prouder. Last Tuesday I joined the Premier at Will Will Rook Preschool in Glenroy to announce that 97 per cent of kindergarten services, including long day care and sessional kinder, have opted in to free kinder this year. That means up to 140,000 children and families will be able to access a high-quality preschool education for free. Under this $270 million initiative, children enrolled in three-year-old kinder at participating services will receive between 5 and 15 hours of learning each week, and for those in four-year-old kinder they will receive the full 15 hours.

The impact of this will be life changing. We know that families are struggling with the cost of living, and free kinder will make sure that no child misses out regardless of their means in terms of their family. It will mean that families will save up to $2500 per year per child. All the research tells us that 90 per cent of a child's brain develops before the age of five, and that is why we are making sure that cost is no barrier to children getting the early education they need for the best start in life. In 2021 we did offer free kinder, and we saw the participation rates lift and families who had not previously participated in kinder enrolling their children for the very first time. Free kinder is part of our nation-leading Best Start, Best Life reforms, and I am proud that our government is committed to ensuring that every Victorian child will get the very best start in life.

Written responses

The PRESIDENT (12:48): As far as written responses go, can I thank Minister Shing for following up on answers to Ms Purcell's questions to the Minister for Outdoor Recreation, both the substantive and supplementary questions; and Minister Shing will get a written response in line with the standing orders for Mr Davis's first question, the substantive and supplementary.

Constituency questions

South-Eastern Metropolitan Region

David LIMBRICK (South-Eastern Metropolitan) (12:49): (14) My constituency question is for the minister representing the Minister for Roads and Road Safety. A constituent contacted me because she was concerned about public transport and pedestrian access to the St John of God hospital on Kangan Drive in Berwick. The hospital is directly opposite Monash Health's Casey Hospital. The problem is that while the bus stops in front of Casey Hospital, those going to St John of God hospital need to cross the road. The nearest crossing is several hundred metres away. At present there is a

temporary road sign pointing at a spot where people can cross the road in front of the hospital, but there is no mechanism to stop the traffic. Many people with mobility issues or who are sick are simply going to find it impossible to cross the road safely. My question is: would the minister investigate putting a safe road crossing for pedestrians at St John of God hospital?

Western Victoria Region

Bev McARTHUR (Western Victoria) (12:50): (15) My question is for the Minister for Education and concerns shirts which parents of year 6 pupils at Grasmere Primary School in my electorate were recently invited to purchase for their children. Each pupil's name is accompanied on these shirts by an Aboriginal symbol for male or female. So my question to the minister is: what guidance exists for schools in designing uniforms? Do you agree that parents should have an input, and do you endorse this particular use of Indigenous symbolism and its binary gender identification?

Northern Victoria Region

Wendy LOVELL (Northern Victoria) (12:50): (16) My question is for the Minister for Roads and Road Safety, and it is to inform her of the dangers for motorists using the intersection of the Calder Highway and the Belar Avenue extension in Irymple. The intersection is a T-intersection and has been the location of three vehicular collisions since June 2022. The latest was in early December when two women were injured, and it has been reported that Department of Transport and Planning data reveals a further nine collisions have occurred at the intersection between 2016 and 2021. With that section of the Calder Highway experiencing high traffic volumes each day in October 2021, I asked the former minister to upgrade the road to a four-lane carriageway and to complete a safety audit of the Belar Avenue extension intersection to improve safety, but these requests were ignored. Will the minister order an immediate safety audit of the intersection of the Calder Highway and Belar Avenue extension?

Southern Metropolitan Region

David DAVIS (Southern Metropolitan) (12:52): (17) My question is for the Minister for Transport and Infrastructure, and it again concerns the Surrey Hills and Mont Albert level crossings, which intersect with my electorate. As many people will know, I am concerned about the impact on local businesses, I am concerned about the government's decision, obviously, to breach an election promise to put two stations there and to simply put one and I am also concerned about the issues around the loss of trees in that area. I have repeatedly requested the minister meet with the Surrey Hills residents association and other local groups, and she still appears to refuse to do so. So I would, again, ask her: would she be prepared to meet with the Surrey Hills residents association and the other local groups who have serious concerns?

Bills

Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022

Second reading

Debate resumed.

Sonja TERPSTRA (North-Eastern Metropolitan) (12:53): I will return to making my contribution on Mr Davis's bill, the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022. I might just go to some technical issues, but before I do that I must just reflect on the extraordinary events that we just heard in question time and some of the commentary around Mr Davis trying to again cast further aspersions upon various ministers in their portfolios here today. It just underlines and underscores the importance of our integrity agencies and how if those opposite were ever in government what an absolute shambles and shemozzle our integrity system would be. I could go on. I mean, of the list of really strange or interesting decisions that were made in the past while those opposite were in government, I think I can reflect on some. In

Ventnor there was a land deal. Also there were some of the questionable zoning decisions that were made previously, I think, when Mr Guy in the other place was in fact the planning minister. So again, if we want to talk about integrity in terms of –

David Davis: On a point of order, President, this is quite a specific bill, and of course members are entitled to some latitude in drawing broader conclusions and broader points, but we are now heading into a series of very distant matters that the member is raising here – not least the discussion in question time, which does seem a bit broad.

The PRESIDENT: I was listening to Ms Terpstra, and she was talking about the Independent Broad-based Anti-corruption Commission, so she can continue.

Sonja TERPSTRA: As I said, I will go to some technical matters, but again these are just examples of why we need to have strong integrity protections, because we know what would happen if those opposite were in government – it would be a shambles.

There are things that I will just touch on in regard to the specifics of this bill. The bill actually removes some important safeguards for procedural fairness. We heard in Ms Shing's contribution earlier about the technical aspects of procedural fairness and how that applies in regard to IBAC and its inquiries but also the role that it played in regard to the Integrity and Oversight Committee

But specifically, this bill does seek to remove the procedural fairness safeguards designed to protect individual rights, including the obligation that IBAC has to consider on reasonable grounds, and I touched on this earlier –

David Davis: On a point of order, President, I just note the trend with government members today, on the earlier motion but now on this too, to slavishly read material that is in front of them. Now, people are entitled to refer to notes –

The PRESIDENT: Mr Davis, there is no point of order. In this case I have been listening to Ms Terpstra, and I actually glanced towards her a number of times, and she is speaking off the cuff, and she has every right to refer to her notes from time to time.

Sonja TERPSTRA: Thank you, President. I will continue. So again, going to the procedural fairness aspects, IBAC has to balance these things, and as I was saying earlier and Ms Shing touched on in her contribution, IBAC must consider on reasonable grounds – there is a balancing act that they must undertake; it is a very important function – so that conducting the public examination would not cause unreasonable damage to a person's reputation, safety and wellbeing. That is one very important aspect. The conduct being examined constitutes either serious corrupt conduct, systemic corrupt conduct, serious police personnel misconduct or systemic police personnel misconduct. I might say the reason I am referring to my notes is that I want to make sure that what I am saying is actually accurate and reflects the contents of the bill in terms of what Mr Davis is seeking to prosecute. So again, I want to make sure I am making an accurate point rather than just speaking in ways that are either misleading or inaccurate. It is very important to make sure that we have an accurate debate and accurate content in this debate.

A member interjected.

Sonja TERPSTRA: On absolutely a complex issue. So whilst those opposite want to try and simplify this and have a very simplistic approach to these sorts of things, these matters are absolutely complex. As I touched on earlier, we have seen some dire consequences happen when these matters are not taken seriously or are exploited for political gain, political purposes and political stunts. That is what those opposite are all about.

What we want to make sure is that the bill that we have protects IBAC's ability to make sure it balances these considerations. What Mr Davis's bill proposes is to substantially lower the threshold for public examinations so that the conduct need not be serious or systemic and with no consideration of the

individual's reputation or welfare. We have seen what can happen when that in fact happens. As I said, there was a dire circumstance where someone took their own life in regard to them being the subject of an inquiry – I think they were being asked to be a witness and the like and their conduct was in question. These are serious matters. Those opposite do not think it is serious, and again it is endemic in what they are proposing in this bill: trampling upon things that are incredibly important to protect witnesses and to ensure that IBAC as an agency can do its very important work and get the information and evidence that it needs to conduct appropriate and proper inquiries.

Again, as already discussed, the biggest risk to the individual, the damage that can be done, is the potential for inferences to be drawn by the public and the media prior to any determination or findings of guilt. Someone's reputation is on the line, and procedural fairness goes to the heart of that – that some people who may go before IBAC, because of the nature of the information that they are giving as a witness, may not be able to defend their actions because of the role and the scope of the way in which they are giving information. So again, perhaps those opposite should consult their Liberal colleagues in New South Wales about their views on Mr Davis's bill, because we have all seen what has been happening in New South Wales of recent times.

A member interjected.

Sonja TERPSTRA: Well, I am sure that he did not, again because this is a political stunt – and it is obvious that it is a political stunt.

By lowering the threshold for public examinations in this way this risk is potentially serious and an individual's reputation, safety or welfare is indeed jeopardised. I might leave my contribution there and allow for other members to also pick up on some of these very important issues. But again, I oppose this bill, and I encourage other members in this chamber to join with government members in doing the same.

Sitting suspended 1:00 pm until 2:03 pm.

Matthew BACH (North-Eastern Metropolitan) (14:03): Deputy President, may I say – and I am sure I say it on behalf of all members – hearty congratulations on your election once again to this important office.

It is good to have the opportunity to speak on the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2202. It should not be a controversial bill. It is a very straightforward bill from Mr Davis. He outlined some of the key reasons why on this side of the chamber we believe this bill is important in his – very succinct, actually – speech when he introduced the bill.

There has been some commentary in the course of the debate about Mr Davis's speech on the basis that it was voluminous, so I wanted to check, because my recollection was that in his speech introducing this bill Mr Davis was particularly matter-of-fact and indeed quite brief, and he was. He made the most passing of references to some of the really significant corruption issues that have plagued our state over the last few years – the most passing of references – and then he spent the vast majority of his contribution, as is appropriate, discussing the key elements of the bill. And again, they are straightforward.

If this bill passes the house today – and I have every hope that it will – then it will restore certain really important examination powers to the Independent Broad-based Anti-corruption Commission. I confess I am unsure now where we sit as a chamber on the Independent Broad-based Anti-corruption Commission. Through the course of this debate we have not had much commentary on the bill itself. We have been treated to a whole series of historical considerations, and there has been much criticism of the Baillieu and Napthine governments for putting in place IBAC.

I confess before this debate I thought there was broad support across this chamber for the IBAC. You can criticise the Baillieu and Napthine governments if you like on a whole range of fronts, but it was

those governments that put in place the Independent Broad-based Anti-corruption Commission; previous governments had not. I believe that the Bracks and Brumby governments did a whole series of good things. They did not, however, put in place an integrity architecture in our state. That was the Baillieu and Napthine governments, and that was a very good thing. I know privately at least many members opposite think that that was a very good thing, so it has been odd to hear some of the commentary, first from Ms Shing and then from Ms Terpstra.

It has also been strange and disappointing that this bill has been used as a vehicle for overt partisan attacks. As I said, in his initial speech Mr Davis referred to some of the appalling corruption scandals that have plagued this government only in the most passing of ways. It is not the case that any one side of politics is perfect. It is not the case that any previous government is perfect. It has been odd therefore to be treated to so much criticism of the Baillieu and Napthine governments and of course the Kennett government as well.

Some previous Labor governments have been marked by a great regard for integrity. They say that John Cain, when he was Premier, would refuse even to accept a coffee. I had the great privilege, in the years before she died, of getting to know Mrs Kirner when she was the Victorian government's communities ambassador. That was a role that the Baillieu and Napthine governments thought was a very important role, and Mrs Kirner carried out that role with much distinction, working with that government and indeed working directly with me, and getting to know her was a great thing. Again, you can criticise those Labor premiers, those Labor governments, on certain fronts if you want to. However, they were led by people of great integrity – not this government. So it is odd that the government have sought to minimise their own very significant flaws when it comes to integrity by casting aspersions upon previous coalition governments – indeed upon previous coalition governments from last century.

All Mr Davis is seeking to do here is to restore certain powers, including for the commission to hold public hearings. This is being presented as a radical thing by those opposite, as a grave departure from accepted norms. It is not. We are simply seeking to restore certain powers that were stripped away by the Labor government in 2019 and therefore to correct a weakening of IBAC. I think, and we think on the side of the chamber, that given some of the huge challenges that we have seen in our state over recent years, we should not be weakening our infrastructure when it comes to integrity; we should be strengthening our infrastructure when it comes to integrity. I think it demonstrates the weakness of the position of those opposite that all they have sought to do in this debate is to attack Mr Davis personally, which I think is beneath them and should cease, and then, as I have said, to come to historical points about governments – even governments last century. Let us face facts, Mr Davis in his initial speech simply laid out why he believes and why we believe on this side of the house that this bill is important.

These important changes, which are entirely in keeping with past practice, should be restored. It has been really good to have discussions with any number of crossbench members. I would urge members of the crossbench not to be sucked in to this narrative from the government that these changes are somehow novel or dangerous. We are simply seeking to go back to a time before 2019, before Mr Andrews stripped away these particular provisions, to strengthen our infrastructure. It is necessary here in Victoria. Without wishing to dwell upon, as Mr Davis did not dwell upon, any particular examples, which we could if we so wished, of corruption problems in Victoria, it is necessary to have the strongest possible infrastructure. So I would urge all members to support this very straightforward and important bill.

Samantha RATNAM (Northern Metropolitan) (14:10): I rise to speak on one of the two integrity bills reintroduced by the opposition to this Parliament. This one, parenthesised 'restoration of examination powers', essentially relates to the ability of IBAC to hold public hearings.

The Greens welcome a renewed focus on matters of integrity in this place, and critical to strengthening Victoria's integrity regime is removing some of the statutory limitations in the Independent Broad-based Anti-corruption Commission Act 2011 that currently serve to unnecessarily restrict the IBAC's

ability to effectively investigate corruption. This is certainly the case regarding the IBAC's ability to hold public hearings, which are currently the most restrictive imposed on any anti-corruption body in Australia. So we commend the opposition's stated intention with this bill: to make it easier for IBAC to hold public hearings and make Victoria's law on holding public anti-corruption hearings consistent with those in other jurisdictions.

To be clear, I wish to state for the record that the Victorian Greens recognise the critical importance of holding public hearings in anti-corruption investigations where it is in the public interest to do so. The principal legal officer of the West Australian Crime and Corruption Commission Kirsten Nelson explained why public hearings are so critical to the work of integrity commissions far more completely and eloquently than I ever could, so I will quote her here at some length:

> Public examinations are essential to restoring public trust and confidence in public institutions because they facilitate accountability and transparency over the conduct of public officers and public authorities, and over the work of the Commission itself. From observing public examinations conducted in a manner that is fair and reasonable, the public may be assured that public officers act in the public interest, and not substantially motivated by private interest. And that public funds are spent in a manner that adds public value, rather than for private gain. Conversely, where public examinations expose conduct that is corrupt or constitutes serious maladministration there is assurance that individuals, systems and processes are called to account, where lacking.
>
> … An examination of an individual in public provides a powerful representation of the corrosive effect of serious misconduct on the wider public and institutions.

I also wish to be clear that the Greens believe that the current threshold for public hearings imposed on IBAC by section 117 of the IBAC act is far too high, and this limits the effectiveness of the IBAC as a corruption-fighting agency. We agree with the opposition that we need to focus on amending this section of the IBAC act. The opposition argues in this bill that the major impediment to IBAC holding public hearings is subsections (c) and (d) of section 117(1). Section 117(1)(c) in the IBAC act imposes a requirement for an IBAC examination not to be open to the public unless the IBAC considers on reasonable grounds a public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing. Section 117(1)(d) in the IBAC act imposes a requirement for an IBAC examination not to be open to the public unless the conduct that is the subject of the investigation may constitute serious corrupt conduct, systemic corrupt conduct, serious police personnel misconduct or systemic police personnel misconduct.

However, subsections (c) and (d) are not what IBAC itself or integrity experts say is the problem. The outgoing IBAC Commissioner outlined exactly what the problem is in regard to the operation of section 117 in his recent submission on the national anti-corruption commission, NACC, legislation, where he focused on the requirement in section 117(1)(a) of the act that public hearings can only be held where there are exceptional circumstances. One of the key problems of a requirement for exceptional circumstances to hold a public hearing is that it is unclear practically as to what exceptional circumstances are in terms of an IBAC investigation or allegation, particularly because the IBAC act itself provides no further description or definition. It was left up to the Victorian Court of Appeal to define exactly what the exceptional circumstances requirement means for IBAC to hold public hearings, and they came up with the explanation that exceptional circumstances must be 'clearly unusual and distinctly out of the ordinary' compared with the sort of allegations of corrupt conduct ordinarily investigated by IBAC. I repeat: IBAC can only hold hearings when allegations are clearly unusual and distinctly out of the ordinary, which in my opinion does not exactly clarify the situation.

Even when exceptional circumstances are defined, we are still none the wiser as to why the presence of unusual circumstances is necessary to hold public hearings. In this way section 117(1)(a) is unlike the clear intentions of 117(1)(b), which requires that public hearings must be in the public interest, or 117(1)(c), which seeks to protect a person's reputation, safety or wellbeing from unnecessary public hearings. The conclusion therefore has to be drawn that the purpose of the exceptional circumstances threshold is simply to limit the number of public hearings as a goal in and of itself rather than uphold individual human rights or public interest. This is why the IBAC Commissioner described in his

NACC submission that section 117(1)(a), the exceptional circumstances test, had the effect of placing an artificial limit on the IBAC's ability to conduct examinations in public.

So the Greens today will circulate an amendment to repeal section 117(1)(a), which is the artificial barrier to holding public hearings that serves no clear purpose, and I request that the amendment be circulated now, please.

Amendment circulated pursuant to standing orders.

Samantha RATNAM: I will explain how my amendment works by way of an example. Currently the IBAC Commissioner can be totally convinced the allegations and conduct under investigation are serious or systemic, that it is in the public interest to hold the examination in public and that the public hearings can occur without unreasonably damaging a person's reputation, safety or wellbeing – that is, such circumstances where there is absolutely no reason for IBAC not to hold a public hearing and much public value in doing so. However, currently the IBAC act effectively also says, in this situation, 'Bad luck' – that a commissioner cannot hold public hearings despite these overwhelming reasons for the sole reason that the allegations of corruption are not clearly unusual and distinctly out of the ordinary enough. Maintaining this artificial barrier to holding public hearings in the act is of course completely absurd, given the very real benefits of the anti-corruption commission's holding public hearings in the right circumstances, which I outlined earlier. No other Australian state has anything like the exceptional circumstances threshold in section 117(1)(a), so repealing this section would bring Victoria into line with the system for holding anti-corruption public hearings adopted in other states, which Mr Davis stated was the overall objective of this bill. So the repeal of section 117(1)(a) would remove the primary impediment to holding public hearings, an impediment unique to Victoria and one that is opposed by IBAC itself.

In short, the opposition have the right idea with this bill today – to strengthen the IBAC's ability to hold public hearings – but have gone about it the wrong way. Our amendment would better achieve the bill's intention.

Ryan BATCHELOR (Southern Metropolitan) (14:19): I am very pleased to speak on the topic of corruption and integrity and corruption prevention in public office and in public administration here in Victoria. It is an interesting bill that has come into this chamber recently. There has obviously been a lot of prior discussion and debate about the matters that Mr Davis seeks to canvass in this bill. I have been made aware by my colleagues that this was introduced into the Parliament in very similar terms in the last Parliament, and clearly, for the benefit of new members, it was necessary to reintroduce it. So we at least appreciate that.

What it does afford, however, is the opportunity to have a bit of a conversation and a bit of a discussion about the role that public hearings play in the context of Victoria's anti-corruption framework and the role of our anti-corruption agency and the reasons and the circumstances under which those hearings are used.

It is important to appreciate the serious and important role that integrity agencies such as IBAC play in upholding principles of integrity and stamping out corruption and to see how these powers, when exercised, are necessary to serve their purpose in the exercise of those functions. We take it seriously. And the forum of anti-corruption and the forum for stamping out corruption we take very seriously, and we believe it is not an arena or a tool to use for political gamesmanship. So in understanding the mechanisms that IBAC has available to it to uncover, unearth and eradicate corruption in the state of Victoria, we are of the view that the mechanisms that are put in place for the exercise of the public examination powers currently in the act, which were introduced by amendments brought into this place in 2019, are the most appropriate exercise of those powers.

In doing so we understand that in a society and a government subject and adherent to the rule of law things such as natural justice and procedural fairness play an exceptionally important role in ensuring confidence in the institutions that seek to wield investigative and examination powers. There is no

denying that public investigative hearings, such that the IBAC does undertake from time to time when the appropriate thresholds have been met and which this bill seeks to amend to create a more expansive system of public investigation, can have a serious and significant impact on individuals who are brought before them, with an impact on their rights. There can be and there are costs that can be involved to the privacy, the reputation and the welfare of those individuals involved, which is why the serious and significant powers that we afford to bodies like IBAC come with safeguards and protections, because we must always in this place think about the balance that we must strike between powers and protections, however and whenever they may be exercised in the name of the state of Victoria.

One of the issues that we have and that we know from experience in other jurisdictions and also in the way that the proceedings of the Independent Broad-based Anti-corruption Commission here in Victoria have occurred since its inception more than a decade ago is that public hearings do not guarantee a finding of corruption or misconduct based on the allegations that the investigation is subject to, they do not guarantee public confidence in the process and they do not guarantee the promotion or protection of integrity in our institutions. In considering the scope of the powers to undertake public hearings, we need to think about and understand the dynamics that are at play when public investigations and public hearings are called and the necessary and serious threshold that we in the government believe should be applied to those hearings so that both individuals and institutions are afforded their rights under law, including the rights of natural justice and procedural fairness. And if we lose that balance and we fail to provide that adequate protection throughout the investigative process, we risk the institutions themselves, in this case IBAC, becoming delegitimised and subject to question. And I think for those of us who place a premium on integrity, we need to ensure that the reputation of these institutions and the reputation of these organisations is protected at all costs, and that is what the government is seeking to do.

The government, in the last term of Parliament, introduced some exceptionally significant reforms to the operations of IBAC and a strengthening of its investigative procedures, including the thresholds for serious misconduct in public office, which has allowed it to take a more active and serious role in tackling corruption in the state of Victoria. Indeed, the Integrity and Accountability Legislation Amendment (Public Interest Disclosures, Oversight and Independence) Bill 2018, which was debated in the Parliament in early 2019, is a very thorough examination of those issues and was given very thoughtful consideration by the government and the then minister based on quite systemic investigation by the Integrity and Oversight Committee as to the operations of IBAC.

We do believe that the thought and consideration that the government has given to this issue over several years has been demonstrated by our commitment to making sure that IBAC has the necessary powers to do its job and has the framework in place that allows it to exercise its powers and functions with utmost confidence whilst doing so in a way that protects individuals and their rights under law and ensures that the welfare and reputation of witnesses is safeguarded, which is an issue that has come before the Parliament and which came before the Parliament's Integrity and Oversight Committee in their investigation during the last Parliament into witness welfare.

There are good reasons why the parliamentary committee on integrity and oversight needed to examine witness welfare. There have been some really sad incidents, devastating incidents, of the unintended consequences of public IBAC inquiry, which is why we need to tread carefully when considering this issue. It is for those reasons that the act requires IBAC to consider on reasonable grounds whether holding a public hearing would cause unreasonable damage to a person's reputation, safety or wellbeing.

In considering the bill before us today we need to reflect on that committee's work and on the strengthening that the government in the previous Parliament did to the IBAC framework and then make an assessment for ourselves as to whether we think that proposed by Mr Davis is going to take us in the right direction. I think, on reflection, in examining the material that is before us, that the

moves that are proposed by Mr Davis would lead to an undermining of confidence in the operation of IBAC and would not add to but could in fact diminish the quest for greater integrity in this state.

I do reflect on the comments of the former IBAC Commissioner the Honourable Robert Redlich AM KC when he was submitting to the Integrity and Oversight Committee's inquiry into the management of witness welfare, and I would like to quote him here. He said the current criteria is:

> … a good criteria. It is a protective criteria, which enables the … agency to focus on whether or not unreasonable damage to reputation or unreasonable damage to welfare will occur …

We believe in listening to those experts and in weighing up that balance of factors in how we should approach it.

The other thing that I think is worth reflecting on is that this is an issue which is being considered not just in this jurisdiction. Although we would always, always believe that Victoria is the pre-eminent jurisdiction for the contemplation of all matters of public policy and public administration, there are some other legislators around the country who do turn their minds to such things from time to time, and that is why it is interesting to reflect on the debate that has been occurring recently in Canberra. The Commonwealth Parliament has been considering very similar matters and has come down on the side of reflecting the framework for public hearings and the threshold for public hearings that exists here in Victoria. What I think that demonstrates is that there is a vindication of the Victorian approach at a national level, something that the legislation before us today would be an unfortunate retreat from.

I think the other thing that is important to examine in the proposal from Mr Davis is the impact that his amendments, particularly the bill's attempt to remove section 117(5A) from the Independent Broad-based Anti-corruption Commission Act 2011, will have in removing necessary and important oversight provisions that enable the public and the Parliament to have confidence that IBAC's powers are being exercised properly – namely, the proposed removal or amendment of the oversight that the Victorian Inspectorate is able to do of the operations of IBAC's exercise of its public examination functions. We know, and I have said this before, that confidence in the system is paramount. Confidence in the agency's ability to exercise its functions in a way that in itself is accountable too is something that we will always be able to know is occurring if there is someone else watching what is going on. By removing these safeguards from the act, it removes the capacity or affects the capacity of the Victorian Inspectorate to investigate and examine how IBAC itself is using the very, very serious powers that it has to call people into public examination and ask them questions about their actions and their integrity without any findings of misconduct that may have occurred. We know that has serious ramifications for those individuals involved; we have read the reports that have demonstrated it.

What this government has done is try to make sure that when those powers are exercised, they are exercised with care and oversight. What this bill will do is water that oversight down, and we are concerned as the government that watering down of the oversight provisions from IBAC can undermine public trust and confidence in the exercise of its powers. The more we undermine public confidence in IBAC's ability to exercise its powers in the context of the rule of law and affording people procedural fairness, the more it steps ever so slowly, ever so constantly, into the realm where its objectives are not eliminating corruption in this state but being an arena where political games get played, and that is the last thing that we need to see in the state of Victoria. IBAC has been an exceptionally important tool that has been used to weed out corruption and unethical and improper behaviours across public administration in this state. We cannot let the gains that have been made be undermined by actions proposed in this bill which would take a body that has been exercising its powers effectively and put them into a space where they are more likely to be used for political gamesmanship and the scoring of political points.

I think absolutely and fundamentally that robust integrity agencies are fundamental to Victorian democracy, and we as legislators in this place, and as new legislators in this place, have a fundamental obligation to ensure that the powers that those agencies are exercising are exercised in accordance with

the law and the rule of law and with procedural fairness, and that is why we do not think the amendments moved by Mr Davis should be supported.

Tom McINTOSH (Eastern Victoria) (14:34): I also rise to oppose the bill proposed by Mr Davis. This government supports Victoria's integrity agencies and recognises the importance of IBAC being able to use its public examination powers when necessary to undertake its function to promote integrity and expose serious and systemic corruption and misconduct. The current act does not preclude IBAC from holding public hearings. Of course there is an argument being put by the opposition that public hearings educate the public sector and community about corruption and misconduct issues. We do not deny this. We also acknowledge that public hearings raise the profile of investigations.

However, let us be clear about this: what public investigation hearings do not guarantee is procedural fairness. Public hearings do not guarantee a finding of corruption or misconduct based on the allegations that the investigation is subject to. Most importantly, public hearings do not guarantee public confidence in the process nor the protection and promotion of integrity in our institutions. Not only that, there is no denying that public investigative hearings can have a significant impact on an individual's rights, with serious costs for the privacy, reputation and welfare of the individuals involved.

This is why integrity agencies such as IBAC, which have wide investigative powers, have legislated safeguards and protections. These safeguards and protections serve a purpose, a public policy and public integrity purpose. That purpose is so that IBAC can investigate allegations of corruption and misconduct and that the investigation is supporting the promotion of integrity and public confidence in our public institutions. The only way to do this is to adequately balance the potential infringement on the rights and welfare of those who are being investigated and any other individuals who may be involved. If we lose that balance and we fail to provide adequate protection of individuals through the investigative process, we risk IBAC descending into a witch-hunt, a witch-hunt that does not promote integrity, a witch-hunt that does not promote public confidence but instead stokes fear and anxiety, hallmarks of trial by media. Victorians expect better than that, and they deserve better than that.

There is clearly a political message built into the name of this bill, which I believe is important to examine. It is an indication that this bill is nothing more than a political stunt. This bill denies the fact that it was the Baillieu government which established IBAC in 2011 and which first enshrined the obligation that IBAC must consider on reasonable grounds that conducting a public examination would not cause unreasonable damage to a person's reputation, safety or wellbeing. This title suggests that this consideration goes too far, that the protections that the Liberal government introduced as a safeguard to protect individuals have gone too far. These protections that they introduced, and with good reason, are a good measure to ensure IBAC's investigative powers are well balanced with the welfare, privacy and wellbeing of the individuals subject to the allegation.

The name of the bill suggests that this bill will restore IBAC's examination powers. However, that is absolutely not the case. IBAC's powers to investigate, which are coercive and inquisitorial, are intact. What is being attacked by this bill are the safeguards – the framework for balancing the consideration of the impacts of a public investigation on individuals involved against the public interest for a public hearing. It is no surprise the Integrity and Oversight Committee focused on witness welfare in its report, *Performance of the Victorian Integrity Agencies 2020–21*, which was tabled in Parliament in October 2022. There is good reason why the IOC examined witness welfare. It was at the start of last year that we witnessed the devastating impact and unintended consequences of a public IBAC inquiry and the damage that can be done.

It is for these reasons that the Independent Broad-based Anti-corruption Commission Act 2011 requires IBAC to consider on reasonable grounds whether holding a public hearing would cause unreasonable damage to a person's reputation, safety or wellbeing. It is for this reason that I believe the community expectation is that IBAC is required to balance individual rights and welfare while ensuring it can fulfil its function to investigate and expose corrupt conduct and police misconduct.

The former IBAC Commissioner the Honourable Robert Redlich AM KC publicly submitted to the Integrity and Oversight Committee's inquiry into the integrity agencies' management of witness welfare that this requirement is:

> … a good criteria. It is a protective criteria, which enables the integrity agency to focus on whether or not unreasonable damage to reputation or unreasonable damage to welfare will occur …

The importance of these legislative protections cannot be overstated. As a result of the IOC report on witness welfare the new IBAC regulations, which commenced on 4 February, included the prescription of a range of services, including Beyond Blue and Lifeline, for providing crisis support, suicide protection and mental health and wellbeing services to individuals subject to confidentiality notices.

The strength of Victoria's anti-corruption framework in relation to public investigation hearings, which this bill seeks to undermine, is highlighted by the Commonwealth's adoption of a similar approach in the establishment of a national anti-corruption commission. I will note that after promising the Australian people an anti-corruption commission the former Liberal Prime Minister Scott Morrison – also known as the former minister for health, the former minister for finance, the former minister for industry, science, energy and resources, the former minister for home affairs and the former Treasurer – presided over 1000 days of inaction. I commend the Albanese government for delivering reform after years of inaction by the Liberal–National coalition government.

Like IBAC, in order for the national anti-corruption commission to conduct a public hearing, the commissioner must be satisfied that exceptional circumstances exist and that it is in the public interest to do so. In undertaking this assessment, the Commonwealth bill encourages the commissioner to consider important protections, including the extent to which the corrupt conduct is serious or systemic. Clause 4(1) of Mr Davis's bill seeks to repeal the equivalent section of Victoria's legislation. The Commonwealth bill also encourages the commissioner to consider any unfair prejudice to a person's reputation, privacy, safety or wellbeing. Again, clause 4(1) of Mr Davis's bill seeks to repeal the equivalent section of Victoria's legislation.

So what exactly does this bill do? It seeks to remove procedural fairness safeguards designed to protect individual rights, including the obligation that IBAC consider on reasonable grounds that conducting the public examination would not cause unreasonable damage to a person's reputation, safety or wellbeing and the conduct being examined constitutes serious corrupt conduct, systemic corrupt conduct, serious police personnel misconduct or systemic police personnel misconduct. In other words, it substantially lowers the threshold for public examinations so that the conduct need not be serious or systemic and with no consideration of the individual's reputation and/or welfare. The biggest risk to the individual and the damage that can be done is the potential for inferences being drawn by the public and media prior to any determination or findings of guilt. By lowering the threshold for public examinations in this way, there is risk of potentially serious harm and an individual's reputation, safety or welfare is jeopardised.

This bill seeks to remove section 117(5A) of the IBAC act, which will undermine the Victorian Inspectorate's safeguarding role by enabling IBAC to create a public expectation of a public examination in advance of the Victorian Inspectorate's assessment. Currently, IBAC must not make a public announcement of its intention to hold a public examination for the purposes of an investigation unless the IBAC has notified the Victorian Inspectorate. The Victorian Inspectorate is an important independent safeguard that ensures the IBAC is using its significant coercive powers to compel witnesses to provide evidence responsibly. Removing this requirement can potentially undermine the Victorian Inspectorate's important safeguarding role by enabling IBAC to create a public expectation of a public examination in advance of the Victorian Inspectorate's assessment. This risks reputational damage to both agencies where the Victorian Inspectorate considers the public examination is unwarranted.

Further, clause 4(2) of Mr Davis's bill operates to repeal section 117(3a)(a) of the IBAC act, which allows IBAC to hold any part of that examination in private on application by a witness. The effect of these proposed repeals is that the IBAC can only hold parts of public examinations in private if it decides to according to its own-motion power, the risk being that if an application is not made to the IBAC about any potential issues, then the examination will remain open to the public unless the IBAC becomes aware of the issue itself. IBAC is not required to give an advance copy of a report to government if IBAC considers that in all the circumstances it would be inappropriate to do so.

A member: That seems reasonable.

Tom McINTOSH: Exactly. Clause 5 of this bill operates to repeal this section of the IBAC act. IBAC operates independently of government, as it should, as do Victoria's other integrity agencies. The Ombudsman Act 1973 includes an equivalent provision to what this clause is seeking to repeal from the IBAC act. By misaligning integrity agencies legislation Mr Davis is undermining the important work they do. The government is committed to working with integrity agencies to improve their legislation so that it supports them in performing their important work; however, any such changes need to be carefully thought through and appropriate consultation needs to occur with relevant parties to ensure it will achieve the intended purpose. These amendments do not achieve their purpose. They erode the important protections provided to those under investigation by IBAC and undermine key safeguards. It is for these reasons that the government does not support the bill.

I just want to come back to the quote which I mentioned once – but I would like to mention again – of the former IBAC Commissioner the Honourable Robert Redlich AM KC in his public submission to the Integrity and Oversight Committee inquiry into integrity agencies' management of witness welfare that this requirement is:

> … a good criteria. It is a protective criteria, which enables the integrity agency to focus on whether or not unreasonable damage to reputation or unreasonable damage to welfare will occur …

It just brings me back to the point that the strength of Victoria's anti-corruption framework in relation to public investigation hearings, which this bill seeks to undermine, is highlighted by the Commonwealth's adoption of this bill. I am absolutely proud of the fact that we are being followed federally from the work we have done here in Victoria.

Another point I want to come to is again to highlight another couple of points of what this bill will do in removing procedural fairness, including the obligation that IBAC consider on reasonable grounds whether conducting the public examination would not cause unreasonable damage to a person's reputation, safety or wellbeing and the conduct being examined constitutes serious corrupt conduct, systemic corrupt conduct, serious police personnel misconduct or systemic police personnel misconduct. In other words, it substantially lowers the threshold for public examinations. So that conduct need not be serious or systemic and have no consideration of the individual's reputation and/or welfare.

As already discussed, the biggest risk to the individual and the damage that can be done is the potential for inferences being drawn by the public and the media prior to any determinations or finding of guilt. By lowering the threshold for public examinations in this way, there is risk of potentially serious harm and an individual's reputation, safety or welfare is jeopardised. The Victorian Inspectorate is an important independent safeguard that ensures that the IBAC is using its significant coercive powers to compel witnesses to provide evidence responsibly. Removing this requirement can potentially undermine the Victorian Inspectorate's important safeguard role by enabling IBAC to create a public expectation of a public examination in advance of the Victorian Inspectorate's assessment. This risks reputational damage to both agencies where the Victorian Inspectorate considers that public examination is unwarranted.

I will close by noting that the government is committed to working with integrity agencies to improve their legislation so that it supports them in performing their important work. Any such changes need

to be carefully thought through with appropriate consultation with relevant parties. These amendments do not achieve their purpose; they erode the important protections provided to IBAC.

Gaelle BROAD (Northern Victoria) (14:49): I move:

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

Motion agreed to and debate adjourned until later this day.

Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022

Second reading

Debate resumed on motion of David Davis:

That the bill be now read a second time.

Jaclyn SYMES (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:50): There is a fair bit of confusion in the chamber today about the intentions of the opposition in relation to these bills, which is not necessarily far removed from the last time we dealt with topics of this nature and indeed this bill. I was just looking for a copy of the bill on the table and it was not there earlier, so I am hoping I can get a copy of that. Having said that, because it is identical to the one that Mr Davis and I spent quite some time reviewing around six months ago –

David Davis interjected.

Jaclyn SYMES: Yes, committee was fun. It is nice reversing roles every now and again, just not permanently.

The bill is something that we have gone through before. But obviously there are a lot of new members in the chamber, so I will take the opportunity to revisit some of the themes that we looked at at that time. At the outset I do want to confirm that the government has strong support for our integrity agencies. We are committed to working with them to improve their legislation and to fund them appropriately to do their important work. We consult with them regularly on issues that are important to them. They obviously have experiences in their day-to-day activities and they share those particularly with me, although they are independent in relation to their budget submissions to the government's processes. They do not discuss their budget necessarily with me, but they do discuss legislative supports, requirements and how they think things are going. Particularly relevant to this bill are the IBAC and the Victorian Inspectorate (VI) for the purposes of some of the changes that Mr Davis is seeking to introduce.

As I said, Mr Davis did bring a bill that on examination is word for word the same, I am pretty sure.

David Davis: It's very close.

Jaclyn SYMES: Very close? I could not identify some of the changes.

David Davis: The second reading changes.

Jaclyn SYMES: The second-reading speech has changed. I could not identify anything in the bill that was different, but I would ask Mr Davis when he is summing up to perhaps just bring that to my attention in case I have been unable to identify that.

It is also a bill that went through the Scrutiny of Acts and Regulations Committee process. I would encourage members to revisit the *Hansard* from the debate on this six months ago, because Mr Gepp, a former member of this place and former member for Northern Victoria, went to some great lengths to explain to the chamber SARC's consideration of this bill, and I certainly would not be able to perform to the level of Mr Gepp when it came to his enthusiasm for identifying issues that SARC had identified in the bill and indeed asking Mr Davis in relation to the issues whether he could respond to

those. I think it was a bit of a tag team between him and me in relation to the committee stage, to which in good grace Mr Davis made attempts to respond in every instance as thoroughly as he could. Having said that, despite those efforts I would not say that I was particularly satisfied with all of Mr Davis's responses. Therefore I was a bit disappointed to have the confirmation that, apart from perhaps some minor tweaks in the second-reading speech, with some of the issues that were identified by that committee – some pretty major flaws in the bill – he has not taken the opportunity to reflect on those and perhaps see if he can have a bill that would be workable should it pass both chambers of the Parliament.

That committee stage definitely demonstrated beyond doubt that there are significant gaps in Mr Davis's understanding of how the proposed bill would actually operate in practice. It showed a lack of understanding of the constitutional impact on the independence of the Supreme Court and certainly the impact on procedural fairness matters. As I said, these concerns remain outstanding. It is disappointing, because we did spend a lot of time going through the bill and it could have been –

David Davis: We just had different views.

Jaclyn SYMES: We will get to that. You can have different views. I am usually reluctant to say 'I'm right, you're wrong', because in areas of legislation and areas of justice policy and integrity policy there are shades quite often. But I reckon I am more right than you on most of these issues. There are concerns that were brought to Mr Davis's attention, and I think that he will be asked to revisit these in his summing up, because I do not intend to go back into committee. I will let you off the hook. I think we have done that once –

David Davis: I am happy to if you would like. I think I enjoyed it, actually.

Jaclyn SYMES: I think you did. We might spare the other members that. I would encourage people to have a look at *Hansard*, because it was a bit of fun, but it certainly did not convince me that this bill in any way has any merit in relation to being supported as a decent piece of legislation that should come out of this Parliament.

In addition to some of the concerns that I have already highlighted at the outset, we did have further concerns in relation to the charter of rights and whether there were breaches there in relation to the legislation and potentially whether there was opportunity for prejudicing future judicial proceedings in some of the clauses and how they were seeking to change the operation of the IBAC's practices.

Again, this is titled 'facilitating timely reporting', and I guess in principle and at face value that is not something that anyone could reasonably object to. But that does not mean that you railroad through proper process, judicial independence and appropriate protection for all of those engaged in the system. So on that, I would put on record that we do recognise the importance of IBAC being able to publish its investigative reports in a timely manner. However, the publication of reports must be properly balanced with provisions that are appropriately protecting individuals' rights to procedural fairness and to seek effective remedy through the court. These principles are critical in our state, which places a high value on the rule of law. These are principles that should be upheld and should not be discarded so willingly and disregarded in such a reckless manner. That is reasonably obvious through this bill to anybody who takes the time to understand how it would apply should it become law.

As I said, we did canvass these issues with the bill back in June 2022, and I must remind the chamber that that bill was defeated. It was not adjourned off; it was put to the vote, and this chamber, the members of the Legislative Council of the former Parliament, agreed with the government. The majority agreed with the government that it was a bad bill and deserved to be binned. So, as I said, the fact is that it is identical and not even making an effort to address some of the serious concerns that were identified by not only me as the relevant minister who had carriage of these particular matters through the portfolio of the Attorney-General but also SARC, the body, the parliamentary committee of this Parliament whose role is to scrutinise and provide questions to the authors of bills and to try

and make sure that legislation is going to be fit for purpose, operational. There are concerns raised that I do not believe have been adequately addressed.

Mr Davis has previously stated that this bill was not arrived at casually or lightly, and he stated that it was well thought through. But if we look at the opportunity they took to ask him about it, how well was it prosecuted? If we look at some of the responses that Mr Davis presented in the committee, he could not even tell me whether it had gone through shadow cabinet or not. He could not tell me what legal types he had consulted on it, just that there were some legal types. There were no organisations that he could identify that supported his legislation, and indeed he confirmed that he had not even sought the views of the IBAC Commissioner, the very person who takes carriage of these matters. His views were not sought. I guess, Mr Davis, it would be great upon your summing up of this bill if you could take us through any further consultation you have had or perhaps further elaborate on those legal types that you identified were part of your thinking when you were asking for this bill to be drafted.

As was noted in the bill's previous debate, the government does not consider that these proposed amendments effectively strike the right balance between publication of reports and individuals' rights. We did identify that it is quite sloppy work, and I think, again, there was the opportunity to bring back something for further consideration. But just lobbing up the exact same bill, I do not know what Mr Davis was expecting. I am not in a position to change my views when nothing on that side has changed. All I am hearing from Mr Davis is, 'I think I was right and you were wrong.' You have not even gone to the effort to convince me. You have just lobbed it up again, so I am just going to stand here effectively and repeat the same thing that I said last time, which is that it is quite problematic.

Actually one of my favourite moments in our exchange, Mr Davis, was during my concerns about judicial independence. You said, 'No, no, no, I don't want to trample on judicial independence. I wouldn't do that. We just want to make a point with the legislation.' I think that was my favourite part of your contribution: 'No, no, no, we don't want to tell them what to do. We just want to make a point that what they should do is this. The separation of powers isn't trampled on, because it's just a suggestion,' which was a curious piece of legislation in that respect I thought. Again, Mr Davis, it would be good if you could give some greater clarity in your summing up of some of the further work that you might have done or the people that you have spoken to in relation to your introduction of this identical bill.

As I said, we did have significant concerns around procedural fairness. It raises issues such as increasing reporting time lines as well as creating conflicts with judicial proceedings. I did want to bring to the house's attention that in Mr Davis's response to SARC he said:

> There is a risk that whilst appropriate rights must be preserved, legal machinery can be used to unreasonably delay the tabling of critical IBAC reports.

While there is always a risk that people may misuse the courts, we would characterise this process as the application of the rule of law, procedural fairness or natural justice. The last time the bill was debated, as I said, Mr Davis relied on legal people, and I would be interested to know if he has had a further discussion in relation to the rule of law and how this bill is potentially not necessarily complying with those types of principles. As I said, we are committed to working with our integrity agencies, and we will continue to have conversations with them about their wishes and desires and what can make their lives easier in doing their job.

I wanted to just go through some of the clauses in the bill. Again I am putting some questions to the chamber but also, I guess, giving Mr Davis plenty of notice of some of the issues that I would like him to come back to us on when he is doing his summing up to avoid committee potentially; we will see. In clause 4, 'Determination of claim', we have gone through this and sought our own advice in relation to how this would play out in practice, and the advice that I have is that it is certainly not clear whether the insertion of these provisions will have any practical effect on the speed with which the Supreme Court considers applications to determine privilege, which is coming back to my assertions that the bill is flawed. When you have a title of a bill that includes 'facilitation of timely reporting' and the

advice I have is that it is very unlikely that there will be a practical effect on the speed with which the Supreme Court does consider applications in determining privilege, I am not sure the intention of the bill would be met. In fact the title of the bill would not be recognised through these clauses.

As I have said in relation to the lack of consultation, it does not appear that Mr Davis has indeed sought the view of the Supreme Court. You are always welcome to write to the Chief Justice and seek her views on matters, and I do not think you have done that. Certainly you have not indicated to the chamber that you have, so I would seek confirmation in relation to that, particularly when you have a bill that is purporting to put pressure on the Supreme Court to heed a particular requirement – which, as you have indicated, is just a suggestion. But I am sure that the court would be keen to give you their view if you sought it.

Section 85 of the Constitution Act 1975 vests the Supreme Court with unlimited jurisdiction. Due to the extent that Parliament wishes to limit, alter or vary this jurisdiction, it is required by section 85(5)(a) to explicitly reference that section. The proposed amendments that have been put forward by Mr Davis do not explicitly reference an intention to alter or vary the Supreme Court's unlimited jurisdiction, and the Supreme Court may not support an attempt to alter or vary its jurisdiction without this explicit reference. So again, just knowing how this is going to work in practice, it is fairly meaningless because the bill that Mr Davis has proposed does not have any ability to force the Supreme Court to do anything that it may not want to do or may not be able to do. It is again just an aspirational statement made without even having spoken to the people that you are seeking to make do as you wish.

Despite IBAC's public commentary that matters are being delayed due to court proceedings, recent published decisions such as *Woodman* appear to show that the courts are expediting these matters, with matters listed for substantive hearings within approximately four weeks of the application being lodged and judgement within approximately four months. So again, it is kind of unclear exactly what Mr Davis has identified that he is trying to fix. As I have articulated, even if he had identified the problem, I am not sure this would fix it anyway. Also in relation to clause 4, we note that the amendment may also add to the pressure that the courts are facing and ask them to make a moral judgement on what could be viewed as important through a political lens as opposed to a public interest lens. So it is difficult to support any of those clauses, particularly without consultation with the Supreme Court, which I do not believe has been undertaken.

Clause 5 is in relation to special reports in the bill that we are considering at the moment, and it intends to substitute some subsections in section 162 in relation to adverse findings effectively. Again I am asking Mr Davis whether he could confirm whether or not he has consulted with IBAC in the development of this proposal, because as we had a bit of discussion about last time, the time frame of three months is – I am not sure how you have come to that. Is that something that IBAC would agree with? Some people might think it is excessive; some people might think it is not. I do not know; it is kind of plucked out of nowhere, I think. For an example of how this can apply in practice, the Police Association Victoria on behalf of a member have been consulted on a three-month time frame in other situations, and they thought that in complicated matters it may take longer than three months for organisations or individuals to respond to such a limit if such limit was imposed. So again, where are you testing this? How is it going to work in practice? And being so restrictive, I feel as though you are not going to get the intention that you are articulating that you are seeking.

Also, I think what we went through and I do not think you responded particularly well to in the committee was whether it is likely that individuals subject to adverse findings will be encouraged to actually seek the maximum time for providing a response. Once you actually put in a three-month time line, somebody who might have been going to respond in a week might go, 'Oh well, I don't actually have to respond for three months, so I won't.' And then if they get a report back that has adverse findings, does the clock start again or not? I think the way the bill is drafted would imply that the clock would restart every single time you got more information to respond back to the commission and their inquiries. Effectively, that backwards and forwards could, by putting in the three-month

provision, actually allow the clock to restart every three months. Again, I do not see how that facilitates timely reporting, because I actually think it facilitates the ability for people to drag out their proceedings.

Harriet Shing interjected.

Jaclyn SYMES: As Ms Shing is interjecting, we have got instances where perhaps it has been demonstrated that that is something that would be encouraging to certain people that are engaged in these processes. Again, I just think it is sloppy and reckless.

What concerns me a little bit about these bills is that it is easy to say, 'What a great thing – we've got a bill that seeks to improve integrity and make things more transparent.' And at the outset I can see why people would be attracted to vote for something like that. But if you drill down into the detail, if you understand the ramifications of it, the unworkability of it, it is just not legislation that is becoming of this Parliament.

Yes, I accept that people want to be able to put out a press release or say that they support integrity and that the opposition are trying to firm things up, but I would urge caution particularly for those members that will be considering their vote, those in the crossbench. Just saddling up to someone who says they are trying to bring about greater powers and greater accountability to IBAC – you need to do your homework. I would encourage you to read *Hansard*. I would encourage you to read the SARC report. I do not think this bill will be voted on today, so I am more than happy to actually send that around to people so that you can understand that this bill is just sloppy and unworkable. Let us be frank. I will be honest. We know the amazing election result that delivered 56 seats in the Assembly – one more than the previous Parliament, Ms Shing. My advice to the Assembly will be, 'Oh my God, we cannot let this bill pass both chambers of the Parliament because it would be embarrassing for a piece of legislation to come out of this place that is unworkable, will cause problems, will be offensive to the Supreme Court and attempts to offend separation of powers principles.'

Mr Davis, if you had taken the time to make it a bit better, I would not have to say such awful things about your sloppy work, but that is the position that you have put me in. I do not like being so critical, but you have just done nothing. You have just lobbed it up again without as much as a new full stop, and it is embarrassing. So I am going to leave it there because I feel as though I do not want to say anything nastier than that. It is really bad. As I said, we have got some time between this sitting and the next sitting, so it would be really great if you could let me know if you want to vote on it next week so that I can go and tell people how bad it is. But if you are just going to abandon it, that would be awesome to know as well, because I think that is what you should do, and I will not have to go and tell people how terrible your workmanship is. So on that note, I think it is obvious the government will be opposing this bill and 'try again' would be my advice.

Samantha RATNAM (Northern Metropolitan) (15:13): I am happy to speak on the Independent Broad-based Anti-corruption Commission Amendment (Facilitation of Timely Reporting) Bill 2022, one of the two integrity bills the opposition have reintroduced from the last Parliament. Regardless of what party you are a part of, or whether we are from the left, right, centre or independent, I think we might all agree that a real focus on strengthening Victoria's integrity regime is something that needs to happen and something we should be able to work well together to achieve in this Parliament, because the verdict from the Ombudsman and IBAC delivered last year was blunt and it was damning. Victoria is the nation's laggard when it comes to having an effective anti-corruption and political integrity regime. And given what is happening at the federal level and in the other states that continue to strengthen their already stronger laws, Victoria – the laggard – is at risk of falling even further behind on matters of integrity.

The intention of this bill is to overcome one of the increasingly frequent problems, I believe unique to Victoria, where despite IBAC completing an anti-corruption investigation on a matter of public importance, the final report's findings and recommendations from these investigations are being

withheld from the public by court action because of disputes as to whether named persons within these reports have been given a reasonable opportunity to respond. Without doubt the most qualified and respected voice on anti-corruption and integrity matters, former Victoria Court of Appeal judge Stephen Charles KC, has described the situation as 'completely unacceptable'. But he has also said that it is something that can easily be fixed by legislative amendment, including by simply defining in the IBAC act what an appropriate time limit is for the making of a response to an adverse comment. This is a remedy proposed in the bill today. The important question then becomes what is a reasonable amount of time for a party to respond in terms of balancing the conflicting issues of the public's right to know about major issues of public corruption with the rights of those to reputation, a fair hearing and the presumption of innocence for those named. This bill says a reasonable time should generally be three months, and the Greens think this is about right. Importantly, the bill allows some flexibility in this regard in that while it proposes three months as a standard, it also specifically allows a named person to negotiate with IBAC to extend this time period.

We also note that the bill provides that the commissioner may transmit or publish a report after three months but it does not automatically mandate that this occurs. The Greens believe that there is sufficient cause to expect the IBAC Commissioner will exercise sound judgement when making a decision whether to transmit a report after giving full consideration of the need to balance the public interest with any named person's respective rights.

The bill is not perfect. We would prefer the bill specify that the power to publish regardless of court proceedings in proposed new section 162AA expressly limits this power to civil court proceedings and not criminal proceedings. While we expect an IBAC Commissioner's sound judgement and caution when exercising these powers would very likely preclude them ever publishing when a matter was the subject of criminal proceedings anyway, we think that it would be better if this was specified in the bill, and we would support amendments to this end. However, on balance this bill is a step in the right direction, so the Greens support this bill. Moreover, we look forward to doing more work to strengthen integrity laws during this Parliament.

Matthew BACH (North-Eastern Metropolitan) (15:16): I will just speak very briefly, because Mr Davis in his second-reading speech, which was, as was his second-reading speech for the previous bill, very much succinct and to the point, hit upon the particular issues that he thought were relevant. I wish to commend the contribution of Dr Ratnam just now to the house as well.

Obviously on this side of the house we do not accept the series of possible concerns that the Attorney-General put forward. As per the previous bill, this is a relatively straightforward matter. As per the previous bill, in actual fact we are not proposing anything radical. We are not undermining any cherished norms of Westminster democracy. We are, however, seeking to ensure that our infrastructure when it comes to integrity can function a little better than it does at the moment. I agree with the points that Dr Ratnam made regarding the particular need, given Victoria's current status, that we do better and should be seeking to do better. So on that I would end my contribution, I would commend the bill to the house and I would thank members of the crossbench for their consideration of this matter in such good faith.

Gaelle BROAD (Northern Victoria) (15:18): I move:

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

Motion agreed to and debate adjourned until later this day.

Independent Broad-based Anti-corruption Commission Amendment (Restoration of Examination Powers) Bill 2022

Second reading

Debate resumed on motion of David Davis:

That the bill be now read a second time.

Jacinta ERMACORA (Western Victoria) (15:19): I am pleased to have this opportunity to speak against this bill. This government supports integrity agencies and recognises the importance of IBAC being able to use its public examination powers when necessary to undertake its function to promote integrity and expose serious and systemic corruption and misconduct.

The current act does not preclude IBAC from holding public hearings. I intend to highlight the potential impact of public versus private hearings on the integrity of an outcome. A key strength of our integrity bodies is that they are independent of any political play. In fact you could argue that the whole purpose of Victoria's integrity bodies is to retain their independence. It is so important that we strike the right balance between providing public access to inquiries and not inadvertently distorting the outcome or corrupting the process. We also need to avoid using accusation as a tool to discredit and bring into disrepute individuals or organisations unjustifiably.

It is also important that we avoid politicisation of an independent non-political body. I would like to talk about the importance of creating the right environment for witnesses to provide frank and fearless reporting of their experiences, and this goes directly to the issue of public versus private evidence. Some here may know that I worked as a counsellor advocate at the South Western Centre Against Sexual Assault in Warrnambool. South Western CASA supports survivors of sexual assault across the south-west region in Victoria, including outreach to Camperdown, Hamilton and Portland. It is based in Warrnambool. South Western CASA provides therapeutic and advocacy support to survivors of sexual assault from as young as six years of age through to elderly people.

Providing a safe environment for survivors to tell their story is one of the primary roles of CASA. This is not only therapeutically beneficial but also important when the therapist is the person of first complaint in a criminal court process. That is why survivors of sexual assault have the option in court to provide their witness testimony via video link, so as not to be retraumatised by the process seeking to provide justice in the first place. That is the accidental thing that can happen if there is open evidence.

Evidence has shown that women often experience the public court process as intimidating. This is why such a low proportion of cases actually end up in the justice system. This is why the very public nature of an inquiry can have a very fundamental impact on those involved and, importantly, the outcome of an independent investigation. I have seen cases where parents have withdrawn their children as witnesses because of the damage and the acrimony that they might experience as a part of a public judicial process.

I have seen women who are survivors of violence – and men – do exactly the same for the same reason. It is crucial that an independent body such as IBAC is not politicised by inappropriate procedures. It is so important to get procedures right, because they can so easily lead to abuse not only of witnesses but of the very independence of the body conducting the investigation.

I am sure none of us would like to turn IBAC into a tool of any opposition for political gain, and this government's record is very strong in this space. This government continues to give IBAC broad powers to conduct its investigations and the resources it needs to support its work. It is very important that all of the integrity bodies, including a court system responding to sexual assault, are seen as above any game playing and with a focus on the truth but also respect for those people who have experienced the story that they are wanting to tell, whether it is their experience of surviving sexual assault or whether it is their experience of corruption and they are telling a story. That is why it is so important that we do not allow the game playing that could eventuate if we open up to the public all of the IBAC processes.

The state budget 2022–23 invested a further $32.1 million over four years in additional funding to IBAC on top of its annual base funding, with record funding of $61.9 million in 2022–23. By the end of the forward estimates, IBAC's funding will be double what it was when we came to government in 2014. On any measure this is an improvement on what we inherited. Funding for IBAC in proportion

to the public sector workforces they hold to account is higher in Victoria than other states. So if we want to take a national comparison, Victoria is comparatively stronger in this space.

In conclusion, I strongly disagree with the opening up of the IBAC to public hearings without due consideration by the body itself of making the decision that it is the right thing to do. It is really important that on occasion, when the independent party believes that it is the right thing to do, it be opened up to demonstrate an example. But also it is important to allow witnesses to give their evidence without intimidation and without game playing. Therefore I do not support it.

Sheena WATT (Northern Metropolitan) (15:29): Acting President, this being my first occasion with you in the Acting President's chair, can I take a moment to acknowledge and congratulate you on that appointment. I think all acting presidents should wear as much sparkle as you do.

The ACTING PRESIDENT (Bev McArthur): I aim to please.

Sheena WATT: Going now to the point before us and the private members bill moved by Mr Davis, I rise today to speak in opposition and would like to caution members regarding what they have heard today from the opposition and from other members in the chamber.

It might seem to some politically expedient to support a bill that sounds as though it will support greater integrity and increased transparency. I caution that this bill is reckless in its approach to so-called improvements. This is a flawed bill that does not give due consideration to the welfare of witnesses, and I will speak to that in my remarks as we progress along. The government is already working on appropriate reforms in close consultation with IBAC and will consult widely, which is clear from the obvious holes in the proposed amendments and misalignments that this bill creates. I would like to point out to the house that the current act does not preclude IBAC from holding public hearings, and I think that is a really important point worth emphasising: the current Independent Broad-based Anti-corruption Commission Act 2011 does not preclude IBAC from holding public hearings. Public hearings of course have their place, and when the hearing is in the public interest, it is entirely appropriate that the hearing take place in public.

The amendments proposed today in this bill by Mr Davis bring to the house a series of considerable issues when it comes to the welfare or privacy of witnesses. This, in my view, is a really shameless political stunt designed to generate media attention and encourage a trial-by-media approach to what really are very important matters that are considered by IBAC. Of course there are, as I said, some issues regarding the welfare of our witnesses, and clause 4(1) of this bill, which proposes to repeal section 117(1)(c) and (d), would substantially lower the threshold for public examinations to be held. It removes considerations of whether public examination can be held without causing unreasonable damage to a person's reputation, safety or wellbeing.

Mr Davis might have considered the Integrity and Oversight Committee's recent report on witness welfare before reintroducing the same bill. The Commonwealth National Anti-Corruption Commission Act 2022 in fact adopts the same approach as the current Victorian legislation, and can I take a moment to say to our federal colleagues, it really is about time that you had a very substantial piece of legislation there to enforce anti-corruption in our federal Parliament and other associated bodies, and to pass on my thanks to the federal Attorney-General for leading what I think has been a very substantial and long-needed bill before the parliament there up in Canberra. I think here in this state we will look with great interest and enthusiasm to what that will bring to the federal debate regarding corruption.

Of course there are other bits. When I bring us back in fact to the bill before us there is clause 4(2) of the bill which does seek to remove sections 117(3A)(a), 117(3B) and 117(4) of the IBAC act that provide IBAC the discretion to hold any part of an examination in private upon application by a witness. The effect of the removal of these protections is to narrow the protections afforded to witnesses. This approach, while convenient for the opposition, only serves to jeopardise witness welfare and safety. In fact I recall in the last Parliament we spoke on a number of bills that came from

members of the crossbench, if I remember correctly, to really enhance protections for witnesses. Those particular amendments which came from former members of this place are on the top of my mind as we sit and consider this bill before us today. The removal of these sections actually reduces IBAC's capacity to receive information about potential issues by removing the ability for a witness to make an application to have a hearing heard privately. It relies entirely on IBAC, under this bill as it is presented before us, becoming aware of potential issues by other means. This clause just keeps going.

Further, clause 4(2) of the bill seeks to remove section 117(5A) of the IBAC act. In its current form the act provides that the IBAC must not make any public announcement of its intention to hold a public examination for the purposes of an investigation unless it has notified the Victorian Inspectorate. This is an important safeguard that ensures the IBAC is using its significant coercive powers to compel witnesses to provide evidence responsibly. Removal of this requirement is a highly reckless measure and would undermine the important oversight role of the Victorian Inspectorate.

There are other concerns that I would like to raise in my contribution here this afternoon, including clause 5 of the bill. To my mind, clause 5 of the bill seeks to remove sections 162A of the IBAC act – not just to my mind, but actually on paper there as it is presented to us – which provides that the IBAC must give an advance copy of a report to government before it is tabled in Parliament. However, I will point out to the house that this is just another example of lazy politicking by the mover of this bill, Mr Davis, as section 162A of the IBAC act already provides a provision for the IBAC to not provide an advance copy at its discretion if it determines that it would be inappropriate to do so.

For the benefit of those here listening deeply to my contribution can I tell you that I am in fact referring to section 162A(3), which reads that:

> The IBAC is not required to give an advance copy of the report under subsection (1) if the IBAC considers that in all the circumstances it would be inappropriate to do so.

That is section 162A(3) as it now stands. When I speak about cautioning members about supporting this bill without due consideration for its actual impacts, this is a perfect example. This clause of the bill is entirely unjustified as the provision it calls for already exists. In fact if Mr Davis had done the required work in properly consulting on this bill he would have known that the Ombudsman Act 1973 includes an equivalent provision that this bill is seeking to repeal from the IBAC act. The effect of this bill would thereby be to create a misalignment of the two integrity agencies of our state and their respective legislation, which would undermine the important work that they do. These amendments do not achieve their purpose. They would erode the important protections provided to those under investigation by IBAC and undermine key safeguards.

I just want to go back and repeat some facts that are important and need to be heard. That is really the point around public examinations and the current state of the act. I could probably say it three or four more times, but the truth is that the act does not preclude IBAC from holding public hearings. This is quite an extraordinary proposal before us in the bill as it currently stands. There are wide investigative powers and a series of safeguards and protections that exist in IBAC legislation. They serve a really important purpose in our state. Not only from an integrity perspective but also from a public policy perspective it really is important that we have legislation that firmly enables IBAC to conduct investigations of allegations of corruption and misconduct and that the investigation is supporting the promotion of integrity and public confidence in our institutions.

The only way to do this is to adequately balance the potential infringements of rights and welfare of those that are being investigated and other individuals who may be involved. If we do indeed lose that balance and we fail to provide adequate protection of individuals through the investigative process, we risk IBAC descending into a witch-hunt – a witch-hunt that does not promote integrity, that does not promote public confidence, but stokes fear and anxiety, the hallmarks of a trial by media.

Victorians expect better than that, and they deserve better than that. We should be standing firmly and strongly in support of IBAC when our federal friends in Canberra look to IBAC in the drafting of their

federal bill. I mean, there is a lot of the IBAC act that we should be proud of in this state – an act that has been operating for quite some time.

I thank all those people that do what they do in being IBAC investigators and such. I cannot imagine what sort of role that would be, but rest assured that today, as we sit here debating the powers of IBAC and their work of course with witnesses, some members of this chamber are here to make sure that the support of witnesses is thought about, considered and protected very much by keeping the act in its current form.

There are probably some folks at IBAC – I do not know who in fact works there; probably that is a good thing – whose job it is to support witnesses and think about witness welfare. I can only imagine that that is a tough gig and would be made only that much tougher if there were not an option for witnesses to be able to request a private hearing.

Can I thank you for the opportunity to speak today to Mr Davis's bill. I know that there will be much more said on IBAC, it is likely, in this parliamentary year and the 60th Parliament, but I am indeed happy to begin this year with a contribution on the importance of IBAC and our integrity agencies and to start by recognising their important work. I thank the people that do what they do in upholding integrity in our public agencies and for those of us in public life. So I thank them. And of course I am thinking about all those folks that might find themselves in front of IBAC and supporting those that do so. I reckon with not much more to go I will leave my remarks there, but thank you for your generosity today.

The ACTING PRESIDENT (Bev McArthur): With indulgence, now that the President is back I will suggest that more sparkle is required, based on your recommendation.

Gaelle BROAD (Northern Victoria) (15:44): I move:

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

Motion agreed to and debate adjourned until later this day.

Business of the house

Notices of motion

Samantha RATNAM (Northern Metropolitan) (15:44): I move:

That the consideration of notice of motion, general business, 11, be postponed until later this day.

Motion agreed to.

Motions

Timber industry

Jeff BOURMAN (Eastern Victoria) (15:45): Congratulations on your ascendancy, Acting President. I move:

That this house:

(1) notes that:

(a) the native timber industry will not last until 2030 as planned given the ongoing throttling of timber supply and the constant 'green lawfare';

(b) the timber industry provides jobs both directly and downstream to rural and regional areas which need these jobs as our society urbanises;

(c) trees are a renewable resource, they can be and are replanted, completing the cycle of life;

(d) carbon is captured by new trees and trapped in harvested timber providing a vessel to store it; and

(2) calls on the government to immediately mobilise all its available and appropriate resources to reinvigorate the timber industry and allow the industry to flourish and provide regional areas with security and a future.

My region, the eastern region, and part of the northern region are heavily reliant on the timber industry. In fact my own personal family goes back in eastern Victoria to the early to mid 1800s, where my great-grandfather, who I mentioned as a winner of the military medal, when he enlisted was a sawyer out Boisdale way.

This is not just an industry that has come up and got going or anything like that. It has been in the region basically since settlers got here. It has provided a lifestyle, it has provided income, it has provided jobs, it has provided security and, in case most people have not noticed, it has provided trees, because when they cut down the trees they do replant them.

I had the interesting experience of talking to a candidate from another party who actually did not believe that you could replant trees in a clear-felled area – truly did not believe it. It blew their mind when we explained that that is how it works. It is surprising how many people just do not believe that it is a renewable resource. I do not know how that can happen, but it gets down to the part about the urbanising of Australia, which I will go on to later.

We have lost touch with how the world works; we have lost touch with the realities of things. We can talk about veganism and this and that, but the timber that is harvested, as long as it is done appropriately – and I am not for logging national parks; I am not for logging places that actually have proper old growth. Now, my version of old growth is at least 80 years. Other people's is a bit less. But a lot of the eastern region of Victoria lost its trees in the 1939 bushfire. Prior to that a lot of the area probably had been over forested, but it has grown back. A lot of what we now are logging is not old growth. It is actually proof that the cycle works that these 80-or-so-year-old trees are now ready for harvesting.

That is where we have the problem. The problem is that with all the stuff going on in this world – in Victoria – the industry is on its knees. I remember when it was brought to this place that the industry was going to finish in 2030 – which seemed like a long time away. I cannot remember if it was 2015 or 2016, but it seemed like a long time away. But it is getting closer and closer and closer. I do not think it is going to last until 2030. I do not think it has got a chance of lasting until 2030 whilst VicForests, for good or for bad, whatever people think of it, is getting less and less trees. Things are slowing down. The Maryvale white paper pulp mill is now deciding its future. Nippon Paper cannot just keep on running a charity there – they have got a business to run – but the problem is that they have a supply issue. The problem is that with all the constant lawfare that goes on, with all the constant injunctions that take time and take money and stop work, it is just not happening. The whole thing is grinding to a halt.

It may well surprise people that I am not a fan of trying to wipe out species, but it also seems to me that when people look for the sugar gliders, the Leadbeater's possums and so on, they look in the coupes – or the proposed coupes – and they find them. I have never had a straight answer from anyone as to whether they have done a wider search of the areas not proposed to be logged. Data is the key here, and I am always happy to be corrected – if the data says that they are only in those particular areas where we are only looking, then so be it – but the only time I ever hear about finding a new colony is when it is where they are about to log. Coincidence, deliberate, I do not know, but until there is an actual proper study done of the areas not being proposed to be logged, I think the whole thing is a bit of a fallacy. The fact that every time there is a logging coupe starting they stop and look and find something just smacks to me of opportunism. It just smacks to me of waiting until the time is right and looking where they want to go just to stop this.

I appreciate that people want a decent natural area. Personally I am quite fond of the bush. It is not just to wander around and shoot deer and things like that. I actually enjoy the serenity and the natural environment, and I would suggest so do all the hunters, because no-one wants to go hunting in a wasteland. Also, no-one really particularly wants to go hunting through somewhere that has been clear-felled, but if it is part of the cycle, you do.

It just seems to me that the throttling of the supply is being done in such a manner and is unfortunately being aided by people who I would say are using the law to the best of their ability – which is I guess why we hire lawyers; after all, you do not do brain surgery on yourself – but I think it has come to the point where it is being unfair. I think there is plenty of timber out there in places where the forest area is not new, where the timber is of a reasonable, harvestable quality and quantity and yet it is just being stopped. I recall earlier today mention was made of the Wombat State Forest, but it was fallen down trees, if I remember, that they wanted to harvest. That brings up another thing. Timber supply is timber supply: if all these harvestable trees are on the ground, then why shouldn't they be taken? They can wait there a bit longer if they want and burn in the next bushfire, but it is timber. It is not part of a clear-felling arrangement, it is not part of a logging coupe, but it is there. I could talk for ages about bushfires, but I will not. All I can say is that if there is no fuel, it does not burn; it is pretty simple.

The timber industry in rural and regional areas, and obviously to a degree in the building industry in the urban areas, provides a lot of jobs and a lot of security. As I mentioned, my great-grandfather was in the logging industry. People have been living in those areas for well over a hundred years – 150 years – on this job. It has given the area an identity. It has given it a reason to be there, and you cannot just ignore that. As I said, at the risk of repeating myself, it has all been cut down before, at least the areas we are looking at logging. It is not like it is just going through actual old growth stuff that has never been touched.

The fact that it is coming down to the wire – frankly I will be surprised if the industry does last much longer with the way it is going – is basically wrong. It is taking these people's ability to pay their bills; it is taking their self-worth. I have been unemployed for quite some time myself before, and after a while you do wonder about yourself. You can only have so many baristas, I have got to say, in the country areas. You cannot retrain them all to serve coffee. There has got to be something to replace the industry if it is going to go. Frankly, as much as I do enjoy a good coffee, I am not going to expect to find a cafe out in the middle of nowhere with 10 or 15 people who used to be timber workers running a coffee shop and finding it to be a viable business.

Also, it is not just the timber industry that will die with this. When you think about it, you have got all the houses, you have got the towns and this and that and people living their lives and doing their thing. They need bread, they need milk, they need fuel, they need shirts and they need stuff for their kids – schoolbooks and all that. All those things exist in those regional and rural areas now, and as the jobs in that area shrink, so will those downstream jobs. There have been many things said in this place about the number, but let us just say there are a lot of downstream jobs and the loss of this industry is going to hurt. It is hurting already, from the people that supply the fuel for the bulldozers all the way to the people that supply the fuel to the people taking their kids to school. In the end if all those jobs go and there is nothing else to do, it is only going to end up with them going on to welfare. Then people will have less disposable income, they will spend less – that is just the nature of the beast – and they will end up having to watch as their once-thriving communities end up shrinking. There are small towns now that are probably on the brink, but there is still time to repair this. And again, I must point out that I am not advocating for wholesale slaughter on all the trees around the place. It has still got to be done in a proper manner, but if I recall correctly, there is 1 per cent of the 6 per cent of public land available for harvesting that is being used. That is not a big number.

Trees are a renewable resource. There is an ad on TV for a superannuation fund that actually points it out very well – an acorn grows into a massive oak tree. It drops acorns, and planted properly they will grow into another massive oak tree. That, as I understand it, is storing carbon. Now, when you cut down the tree and do your thing with it, the carbon stays in the wood. The new tree that is growing will capture more carbon, and notwithstanding the natural way that stuff deteriorates, as time goes on the carbon capture will actually go up. So not only is it renewable, it is actually working on the whole carbon thing. Frankly, I think it has got to be a better idea than the last plan I heard, which was to stick it under the ocean floor and store it somewhere under there. It does not seem to me to be a particularly

productive way of using it, because if I go back to my year 12 biology, you need chlorophyll and sunlight to turn carbon dioxide into something else and oxygen. It has been a while –

A member: Starch.

Jeff BOURMAN: Thank you – starch. That shows how long it has been since I have been to school, but the point is that carbon dioxide is needed for plants, and by growing more plants – even if it is by cutting some down and growing new ones – then you are actually doing a positive thing towards the whole carbon cycle.

The government I suppose is getting close to the time to when it is going to have to make a decision. If the white paper pulp mill closes down – because I believe the brown paper one uses pine and that sort of stuff – I believe that will have a ripple effect, and that is something we really do not want to see. As you keep on pulling at the bottom of an industry, sooner or later you are going to pull out one little twig and the rest will come down. There will always be timber harvested from plantations, and I of course support plantation timber, but to get the quality and quantity of hardwood timber we need we would need to have started about 80 years ago. So the fast-tracking of the industry going on now is not giving time for the plantations to be able to get to a usable point. Of course they might be able to get to a point where you could use them for, I think it was, D- or E-grade purposes, but that is not where we are at. Most of the stuff we are looking at in the scheme of native timber hardwood is for dressed timber and things like that – for stairwells and stuff where you are actually showing off the timber.

So the purpose of this motion was to try and get the government to at least consider doing something other than just finishing this industry off. I contemplated carrying on about how the Labor government used to be the party for workers and things like that, but at the end of the day it does not matter. That is just partisan politics. What matters is we still have time; we still can fix this. If they want to end it, then end it in a time frame and a manner which is not just going to train baristas and move people into town – because that is what will happen – is not going to put more people on the dole and is not going to create more socio-economic disadvantage for the rural and regional areas but is going to give it time to actually gracefully go across, because frankly as it is there is nowhere near enough time.

I will be amazed if it makes it to 2030, the way it is going. Much has been said about VicForests and its viability. Well, you know, just with the constant attacks on it, it is amazing that it is even still going. I really think calling its viability into question is not really a fair thing when the whole industry they are working in is under constant attack. Anyway, I have given this a fair go already. I think what I will do with this is leave my contribution, but I do urge the government at its highest levels to rethink the time line. 2030 is too soon.

Sonja TERPSTRA (North-Eastern Metropolitan) (16:01): I rise to make a contribution in opposition to Mr Bourman's motion in regard to the native timber industry, and I note that this motion being brought today is also on the back of earlier questions in this chamber today to Minister Tierney in regard to the same subject matter. I reflect on Minister Tierney's response to Mr Bourman's questions earlier today as well and note that the matters that I will be speaking on in response to this motion will follow a similar vein to what Minister Tierney put earlier. I just note that it seems that we have the two ends of the spectrum here, where we have got Mr Bourman from the Shooters and Fishers saying it is too early to bring an end to native timber harvesting while Dr Ratnam and the Greens think we are not moving quickly enough, so it is the direct opposite of what Mr Bourman wants.

The approach that this government is taking is to strike a balance in regard to this matter. Again I will note what was mentioned earlier, that the government has spent a lot of time working on and creating the forestry plan, which is a 20-year plan that is aimed at helping the industry transition, because one thing that we know on the government benches here is how important it is to make sure we protect and conserve and look after our environment. But what we also know, obviously, being the Labor Party, is how important it is to ensure that workers have livelihoods, that the communities in which

they reside are not left behind and that those communities are supported when an industry is transitioning into a new phase, because we have seen what can happen. I will use the example of what happened when Kennett privatised the SEC. You had complete destruction of towns and livelihoods and people. This is what unfortunately the Greens do not clearly understand: that when an industry transitions there are people who work in that industry and they have jobs, and you cannot just flick a switch and turn those jobs off, because that has real-world consequences for people who work in those industries. We know that. We understand that, because we are the Labor Party. We get that. Basically we have strong roots and strong underpinnings in supporting working people.

So we have been very careful and done very thorough and detailed work with the forestry plan to make sure that not only are we supporting workers but we are supporting businesses that might want to transition to perhaps undertaking different methods in the way in which they continue to operate their timber businesses. One of the things that I learned when we were debating the forestry plan and talking about that in this chamber last year was that – and I did not know this; it was something that I learned – if you have a business and you are sawmilling hardwood, you cannot just flick a switch and go to softwood. You actually need to change your equipment over. This is something that perhaps may not be well understood by people by and large. One of the focal points of our forestry plan was to make sure that businesses that wanted to stay in the industry of sawmilling timber could transition to a different way of continuing to work in that sector, and that meant upgrading their equipment.

We have consulted deeply and widely, not only with workers who work in the sector but businesses as well and of course the communities and towns that really have their livelihoods attached to these sorts of industries. We have undertaken very detailed work. As I said, the forestry plan is a plan that is aiming to look at transitioning over 20 years, and again that goes to a lot of other detail, but one thing that we have committed to – well, there are a number of things that we have immediately committed to, and I will talk about all of those things in a minute because they are quite detailed. They go to all the things that need to happen to make sure that nobody is left behind.

Again, we have extremes over here with the Greens saying, 'Let's turn it off right now. Flick the switch and it will all be good.' Well, that is not going to be the case. What we commit to is continuing to support impacted timber workers and businesses through this challenging period. We remain committed to a just transition for timber workers. We welcome the involvement of workers – and not only workers but their unions – in this process, and there have been detailed consultations with unions around this as well.

This has been backed by a $200 million investment through the *Victorian Forestry Plan*, $120 million of investment in the Gippsland plantation investment program and continued support payments for stood-down workers. That goes to all the things that I just mentioned. The government is exploring potential long-term solutions to the current supply challenges because we know there are challenges with supply. That is obvious. But we also understand the imperative that we must look after our environment and protect our old-growth forests. The government is continuing to deliver support payments to sawmill workers, forest contractors and Opal Maryvale mill workers who are stood down. An industry-wide worker support service and dedicated Opal Maryville mill worker support service has been activated to support these workers. And the sawmill opt-out scheme application process is underway to enable mills and mill workers to transition out of the industry ahead of the planned 2024 step-down in native timber harvesting. Applications to the sawmill opt-out scheme are currently being actively assessed. You can see that right now as I stand here in this chamber today there are things that are being actioned in a very real world way to ensure support for working people and to ensure that no-one is left behind.

We immediately ended harvesting in old-growth forests aged up to 600 years old, and this was around 90,000 hectares across Victoria. We protected 96,000 hectares of high conservation value habitat in new immediate protection areas across East Gippsland, the Central Highlands, Mirboo North and the Strathbogie Ranges, and we have invested over $560 million to protect biodiversity in our natural environment since 2014 – the largest ever investment by a Victorian government.

You can see just by going to the detail of some of the things that we have invested in and the detail of our forestry plan that this is a well-thought-out approach. It has been important to underscore that we have consulted widely with a range of stakeholders on this matter. Again, what this government has done from the government benches is ensure that we will be transitioning away. This is underpinned by a just transition for workers so nobody is left behind. It is critically important that we take this approach.

As I said before, we were on the opposition benches when Kennett privatised the SEC down there in the valley. Straightaway the switch was flicked. So many people lost their jobs and their livelihoods, and there is intergenerational trauma attached the privatisation of that sector down there in those communities. They were warned about this. The unions warned them about this, but they did not listen and just flicked the switch. We know what would happen if we adopted the Greens approach, which should be to immediately just flick the switch and cut hundreds of thousands of people's livelihoods and their jobs. We know what would happen. We learned by watching and observing the approaches of others. We were told that was going to be the best thing for people and that privatisation would deliver all magical wonder of things, and we know that that failed abysmally.

I cannot wait to see the Andrews Labor government bring back the SEC to the Gippsland region. I know that there will be so many people who will be queueing up, and there will be good, well-paid jobs attached to that. When we talk about jobs, there are going to be other options for people who live down in the valley and who might work in the timber industry right now. You know, the forestry plan also looks at supporting workers through retraining and how they can transition into other industries. While it is sad and disappointing for some people who have many years and generations of being attached to the timber industry, there are opportunities to come as well.

Further to that, in October 2022 the Minister for Agriculture, Gayle Tierney, announced the opening of three grant programs. There was a $22 million Community Development Fund, a $2.5 million second round of the Victorian Timber Innovation Fund and the $250,000 second round of the forestry business transition voucher program. The Labor government's $22 million Community Development Fund, which is now open for applications, will support 11 priority communities to deliver projects and opportunities identified through local transition strategies – and again, making sure that local communities are at the centre of this, at the forefront, being able to tell us and being led by locals about what they need and how they see that the transition can happen in their local communities. We will invest in exciting community-led initiatives identified through the local development strategy program, as well as in advanced timber communities such as Orbost, Swifts Creek and Nowa Nowa to plan through for economic diversity and job creation. I could go on, but I think I will leave my contribution there. I know there are other speakers who want to speak on this matter as well. But, again, we oppose Mr Bourman's motion.

David LIMBRICK (South-Eastern Metropolitan) (16:11): I am going to tell you a story about what happens when you get green lawfare, restrictive energy policy, government-owned corporations and a waste management policy to come together so that we get this crazy situation, which I will explain in a moment, where we have landfills in my electorate of South-East Metro that are going to be affected by forestry policy. You see, at the Nippon Paper mill out in Maryvale currently – I think today, actually – their management is going through a process of trying to decide whether they are going to continue white paper production. Apparently the brown paper production, as Mr Bourman outlined, will continue, but apparently this is the last mill that produces white paper in Australia. The reason that they are closing is uncertainty about source material, some of which comes from our forestry industry.

Now, Ms Terpstra was talking about sawmill opt-out schemes and those sorts of things, but what we are really talking about is deindustrialising Eastern Victoria. What has happened is a situation where the mill has been under pressure for some time, I might add. During the waste and recycling inquiry in the last term of Parliament, that I know Dr Ratnam was on and I was on also, Maryvale paper mill featured in it, and one of the big issues that they were having was around unpredictable gas prices

because of our restrictive gas policies in this state. As a solution they looked at many different options, because their mill requires a lot of energy. It does not require electricity; it requires heat, and they burn the gas to produce heat. They looked at trying to provide it with renewable energy. That was not going to be technically feasible. So what they came up with was a proposal for a waste-to-energy facility out in Maryvale which is projected, I believe, to consume around about 30 per cent of Melbourne's landfill waste. This is connected to the Maryvale paper mill.

Now, I imagine that the management of the mill will not only be looking at the feasibility of white paper production – and frankly I think it is shameful that we are in such a state now that white paper is considered not feasible for industries to produce in Victoria – but also be looking at the waste-to-energy facility that powers that mill and whether that is still feasible or not. I do not know the answer to that, but I am sure lots of people with much more engineering background than me will be figuring out just that right now. But maybe the government should be concerned about this, because if they decide not to go ahead with this waste-to-energy facility the government has got a big problem with waste management in this state. I know that in my electorate at Hallam landfill they have extended that because of uncertainty about landfill closures and this sort of thing, and this uncertainty is only going to get worse. If the owners of the mill and Veolia start to get cold feet about going ahead with this waste-to-energy facility I think that waste management in this state is in a big crisis again.

Ms Terpstra also talked about privatisation of companies and stuff. Well, I would point out that VicForests is a public corporation – and it is not doing too well either, primarily due to green lawfare. We have these legal activists who take legal action at every opportunity to try and shut it down, and they have been very successful at that. I know that we have tried to pass laws through this house that the government has tried to put forward to stop some of these actions and limit them, but nevertheless the government appears to have failed to stop that. VicForests is running at huge losses. Workers are being stood down. The knock-on effects from that at the mill are that workers have been stood down there, and of course the owners of the mill are considering whether it is even viable. My understanding is that there are about a thousand workers at the mill alone. I do not know how many of those workers are going to be stood down permanently if Nippon Paper decides to shut down the mill and stop white paper production.

These environmental activists seem to think that stopping logging in Eastern Victoria is going to stop logging. Well, that is not going to happen, because what they are going to do, similar to many of the Greens policies, is externalise it to somewhere else, probably Indonesia. I do not know what Indonesia's environmental standards are, but I would hazard a guess that Australia's are a lot better, Victoria's are a lot better. If we are really thinking about global solutions, maybe we should be thinking about how we can sustainably produce white paper for a start. I would rather that we produced much more advanced industries and were not struggling to produce paper. But we are facing a calamity which is a culmination of our forestry policy, our energy policy and our waste policy.

I do not envy the government's problems that they are facing here to deal with this, because I am not sure what the solution is, and I do not know what the government's solution is. Deindustrialising does not really seem like a sustainable way of dealing with this. Certainly I think that scaling down the industry over time like the government is proposing – we have spoken about this many times in the last term of Parliament – would be a sustainable solution rather than shutting it down. Certainly what the Greens are proposing, shutting it down even sooner, seems recklessly irresponsible. It is recklessly irresponsible not to consider these flow-on effects. Quite frankly I am quite scared about what is going to happen with energy and waste management in this state. But, like many, I have been a big consumer of white paper – they were delivering it around Parliament yesterday – and I think in very short order we will find that all of that paper will be coming from overseas. Let us find out where it comes from after we stop producing it in our country.

Melina BATH (Eastern Victoria) (16:18): I am pleased to rise this afternoon and put my support behind motion 14 in the name of Mr Jeff Bourman on behalf of the Nationals and my colleagues in the Liberal Party. Before I go into the contents of motion 14 involving the native timber industry, I

would like to give a tiny bit of background as to why Mr Bourman might have brought this forward to us today.

I will not wave it around, but I have before me a how-to-vote card for the Morwell district at the last election. This how-to-vote card is the Shooters, Fishers and Farmers Party how-to-vote card. At number one, naturally, if it is your how-to-vote card, it would have your candidate there, Mr David Snelling. I have met him, and by all accounts he is a very reasonable human being – a person in it for the right reasons. But number two on this how-to-vote card that the Shooters and Fishers were handing out was the Labor Party candidate. Morwell became, with the change of demographics with the change of VEC electoral boundaries, a nominally 4 per cent Labor seat, so Mr Bourman and his Shooters and Fishers would have known when they went to that election that they were not going to win. So they then made a decision, had a conversation, did a deal, whatever that might be, that it was either going to be – and the pundits were all talking about it, Antony Green as well, prior to the election – a Labor Party seat or a National Party seat, in effect.

So Mr Bourman decided that he would put his money on the Labor Party. The Labor Party's policy, as we know, is to shut down the native timber industry, and that was announced in 2019. So there is no ambiguity around where – in putting down number two in the Morwell electorate – that vote would have gone and what would have happened. Now, I also happen to know that in some of the pre-poll the good people who were voting for Mr Bourman's candidate actually left the ticket and voted either for the Nationals or in smaller numbers for the Liberals.

On the back of Mr Bourman's how-to-vote card are 10 priorities – key priorities, important ones. I will not read them out, but none of them include the native timber industry. There are 10 things that the Shooters and Fishers want to focus on and not one of them is the native timber industry. Yet here we are today with the first opportunity in non-government business, and Mr Bourman and the Shooters and Fishers are transactional members of Parliament. He is very successful; this is now his third term in Parliament. He has made this whopping great decision: 'I'm going to go and put down on the notice paper my support for the native timber industry and I will see if I can flick it around to my electorate and say, 'How good is that?'. Well, he had the opportunity back when we were going to the polls. He could have not put the Labor Party as a direct preference. He could have supported the industry and the candidates that supported our native timber industry.

Let me tell you, as people who have heard me speak before will know, on last count I think on 126 separate occasions on separate bills, adjournment debates, questions and whatever I have spoken on the native timber industry and showed our support not only for the people that live in our region, not only for the communities that are underpinned by the native timber industry, a sustainable world class industry, but for the environment as well, because as Mr Bourman says – and I will move to his motion, and we will support this motion – it is a renewable strategic resource that captures carbon. A dry weight of hardwood will store approximately 35 per cent of carbon in it.

This government and previous governments have stopped logging old-growth forests. Now, the Greens have come up with their own version of what an old-growth forest is, but old-growth forest is anything that is pre-1939 harvesting of a certain diameter. Anything that is post the 1939 fires is not considered old growth. I have talked to many good timber harvesters who talk about their fathers and their fathers before them. They are harvesting and harvesting again the same areas, the same coupes that were harvested 40 years ago and 50 years before that. It is a sustainable resource. I have said it before: 95 per cent of all of our timber resources in this state, in our native estates, are locked away in timber reserves, in national parks, in state forests and in zoned waterways, and that is really important. We need to have those locked away and safe from – well, I was going to say fire, but of course we know that fire does not discriminate either on where it rips through and destroys forests, native flora and fauna. But it is a sustainable industry, and this government is crippling those communities, those families, those hardworking people who protect us during the fires as well.

We hear that ultimately this is a supply issue. The government have said 2030 and a step-down in 2024, but we know they are just allowing, they are enabling the crippling of our hardwood industry. VicForests is the body that oversees a very strict regulatory system. We have got regional forest agreements between the federal and state governments. We have timber release plans. We have exclusion zones, threatened species plans. There is the thing called the timber code of practice. That has contained within it a whole raft of prescriptions that tell the industry, inform and direct the industry, about what can be harvested and what cannot be. VicForests time and time again has adhered to surveys, evaluation and monitoring. For the Greens and others to go along saying that VicForests is some cavalier entity is just the height of frustration and inaccuracy.

What we are seeing here – and we would certainly work with the government on this; I am sure I speak for my colleagues – is that in order to have certainty for the industry, to stop these court litigations, what we are asking for and will positively work with the government for is for the government to insert a wider range of prescriptions into the timber code of practice. Give the industry certainty. Put the greater glider certainty in the timber code of practice. Then you will not have these third-party litigators that take industry to court. Then you will not have any ambiguity about the legal system interpreting them or erring on the side of absolute nth-degree caution. There will be clarity, and that is what we are asking for and that is what the organisation and these communities right across Victoria are asking for.

It is a supply issue. We have heard today a very sensible speech from the Lib Dems in relation to Opal, and it is an absolute tragedy that people in the Latrobe Valley are suffering an uncertain future. In truth it is not uncertain: they are going to go to the unemployment line. And why? Because the government has not shored up this timber code of practice and made certainty for industry. Again I heard Ms Terpstra, and we got 2 minutes in before we heard the failings of Mr Kennett. That was 2 minutes. I think that might be a record; she normally runs it out to about 3 minutes.

People who live in Eastern Victoria Region totally understand that the Victorian government's forestry plan is flawed. It is a joke. They talk about, 'All we need to do is upgrade our equipment. Pay some money and get them to change it.' Well, that is true. Hardwood timber mills cannot be softwood timber mills. Hardwood excavations, haulage and harvest are not softwood, are not plantation. They are not going to work. But this market is already full. There is already a full, complete raft of people working in the plantation industry. You cannot stuff more people in and just say, 'Here, go in there and conduct your business.' It is a flawed plan. There are no more plantations in Victoria than there were three years ago. There are no more plants being planted in the ground. There is a recycle but there is no new net to cover off. I support Mr Bourman's motion, and the government needs to come and address this very serious issue of the loss of our lives, communities and people in Victoria.

Bev McARTHUR (Western Victoria) (16:28): I move:

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

Motion agreed to and debate adjourned until later this day.

Electoral reform

Samantha RATNAM (Northern Metropolitan) (16:29): I rise to move:

That this house:

(1) acknowledges that Victoria continues to be the only jurisdiction in Australia that uses the undemocratic group voting system to elect members to this place;

(2) notes that after the 2021 Western Australian state election, where a representative from the Daylight Saving Party was elected with 98 primary votes, the re-elected Western Australian government initiated an independent review of the state's electoral system which recommended abolishing the group voting system;

> and calls on the government to show similar leadership and urgently establish an independent expert panel to review Victoria's undemocratic group voting system and make recommendations to Parliament on options for reform.

When Victorians went to the polls in November last year they not only were faced with a ridiculous double-decker ballot paper but were the only voters left in the nation that had their upper house preferences decided for them, not by them – hopefully for the last time.

The undemocratic group voting ticket (GVT) system, which sees party apparatchiks determine preference flows for over 90 per cent of votes which are made above the line, has been abandoned in all Australian jurisdictions except here, and for good reason. I will not labour the point because it is self-evident to anyone who believes in representative democracy how appalling group voting tickets are, but as a quick summary here is Antony Green:

> GVT elections attract so many parties because the preference deals turn the contest to fill the final seat into a lottery. Micro-parties agree to ignore their ideological differences and swap preferences with each other ahead of the larger parties in a tactic that has become known as 'preference harvesting'. The tactic gives one of the participating micro-parties a chance to get lucky and be elected to the Legislative Council for four years with a key vote in the balance of power.
>
> The reformed Senate system has ended such tactics and results. Senators no longer get elected by clever deals and pot luck. Parties have to campaign for votes rather than trade deals on preferences. The three Senate elections conducted with the new rules have elected representatives proportional to votes received without the distortions created by GVTs.

In essence, GVTs distort the will of voters; for example, people voting for the Shooters can end up electing an animal rights activist. They lead to a multitude of parties whose function is to harvest preferences rather than engage in genuine political debate, hence the ridiculousness of the double-decker ballot paper we saw. But most significantly group voting tickets facilitate the election of members who are not accountable to voters. As Kevin Bonham says, whether a party with a small vote gets elected 'has more to do with GTV preference deals and unpredictable events in the preference distribution than whether they have any real level of voter support'.

In the most recent election we have seen a more proportional upper house than last time thanks in large part to progressive parties making different decisions than in 2018, but this just proves our point. It should not be the apparatchiks deciding from election to election who comes into the place but the voters. Now of course – and in anticipation of the accusations I know will be coming my way in this debate – the Greens engage with the system as it exists, which means we reach agreements with other parties to maximise our chances of getting elected. But that does not mean the system is right. It is not, and everyone here knows it. In the lead-up to the election it was heartening to hear numerous parties voice their support for reform. In fact the majority of the crossbench here are now on the record supporting reforming the upper house voting system, as I think are the Liberals. I am sure they will correct me if I am wrong on that in the debate to come.

In fact the only parties in this place that have not indicated support for reform of group voting tickets are those members beholden to Mr Druery for their election and the Labor Party. And didn't we all get a closer look at the way Mr Druery operates during last year's election? The ugliness of group voting tickets was on display for everyone to see – the wheeling, the dealing, the threats, the boasting and of course the money. What was most interesting in the leaked recordings of Mr Druery was the revelation that part of the deal in getting his help is to promise to oppose any reform of the system, and we may just see that on display again shortly – the corruption of the group voting system on display right there. This chamber saw this promise in action in 2021 in the debate on my last motion calling for reform of the group voting system when dutifully Mr Druery's MPs got to their feet one by one to defend the corrupt and undemocratic use of group voting tickets. During the course of that debate I had the experience of being lectured to by white men about how group voting tickets bring diversity to the chamber – seriously! Yet, as has been reported, the current Parliament is even less diverse than the last one. The problem politics faces with diversity has not got anything to do with

group voting tickets, or maybe it does – in reserving places for white conservative blokes, that great under-represented group in Australian politics.

What my motion is calling for today is an independent expert panel to review Victoria's undemocratic group voting system and make recommendations to Parliament on options for reform. After the appalling failure of the Electoral Matters Committee to conduct an inquiry into group voting tickets last term, it is clear an independent review is the best way forward. The Western Australian Labor government did just that after their last election, and the result was the abolition of group voting tickets, which had become indefensible after an MP got elected on just 98 votes. Reliance on the Electoral Matters Committee risks the same outcome as the last term, where a majority of Labor and Druery MPs blocked any movement on reform. The inaction of the government and the Electoral Matters Committee last term was a travesty of democracy. Almost every single submission to the committee on the 2018 election mentioned group voting tickets, yet the committee refused to allow witnesses to address the issue, instead making what turned out to be a hollow promise of a future inquiry. This was a betrayal of the people who made submissions to the committee. It treated voters with contempt, and given Labor continues to show no concern about the ongoing corrupting influence of group voting tickets, forgive me if I am not prepared to give the government-dominated committee system the benefit of the doubt again.

While the Greens believe the simplest and most appropriate reform is to replace the GVT system with Senate-style voting above the line, which as I mentioned before provides a much more proportional outcome, we are open to alternatives, hence why this motion calls for an expert panel to give the Parliament options to consider. We have heard the Premier deflect the need for a proper review of this broken system to the Electoral Matters Committee's regular review of the election as a way of heading off criticism for years of inaction, but we all know that with the government-dominated joint investigatory committees, with government chairs, as I spoke at length about this morning, we just do not see the type of scrutiny and reform that is needed, especially when it comes to the health of our democracy and the group voting system. So the Greens are proposing a pathway forward that can help us achieve progress. It means that a proper review and inquiry can be conducted into Victoria's group voting system and then the Parliament can deliberate on the best options for reform.

This motion should come as no surprise to the government, as I wrote to the Premier as soon as possible after November's election to indicate that this issue would be a high priority for the Greens and request he establish an independent expert panel to review the electoral system for Victoria's upper house. I am yet to receive any acknowledgement or reply to this correspondence, but together in this chamber today, with this motion, we can move this issue forward. We owe every Victorian at least that.

At the end of the day every Victorian should be able to easily decide where their voting preferences go on election day, rather than having their preferences bought and sold by people they have never heard of. Until we reform our voting system our elections will continue to be open to corruption and our upper house risks not representing the people it should serve.

Michael GALEA (South-Eastern Metropolitan) (16:38): I rise to respond to Dr Ratnam's motion and congratulate her for arguing the case most excellently as well. I do rise to discuss this, and I do want to acknowledge that this is a very relevant discussion, as it has been discussed I know in the media as well as by many of us in political circles, particularly during the campaign last year. Many times at pre-poll when we were sheltering from the rain or the hail – perhaps the sunburn – with a number of different parties I recall discussing these issues, and it is one that I think we all get very excited about. It is an important issue because it does go to the heart of what we are here for, and that is to have a democratic chamber.

I think it is important to give some historical context as well, and I think back to my first speech just a couple of months ago, when I was talking about how in the 1850s, in the very first Legislative Council in this state – or colony as it was then – you had to be basically white, male and British in order to run.

You also had to own land, and one thing I did not mention that a few people mentioned to me afterwards is that you also had to be straight, or at least appear to be so, which is probably also worth mentioning. I am not going to speculate further on that.

There have been obviously a number of further reforms over time, much to the state's benefit, and there were some further reforms in 2006 when the previous Bracks Labor government reformed the upper house, which was significantly overdue, in terms of implementing the current region system that we have today, further to which there were the 2018 Electoral Act reforms too. I think this is a good opportunity to highlight some of the achievements of those 2018 electoral reforms. Last week in fact we read about the discussion taking place at the federal level and the fact that they are now looking at implementing donation reforms. This is something that we have actually already achieved in Victoria. That was delivered in the very first term of the Andrews Labor government and came into effect, as members here would know, in time for last year's state election.

These reforms saw us implement some of the toughest political donation laws in the nation. These reforms also drastically reduced the size of donations, which impeded the influence of money on our democratic processes, and worked to ensure that Victorians know who receives and makes donations. We now have the strictest and the most transparent donation laws in Australia under legislation introduced by this government.

The bill passed in 2018 overhauled our political donations regime, eliminated large donations and ushered in Australia's most transparent donation disclosure laws, which gives us all increased confidence in political decision-making. The legislation capped donations at $4000 over a four-year parliamentary term; I believe that is now closer to $4320. It also reduced the disclosure limits from $13,500 to $1000 per financial year, and it banned foreign donations – significantly as well – as well as bringing in very tough penalties for breaching those regulations, up to 10 years imprisonment for breaches. That is exactly why the Andrews Labor government is implementing these reforms – to ensure the integrity of our democratic system. This is about the whole system. These requirements also require donations to be disclosed in a timely manner.

Georgie Crozier interjected.

The PRESIDENT: Ms Crozier, I'm going to call you next.

Michael GALEA: It also speaks to our commitment to transparency, because we believe on this side of the chamber that Victorians have a right to know who is donating to the candidates elected as their representatives. We absolutely do. Not only is this disclosure requirement in place, but there is also an onus on the person or party receiving a donation to provide an annual return to the Victorian Electoral Commission. The VEC is also required to publish this information. So I think it is fair to say that our record speaks for itself in terms of our strong interest in delivering electoral reforms which are in the public interest for Victorians.

A member interjected.

Michael GALEA: It absolutely is. Furthermore, the legislation specified a minimum number of parliamentary advisers for non-government parties, providing greater certainty and transparency for staffing arrangements, which included limiting the discretion of the government of the day to restrict the number of parliamentary advisers, particularly for the crossbench. I think we can all agree that that is a very sensible, reasonable reform that ensures that crossbench MPs have the support and the resources they need to do their jobs just as any of the rest of us do.

A member: And then they vote the right way.

Michael GALEA: No matter how they vote; we are not doing it based on – I probably should not respond to interjections. No matter how they vote, we want to ensure that all upper house MPs – or lower house MPs, indeed if they are on the crossbench – have the right to the same number of parliamentary staff. That is only fair.

The legislation also modernised our outdated electoral rules by streamlining early voting arrangements and allowed for the earlier processing of such votes to enable more of them to be counted on election night. The act also enables registered political logos to be printed on ballot papers, consistent with Commonwealth law. Now, I am not standing here and saying that everything is perfect; far from it. There is always more reform work to be done, but I think it is very important to note that this government has an absolutely strong record of delivery on electoral reform, and we will continue to do so as appropriate.

I would like to refer directly back to the motion put forward by Dr Ratnam, which says, firstly, that the house wishes to acknowledge that Victoria continues to be the only jurisdiction in the country with the group voting ticket system, and she refers to that as undemocratic, and it also brings in an example of the WA Daylight Saving Party, further to which it asks for an independent inquiry to be set up. I want to make a quick comment there on the use of the word 'undemocratic'. I would like to caution us all to be very careful on the use of this word, because we are all here, we do have a very serious responsibility to represent the people who voted us in and we all have an interest in ensuring that the system is robust. I would note that currently the Greens have four out of 40 seats in the Legislative Council and I understand approximately 10 per cent of the primary vote in the state election as well, which I would argue is relatively reflective of that.

A member: Plenty.

Michael GALEA: Plenty enough, as some might say on the other side of the house, but I am very excited for all of you to be here, and I am very excited to work with you all. And I do think that we do still have a good diversity of views in this Parliament. Probably one recent example of that is just from the last couple of days, where we have seen some very impassioned questions calling for the continuation of duck shooting, as well as the ardent opposition to it by Ms Purcell – and I want to congratulate her on her maiden speech yesterday. That was fantastic.

I would like to understand, if the system is as undemocratic as you say it is, who in this chamber should not be here? Who in this chamber do you think should not have a space?

Georgie Crozier: Are you supporting this motion?

Michael GALEA: I will come to that very, very briefly, Ms Crozier. As I was about to say, there are further improvements that can be made, but I do want again to caution against such extreme language on a system that has also seen Greens members elected to this place at every election since 2006.

On that note, I think a lot of members would understand and remember some of the very inflammatory language that we saw as candidates on pre-poll sites. Whilst it is important for us to have that fierce argument of ideas, a number of people were out there trying to undermine our process, trying to say that this is not a democracy, that this is all fixed. I do want to caution members about encouraging or trying to inflate those fringe elements of our society, who should rightly be cast aside as trying to undermine our state and who are not acting in the state's interests. Just bear that in mind.

I do want to come back to the point as well of the Daylight Saving Party. I am curious that the example given is from the other side of the country. If there was such an example of someone being elected on I believe it was 98 votes in Victoria, that would have probably been mentioned in the motion. I do want to make a brief note of that as well.

On the actual subject of group voting tickets, there are many, many good arguments, and there are arguments on both sides of this debate. It is very appropriate that we have that discussion. I am not advocating for or against the abolition of group voting tickets in this contribution, but I am confused as to why it has been suggested in this format, because we have a number of very robust committees, including the Electoral Matters Committee, which is there for this exact purpose.

When talking about changing the way we vote as a state, as a people, I think it is very important that we do this in the most robust manner possible, not just by bringing in a motion to get something done or changed quickly. That is why I think going through the committee process is a very sensible way to ensure that that committee can then take in the feedback, hear the evidence and present options for how we might reform the group voting ticket system. I think that is very important. We have those institutions in place and, just as Mr Tarlamis did very effectively in the last term of government in running that committee, I am sure that the committee formed in this Parliament will be very eager to take a look at that, and that should absolutely be looked at as part of that. I will be very excited to contribute to that process as well. I do want to wish all those members who will be forming the Electoral Matters Committee well in their endeavours to do that. Let me just finish by saying: let us use the mechanism that we have – *(Time expired)*

Georgie CROZIER (Southern Metropolitan) (16:48): I am very much looking forward to making some remarks on Ms Ratnam's motion which she has moved, which:

> (1) acknowledges that Victoria continues to be the only jurisdiction in Australia that uses the undemocratic group voting system to elect members to this place;
>
> (2) notes that after the 2021 Western Australian state election, where a representative from the Daylight Saving Party was elected with 98 primary votes, the re-elected Western Australian government initiated an independent review of the state's electoral system …

and calls on the government to consider a similar move. Frankly, I do not think it goes far enough. I think we should be looking at this in far more detail. I am sure we will have more to say about this in terms of this group voting system, because what Ms Ratnam has highlighted is a very significant issue for the state of Victoria. We have seen the manipulation of votes, as she highlighted in her contribution about what has happened over subsequent elections.

It is no reflection on those members that have been elected through the system that has been manipulated, but it goes to the system itself. That is what we are talking about here – not the individuals, but the system and how it has been used and abused. I want to make note that this is nothing new, because back in 2013, 10 years ago, the then Premier, Denis Napthine, approached Daniel Andrews on this very issue and said he wanted bipartisan support to reform upper house voting rules so that the manipulation of the system would not occur. At the time it was rejected by Mr Andrews. Dr Napthine wanted to do that because he said:

> The argument was in the interest of fairness and democracy, it wasn't to stifle micro-parties …
>
> It was about stopping people manipulating the system where one party wins by manipulating the preferences.

Now, that was 10 years ago. That is what is on the record. That is the history, Mr Galea, about the issue. I know that you referred to reforms that the government has done, but let us not confuse this issue with the reforms Labor did off the back of the red shirts corrupt behaviour by Labor Party members and what the government then did. We all know what that has meant in terms of a whole range of things, but I think it remains a very dark cloud over the state and over the Labor Party, particularly around that issue of red shirts.

But I want to go back to what Dr Napthine said in relation to manipulating the system, because what we know from last year is that Mr Druery, the preference whisperer, was exposed to the extent of the absolute obscene manipulation of the system. What did he say on tape? He boasted about the control and how he games the system. He said Victoria has not changed the law to stop the manipulation of votes because Labor benefits from the scam. This was reported in the *Herald Sun* just prior to the election. It said that:

> … Victoria is the only state in Australia not to have changed the law to stop the manipulation of votes …

because, as I said, it benefits from the scam, and that:

> Mr Druery … refers to candidates he helps as 'the family' …

He said:

> … we've got to give them a crossbench they can work with …

and he explained how there were backroom deals with the CFMEU. They were keen to fix a candidate, apparently, to get a seat in Parliament with Mr Druery's help and in return would ensure Labor preferenced other Druery-controlled parties above the Greens.

He went on to talk in some very colourful language on tape about what he has done and how he has benefited from this, and he basically said he had been doing this for years – not just recently but for years. I will not go on and just say it. There is some rather colourful language, as I said, that he used. He said:

> The rest I control. Everybody … I've got more balls in the air than a vasectomy doctor.

He talked about how –

A member interjected.

Georgie CROZIER: I know. He really was quite forthcoming with his information about how he absolutely gamed the system, and he basically said that he set up dozens of sham parliamentary parties with catchy names solely to get other candidates to preference those. He talked about Sack Dan Andrews. Now, there are a lot of people in this state that really wanted to do that, and they voted for that party.

A member: Not enough.

Georgie CROZIER: Well, there were, but not enough. You know, I am one of them. But the point is this party was set up as a ruse. It was not actually as the name suggests where those preferences were going.

A member interjected.

Georgie CROZIER: Well, it manipulated the system. We actually do not know because of what actually happened here. There were conversations around various people, but he said:

> … I won't go into private conversations, but suffice to say, let's say you are the government, you need to govern, you don't like the Greens, you can join the dots, right?

There is a lot of information in that leaked audio that Mr Druery actually exposed to the Victorian community. It was really disappointing that it came out, I think, so late in the piece in the campaign because it needed more scrutiny. We actually needed to understand. He went on and listed who he got in here. Fiona, who was sitting up in the gallery a minute ago, he got her in the first time around, and Rod Barton, just on a few votes. He just named all these parties and people that got in under terms that I do not think the Victorian public were really aware of. Antony Green has spoken extremely well – and he has written a lot on this – about how the system has been so badly manipulated. So how are we meant to bring back trust into the system when this is continuing to go on?

Matthew Bach: It is dreadful.

Georgie CROZIER: Well, it is dreadful, Dr Bach, because politics is viewed by the general community with such low regard that we need to do better, and doing things like this trickery in terms of what is out there just plays into that perception with the broader community. As I said, it is no reflection on those in here; it is about the process and the system and how it has been manipulated, and it needs to be fixed. We have been saying this needs to be fixed. We said we would fix it if we were elected. Unfortunately we were not elected, so we have not got that ability, but I think it is incredible and it is telling. For 10 years Daniel Andrews and his government have known that this system benefits him the most. We know that, the experts like Antony Green know that and I think there are many more Victorians who also understand that. We need to fix this system, so I say to Dr Ratnam: thank you for bringing this important issue to the house. It needs to be reviewed. Even

though we are supporting this, I do not think it goes far enough. It needs to be fixed, and I am just quite sceptical about an independent expert panel that will be set up by government to review this.

I think we will be looking more at this issue later on down the track – or not so far down the track. I hope this conversation continues, because it is so important. Our democracy is important. It undermines the democratic principles that are so important, and we could have fixed this a decade ago if the Premier had the will and the decency and felt that it was in the best interests of all Victorians and not just his Labor Party.

David LIMBRICK (South-Eastern Metropolitan) (16:57): I would firstly like to make the obvious point that everyone in this place was elected by group voting tickets. I would also like to correct a couple of things that Dr Ratnam said. Firstly, I am on the record as saying that I support reform, but what I do not support is Dr Ratnam's proposal of simply removing group voting tickets and going to a Senate-style preferential system.

Samantha Ratnam interjected.

David LIMBRICK: Well, you said that just before. And the reason is this. The reason that we have opposed removal of group voting tickets in the past is because we know that in the last election over 25 per cent of Victorians did not vote for Liberals, Labor or the Greens – they voted for someone else – and what we would see if we went to that sort of system is that those people would end up disenfranchised. What I would support looking at with regard to reform is maybe what they did in Western Australia, or New South Wales even, where they reformed the regions as well. That would result in a more proportionate system.

I also read Mr Bonham's analysis of the election outcomes, and it was quite interesting that he said that the current make-up of Parliament is actually quite proportionate. If you imagined that Victoria was a single region and you looked at how many votes each party got, it is roughly what you would expect in a single region. The current outcomes are roughly what you would expect. I think it was pointed out before that the Greens got roughly 10 per cent of the vote and they got four members – that is about what you would expect – and similarly with the other minor parties. So I think it is critically important that if we are going to look at reform we do look at it in a larger context, not just group voting tickets. We need to look at how the regions work and these sorts of things.

I realise that this is complicated because that involves looking at the constitution as well, so it would require very significant support or bipartisan support. But nonetheless with the group voting ticket system, just removing it and going to a Senate-style preference system of course the Greens would support, because it would benefit the Greens and not many other people. But I think if we really want a truly proportionate system, then let us look at that. I am open-minded about that. I am happy to listen to expert opinion on how that might happen. Simply removing group voting tickets is something that I would not support, but we will wait and see what happens.

Whether this happens through this inquiry or through the Electoral Matters Committee or however it might happen, I feel that it is going to happen one way or another this term. I think that obviously this is looking at how we can end up with a proportional system without disenfranchising those voters that do not vote for the major parties or the Greens. I think it is absolutely critical to look at that. That is why we have opposed some of the reforms that the Greens have put forward in the past in this area – not because we love group voting tickets; I do not think anyone really likes group voting tickets – and that is the reason why we will continue to have that stance, and I am on the record as saying that I will be open-minded about reforms if they are truly proportional.

Georgie PURCELL (Northern Victoria) (17:01): I rise today to speak in support of this motion on the group voting system in Victoria, and I thank Dr Ratnam for bringing it for debate. I will be echoing a lot of the same comments as Mr Limbrick. It might be surprising to some people, given how I got here, but the Animal Justice Party has actually long supported improving Victoria's voting system. We are a smaller party and did not invent the electoral system that we have, but we believe it is not an

ideal system. However, we have been required to work within it while it persists, and we do our best to do so.

One of the issues with the upper house voting system in Victoria is that a single person can represent the interests of a range of minor parties and arrange deals. Indeed this could see votes directed in a way inconsistent with the actual views of voting Victorians. There is a simple reform possible – which has been spoken about today, which a simple vote in Parliament would allow to happen – where the group voting ticket would be removed, requiring voters to number their own preferences above the line. However, a change like this would mean in all likelihood that there would be an increase in the informal vote and that most of the minor parties in this Parliament, including us, would probably not win any seats at all. Therefore it would probably return the Parliament to a situation where the major parties would get the overwhelming share of the seats, with very few minor parties like ours represented. In our view this is also very bad for democracy, diminishing the range of views and opinions that we get from having many smaller parties in this place, including those who we often ideologically disagree with.

As I said, the Animal Justice Party has long supported voting reform, and we support comprehensive reform. We favour full proportional representation, as is now provided in the Western Australian system. We believe this is both the fairest and the best option for state upper houses in Australia. It still allows representation from a range of different parties, and each party is likely to be given the number of MPs in line with their public vote. We are well aware that in order to make this comprehensive change a referendum of the Victorian people would be required. I note that the Electoral Matters Committee will consider matters relating to electoral reform; however, this committee would be advantaged by the establishment of an expert panel, as proposed by Dr Ratnam, to examine the options, and that is why I am supporting this motion today.

Bev McARTHUR (Western Victoria) (17:03): I find myself in a curious position where I am going to be supporting the Greens. Now, do not get excited, it is not going to happen too often, but on this occasion I will be supporting the Greens.

I do not want to offend any of my current colleagues, so I will instead turn to the 2018 figures; it might be safer. It was an election fought under the same system of course, so it is equally applicable. We live in a state of 6.5 million people, yet Andy Meddick – and I think he might have been shafted by Mr Druery in this election – in the last election claimed a seat in my region, Western Victoria, with just 2.7 per cent of the vote. It equated to 12,476 votes. Elsewhere, Fiona Patten only attracted 1.37 per cent to take her spot with 14,875 votes. Rod Barton did even less to be elected, with just 0.62 per cent of the vote, and that equated to 2508 votes, no less.

Ponder this: with just 2508 votes Mr Barton held the balance of power and effective control over the lives of 6.5 million people. Why? Because of the group voting system. In 2018 only 9 per cent of people chose the 'number five boxes below the line' option. Most people do not know that is an option. Micro-parties can easily manipulate the system. That is why there are so many of them in Victoria: 23 parties, no less, at the last election – more than any previous election. As Mr Green suggested, the latest scandal of preference whisperer Glenn Druery before the recent election was possible only because of our distorted system. As Antony Green has written, the system massively distorts proportionality.

At the 2018 election, in the Southern Metropolitan upper house region Sustainable Australia received 1.26 per cent of the vote and won a seat. Now, the Greens – here we are, your best friends today – received 12.9 per cent of the vote and missed out. Tragedy! We do have enough of you here now, though, so do not get excited. We do not need any more. So it is vitally important that we have a system where when people vote, they are able to give a preference to who they want to get elected and not be gamed by some character – he was on a boat somewhere, wasn't he?

Samantha Ratnam: On a yacht.

Bev McARTHUR: On a yacht in Sydney developing a plan. We do not need yachtsmen dealing with our voting system in Victoria from that other state. We do need to have a robust system in Victoria that is fair and applicable.

I am terribly sorry, Mr Galea, I am not sure about the Electoral Matters Committee being very robust. I was on it. I do not know whether you are putting a bid in for a seat on it, but good luck. In fact I doubt the government are really serious about wanting reform of the system, because I am not sure where they are. It seems like they are on the barbed wire. I do not know whether they are supporting the motion or not supporting the motion. I think the government are opposing the motion moved by Dr Ratnam, but if the government were kindly in this matter, they could have a totally independent chair of the Electoral Matters Committee –

Lee Tarlamis interjected.

Bev McARTHUR: Oh, you were lovely, Mr Tarlamis, but a robust chair would perhaps help us all in this debacle of trying to get a fair and democratic system of voting in the upper house, don't you think? Look, all my colleagues are in agreement. There are not many of them sitting here but they generally are in agreement. They are in agreement, and here we are. We are with you, Greens – only on this occasion, though. As I said, do not get excited. I support your motion and I hope we can have an independent review of the system and we get to a system where a vote does mean something in Victoria.

Lee TARLAMIS (South-Eastern Metropolitan) (17:09): I move:

That we adjourn this matter until later this day.

Motion agreed to.

Business of the house

Notices of motion and orders of the day

Lee TARLAMIS (South-Eastern Metropolitan) (17:09): I move:

That the consideration of the remaining notices of motion and orders of the day, general business, be postponed until later this day.

Motion agreed to.

Statements on tabled papers and petitions

Department of Health

Report 2021–22

Georgie CROZIER (Southern Metropolitan) (17:10): I thought that debate would be going on for longer; it was a really important debate on the group voting ticket. But I am pleased to be able to rise and speak in this session on reports, and I want to make some comments around the Department of Health annual report 2021–22. There are a couple of hundred pages in this report, and there are the usual issues that the report speaks about. Some of the issues I want to speak about in relation to what the report is talking about are 'Victorians have good physical health', 'Victorians have good mental health', 'Victorians act to protect and promote health' and 'Victorian health services are person centred and sustainable'. These are all part of the 'Portfolio performance reporting' section.

If you look at that, there are many targets that have been missed in the reporting, and particularly I am very concerned about the rise in suicides and the recent data that has come out, particularly in relation to this period, 2021. We were hearing from GPs and others – I was, through COVID, when we were in lockdowns – about the numbers of suicides that were occurring. They were very distressing. I was hearing from those working within the funeral parlour industry and many GPs who were speaking to me about young people and children, and particularly girls, attempting suicide and self-harm, and what

we were concerned about was the number of suicides that were occurring. The government at the time was saying, 'No, the figures haven't increased. No, that wasn't the case.' Well, we do know now from the latest figures that in actual fact those figures are very alarming, and the cohorts around the numbers of suicides, I think, should concern – and I am sure they do – every single member in this place.

The government had the Royal Commission into Victoria's Mental Health System, but when you have got an increase in the number of people committing suicide, the number of young people self-harming and the number of people with an increase in mental ill health, you know that there are many, many issues that are going to be facing those particular people and their families who are subject to that. So I want to just say that whilst this report talks about all the things the government is doing, the reality is something that is quite different, and I could say that about every aspect of this report. Around the occupational health and safety of our health workforce, we know that those figures are increasing in terms of violence, and people within hospitals – nurses and others – are saying the violence is increasing. The prevalence of and the number of times that violence is occurring are really quite alarming.

If I look at some of the issues around our most vulnerable – and it does talk about some of our most vulnerable cohorts and particularly those vulnerable cohorts at this time which were impacted by COVID and the lockdowns – the lockdowns hurt the vulnerable the most. We know that. Let us not forget the public housing towers that were locked down. Let us not forget about all those people who lost their jobs and lost their businesses. Is it any wonder that that caused so much grief at that time and the numbers were on the increase? And of course look at the numbers of children that were affected by the remote learning that was done and the schools that were shut down. At national cabinet it was said, 'Don't shut down the schools', but not here in Victoria. Daniel Andrews shut down the schools. That harm to those children and their inability to have that social engagement – those mental health impacts, the learning implications, going backwards with learning and all of those issues – despite the efforts of those around them is no reflection on them. But it is government policy, and those impacts will be there for a generation in some cases. The impacts of what occurred over the last three years through COVID are very, very significant. It is why we called for a royal commission, so that we could understand exactly what went on and to ensure that that would never happen again. I will have more to say on this report; there is much in it. There is lots in it, and I will speak to the report over coming weeks because I do believe that we need to understand further the implications to the mental health and wellbeing of Victorians.

Commission for Children and Young People

Report 2021–22

Melina BATH (Eastern Victoria) (17:15): My statement on reports this afternoon comes from the Commission for Children and Young People (CCYP) – the annual report, the latest one, of 2021–22. First of all, can I put on record my thanks to all those people that work in this industry. Can I put on record my thanks to the commission, the commissioners and their staff for doing very much the hard yards on a very, very important subject: supporting children to have better outcomes, children in care to have better outcomes, and investigating government services and appraising their outputs, certainly on how they support our children and young people.

The report goes into a number of different areas, and I would not mind covering this over a number of weeks: the reportable conduct scheme, the mental health of young children, and the death, unfortunately, within 12 months of children leaving child protection, which is something that I want to cover off on today. The report finds that there has been a sharp rise in reportable conduct occurrences – over 1200 alleged reportable conducts, indeed the highest in the last five years. It is a 62 per cent rise from one year to the next on reported alleged reportable conduct. Sixty-nine per cent of those are in the education sector. Our children certainly across the board, thousands and thousands of children, are in the education sector, and this is of grave concern. Indeed I actually heard of

something this afternoon – it came into my office, an example of this, and we are treating it very seriously – from a constituent in my electorate.

The CCYP were very concerned with what is called the 'case closures' and looking at case closures, and indeed they reviewed 120 cases of cases closed by child protection. Indeed it is suggested that child protection actually had this as a way of dealing with high demand. To close cases early and prematurely as a way of dealing with high demand to me says that there are actually not enough resources in the system rather than that those children are now safe and can be let through. If I look at page 15 of the report, it actually goes to:

> The Commission found the strategy undermined the safety of children and young people, and exacerbated the risks of poor practice, discerning similar themes to the Commission's child death inquiries, including inadequate risk assessment and poor communication with the community services sector.

So the policy is not serving these young people. The other point that the commissioner makes on page 16:

> Maintaining scrutiny of child deaths
>
> The Commission this year continued its child death inquiries for children and young people who died within 12 months –

a year –

> of their last involvement with Child Protection … we received 37 notifications of deaths, including two Aboriginal children …

This is certainly not serving our most vulnerable people.

I will do an adjournment debate on this particular issue, and indeed the one that comes from that is about children in out-of-home care. We know that our foster home and kinship home carers do the most amazing job, and I heard the minister speak only this week on that very comment, but the number of children who are self-harming or attempting suicide in out-of-home care has increased by 70 per cent since 2019. That is a shocking and alarming statistic. What the commission says in relation to this is that there need to be youth-specific mental health and other therapeutic supports that are not there now. They are not serving those children.

To know that we have got this incredible increase in children either seeking to suicide or self-harming – when a child comes into out-of-home care they are checked for physical health et cetera, but absolutely we need these wraparound services to support their mental health and mental health plans for them to go forward. Clearly we know that there are not enough psychologists and specialists in country Victoria. But these plans must be put in place, and I will certainly be raising this in my adjournment debate.

Department of Families, Fairness and Housing

Report 2021–22

Wendy LOVELL (Northern Victoria) (17:20): I rise to speak about the social housing waiting lists in this state. These are lists that are normally published quarterly, but this government is keeping these lists secretive. We got a June quarter figure in about, I think it was, December. It might have been November, but it was very late last year. But we have not seen the quarterly report for the September quarter, nor have we seen the quarterly report for the December quarter. I know, as a former housing minister, that those reports are available to you on a daily basis. You can get the exact figures on each day. It was always agreed between former housing ministers and the opposition that the figures would be released within at least a month of the end of the quarter, when they are still relevant. But how relevant is last September quarter's figure when we have already gone through the December quarter and we are two months into the March quarter? We are two-thirds of the way through the next financial year and we only have the figures for the end of the last financial year.

Not only are they hiding the number of people on the waiting list, they are also hiding additional data that is required to be published as part of the annual report. That additional data for the last annual report, for June 2022, is still not on the Department of Families, Fairness and Housing's, or whatever it is called today, website – surprise, surprise, hiding more information. But what we do know about the public housing waiting list from June last year is that in the time that the Andrews government had been in power, from November 2014 until last June, the public housing waiting lists had increased by 59 per cent. That is 20,425 applications, and bear in mind that every application is a family.

Also, what is really distressing is the increase in the priority housing waiting list. These are the most vulnerable people: the people who are living with a disability, the people who are homeless, the people who have special housing needs, the people escaping domestic violence. That actually increased by 208 per cent – 20,776 additional applications, additional households, additional families on that list. The priority list is now at 30,766 applications, up from 9990. Mind you, when I say it is 'now at' it is not 'now at'; it is now higher, but at June last year the total list was 55,043 applications. That is an absolute disgrace.

I know that in my home town of Shepparton in June last year there were 2433 families who had indicated that they wanted housing in Shepparton; 1362 of those families had a priority status. They are supposed to be housed within weeks, but they are still languishing on this government's waiting list – and this government could not care less. In Wodonga 1323 families had indicated they wanted housing; 672 were on the priority list. In Wangaratta there were 919 families, 513 of which were on the priority list. In Benalla there were 644 applications; 358 of those were on the priority list. In the City of Bendigo 3113 families were languishing on the list, 2014 of which had priority status but were left to languish on a list without housing because this government is failing in the public housing sector. I can go on and on about the number of people in my electorate. There are 992 families in Mildura, and 536 of those have priority. In Swan Hill there are 404 families, 257 with priority.

This government should be ashamed of itself. It is failing in public housing, and it must release the last two quarters' figures so that the Victorian people know the truth.

Adjournment

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (17:26): I move:

That the house do now adjourn.

Health workforce

Georgie CROZIER (Southern Metropolitan) (17:26): (17) My adjournment matter is for the attention of the Minister for Health. It is in relation to a largely federal issue, but it does affect Victorian healthcare workers. This has been obviously subject to the ministerial council and the Premier and the Minister for Health in relation to saying that they are getting more overseas healthcare workers in. We know that there have been issues in a number of workforce areas, but it is true that because of visa stuff-ups there are nurses who cannot come into Victoria and start working, and this is particularly hitting areas in rural and regional Victoria. Of course these areas are the ones that are desperate in many instances to have healthcare workers in place.

We know that there are towns in country Victoria that do not have a GP. I know towns around the area where I grew up do not have a GP. I am not blaming the state government for that – that is a federal issue – but I am highlighting the shortages of healthcare workers in these areas. But what I am specifically interested in is how many nurses there are who have been caught up in this visa bungle by the federal government. We know, according to reports, that thousands of migrant nurses and others working in the healthcare system have been caught up; they have been left waiting for months because of failures in the ability for visas to be processed. Reports are saying that 90 per cent of regional visas are taking 27 months to be processed. This is actually causing an enormous issue for these regional areas.

Victoria is no different from other states around the country. We have seen a lot of bluster from the Premier, saying he is getting on with fixing the problems, but it is his federal counterparts who have actually overseen this massive bungle and this issue needs to be absolutely addressed. What I was completely horrified by was the comment from the federal minister Mr Giles's office, who were seeking further information on this matter rather than getting on and saying 'We need to fix this; I'm onto it' and just getting some action happening rather than this wishy-washy, pathetic response.

This is dire here in Victoria, and we need to understand the state of our health system and where these shortages are that I have been talking about for many, many months. This issue is going to the heart of that. So the action I seek is: how many nurses who have been applying for a visa to work in Victoria have been caught up in this visa bungle?

Northern Victoria Region health infrastructure

Wendy LOVELL (Northern Victoria) (17:29): (18) My adjournment matter is directed to the Minister for Health. The action that I seek from the minister is for her to immediately make public the Northern Mallee health master plan to inform the Sunraysia community of the government's plans regarding the redevelopment of the Mildura Base Public Hospital and also for the minister to commit the required funding to ensure a world-class hospital is delivered for the people of the north-west.

By electing a coalition candidate, the people of Mildura electorate sent a clear message to Daniel Andrews and the Labor government on election day that they both need and want a new hospital in Mildura. The electorate lost patience with a Labor-voting independent who, rather than being Mildura's voice in Spring Street, as she was elected to be, had become the government's mouthpiece in the electorate, spruiking Labor's lines and delivering nothing. Mallee people are no fools, and they realised that the endless delays in the Mallee health plan, which details the future of the Mildura Base Public Hospital, was a sign that Labor had no real interest in progressing the project, despite the obvious need for a new hospital. The voters understood that the government's reluctance to release the master plan meant the Andrews government was not interested in redeveloping the hospital. Their anger increased as they watched the Premier and health minister touring around Victoria announcing funding for other hospitals while Mildura hospital was blatantly forgotten. The people of Mildura are proud of the work of hospital staff, but they know those same workers have been let down by Labor as they continue to work in a facility that no longer meets the health needs of the Sunraysia region. In May the Mildura Base Public Hospital suffered a code yellow when both the hospital and the emergency department had reached full capacity and could not meet patient demand. Because of their remote locations, patients do not have the option of going to another hospital, meaning that construction of a new hospital in Mildura is of critical importance.

During the election campaign the Liberal–National coalition committed $750 million to build a new hospital in Mildura. This contrasts with Labor, who have intentionally kept the community in the dark and committed nothing. On election night Daniel Andrews stated that he will govern for all Victorians, and the result in Mildura was the local community reminding the Premier that Mildura is actually in Victoria. They are sick of the government's inaction on a new Mildura Base Public Hospital, and I call on the minister to immediately release the northern Mallee health master plan and commit funding to build the world-class hospital service that the Mildura and Sunraysia community both need and deserve.

Road safety

Bev McARTHUR (Western Victoria) (17:32): (19) My adjournment matter is for the Minister for Police and concerns one of the most difficult tasks Victoria Police officers face, namely dealing with serious and sometimes fatal road accidents. These incidents are not just tragic for those involved but harrowing too for the police and ambulance responders. It is therefore essential, surely, that we do everything possible to reduce their frequency, and I urge the minister to speak to his colleague the Minister for Roads and Road Safety about one way this may be done.

Victoria Police assistant commissioner, road policing command, Mr Glenn Weir recently stated on 3AW radio that his officers were 'constantly' alerting road authorities to the parlous condition of Victoria's road network – no surprise there. He noted that 'road conditions on our large road network are always something we look at' and confirmed that serious and fatal accidents currently under investigation involved damaged road infrastructure. As I once said, potholes in our area are gone, we have now got craters to deal with. Teslas are absolutely out. You need four-wheel drive vehicles to negotiate the roads of rural Victoria. The action I seek from the minister is to provide a breakdown on the percentage of serious and fatal road accidents in Victoria where investigating officers identify road conditions as a contributing factor.

Education funding

Matthew BACH (North-Eastern Metropolitan) (17:35): (20) I have an adjournment matter tonight for the Minister for Education in the other place. The minister recently made some comments about why it is that Victorian parents are paying more for a public school education than parents from any other state and territory, and obviously since then we have also learned that the Andrews Labor government is investing less in our public schools than occurs in any other state or territory. In the other place a question was asked, I think it was actually by Mr Pesutto, about this matter and the minister provided an answer. The minister listed a series of things that are done in our schools that the government pays for. These are things like free glasses, a school breakfast class – a good thing – the positive staff program and more tutoring. In and of themselves, these things are good things. My team and I have done a bit of an analysis across other states, and it will not surprise members to learn that these are things that are all funded by the government in other states and the fees are not passed on to parents as they are so often in Victoria.

The action that I seek from the minister tonight is for her to have another go – to go away and provide me, if she may, with an itemised list of the things that parents are currently being slugged for in Victorian state schools. I am actually very hopeful that she will do this, because every time the minister makes a public statement she comes out and then clarifies what it is. The minister has said almost nothing over the summer period because, of course, she was put in the freezer by the Premier when she said that poor lady with the brain tumour should just roll with the punches. But yesterday actually she was taken out of the freezer and put in front of the radiator. Eventually she thawed off, and she made some comments about the Voice and the teaching of the Voice in schools. And she said in the *Australian* that of course in our schools teachers will be pushing a certain position and that this concerned some people. She came out today and said she misspoke, just like she said that about the poor woman with the brain tumour who needed to drive to Adelaide to get some treatment. So my hope is that tomorrow, or the next day or within the 30-day time period – I am going to push the minister – she may in fact come out, clarify her position, provide to us the information that we need and also parents need so that we can have a sensible discussion about what is the government's responsibility to do.

I am a bit old-fashioned when it comes to public schooling, in that really the government, through its quite extraordinary tax take, needs to be funding our public schools and that those costs for really basic things – we have seen even literacy and numeracy programs, the cost thereof, passed on to parents – are something that schools should be doing as part of their core business. But we need to have the information on the table, so I ask the minister to helpfully do that for us.

Youth mental health

Melina BATH (Eastern Victoria) (17:38): (21) My adjournment matter this evening is for the Minister for Child Protection and Family Services, and I am pleased that she is at the counter across the benches. In line with the Commission for Children and Young People and the commissioner's most recent report, the action I seek from the minister is that she address the massive gaps in youth services mental health, in particular ensuring those children that are living in out-of-home care have a

mental health plan within six weeks of being placed primarily in the first placement or then subsequent to that.

The commissioner certainly rightly identified that children who attempt suicide or attempt self-harm have increased in the last three years by 70 per cent. Of those over 3290 children, 18 per cent of them are Aboriginal or Torres Strait Islanders, 43 per cent are between 15 and 16 years – a very tender age indeed and certainly that growing-up time – and 70 per cent of those are girls and young women. So this is a very startling and unfortunate statistic. I have spoken with a fabulous lady by the name of Heather Baird in A Better Life for Foster Kids out of Sale, and she does the most amazing work. Children come into out-of-home care in a highly traumatised state.

There is a high incidence of histories of either aggression or turbulence in their backgrounds. They need that immediate sense that there will be treatment and a treatment plan over time. You can go to the dentist, sure, but with the emotional and psychological trauma that they are facing they need that plan. Heather has been in my ear, and I have stood in Parliament a number of times saying this, but the Commission for Children and Young People are saying it again – it is getting worse, Minister.

The other thing that I want to raise for your attention is a side note, but I know the government had legislation in that really supported the commission to do better work and give them some more muscle, so that is another thing that is also important. But going back to my adjournment and recommendation, we need to ensure that we have got youth-specific mental health triage straightaway within the first six weeks.

Literacy education

Renee HEATH (Eastern Victoria) (17:41): (22) My adjournment matter today is for the Minister for Education in the other place. The action that I seek is for the government to commit all Victorian schools to consistently teaching and assessing reading using a proven phonics-based approach. Tom is a 15-year-old boy who attended a state school in the Eastern Victoria Region. Despite being unable to read or write, he had never been held down a single year at school. He could not spell his own name, and when he was asked to read the alphabet and describe the sounds that they represented he could not. Week after week he sat down with a volunteer who he met at a local youth group to learn how to decode the alphabet. After months of persevering, at 15 years old he began to read his first words. While at school he spent 2 hours a week with a counsellor working on strategies to build self-confidence, which he described as being particularly low due to his inability to read or write. The commitment and contribution from this volunteer and this counsellor and so many other wonderful volunteers across the state is so admirable, but Tom's challenges with reading could have been avoided. What he needed more than anything was to be taught properly from an early age.

His story is not an isolated case. Data from the Centre for Independent Studies show that around four in ten 15-year-olds do not meet the national proficiency standard in reading. Around one in five boys in year 9 do not meet the national minimum standards in writing, and NAPLAN results show that a vast majority of students who fall behind the national minimum at an early age never go on to exceed that benchmark later in their schooling. The best social and economic leveller we have is to ensure that all of our precious children are able to read. When communities and families are in dysfunction, we always see a common denominator. When we fail on education, we fail the young people in our care. Too often there is a tragic spiral from poor schooling to poor social and economic life. The school-to-prison pipeline is real for those people that do not get a quality education.

The foundation of reading starts with decoding. Kids who can decode with phonics-based teaching quickly become fluent and accurate readers, but those who do not will struggle throughout their life. Education experts point out inequity at school can be turned around. While it is true that children start school with different vocabularies, we can give them the decoding skills to catch them up and to bridge that gap. Once you can decode, the English language is open to you. The United Nations sustainable development goal 4 says that children deserve access to a quality education. When can we say we are living up to that goal? To end, Tom was the first person in his family to receive a stable job, and he

attributes that to the lifelong skills that he received from that volunteer who taught him the invaluable skills of reading and writing.

State Electricity Commission

Sheena WATT (Northern Metropolitan) (17:44): (23) My adjournment matter is directed to the Minister for the State Electricity Commission in the other place, the Honourable Lily D'Ambrosio MP. I hear from community members in my electorate, the Northern Metropolitan Region, every day who make it clear to me that they are struggling to keep up with their power bills. Privatisation has just meant higher energy prices and higher profits for corporations, so it is clear something must be done to tackle the rising cost of living for Victorians.

I am also keenly aware that climate action is one of the biggest issues that matters to my constituents. I might consider following in the footsteps of a previous member for Northern Metropolitan Region and talk about a community survey, because it was, I think, a really good contribution, and members of the Northern Metropolitan Region are all too happy to engage with their members of Parliament in community surveys.

I am happy to say that the Andrews Labor government has a plan for a world-leading transition away from fossil fuels to renewables and we will have 95 per cent renewable energy by 2025, delivering real climate action rather than just talk. I am so excited – I could go on for days and days, but I see the timer – that the Andrews Labor government is bringing back the State Electricity Commission, which will deliver government-owned 100 per cent renewable energy, putting power in the hands of Victorians. My question to the Minister for the State Electricity Commission, Minister D'Ambrosio, is to ask if she could kindly update me on how the SEC will help people and households in the Northern Metropolitan Region.

Floods

David DAVIS (Southern Metropolitan) (17:46): (24) My matter for adjournment tonight is for the attention of the Minister for Planning. We have seen very significant flooding events around the state, obviously in parts of country Victoria and in the Maribyrnong River Valley, with a terrible impact on many homes there. In the electorate that Ms Crozier and I represent there are some areas that face significant flooding impacts semi-regularly, but this recent outing is also a wake-up call for government to respond. The Elster Creek and the Elwood Canal run away from Port Phillip Bay, through Elwood, deep into the City of Glen Eira as far as Bentleigh and beyond. It is an area that has had significant flooding occur on a number of occasions, including recently. That puts homes at risk and leads to outcomes that none of us want to see.

With the density of development across Southern Metropolitan Region, particularly Glen Eira and the City of Port Phillip and indeed parts of Bayside – particularly those first two are relevant in this context – we see the replacement of larger, older established homes with large gardens and significant ability to absorb water with highly intense development that sees significant increased run-off occur. This intense development, including, I might say, some level crossing removals in Bentleigh and elsewhere, has exacerbated the tendency for flooding events.

What I am seeking from the Minister for Planning, who has in a sense got overall responsibility, although I accept that water and environment ministers and others have significant interests in this matter as well, is an overall strategy for this catchment and its tributaries to ensure that we have a long-term plan in place to protect the community so that we do not have these extreme flood events and so that development is staged in such a way that the run-off is not exacerbated and the flood events are not worsened by the development that is occurring. This is a long-term task and it requires a proper plan, obviously in coordination with councils and communities. In my view it is also an opportunity to ensure that there are additional parklands and additional run-off capacity, as it were, in place. If the minister can turn her mind to this particular matter I would certainly welcome that, and I think many – *(Time expired)*

Responses

Lizzie BLANDTHORN (Western Metropolitan – Minister for Disability, Ageing and Carers, Minister for Child Protection and Family Services) (17:50): First of all, Ms Bath raised a matter for me as Minister for Child Protection in relation to mental health and support for children and young people in out-of-home care. I am pleased to take that adjournment matter now, and in doing so I want to thank the commissioner for children and young people for the important work that she does in ensuring that the most vulnerable of children and young people have the services and supports that they need to live happy, healthy and fulfilling lives and to ensure that we do our best to support them both while they are in the child protection system and through the child protection system. I was pleased to meet with the commissioner before Christmas and to set up regular meetings with the commissioner. As I said to her at the time, I value very highly the work that she and her team do in that important role, and I informed her that she had my full commitment and support for that role in ensuring that we make sure that vulnerable children are well and truly safeguarded, that we protect them and that we ensure that they get the services that they need.

As I said I think in my ministers statement this morning, the family services that our child protection workers provide – and I pay tribute to our child protection workers; they do an amazing job on the front line of what must be some of the most difficult scenarios in which to work – and the role that they do through family services particularly for children in out-of-home care are key. I spoke to the holistic nature of some of those services and in particular the way in which those workers use the programs that we have – programs like Keep Embracing Your Success and others – to ensure that children in out-of-home care get the services and supports that they need, whether they be mental health supports or other therapeutic supports. There is of course always more to do, and whilst kinship care is certainly the fastest growing aspect of out-of-home care, there are certainly those children who are in other care arrangements, including residential care, and there is the work of the commission in ensuring that those kids and young people get the supports that they need, particularly in relation to mental health and in particular in relation to, as Ms Bath raised, Indigenous children and young people and young girls. It is absolutely crucial that that work is done and that we ensure that those supports are there to assist those children.

We know that there is more to do. Sadly, there is always more to do in this space. But the commissioner for children and young people has my full support for her role in that process, and as the new minister with responsibility for these matters I look forward to working with her on those.

Ms Crozier and Ms Lovell raised matters for the Minister for Health, and I will ask that the Minister for Health consider those. Mrs McArthur raised a matter for the Minister for Police, and I will pass that on. Dr Bach raised a matter for the Minister for Education and I will pass that on, but I note that he referred to his team doing some thorough research. I hope that they also considered that it was a Liberal government that abolished the education maintenance allowance and put some confusion into the system in relation to a textbook allowance. I hope that that also featured in their research, but I will pass that matter on.

Ms Heath raised a matter also for the Minister for Education, Ms Watt raised a matter for the Minister for the State Electricity Commission and Mr Davis raised a matter for the Minister for Planning, and I will pass those matters on for their due consideration.

The PRESIDENT: The house stands adjourned until 9:30 tomorrow.

House adjourned 5:54 pm.