

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE COUNCIL

FIFTY-NINTH PARLIAMENT

FIRST SESSION

TUESDAY, 16 AUGUST 2022

hansard.parliament.vic.gov.au

By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

The ministry

Premier	The Hon. DM Andrews MP
Deputy Premier, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop and Minister for Commonwealth Games Delivery	The Hon. JM Allan MP
Attorney-General and Minister for Emergency Services	The Hon. J Symes MLC
Minister for Training and Skills, Minister for Higher Education and Minister for Agriculture	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development, Minister for Industrial Relations and Minister for Trade	The Hon. TH Pallas MP
Minister for Planning	The Hon. EA Blandthorn MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers	The Hon. CW Brooks MP
Minister for Police, Minister for Crime Prevention and Minister for Racing	The Hon. AR Carbines MP
Minister for Public Transport, Minister for Roads and Road Safety, Minister for Industry Support and Recovery and Minister for Business Precincts	The Hon. BA Carroll MP
Minister for Energy, Minister for Environment and Climate Action and Minister for Solar Homes	The Hon. L D'Ambrosio MP
Minister for Tourism, Sport and Major Events and Minister for Creative Industries	The Hon. S Dimopoulos MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Local Government and Minister for Suburban Development	The Hon. MM Horne MP
Minister for Education and Minister for Women	The Hon. NM Hutchins MP
Minister for Corrections, Minister for Youth Justice, Minister for Victim Support and Minister for Fishing and Boating	The Hon. S Kilkenny MP
Minister for Commonwealth Games Legacy and Minister for Veterans	The Hon. SL Leane MLC
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Housing	The Hon. DJ Pearson MP
Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources	The Hon. JL Pulford MLC
Minister for Water, Minister for Regional Development and Minister for Equality	The Hon. H Shing MLC
Minister for Multicultural Affairs, Minister for Prevention of Family Violence, Minister for Community Sport and Minister for Youth	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood and Pre-Prep	The Hon. I Stitt MLC
Minister for Health and Minister for Ambulance Services	The Hon. M Thomas MP
Minister for Mental Health and Minister for Treaty and First Peoples	The Hon. G Williams MP
Cabinet Secretary	Mr SJ McGhie MP

Legislative Council committees

Economy and Infrastructure Standing Committee

Mr Barton, Mr Finn, Mr Gepp, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Tarlamis.

Participating members: Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Vaghela and Ms Watt.

Environment and Planning Standing Committee

Dr Bach, Ms Bath, Dr Cumming, Mr Grimley, Mr Hayes, Mr Meddick, Mr Melhem, Dr Ratnam, Ms Terpstra and Ms Watt.

Participating members: Ms Burnett-Wake, Ms Crozier, Mr Davis, Dr Kieu, Mrs McArthur, Mr Quilty and Mr Rich-Phillips.

Legal and Social Issues Standing Committee

Ms Burnett-Wake, Mr Erdogan, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

Participating members: Dr Bach, Mr Barton, Ms Bath, Ms Crozier, Dr Cumming, Mr Gepp, Mr Grimley, Ms Lovell, Mr Quilty, Dr Ratnam, Mr Tarlamis, Ms Terpstra, Ms Vaghela and Ms Watt.

Privileges Committee

Mr Atkinson, Mr Bourman, Mr Davis, Mr Grimley, Mr Leane, Mr Rich-Phillips, Ms Shing, Ms Symes and Ms Tierney.

Procedure Committee

The President, the Deputy President, Ms Crozier, Mr Davis, Mr Grimley, Dr Kieu, Ms Patten, Ms Pulford and Ms Symes.

Joint committees

Dispute Resolution Committee

Council: Mr Bourman, Ms Crozier, Mr Davis, Ms Symes and Ms Tierney.

Assembly: Ms Allan, Ms Hennessy, Mr Merlino, Mr Pakula and Mr R Smith.

Electoral Matters Committee

Council: Mr Erdogan, Mrs McArthur, Mr Meddick, Mr Melhem, Ms Lovell, Mr Quilty and Mr Tarlamis.

Assembly: Ms Hall, Dr Read and Mr Rowswell.

House Committee

Council: The President (*ex officio*), Mr Bourman, Mr Davis, Mr Leane, Ms Lovell and Ms Stitt.

Assembly: The Speaker (*ex officio*), Mr T Bull, Ms Crugnale, Mr Fregon, Ms Sandell, Ms Staley and Ms Suleyman.

Integrity and Oversight Committee

Council: Mr Grimley.

Assembly: Mr Halse, Mr Maas, Mr Rowswell, Mr Taylor, Ms Ward and Mr Wells.

Pandemic Declaration Accountability and Oversight Committee

Council: Ms Crozier and Mr Erdogan.

Assembly: Mr J Bull, Mr Eren, Ms Kealy, Mr Sheed, Ms Ward and Mr Wells.

Public Accounts and Estimates Committee

Council: Mrs McArthur, Mr Barton and Ms Taylor.

Assembly: Ms Connolly, Mr Hibbins, Mr Maas, Mr Newbury, Mr D O'Brien, Ms Richards and Mr Richardson.

Scrutiny of Acts and Regulations Committee

Council: Mr Gepp, Ms Patten, Ms Terpstra and Ms Watt.

Assembly: Mr Burgess, Ms Connolly and Mr Morris.

Heads of parliamentary departments

Assembly: Clerk of the Legislative Assembly: Ms B Noonan

Council: Clerk of the Parliaments and Clerk of the Legislative Council: Mr A Young

Parliamentary Services: Secretary: Ms T Burrows

MEMBERS OF THE LEGISLATIVE COUNCIL
FIFTY-NINTH PARLIAMENT—FIRST SESSION

President

The Hon. N ELASMAR (from 18 June 2020)

The Hon. SL LEANE (to 18 June 2020)

Deputy President

The Hon. WA LOVELL

Acting Presidents

Mr Bourman, Mr Gepp, Mr Melhem and Ms Patten

Leader of the Government

The Hon. J SYMES

Deputy Leader of the Government

The Hon. GA TIERNEY

Leader of the Opposition

The Hon. DM DAVIS

Deputy Leader of the Opposition

Ms G CROZIER

Member	Region	Party	Member	Region	Party
Atkinson, Mr Bruce Norman	Eastern Metropolitan	LP	McIntosh, Mr Thomas Andrew ⁹	Eastern Victoria	ALP
Bach, Dr Matthew ¹	Eastern Metropolitan	LP	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Meddick, Mr Andy	Western Victoria	AJP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Melhem, Mr Cesar	Western Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	Mikakos, Ms Jenny ¹⁰	Northern Metropolitan	ALP
Burnett-Wake, Ms Cathrine ²	Eastern Victoria	LP	O'Donohue, Mr Edward John ¹¹	Eastern Victoria	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Dalidakis, Mr Philip ³	Southern Metropolitan	ALP	Pulford, Ms Jaala Lee	Western Victoria	ALP
Davis, Mr David McLean	Southern Metropolitan	LP	Quilty, Mr Timothy	Northern Victoria	LDP
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Erdogan, Mr Enver ⁴	Southern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas Christopher ⁵	Western Metropolitan	DLP	Shing, Ms Harriet	Eastern Victoria	ALP
Garrett, Ms Jane Furneaux ⁶	Eastern Victoria	ALP	Somyurek, Mr Adem ¹²	South Eastern Metropolitan	Ind
Gepp, Mr Mark	Northern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Symes, Ms Jaclyn	Northern Victoria	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Tarlamis, Mr Lee ¹³	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne ⁷	South Eastern Metropolitan	ALP	Taylor, Ms Nina	Southern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Limbrick, Mr David ⁸	South Eastern Metropolitan	LDP	Vaghela, Ms Kaushaliya Virjibhai ¹⁴	Western Metropolitan	Ind
Lovell, Ms Wendy Ann	Northern Victoria	LP	Watt, Ms Sheena ¹⁵	Northern Metropolitan	ALP
McArthur, Mrs Beverley	Western Victoria	LP	Wooldridge, Ms Mary Louise Newling ¹⁶	Eastern Metropolitan	LP

¹ Appointed 5 March 2020

² Appointed 2 December 2021

³ Resigned 17 June 2019

⁴ Appointed 15 August 2019

⁵ LP until 24 May 2022

Ind 24 May–2 June 2022

⁶ Died 2 July 2022

⁷ Resigned 23 March 2020

⁸ Resigned 11 April 2022

Appointed 23 June 2022

⁹ Appointed 18 August 2022

¹⁰ Resigned 26 September 2020

¹¹ Resigned 1 December 2021

¹² ALP until 15 June 2020

¹³ Appointed 23 April 2020

¹⁴ ALP until 7 March 2022

¹⁵ Appointed 13 October 2020

¹⁶ Resigned 28 February 2020

Party abbreviations

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice Party;

DLP—Democratic Labour Party; FPRP—Fiona Patten's Reason Party; Greens—Australian Greens;

Ind—Independent; LDP—Liberal Democratic Party; LP—Liberal Party; Nats—The Nationals;

SAP—Sustainable Australia Party; SFFP—Shooters, Fishers and Farmers Party; TMP—Transport Matters Party

CONTENTS

ANNOUNCEMENTS	
Acknowledgement of country	2679
BILLS	
Local Government Legislation Amendment (Rating and Other Matters) Bill 2022	2679
Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Bill 2022	2679
Royal assent	2679
COMMITTEES	
House Committee	2679
Membership	2679
JOINT SITTING OF PARLIAMENT	
Legislative Council vacancy.....	2679
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Emergency Services Telecommunications Authority	2680
Vehicle registration	2680
Ministers statements: mRNA vaccine manufacturing facility	2681
Emergency Services Telecommunications Authority	2681
Youth justice system	2682
Ministers statements: foot-and-mouth disease.....	2683
West Gate Tunnel soil.....	2683
Geelong Specialist Family Violence Court.....	2684
Ministers statements: kindergarten funding.....	2685
COVID-19.....	2685
Aboriginal and Torres Strait Islander justice outcomes.....	2686
Ministers statements: LGBTIQ+ equality.....	2687
Written responses	2687
CONSTITUENCY QUESTIONS	
Northern Victoria Region	2687
Northern Victoria Region	2687
Eastern Metropolitan Region.....	2688
Western Metropolitan Region.....	2688
Western Victoria Region	2688
Northern Victoria Region	2688
Southern Metropolitan Region.....	2689
Eastern Metropolitan Region.....	2689
Southern Metropolitan Region.....	2689
BILLS	
Energy Legislation Amendment (Transition from Coal) Bill 2022	2690
Introduction and first reading	2690
Land Amendment (Accessing Licensed Water Frontages) Bill 2022.....	2690
Introduction and first reading	2690
Independent Broad-based Anti-corruption Commission Amendment (Restoration of Powers) Bill 2022.....	2690
Introduction and first reading	2690
COMMITTEES	
Scrutiny of Acts and Regulations Committee	2691
Alert Digest No. 11	2691
PAPERS	
Papers.....	2691
BUSINESS OF THE HOUSE	
Notices	2692
General business	2692
Temporary orders	2692
MEMBERS STATEMENTS	
Red Cliffs Football Netball Club	2693
Commonwealth Games.....	2693
Archie Roach, Judith Durham, Olivia Newton-John and Lillian Frank	2693
Peter Baker Williams	2693
Teacher training.....	2693
Youth justice system	2694
Afghanistan	2694
Commonwealth Games.....	2695
Rath Yatra	2695
Rabita environment and activity park.....	2695

Indian Independence Day	2695
Olivia Newton-John and Judith Durham	2695
Bill of rights	2696
Sheepvention.....	2696
BUSINESS OF THE HOUSE	
Notices of motion	2697
BILLS	
Treaty Authority and Other Treaty Elements Bill 2022	2697
Second reading.....	2697
Committee.....	2727
Third reading.....	2735
JOINT SITTING OF PARLIAMENT	
Legislative Council vacancy.....	2736
BUSINESS OF THE HOUSE	
Orders of the day	2736
BILLS	
Education Legislation Amendment (Adult and Community Education and Other Matters) Bill 2022	2736
Second reading.....	2736
Third reading.....	2742
Victorian Energy Efficiency Target Amendment Bill 2022	2742
Second reading.....	2742
Committee.....	2750
Third reading.....	2755
RULINGS BY THE CHAIR	
Constituency questions	2756
ADJOURNMENT	
Bendigo showgrounds redevelopment	2756
Mount Lilydale Mercy College.....	2756
Suburban Rail Loop	2757
Ambulance services.....	2758
Wonthaggi Gun Club	2758
Public housing community connectors program.....	2759
Police Veterans Victoria	2760
Suburban Rail Loop	2760
Dandenong Ranges hoon driving.....	2761
Housing affordability	2761
Health system.....	2762
Ashley Street underpass, West Footscray	2762
Dingley golf course development	2763
Neighbourhood houses	2764
Public transport student fares	2764
Responses.....	2764

Tuesday, 16 August 2022

The PRESIDENT (Hon. N Elasmr) took the chair at 11.35 am and read the prayer.

Announcements

ACKNOWLEDGEMENT OF COUNTRY

The PRESIDENT (11:35): On behalf of the Victorian state Parliament I acknowledge the Aboriginal peoples, the traditional custodians of this land which has served as a significant meeting place of the First People of Victoria. I acknowledge and pay respect to the elders of the Aboriginal nations in Victoria past, present and emerging and welcome any elders and members of the Aboriginal communities who may visit or participate in the events or proceedings of the Parliament.

Bills

LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022

SUSTAINABLE FORESTS TIMBER AMENDMENT (TIMBER HARVESTING SAFETY ZONES) BILL 2022

Royal assent

The PRESIDENT (11:36): I have a message from the Lieutenant-Governor, dated 9 August:

The Lieutenant-Governor, as the Governor's deputy, informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to him by the Clerk of the Parliaments:

30/2022 Local Government Legislation Amendment (Rating and Other Matters) Act 2022

31/2022 Sustainable Forests Timber Amendment (Timber Harvesting Safety Zones) Act 2022

Committees

HOUSE COMMITTEE

Membership

The PRESIDENT (11:37): I advise the house that I have received a letter from the Honourable Maree Edwards, member for Bendigo West, resigning from the House Committee effective from 16 August 2022.

Joint sitting of Parliament

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (11:37): I have been informed by the state secretary of the Victorian branch of the Australian Labor Party that they have selected a person to be nominated to fill the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:37): I move, by leave:

That this house meets the Legislative Assembly for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett MLC and proposes that the time and place of such a meeting be the Legislative Assembly chamber on Wednesday, 17 August 2022, at 6.15 pm.

Motion agreed to.

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

Questions without notice and ministers statements

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Ms CROZIER (Southern Metropolitan) (11:38): My question is to the Minister for Emergency Services. Minister, isn't it a fact that there have been a series of deaths linked to ESTA delays and failures? So I ask: has the inspector-general launched an investigation into each individual death, and if not, why not?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:38): I thank Ms Crozier for her question. Ms Crozier, as I have said on a number of occasions in this chamber, it is not for politicians and it is not for this chamber to attribute causes of death and causes of injury in relation to matters that involve any of our emergency services. The inspector-general for emergency management has a role; the coroner has a role. The IGEM has conducted an inquiry into the call-taking response and ESTA's performance in relation to issues created by the pandemic and of course has gone to a number of individual cases and spoken to people impacted by call delays and spoken to a number of stakeholders, including ESTA staff members and emergency services, and that report will be released in full in the coming weeks.

Ms CROZIER (Southern Metropolitan) (11:39): Thank you for that response, Minister. You just said the inspector-general is undertaking an inquiry into call-taking response, and reports—

Ms Symes: He has completed it.

Ms CROZIER: Yes. There are reports today that more than 1000 Victorians could have been harmed by 000 delays. Will all of these cases be subject to investigation by the inspector-general because they have caused significant harm to Victorians, and if not, why not?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:40): Ms Crozier, the inspector-general for emergency management has reports from ESTA in relation to any issue that is in his remit, and all of those go through appropriate processes. It is his role to oversee ESTA, and reports are made to him. In relation to the numbers that you have presented, I am not going to be in a position where I am commenting on unverified reports of a report that has not yet been publicly released. It will be publicly released. It considers a number of cases, a number of issues—whether they are systemic issues, individual cases—and, as I have said, that report will be released in full in a couple of weeks.

VEHICLE REGISTRATION

Mr LIMBRICK (South Eastern Metropolitan) (11:41): My question is to the minister representing the Minister for Roads and Road Safety. It has come to my attention that it is the current process of VicRoads that in the instance a driver forgets to renew their vehicle registration they are notified via text message two days after it is overdue. We are all human and sometimes forget to pay things on time. However, this means that the driver is at risk of being fined for driving an unregistered vehicle for two days. My question to the minister is: why are these text messages only sent after registration has lapsed?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:41): I thank Mr Limbrick for his question. I will seek a written response for him from the Minister for Roads and Road Safety.

Mr LIMBRICK (South Eastern Metropolitan) (11:41): I thank the minister for passing that on. My supplementary question is: will the minister consider changing this process to instead send a warning message on the day the registration is due or before, if it is flagged as not paid, to increase the likelihood of drivers paying on time and not receiving fines?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:42): Again I will provide Mr Limbrick with a written response in accordance with our standing orders after conferring with the Minister for Roads and Road Safety.

MINISTERS STATEMENTS: MRNA VACCINE MANUFACTURING FACILITY

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:42): It is my absolute delight to update the house on the development of Victoria's world-leading mRNA ecosystem. In May last year the Andrews Labor government announced our intention to establish end-to-end capability in this new and exciting technology, and we have done just that. However, we are very much still getting started.

Yesterday it was a thrill to join Prime Minister Albanese, the Premier, the federal minister for health, the federal Minister for Industry and Science, the vice-chancellor at Monash University and Michael Azrak, the GM for Moderna Australia and New Zealand, to announce that Monash University will be home to Moderna in this region. Victoria will have one of the few manufacturing and fill-and-finish capabilities in the world and the only one in the Southern Hemisphere. Surrounded by world-leading research and application, Monash University is the perfect location. And Monash, with this announcement, becomes the only university in the world to have commercial-scale mRNA manufacturing occurring on site. The millions of doses that will be produced will save lives. They will protect the community from this pandemic, future pandemics and a host of other conditions as the science leaps into the next exciting stage with mRNA.

Moderna coming to Victoria presents an extraordinary opportunity and investment for our researchers. The research partnership that we are entering into with Moderna will enable our scientists to make the next great discoveries. There are currently clinical trials underway in cystic fibrosis, cancer treatments and respiratory diseases, and there are emerging areas being explored, including heart disease and AIDS. The list is very long. This is a game changer in terms of our biotech capability and the strength of our sector, which is by any measure absolutely world class. I would like to thank in particular my team at mRNA Victoria, including CEO Michael Kapel.

EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:44): My question is to the Minister for Emergency Services. Minister, I refer to the crisis at the 000 call service that is putting the health and lives of Victorians at risk, and my question is: why did the Andrews Labor government inexcusably cut the number of call-taking staff at ESTA between financial year 2020 and financial year 2021?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:45): I thank Mr Davis for his question. Mr Davis, I am focused on the here and now, and I refute your assertion in relation to a current crisis. What I can say is that the hardworking staff at ESTA, supported by millions of dollars and support from this government, backing those workers every day, have produced a call-taking performance that has responded to unprecedented demand from a global pandemic. We know the impacts of the pandemic in relation to our health industries, and ESTA was certainly not immune to them. Unprecedented demand meant that we had call delays, which have been well canvassed in this chamber. But right now we have full recruitment courses to the end of the year, new call takers hitting the floor each and every week and a new floor opened at Tally Ho to accommodate all of the call takers, and the performance continues to improve week on week. We will continue to back those workers and continue to support them to provide a quality service, one that Victorians can rely on.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (11:46): I note that the minister did not refute the fact that staff were cut in that period. Minister, does the Andrews Labor government

accept responsibility for the failings of the 000 call-taking system, given it cut the number of staff at a critical time when call numbers were increasing?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:46): Mr Davis, as this chamber well knows, we have really high benchmarks in relation to call taking in this state, which are higher than in any other state—90 per cent of calls answered in under 5 seconds. ESTA met that benchmark each and every month in the lead-up to the pandemic. They were meeting that benchmark in November 2020. What we saw was unprecedented demand, which meant that calls were not being answered to the benchmark. But what we have done since I have been minister is continue to support them, invest in them and ensure that their performance is going towards meeting those benchmarks week on week. Lots of people are putting their hand up to come and work at ESTA: a fantastic workplace, fantastic people providing a fantastic service for Victorians. We will continue to support them to do that important work.

YOUTH JUSTICE SYSTEM

Ms PATTEN (Northern Metropolitan) (11:47): My question is for the Attorney-General. Only minutes ago on the steps of Parliament I received a petition of 65 799 Victorians, and this was from the Smart Justice for Young People coalition, calling on the government to raise the age of criminal responsibility to at least 14 years. This is a proposal that is largely consistent with the findings and recommendations of the inquiry into Victoria's justice system that was undertaken by this house's Legal and Social Issues Committee. Previously, Attorney, you indicated a federally consistent approach was your focus, so with the Meeting of Attorneys-General occurring just a few days ago, can you detail what progress was made on this issue and when we might expect a report from the working group and action in Victoria?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:48): I thank Ms Patten for her question. Of course the conversation around the age of criminal responsibility is very important, and I do welcome continued advocacy from groups. Of course no-one wants to see young people caught up in our justice system, let alone in our custodial system. What we know is that those numbers are very, very small here in Victoria, and I am very proud of the work that the government continues to do, particularly in the youth justice space, to continue to drive down those numbers. The Meeting of Attorneys-General last Friday was really positive—a really, really welcome conversation about raising the age, about diversion and about alternative pathways for young people to keep them out of the custody system. We have had a change of federal government, which has meant a change of focus—an actual interest in this issue, which was very forthcoming. But to have every state and territory interested in this issue cannot be understated. I think the conversation at the national level is important, particularly for those of us that have electorates that border other states. I think national consistency in this space is really good.

I have always said raising the age, for me, is not about a number, because I want it not to matter. I want to make sure that, as a government, in a whole-of-government approach, we have the services, the support and the programs in place so that kids that are currently caught up in the justice system have somewhere else to go. I do not want to be in a situation where we raise the age to an arbitrary number and all we are doing is deferring the date that those children come into contact with the justice system. What we want to do is make sure that any changes to the age of criminal responsibility involve careful consideration about what happens to these kids.

Right now in Victoria we do not have any kids aged 11 or 12 in custodial settings, for example. We have not for a while, and we hope we will not have that. We have the Children's Court and services that are really focused on making sure that any of the kids that are at potential risk of entering the justice system in that age cohort are wrapped around and making sure that there are alternatives for them. We do have some 13-year-olds—small numbers again. I know there is an argument for raising the age to 14 or 12. We are all having these conversations, but for me the importance is making sure that those support services—the safety net, for example—are put in place before a number is changed.

Ms PATTEN (Northern Metropolitan) (11:50): Thanks, Minister. You are right, we do need those services, and when we are spending \$3000 a day for children in our justice system that is \$3000 a day that we cannot be spending to support those families. As you said, we know that this is largely around disadvantage—and families in intergenerational disadvantage many times. So I agree with you that there are better ways to deal with children at this age, and I am pleased that you are welcoming this advocacy. By way of supplementary: would you be prepared to receive from me directly the petition from Smart Justice for Young People and respond directly to the organisers of that petition?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:51): Ms Patten, I am sure if you would like to present anything on their behalf that is fine, but I can guarantee you that most of the signatories and all of the organisations that are signatories have personally met with me in a range of forums or at least had contact with me, my office or the department. If you wish to double that advocacy by personally representing them, then I welcome that, but that is not to say that I do not have personal contact with many of the people that are represented by that petition.

MINISTERS STATEMENTS: FOOT-AND-MOUTH DISEASE

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (11:52): The Andrews Labor government is absolutely committed to safeguarding Victoria's livestock industry from foot-and-mouth disease. It is no accident that Victoria and Australia remain FMD free. We have established an emergency animal disease planning task force, and it has met on numerous occasions. Last week we announced \$10 million in a package to ensure that we can respond swiftly if there is a local detection of an animal disease outbreak. Prevention is our focus as we work with the commonwealth and other states, but preparedness is our highest priority.

The government has been working with farmers across the state to ensure that we have best practice on-farm biosecurity measures in place. Seminars, workshops and webinars are being delivered throughout the state because we are committed to ensuring the industry has the most up-to-date information to detect, diagnose and track the disease as fast as possible, and we are committed to supporting our farming communities. If an outbreak occurs, portable diagnostic facilities will be deployed to outbreak locations to accelerate testing. Mobile incident command centres and the rollout of IT upgrades to track outbreaks and coordinate and facilitate livestock movements are being developed. These new technologies will complement our nation-leading sheep and goat electronic identification system.

I must reinforce how closely we are working with the commonwealth and other states to protect Australia from FMD. Biosecurity is our shared priority, and in the face of a potential threat of FMD and lumpy skin disease we are seeing a new spirit of cooperation with the commonwealth, state ministers and the industry across the board. We must be united in our approach to protect and prepare our livestock and our agricultural industry.

WEST GATE TUNNEL SOIL

Mr FINN (Western Metropolitan) (11:54): My question without notice is to Minister Pulford in her capacity as the minister representing the Minister for Transport Infrastructure. The minister, I am sure, is aware of my strident opposition to the government dumping toxic soil from the ill-fated West Gate Tunnel Project in the Sunbury and Bulla communities. In recent months I have looked in horror at the number of B-double trucks carrying this carcinogenic waste heading to the Bulla dumping site, particularly at the same time as the government is conducting works to relocate a bottleneck on Sunbury Road. Yesterday I was informed this dumping at the Sunbury Road site has ceased, and I hope that is true. Minister, is that correct or does the government have plans to continue dumping this poisonous material in the Sunbury and Bulla communities?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:55): I thank Mr Finn for his question, and I will seek a written response from Minister Allan in accordance with the house's standing orders.

Mr FINN (Western Metropolitan) (11:55): Minister, if the dumping of carcinogenic toxic soil on Sunbury Road has ceased, and I sincerely hope, as I said, it has, where does the government intend to dump this material from here on in?

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:55): I thank Mr Finn for his supplementary question. Both his substantive question and his supplementary question made a number of assertions as fact, and I am sure that Minister Allan will take the opportunity to provide Mr Finn with an answer in accordance with our standing orders and perhaps disabuse him of some of the misinformation that he is attempting to scare his community with.

GEELONG SPECIALIST FAMILY VIOLENCE COURT

Mr GRIMLEY (Western Victoria) (11:56): My question is for the Attorney-General. Recently I became aware that the Geelong Specialist Family Violence Court is expected to be gazetted on 30 September. I am worried about this given the courthouse upgrades have not begun yet. Further, the services that surround the Specialist Family Violence Court, such as legal assistance, have not all been given funding either. The specialist court allows a different list to hear many matters in one hearing to save time and trauma for the victim. This means more legal expertise and time is needed for both sides to prepare. All of this points to the fact that more money is needed for these services. I am not sure how the Specialist Family Violence Court in Geelong can function effectively if the services that underpin it are not adequately funded. Attorney, if the specialist court is opened in six weeks, will you ensure that all legal services that support the specialist court model are adequately funded to handle the additional work?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:57): I thank Mr Grimley for his question and his interest in these matters. Obviously this government is extremely proud of its commitment to addressing family violence in a range of forms and responding to it through the courts. It is our government that has committed to specialist family violence courts, and obviously we acknowledge that the legal aid and services that are associated with that are important partners in relation to it. So although I do not have at hand the specific funding breakdown that is allocated to all of the services in Geelong at the moment, I know that you and I are meeting this week, and if you would like me to get prepared for a more detailed answer—it is a bit hard for me to answer on the spot—I can get that material so that you can be aware of our continued efforts across the state in relation to addressing family violence but particularly in your area of interest, the Geelong area.

Mr GRIMLEY (Western Victoria) (11:58): Thank you, Attorney, for that. I look forward to that meeting. The Specialist Family Violence Court in Geelong begins in just over a month, like I said, but the courthouse upgrades have not yet begun. I have been out to the Ballarat Specialist Family Violence Court and must say that it is a shining example of how a family court should operate both internally and externally, with separate entrances for all parties concerned. I have also had many visits to the Geelong courthouse in my previous life and know the challenges that lie ahead with the infrastructure changes required to the building to ensure the safety of victims. My supplementary question is: Attorney, when will these upgrades to the Geelong courthouse begin, and when are they expected to be completed?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:58): Again, Mr Grimley, that is a very specific question. I do not have the latest update from the infrastructure unit within the department of justice. However, the issues that you have identified are indeed accurate. It is a challenging site. Of course we want court facilities that

respond to the modern needs of justice. We know through listening to victim-survivors and the like that entering the same entrance, for example, is certainly something that is to be avoided, and we have spent a lot of money around the state in relation to separate entries and what we can do within the existing footprints of some of those courthouses. In relation to Geelong, it is complex. We are working on the issue. I had a conversation recently with the Chief Magistrate in relation to that site, and it is an ongoing conversation about what is needed and what could be done maybe in the short term versus what could be done in the long term to ensure that it is a fit-for-purpose house for a specialist family violence service.

MINISTERS STATEMENTS: KINDERGARTEN FUNDING

Ms STITT (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood and Pre-Prep) (12:00): 2023 will be a landmark year for kindergarten in Victoria, with the introduction of free kinder as a permanent feature of our early learning system. With so many families struggling with the cost of living, we want to give them one less thing to worry about. We know the difference this will make.

In 2021 when we offered free kinder we saw participation rates lift. Families who had previously not shown up for kinder were bringing their kids along for the first time. This is what free kinder is all about. It is about making early learning a reality for as many children in our state as possible, and with both three- and four-year-old kinder being free it is about delivering two years of quality kinder to set kids up for success. With average kinder fees in the state being at around \$1900 per year for standalone kinders, it means our funding of \$2500 per child in standalone kinder on top of all the usual government funding will deliver a boost in revenue for many services. Centres like Gembrook Preschool will generate an extra \$54 000, and director Kim Busacca explained that they will use this funding for more resources for children, for staff professional development, to help remodel their kinder and maybe even to employ a part-time manager. Kim said it was a very welcome announcement in a local community that has done it tough during COVID.

Last week the guidelines for opting into kinder were published, and from late August services will have an opportunity to sign up to the offer, with a strong uptake in 2021 of 98 per cent of services, and I expect another positive response from the sector. We will invest \$270 million next year to deliver this important reform, and it is all part of our \$9 billion Best Start, Best Life reform package to transform the lives of Victorian children.

COVID-19

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:02): My question is for the Leader of the Government and Attorney-General. I refer to the Qdos research undertaken by Labor-linked pollster John Armitage, the release of which the government is fighting at VCAT despite the information commissioner ordering the release of most of the documents sought by the *Australian* newspaper, and I ask: given that many of the documents have cabinet exemptions claimed, did you see these highly political documents that track the community mood about lockdowns and the government's performance, and if so, does this not contradict the government's claim that it was operating on health advice alone?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:03): There is so much wrong with that question, Mr Davis. You are asking me to behave appropriately, but then you are asking me to breach cabinet in confidence and you are asking me to comment on a matter before the courts.

Mr Leane: And he asked three questions instead of one.

Ms SYMES: Well, that is true. It is not appropriate for me to respond to your question, for the reasons that I have outlined. Do not draw an inference from that. It is a ridiculous question, and there

are some processes that you have identified that would be appropriate to continue without my interference and probably without yours.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:03): With the government fighting the independent umpire’s decision to release most of this information, how is this model litigant behaviour rather than simply a cover-up of \$2 million of party-political advice?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:04): It is not in the model litigant guidelines to live stream cabinet or give the opposition everything we do. That is just not how government works. In relation to the matters that you have raised, it is not appropriate for me to give you a commentary on matters that are before the courts or matters that are going through appropriate processes. I will not seek to provide any political interference or political commentary in relation to the issues that you have raised.

ABORIGINAL AND TORRES STRAIT ISLANDER JUSTICE OUTCOMES

Dr RATNAM (Northern Metropolitan) (12:04): My question is for the Attorney-General. There was yet another tragic death of a First Nations person in a Victorian prison just days ago. During the harrowing coronial inquest for Veronica Nelson we learned there were 505 Aboriginal deaths in custody since the royal commission. Now there have been 506. The record number of First Nations Victorians in prison and the tragic deaths in custody over recent years under this government have not happened by accident; they are directly attributable to discriminatory bail laws and unnecessary delays to vital legislative reforms to the police oversight system as well as child protection and youth justice, including the refusal to even debate raising the age of criminal responsibility. There have already been multiple reports that tell the government what needs to happen to reduce the unjust overincarceration of First Nations people. What is it going to take for the government to listen to First Nations communities and advocates and act to reduce overimprisonment of First Nations people by fixing bail laws, raising the age of criminal responsibility to 14 and introducing proper independent police oversight?

Members interjecting.

The PRESIDENT: I agree. There are multiple questions. I will give you a chance to rephrase the question, Dr Ratnam.

Dr RATNAM: Thank you, President. To clarify my question: what is it going to take for the government to listen to First Nations communities and advocates and act to reduce overimprisonment of First Nations people?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:06): Dr Ratnam, I am not waiting for anything. I and many of my ministerial colleagues meet regularly with representatives of Aboriginal groups and communities. We have an Aboriginal Justice Forum for exactly that, where these issues are canvassed and I hear from Aboriginal stakeholders directly, because that is where I want to learn. That is where I want to have the conversations. I am not waiting is the answer to your question.

Dr RATNAM (Northern Metropolitan) (12:07): Thank you, Attorney. According to a recent *Guardian* newspaper report, the government stated that it has unfinished business on this issue and might do something about it should the government be re-elected. Attorney, there are three bills before this house right now that we could debate that will address issues of First Nations overimprisonment: the Greens bills to reform bail and raise the age and the government’s own child protection bill. Why is the government delaying reforms that could reduce First Nations imprisonment?

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:07): Dr Ratnam, we have a lot of legislation before this house. I am on record as saying justice reform is always ongoing. It is not something that I am ever going to complete in my time as Attorney-General. Even if I get another four years after the election, I will not complete the

job. It is something that I am always working towards, always responding to the needs of stakeholders, whether they be Aboriginal justice advocates, whether they be victim-survivor groups. We will continue to bring in legislation that responds to community needs and updates our justice system. That commitment from me personally stands.

MINISTERS STATEMENTS: LGBTIQ+ EQUALITY

Ms SHING (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (12:08): I rise today to talk about a number of equality initiatives which are bringing pride, inclusion and celebration to Victorian communities over the next four years. We have, just last Friday, confirmed \$6.8 million in funding as part of the Victoria's Pride initiative. This will ensure that rural and regional communities have opportunities to showcase the stories, the creativity and the events that are part of LGBTIQ+ communities. There was no better place than the Ballarat Mechanics Institute to celebrate this work alongside mayor Daniel Moloney; the head of work for Midsumma Festival partnering with the Victorian government, Felicity McIntosh; and the extraordinary local member for Buninyong, Michaela Settle—a great local member who has done a power of work to include LGBTIQ+ community members in all that the government does.

We want to make sure that, building on the success of the wonderful street party which saw, along with rural and regional events, a total of 67 000 people turn out to celebrate and get involved in events that showcase LGBTIQ+ identities, this work continues. This is where Victoria's Pride is an extraordinarily important part of the landscape of inclusion. Equality is not negotiable. We have said this ever since we were returned to government in 2014. When we go to the Pride Centre and when we see what we have done in the legislative agenda for reform, we have banned conversion and suppression practices, we have apologised for historical convictions for homosexuality and we have amended the Equal Opportunity Act and births, deaths and marriages legislation, and we have done all of that not because we have had a united piece of work from those in this Parliament but despite not having it, because the opposition continues, and as long as it continues we will keep going to make sure that equality gets the attention it deserves.

WRITTEN RESPONSES

The PRESIDENT (12:10): Regarding questions and answers today: Mr Limbrick to Ms Pulford for roads, two days, question and supplementary; and Mr Finn, transport, Ms Pulford again, two days, question and supplementary.

Constituency questions

NORTHERN VICTORIA REGION

Ms LOVELL (Northern Victoria) (12:10): (1902) My question is for the Minister for Roads and Road Safety. The Andrews Labor government's lack of commitment to the Shepparton bypass project is obvious for all to see. At every turn the government has ignored and delayed progress on what is the number one priority project for the Greater Shepparton community. The state government committed funding of \$10.2 million in the 2017–18 state budget to finalise planning for stage 1 of the Shepparton bypass, to prepare a business case and to upgrade the intersection of the Goulburn Valley Highway, Wanganui Road and Ford Road by installing a roundabout. Five years later no work has commenced on the construction of the roundabout. Will the minister provide me with details of the expenditure of the committed \$10.2 million, including how much remains to upgrade the intersection of the GB highway, Wanganui Road and Ford Road, and also advise what the current cost of the intersection upgrade is?

NORTHERN VICTORIA REGION

Ms MAXWELL (Northern Victoria) (12:11): (1903) My constituency question is to the Attorney-General and is about Fines Victoria taking two years to respond to a request for the review of a decision. Attorney, I have written to you with the details of this constituent, who asked for a review of

his fines in 2020. The constituent says that Fines Victoria failed to meet the obligations of its own internal review guide and took two years to send him a notice of refusal. While he had assumed the lack of response meant his fines had been withdrawn, in line with the review guide, his fines have instead attracted further fees and charges. The Victorian Ombudsman has been critical of Fines Victoria, and our courts are seeing a rush of warrants and court matters related to fines since pandemic hardship measures ended. I ask the Attorney: will she assist this constituent and escalate the matters with Fines Victoria and review how many times Fines Victoria is not meeting its own time lines and obligations?

EASTERN METROPOLITAN REGION

Dr BACH (Eastern Metropolitan) (12:12): (1904) My constituency question today is for the Minister for Local Government. Will the minister work with the local council in Box Hill, Whitehorse council, in order to deliver far better car parking options for nurses and other health workers at Eastern Health? Last week I had the great pleasure of joining Ms Crozier and Liberal candidate Nicole Werner for discussions with the CEO of Eastern Health. We talked about a range of issues that we have seen at Eastern Health through no fault of the leadership team or the hardworking staff—issues like ramping. There is really significant ramping there. Every issue we have seen has been made worse by our workforce crisis. Something I know many nurses have gone to Liberal candidate Nicole Werner about is the fact that there are so few car parking options for them. This will be eased by the fantastic announcement that Ms Crozier made the other day, but we still want to see far better car parking options. The council did put in place innovative solutions like the use of permits and some local council car parks at the height of the pandemic. Those need to be revisited, and I would like Mr Leane's assistance to do that with council.

WESTERN METROPOLITAN REGION

Dr CUMMING (Western Metropolitan) (12:14): (1905) My question is to the Minister for Consumer Affairs, Gaming and Liquor Regulation in the other place and is from Hume City Council. Will the minister consider reducing the operating hours of venues with electronic gaming machines? Total electronic gaming machine expenditure in the Hume City Council area in the 2021–22 financial year was \$72 199 630. That is the fourth-highest loss in the state and an increase from sixth the previous financial year. Hume council accepts that residents visit gaming venues not just for gaming activities but also for affordable meals, social participation, recreation and entertainment, but it also recognises that there are harms associated with all forms of gambling, which can have a significant negative health, social and economic impact on individuals, families and communities.

WESTERN VICTORIA REGION

Mrs McARTHUR (Western Victoria) (12:15): (1906) My constituency question is for the Minister for Small Business. Minister, you recently met traders from Sebastopol whose businesses have been decimated by the closure of their frontages on Albert Street resulting from the near year-long roadworks in the area. Coffee vouchers and car-cleaning credits do not pay rents, rates, utility bills and bank loans. These desperate people are suffering severe mental stress, worse even than during the COVID lockdowns—much worse. My question is: what are you doing to get the road fixed faster and businesses back in the black? In the meantime, do you still entirely refuse to compensate them directly for the annihilation of their income?

NORTHERN VICTORIA REGION

Mr QUILTY (Northern Victoria) (12:16): (1907) My constituency question is for the Minister for Transport Infrastructure. Last week I was on a trip around the Northern Victoria Region meeting constituents and councils. Rail issues were raised frequently. In Castlemaine the reopening of Harcourt railway station was raised. While part of Mount Alexander shire, Harcourt is part of the larger Bendigo growth area, and many of its residents commute to Bendigo daily. This government promised before the 2018 election to reopen Harcourt station. Like many other election promises to regional Victoria,

this one seems to have vanished without a trace. The line to Bendigo was cut back to a single line short-sightedly, like so many others in northern Victoria, so there is some work to do. Minister, will you commit to a timetable and to funding for the reopening of Harcourt station before the November election? If you will not keep your promises from 2018 to the people of northern Victoria, none of us will be able to believe any of the promises you make in the run-up to 2022.

SOUTHERN METROPOLITAN REGION

Mr HAYES (Southern Metropolitan) (12:17): (1908) My question is to the Minister for Planning. Minister, residents of Hawthorn have contacted my office absolutely aghast at the lack of democracy and the government secrecy around the rezoning of the Melbourne University site at 442–450 Auburn Road, Hawthorn. The 81 residents would like to know why the development of this site has bypassed the public planning process when there is no reasonable basis for the use of section 20(4) of the Planning and Environment Act 1987 to bypass the ordinary permit process and no reasonable basis for the rezoning of the land in a similar manner from public education use to residential growth zone.

EASTERN METROPOLITAN REGION

Mr BARTON (Eastern Metropolitan) (12:17): (1909) My constituency question is for the Minister for Education. A constituent of mine sends their child to Tinternvale Primary School. Since 2012 this school has received limited funding for an update of their buildings. They have spent thousands on maintenance that should have been spent on resources for their students. Most of the buildings have had only minimal upgrades over 44 years. There is currently a hazardous electrical fault with outside lighting, and workmen have now refused to fix it as they cannot access the roof. The entire structural integrity of the roof is compromised beyond repair. The structure is too unsafe for workmen to even lean a ladder on. It has been assessed that these structures pose an immediate risk, and someone could be seriously injured due to collapse. Minister, have there been recent occupational health and safety assessments on Tinternvale's need for urgent and major building repairs?

SOUTHERN METROPOLITAN REGION

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:18): (1910) I want to raise a matter with the Treasurer. It comes out of some FOI requests that I have received, including the Victorian Managed Insurance Authority request for a Treasurer's indemnity in relation to the North East Link. This document discloses in the first instance for the first time that the project has reached \$18 billion. That is a more than doubling of the project's cost, a huge cost blowout, and shows that this government is incompetent, cannot manage money, cannot manage major projects and is actually not able to constrain these major projects in such a way that they can stick to their initial budget. The documents also show a Treasurer's indemnity, and this shows Victorians are on the hook because the government could not manage this project properly. I want the Treasurer to release the information as to the scale of that indemnity. Come clean with the Victorian taxpayers. Tell us how much you have—
(Time expired)

Mr Gepp: On a point of order, President, could I ask you to review *Hansard* in relation to that alleged constituency question from Mr Davis and consider a subsequent ruling.

Mr Davis: On the point of order, President, I should say the North East Link begins in the north of my electorate, in Kew, and actually is a road that directly and deeply affects my electorate.

The PRESIDENT: I uphold the point of order. I will review *Hansard*.

Bills**ENERGY LEGISLATION AMENDMENT (TRANSITION FROM COAL) BILL 2022***Introduction and first reading*

Dr RATNAM (Northern Metropolitan) (12:20): I move to introduce a bill for an act to amend the Environment Protection Act 2017 and the Renewable Energy (Jobs and Investment) Act 2017 to prohibit the authorisation of thermal coal activity under a licence and to increase the renewable energy target for Victoria and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Dr RATNAM: I move:

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

Motion agreed to.

LAND AMENDMENT (ACCESSING LICENSED WATER FRONTAGES) BILL 2022*Introduction and first reading*

Ms BATH (Eastern Victoria) (12:21): I move to introduce a bill for an act to amend the Land Act 1958 to control access to and camping on licensed waterfrontages in response to potential foot-and-mouth disease outbreaks or other biosecurity, public safety or animal welfare risks, to amend the Livestock Management Act 2010 in relation to licensed waterfrontages and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Ms BATH: I move:

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

Motion agreed to.

**INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION AMENDMENT
(RESTORATION OF POWERS) BILL 2022***Introduction and first reading*

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:22): I move to introduce a bill for an act to amend the Independent Broad-based Anti-corruption Commission Act 2011 to restore certain examination powers of the commission and for other purposes, and I move:

That the bill be now read a first time.

Motion agreed to.

Read first time.

Mr DAVIS: I move:

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

Motion agreed to.

Committees**SCRUTINY OF ACTS AND REGULATIONS COMMITTEE***Alert Digest No. 11*

Mr GEPP (Northern Victoria) (12:22): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table *Alert Digest* No. 11 of 2022 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

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

Planning and Environment Act 1987—Notices of Approval of the following amendments to planning schemes—

Ballarat Planning Scheme—Amendment C214.

Cardinia Planning Scheme—Amendment C275.

Maroondah Planning Scheme—Amendment C147.

Pyrenees Planning Scheme—Amendment C51.

South Gippsland Planning Scheme—Amendment C124.

Victoria Planning Provisions—Amendments VC221 and VC223.

Wodonga Planning Scheme—Amendment C130.

Wyndham Planning Scheme—Amendment C248.

Public Health and Wellbeing Act 2008—Documents under section 165AQ of the Act in relation to the making of pandemic orders implemented on—

24 June 2022.

12 July 2022.

Statutory Rules under the following Acts of Parliament—

Assisted Reproductive Treatment Act 2008—No. 60.

Building Act 1993—No. 61.

Catchment and Land Protection Act 1994—No. 59.

Subordinate Legislation Act 1994—

Documents under section 15 in respect of Statutory Rule Nos. 59, 61, 64 and 66.

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

Education and Training Reform Act 2006—Ministerial Order No. 1365—Order Amending Ministerial Order No. 1228—Victorian Institute of Teaching Registration Fees, of 2 August 2022.

Food Act 1984—

Declarations and Exemptions of Classes of Food Premises and Requirements, under section 19C of the Act.

Declaration of Minimum Record Keeping for Class 3 and Class 3A Food Premises, under section 19CB of the Act.

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

Assisted Reproductive Treatment Amendment Act 2021—Remaining provisions—15 August 2022 (*Gazette No. S384, 2 August 2022*).

Liquor Control Reform Amendment Act 2021—sections 4(1), 6, 19(2), 22, 23, 24, 26, 27, 28, 37, 40, 42, 45, 46(1) and 47(a)—25 August 2022 (*Gazette No. S384, 2 August 2022*).

Ms Crozier: On a point of order, President, on 6 April this house resolved that an order for production of documents on the Emergency Services Telecommunications Authority consultancy reports be provided. The government provided a letter on 21 April, two weeks later, saying that they would provide a response as soon as possible. That was 18 weeks ago. I just raise this issue in the house as it was months ago. I believe that resolution did pass, and the house should be provided with those documents.

The PRESIDENT: Ms Crozier, as you are aware, there is nothing I can do there about your point of order. You have to do it through a motion.

Mr Davis: On the point of order, President, a government minister may, via leave, make a statement.

The PRESIDENT: Mr Davis, I just gave my advice to Ms Crozier.

Business of the house

NOTICES

Notices of motion given.

Notices of intention to make a statement given.

GENERAL BUSINESS

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:34): I move, by leave:

That precedence be given to the following general business on Wednesday, 17 August 2022:

- (1) order of the day made this day, second reading of the Land Amendment (Accessing Licensed Water Frontages) Bill 2022;
- (2) order of the day made this day, second reading of the Energy Legislation Amendment (Transition from Coal) Bill 2022;
- (3) order of the day made this day, second reading of the Independent Broad-based Anti-corruption Commission Amendment (Restoration of Powers) Bill 2022;
- (4) order of the day 2, resumption of debate on the second reading of the Health Legislation Amendment (Conscientious Objection) Bill 2022;
- (5) the notice of motion given this day by Mr Davis on the Independent Broad-based Anti-corruption Commission and the Honourable Harriet Shing MLC;
- (6) order of the day 1, listed for a future day, resumption of debate on the second reading of the Multicultural Victoria Amendment (Independence) Bill 2022;
- (7) the notice of motion given this day by Ms Crozier on the production of documents relating to a supervised injecting room;
- (8) notice of motion 796, standing in Mrs McArthur's name on brumby culling; and
- (9) order of the day 1, resumption of debate on the second reading of the Planning and Environment Amendment (Wake Up to Climate Change) Bill 2022.

Motion agreed to.

TEMPORARY ORDERS

Ms PULFORD (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (12:35): I move, by leave:

That the temporary order agreed to on 2 February 2021 relating to days and hours of meeting be rescinded to the extent necessary to allow start times on Wednesday, Thursday and Friday to be 9.30 am, effective immediately.

Motion agreed to.

Members statements**RED CLIFFS FOOTBALL NETBALL CLUB**

Ms LOVELL (Northern Victoria) (12:35): I am delighted to rise and speak of the Liberal Party's commitment to fund the redevelopment of the Red Cliffs Football Netball Club clubrooms and change room facilities. Last sitting week I spoke of the need for the state government to provide funding for the project to cater for the club's expanding teams and the growth in popularity of girls' and women's football. Last month I visited the Red Cliffs Football Netball Club with the Liberal candidate for Mildura, Paul Matheson, who is a big supporter of the redevelopment. I was very happy to join Paul in Mildura on Sunday to announce that if elected in November, the Liberal Party will commit \$600 000 to make the project a reality. I congratulate Paul for his strong advocacy on this issue and the club president, Tony Marciano, and everyone at the Red Cliffs Tigers who is working so hard to upgrade this important community asset.

COMMONWEALTH GAMES

Ms LOVELL: The Andrews Labor government should hang their collective heads in shame for failing to include Greater Shepparton as one of the hubs for the 2026 Commonwealth Games. The idea for a Commonwealth Games to be hosted in regional Victoria was born in Shepparton, but my home town has been completely ignored by Daniel Andrews, with the state government awarding the four event hubs to Geelong, Ballarat, Bendigo and the Latrobe Valley. The Liberal Party will not ignore Greater Shepparton, and if elected in November we will transform Shepparton into the Commonwealth Games events hub it deserves to be.

ARCHIE ROACH, JUDITH DURHAM, OLIVIA NEWTON-JOHN AND LILLIAN FRANK

Ms LOVELL: Our state has lost four very prominent and loved Victorians in the past month: Archie Roach, Judith Durham, Olivia Newton-John and Lillian Frank. I extend my condolences to their families and friends.

PETER BAKER WILLIAMS

Mr GEPP (Northern Victoria) (12:37): I rise to inform the house of the passing of Echuca resident and Campaspe shire lion Peter Baker Williams. Peter was many things in the local community of Echuca. He was a farmer, he was a small businessman and he was a community activist. Peter stood for the Labor Party in Murray Plains in the past couple of elections, and it is not easy being a Labor person in that part of the world. It is not our natural habitat, some may say. But Peter did it with such grace, style and aplomb. I had occasion to speak with the Leader of The Nationals, Peter Walsh, following Peter Baker Williams's passing. I know that Mr Walsh held Peter in high esteem as well and was very saddened by his passing.

Peter was a great community activist. He was a member of the local council on many occasions. He also attained the title of mayor, again proving just how well respected and loved Peter was in his local community. He never stopped advocating for the Shire of Campaspe, and I know my friend and colleague the Attorney-General, Ms Symes, was equally saddened by Peter's passing. Peter was a great Labor person. He was a great member of that local community. To his friends, to his family and to his loved ones, we send our deepest condolences. Vale, Peter Williams.

TEACHER TRAINING

Mr FINN (Western Metropolitan) (12:39): The national Jobs and Skills Summit includes a review of our national skills training and higher education policies, and that is a good idea. We should instigate our very own review of the state's education policies here in Victoria, and that review should aim to abandon the politicisation of education in this state. We should depoliticise education for teachers by abolishing left-wing dominated teacher training colleges and outsource teacher training to private organisations. The socialist propaganda being poured down the throats of prospective teachers needs

to be replaced by impartial training that produces the best-quality teachers. We must require top-level VCE scores for those applying to become teachers to ensure a higher standard of educators to provide a higher standard of education. We do not want the bottom-level graduates as our teachers. We need highest quality graduates to educate our children.

We need to depoliticise education for children by outlawing child sexualisation programs such as the so-called Safe Schools program and end the indoctrination of our children with radical agenda material. We need to cease brainwashing students with the fallacies of global warming. We need to teach skills for being a successful employee and how to start and run a small business, not just prep for university. These issues are very, very important not just for the future of education but indeed for the future of our children, and there is nothing more important in this state.

YOUTH JUSTICE SYSTEM

Dr BACH (Eastern Metropolitan) (12:40): Victorians deserve answers regarding the current crisis engulfing our youth justice system. The government continues to talk up all the wonderful things it is supposedly doing in youth justice. However, when you look at what has occurred recently, it is very plain that the assertions that have been put over a long period of time now, in particular by a series of outstanding journalists at the ABC but also by many members of this place, are entirely true. We recently saw a breakout at Malmsbury, a breakout that occurred via the roof. I have spoken on the record here in this place and in the media over some time about the dreadful issues when it comes to the fabric of our two existing youth justice facilities at Parkville and Malmsbury. It surprised nobody who understands anything about our youth justice system that some years ago now the government was told through an internal report that the exact issues that we saw occur recently were likely to occur and to facilitate a breakout. When these questions were put to the Premier the other day, the Premier said he would follow up. He did not follow up. He bumped this to the new Minister for Youth Justice, and when journalists went to the youth justice minister to get answers to the questions that the Premier promised answers to in his initial press conference, surprise, surprise they said, 'No comment'. It is a scandal that years ago reports from this facility were put to the government specifically highlighting the issues at play with this breakout. Victorians deserve to know: why were those reports ignored? Why has there been chronic underfunding of these facilities? Why has so little been done to rehabilitate some of the most traumatised and disadvantaged young people in our state? (*Time expired*)

AFGHANISTAN

Dr RATNAM (Northern Metropolitan) (12:42): It has been one year since the fall of Kabul, when the world watched in horror as the Taliban was allowed to assume power in Afghanistan, shattering years of peace-building and sacrifice by the Afghan community. The Hazara people and other religious minorities continue to be persecuted by the Taliban, with their rights and freedoms under severe attack. According to many observers and genocide scholars the Hazara people in particular are facing genocide. This has led some to describe what is happening as gender apartheid. Girls can no longer go to school, and women can no longer hold positions of authority in Afghan society. The people of Afghanistan need support from the global community, and Australia must do its part. This begins with a commitment to increase our humanitarian intake to at least 20 000 people from Afghanistan who are at risk of persecution from the Taliban. We must offer immediate permanent protection for those seeking asylum and refuge from Afghanistan already here, and we must also ensure family reunification pathways for humanitarian arrivals or risk condemning them and their loved ones to a lifetime of separation. Last night, vigils were held across the country to remember the plight of the people of Afghanistan and the need for the global community to act. At these moments we remember the incredible resilience of the people from Afghanistan, who have had to endure some of the worst acts of war, persecution and displacement of any people in history, yet their strength, intelligence and determination remain unrivalled. Today we remember the people of Afghanistan, we vow never to forget and we vow to act.

COMMONWEALTH GAMES

Ms BURNETT-WAKE (Eastern Victoria) (12:44): I wish to acknowledge the many talented athletes from Eastern Victoria who had some fantastic wins at the recent Commonwealth Games in Birmingham. There were six athletes from my electorate who donned the green and gold at this year's games; many of them have returned with medals or personal bests and some have even set Commonwealth Games records. Congratulations to Eileen Cikamatana from Nepean, who claimed gold for Australia in the women's 87-kilo weightlifting division. Eileen set a new commonwealth record of 255 kilos across her lifts and is the first woman to win gold for two different nations. Congratulations also to Amy Lawton, who grew up in Emerald and started her hockey journey at Casey, for bringing home a silver after the Hockeyroos came second to England in the final. Morwell's Emily Beecroft also returned with a silver for the 100-metre freestyle. Caitlin Parker from Nepean won a bronze in the boxing ring, and Emily Whitehead, also from Nepean, returned with a silver and bronze for artistic gymnastics. Harrison Cassar of Rosebud won himself a bronze after a nailbiting judo contest. The dedication, strength and commitment of our Aussie athletes are admirable. Each and every one of them has made our country proud in getting to the games and giving it their all. Congratulations again to all of our athletes.

RATH YATRA

Ms VAGHELA (Western Metropolitan) (12:45): Recently I had the opportunity to participate in the Rath Yatra celebrations organised by Bochasanwasi Akshar Purushottam Swaminarayan Sanstha, BAPS, and also by the Gurukul Swaminarayan temple. Rath Yatra is a chariot festival in honour of Lord Jagannath, a grand celebration done in Odisha and other states of India. It is a cultural event and a stunning spectacle to watch the procession during the chariot festival. It is celebrated internationally by members of the Hindu community and creates a cultural platform for promoting solidarity and harmony. I congratulate BAPS and the Gurukul Swaminarayan temple for their hard work in organising the colourful Rath Yatra in my electorate.

RABITA ENVIRONMENT AND ACTIVITY PARK

Ms VAGHELA: On another note, it was a pleasure for me to attend the official launch of the Rabita environment and activity park. REAP is a project in Rockbank led by the Eritrean community, which also supports other migrant communities living in the western suburbs of Melbourne. The project involves a purpose-built community centre that is designed to accommodate various needs of these communities. I congratulate all the members of REAP for their achievements to date and wish them all the very best with the future stages of their project.

INDIAN INDEPENDENCE DAY

Ms VAGHELA: On a final note, this week marks the 75th anniversary of India's independence. I take this opportunity to wish all Indians in Australia and abroad a happy Independence Day.

OLIVIA NEWTON-JOHN AND JUDITH DURHAM

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (12:47): Today I want to talk to the chamber and the community about two great Victorians and two great Australian singers in Olivia Newton-John and Judith Durham. I think they were people we grew up with and people that we loved. Their music was world standard.

The Seekers were the original band that went from Melbourne to the United Kingdom and then to the world, and they led the way. That beautiful voice of Judith's sings out into history. When you put on the YouTube video or when you listen to the sound on your records, on your CDs or on your streaming service, you cannot mistake Judith's amazing contribution. She will be terribly missed.

Olivia, in a similar way, made a huge contribution to Australian music, both as an actor but also as a remarkable singer, crossing over from country into a much more popular music mode—again, a huge contribution to Australian music and to the world. She will be terribly missed. I also want to note

Olivia's work with the Olivia Newton-John Cancer Wellness and Research Centre at the Austin Hospital. As health minister I was proud to work with her and to bring some of that to fruition. I should note that when I came in as health minister there was a huge black hole—a \$135 million black hole—that John Brumby and Daniel Andrews, the then health minister, had failed to fill. We filled it and fulfilled the dream of Olivia's— (*Time expired*)

BILL OF RIGHTS

Mr QUILTY (Northern Victoria) (12:48): The Liberal Democrats do not trust governments exercising power. We believe the old truism that power corrupts. This means that governments are dangerous. They wield the power of the law and the police. They are the only ones that can authorise violence and truly get away with it. Sometimes politicians lie. They use their power to get more power. They use it for career advancement and personal gain. There need to be real limits on government power, and not just an election every four years, which gives the government time to paint over all the ugly bits.

That is why the Liberal Democrats are calling for a bill of rights. We need to enshrine our fundamental freedoms and protect them from our own government of whatever party. We need a document that says the reason we have a government in the first place is to secure our liberty and in particular to secure our individual rights. We need to protect the rights to free speech, assembly, petition and conscience. We need to secure the rights to due process, to a public trial and against self-incrimination. These rights are not only fundamental liberties that are owed to every individual; they are also checks against government power. Victoria's experience through the pandemic has taught us that Victorians are dangerously exposed to the abuse of government power. Every time government power is used to limit our rights the door is pushed open further. You might support the current government using that power, but every future government can and will wield that power too. Victorians need to protect their freedoms. We need a bill of rights.

SHEEPVENTION

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture)

Incorporated pursuant to order of Council of 7 September 2021:

I rise today to report on the fantastic event that is Sheepvention.

The Hamilton *Spectator*, on Saturday, July 30, said it so well: 'Sheepvention homecoming'!

Sheepvention is a huge annual rural expo, an institution in Western Victoria, that spans three days.

There was an amazing, bumper crowd that represented communities from as far afield as the Mallee, the Wimmera, the far south-west, even South Australia and more.

The heart of Sheepvention is of course the industries associated with sheep in Western Victoria and the important role that these play in Victoria's economy.

Everyone was so clearly pleased to be together, celebrating food and fibre and perhaps also the chance to meet up with old friends and acquaintances after two years of postponed events.

It was great being there on day 1 to hear firsthand from stakeholders and constituents about their issues and their hopes for the future.

There's no doubt that these are challenging times, so it was excellent to see the active, positive and reassuring engagement of Agriculture Victoria and Regional Roads Victoria, listening to people's concerns and providing them with good advice and information.

A big shout-out, too, to South West TAFE for their strong presence.

On display were students' skills as diverse as baking, catering and hairdressing, through to breeding and genetics, and very importantly providing up-to-date information on ag and horticulture courses that are available locally.

As ever, the traditional pen-of-five-rams sales were strong and the working dog competition was fiercely fought.

I congratulate president Kathryn Robertson, her immediate team and the many volunteers who worked tirelessly in the lead-up and over the three days to make Sheepvention such a successful event in regional Victoria.

Business of the house

NOTICES OF MOTION

Mr TARLAMIS (South Eastern Metropolitan) (12:50): I move:

That the consideration of notices of motion, government business, 683 to 746, be postponed until later this day.

Motion agreed to.

Bills

TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022

Second reading

Debate resumed on motion of Mr LEANE:

That the bill be now read a second time.

Dr BACH (Eastern Metropolitan) (12:51): I am very pleased to rise to make a contribution on this important piece of legislation. It was made plain through the debate in the other place that the Liberal and National parties support this legislation, and in the debate there—and it was a wideranging debate—broadly speaking the theme of that debate was regarding reconciliation and what we can now do and must now do in order to seek to achieve reconciliation between First Nations people here in Victoria and those of us, like me, who are not First Nations people. The Premier has talked publicly about this bill, and he has said that first and foremost it is about addressing past injustices. So I do want to talk about some of the things that I think we can do as we seek to continue down the road that leads to reconciliation, given that the Premier has said that this bill is about seeking to redress past injustices. I also then do want to highlight some areas of present injustice when it comes to Indigenous Victorians, because I think that it is a legitimate exercise as we seek reconciliation to dwell upon past injustices and seek wherever possible and through appropriate means to make amends for them, but that must be done in my view in tandem with a very thorough exercise of seeking out and coming to an understanding of present injustices and then putting in place as strong as possible policy responses to deal with those.

In my former life as a schoolteacher it always struck me as very odd that we teach so little Australian history in our schools. In particular it always struck me as odd that the particularly complex and contested period of our history between 1788—white settlement—and the middle of the 20th century is not taught at all to so many Victorian students. There are subjects on Indigenous culture pre the arrival of white settlers, and it is appropriate that we should learn about that—of course it is—and there are some subjects that deal broadly with Australian history in the 20th century, but many, many students learn nothing about the deeply complex and contested period of our history directly after the arrival of white settlers in 1788, during which undoubtedly appalling injustices were inflicted upon Indigenous Victorians.

There is one subject, a VCE subject entitled ‘Australian history’, that a tiny number of students choose to complete. Last time I checked it was about 600 students, and every year the numbers fall by about 100. I actually never taught that particular subject. I taught the rival history subject, a history of revolutions, and what we have seen over many years is more and more students right across the state choosing to undertake a history of revolutions—and that is their right—and fewer and fewer undertaking Australian history. Perhaps previously education ministers and education bureaucrats thought that the gap in our curriculum from years 7 to 11 was one that could be tolerated because students could choose Australian history in years 11 and 12. Well, they are not doing that. If the current trend persists, in the next three or four years that subject will die completely. In my view it is urgently

necessary, coupled with the processes that are outlined with some specificity in this bill, to increase the knowledge of the community—the knowledge of all of us—of our complex and contested history, especially the period directly after 1788.

To my shame, only recently have I been learning more and more about this period. I say that as somebody who studied history at university for more than a decade and taught history, including Australian history, at numerous institutions. Just recently my family and I were staying at Yarra Glen, and we went for a walk around a quite lovely billabong. We came upon a plaque. On that plaque was recounted the quite extraordinary story of a local Indigenous leader, Jagga Jagga, who had been taken by troopers to the homestead at Yering. It told the amazing story of the way in which local Indigenous people outsmarted the troopers and were able to get back Jagga Jagga. I thought to myself, ‘What an empowering story’. I was not sure if it was entirely correct, because I confess, despite the fact that I have taught Australian history over many, many years, I had never heard it before, and that is to my own shame. However, I checked—I checked multiple sources. Of course we should learn about the dreadful injustices of the past, but there are so many deeply empowering stories like this one about the many amazing elements of Indigenous culture and history that it would be a wonderful thing if as Victorians we had a far better understanding of them.

I heard the Premier when he said that this bill was first and foremost seeking to deal with past injustices. My proposition is that all of us need to increase and expand our knowledge of Australian history, especially the period after 1788, and I would posit the view that we can best do that through our school system. I would also say that as we continue down the path that leads to reconciliation we must be mindful of appalling present injustices. No process that seeks to deal with past injustices, real and painful as they are, can be successful unless we couple that approach with a steely determination to deal with the very real present injustices that we see in Victoria today.

I had the great privilege of catching up with Aunty Muriel Bamblett in our last sitting week. She is on the First Peoples’ Assembly of Victoria, and she is passionate about furthering several elements that are put forward in this bill. She is also the CEO of the Victorian Aboriginal Child Care Agency. As the Shadow Minister for Child Protection and Youth Justice I was already aware of some of the appalling outcomes we see for young Indigenous people in our child protection system. I take the point that Dr Ratnam raised already today: we see huge numbers of young Indigenous people entering our child protection system. Aunty Muriel told me that in fact statistics show one in nine Indigenous babies today is taken from their mother by the state here in Victoria—one in nine. That is easily the worst proportion in the country—easily.

Today, right now, one in 10 young Indigenous people is in our care system—one in 10. Now, to me—I am sure to all members—that is an utterly unacceptable state of affairs. The proportion for non-Indigenous children is radically different. I believe that while we are dealing with complex issues, the work has been done by wonderful community organisations like Aunty Muriel’s, like the Centre for Excellence in Child and Family Welfare, like Berry Street, like Anglicare Victoria, to demonstrate to decision-makers what we can do very differently so that we desist with these policies that continue to lead to the mass removal of Indigenous babies and Indigenous children in the state of Victoria. It would mean significant changes to our child protection policies to focus on evidence-based approaches to prevention and early care. It would mean shifting far greater power away from the department and away from government to ACCOs, Aboriginal community controlled organisations. I believe those organisations have really significant capacity to deliver culturally appropriate supports early so that we can make real inroads, as we have not done for so many years, into the appalling proportions of Indigenous babies and Indigenous children who are still being removed from their families today. Those proportions have not changed for many years. And once they are in the out-of-home care system I am afraid we know what happens to the vast majority of young Indigenous people. We know this because of landmark work by our independent children’s commissioner and our Indigenous children’s commissioner released just last year in their report entitled *Our Youth, Our Way*.

I am afraid things in our care system are not like they used to be. When I was born under a Labor government into Victoria's care system, that system could be a springboard to a life of incredible opportunity. Today the children's commissioner has found that outcomes for young Indigenous kids in care are quite appalling. The rates of violence, sexual abuse and forced prostitution are huge. She said, and I agree, that so many young people who find themselves in care through absolutely no fault of their own are then funnelled into our youth justice system. We have been talking about that again today. Again, very oftentimes, in my view, it is through no fault of their own.

The children's commissioner has been shining a light recently and has had some excellent reporting in the press about what happens to young people in Victoria's youth justice system. I am afraid we simply see that these young people, some of the most vulnerable and disadvantaged and traumatised young people in our state, are not provided an opportunity to engage in meaningful education or mental health support in order to provide a pathway to real rehabilitation. No, they are further traumatised and ultimately criminalised, leading to massive rates of reoffending and then ongoing engagement in our broader adult criminal justice system.

Dr Ratnam talked about the appalling issue of ongoing Indigenous deaths in custody. What the children's commissioner has said, and I do agree with her wholeheartedly, is that all of these issues—very complex issues, I grant you—are connected and interconnected. And yet I do not believe that for a long time here in the state of Victoria we have had the kind of focus that we need on providing the early help and the preventative supports to vulnerable families to stop first and foremost the ongoing removal by the state of so many Indigenous children that then leads to engagement with youth justice, further trauma, criminalisation and engagement in our adult systems.

In the debate in the other place it was made plain that the Liberal and National parties support this legislation. We wholeheartedly support ongoing efforts to achieve reconciliation, and seeking to deal with very real past injustices has a big part to play there. My hope is that there will be real, ongoing engagement with members of the First Nations assembly and with other Indigenous leaders in order to deal with some of the appalling ongoing injustices today, in particular those regarding the manner in which we see so many Indigenous young people funnelled into our child protection and youth justice systems. We can do those things together. Indeed my proposition today would be that we must do those things together if we are to achieve our shared outcome of real reconciliation.

Ms TAYLOR (Southern Metropolitan) (13:05): I would like to begin by acknowledging the traditional owners of the land on which we meet, the Wurundjeri Woiwurrung, and pay my respects to elders past and present. I would also like to acknowledge elders from any other communities who may be present with us here today. I further note that my learned colleague Sheena Watt MP, a proud Aboriginal woman, very much wanted to be here today for this vital reform and is deeply disappointed that, owing to illness, she cannot be. However, I would like to express that her spirit is strong and it is with us today—now I am feeling emotional. I am really happy for her, but I am so sad that she could not present this, because she should be the one leading this bill. But I will do my best and stop crying.

I am really proud to be able to speak on this bill and say what this bill does, because I would hate to think that we would take anything away from the incredible amount of work it has taken to get to this point in time. I particularly acknowledge the work of the First Peoples' Assembly in contributing to what we are able to deliver here today. Victoria is the first and only jurisdiction to action both the treaty and the truth elements of the *Uluru Statement from the Heart*—not just words but action delivered by our Labor government in partnership with Victoria's Aboriginal community. Treaty is unfinished business. It is an opportunity to come to terms with our past and work together for a shared future. I am getting emotional again. I felt emotional when this bill came to the lower house, so I have got to pull it together.

I am just so relieved that this is happening here today. I am just so relieved. But it requires us to do things differently. New institutions will allow treaty to be negotiated on a truly equal footing between the state and First Peoples. This includes a new Treaty Authority that will oversee treaty negotiations.

The Treaty Authority is the first of its kind in Australia and is based on a model put forward by the First Peoples' Assembly. Thirty-one members of the assembly, covering every corner of Victoria, have contributed to the development of the Treaty Authority model and this bill. This is self-determination in action. The proposed Treaty Authority model is innovative, legally novel and designed to most effectively and fairly oversee negotiations in Victoria's context. This is unique. It is nation-leading work without precedent. Treaty will change the cultural landscape of our state. It will forever alter how we view and understand our identity, our history and our future. It will create a future where we give back what was never ours to take and where First Nations communities have autonomy, power and self-determination. But treaty also provides a bridge between the First Nations communities and non-Aboriginal Victorians. It will create a stronger and fairer Victoria for us all. Every Victorian should be proud of the progress we have made towards treaty, truth, justice and self-determination for Aboriginal Victorians.

Going to some of the more technical aspects of the bill, the Treaty Authority's functions are laid out in the Advancing the Treaty Process with Aboriginal Victorians Act 2018. These include facilitating and overseeing treaty negotiations, administering the treaty negotiation framework, providing for resolution of disputes in treaty negotiations in accordance with the treaty negotiation framework, carrying out research to support treaty negotiations and the administration of the treaty negotiation framework. The state and the assembly have agreed that the Treaty Authority will have an additional function of providing for resolution of disputes incidental to or in connection with treaty negotiations. This includes supporting the resolution of disputes between traditional owner groups.

Why is the Treaty Authority being established via a novel legal model? The assembly proposed a Treaty Authority model that is an independent, unincorporated body comprised of individual members and supported by facilitating legislation that confers legal capacity and the powers of a body corporate. I should note, and I think this is a really critical part of making real change, that the Andrews Labor government has come to the treaty process with open hearts and open minds and acknowledges that to give justice to this process we must do things differently. This model aims to maximise the independence of the Treaty Authority and reflects the government's willingness to pursue novel approaches through the treaty process. As the First Peoples' Assembly says, this is decolonisation in action. The government is relinquishing some of its control and power, and the First Peoples of Victoria are asserting their right to have the freedom and power to make the decisions that affect First Peoples communities' culture and country. This will ultimately forge a stronger future for all Victorians.

The Treaty Authority's role in Victoria's treaty process is also, I should note, based on best practice examples from other jurisdictions such as the British Columbia Treaty Commission, and—I think this is another important element in terms of understanding exactly what the body will do and what its purpose is—it will be a facilitative body focused on building positive treaty partnerships rather than a tribunal or quasi-judicial body with coercive powers. The Treaty Authority's all-Aboriginal membership will observe and uphold Aboriginal law, lore and cultural authority, led by Aboriginal communities, Aboriginal voices and Aboriginal leaders. This befits the cross-cultural nature of Victoria's treaty process and aims to support new relationships between the state and First Peoples and the proper recognition of the unique lore and cultures of Victoria's peoples.

I will speak a little bit further on the technical elements of the bill, but I will not focus heavily on that because there will probably be a number of speakers today. I think on many levels this is also about a cultural evolution of our state, so I do want to focus a lot more on the actual meaning of these reforms and how they will impact all Victorians for the better. However, looking at the issue of what the bill will actually do, the bill recognises the establishment of the Treaty Authority under the Treaty Authority Agreement and facilitates its operations. The bill will enable the Treaty Authority to operate as a legal entity by conferring on it powers and capacities, including having perpetual succession; the power to sue and be sued; to enter into agreements to acquire, hold and dispose of property in its own name; to be a member of or hold shares in a company, act as a trustee or participate in the formation

of a company, trust or other body; and to be able to perform its functions and exercise its powers within and outside Victoria as well as outside Australia. These are powers and capacities commonly given to bodies corporate and will enable the Treaty Authority to operate as though it were a body corporate.

There are just a couple more key issues in terms of looking at some of the technical aspects of the bill that I do want to flag. One of them is that the bill appropriates funds from the Consolidated Fund for the Treaty Authority's operations. Why does this matter? Because it is providing an ongoing and secure funding stream independent of the government's annual budget process. I think it is self-explanatory as to why that is a critical element. Secondly, in terms of governance, the bill applies specific requirements under the Financial Management Act 1994 to the Treaty Authority, including requiring annual financial reporting to be provided to Parliament. This will ensure parliamentary oversight of funds appropriated by the bill, as is right and proper.

As I say, there are many vicissitudes of this bill which are very important when you are establishing such a critical process. However, a further element that I did wish to zone in on is that the bill does not require the Treaty Authority to report to a minister, and this is coming to that element of independence. It is not subject to the direction or control of a minister or government. This independence is a requirement under the 2018 treaty act, which provides that the Treaty Authority is not subject to direction or control of a minister—I am just emphasising that point for obvious reasons. The bill does not determine who can negotiate a treaty; this will be addressed in the treaty negotiations framework. While the bill amends the treaty act to allow the Aboriginal representative body, currently the First Peoples' Assembly, to enter into treaty negotiations, this simply removes a legal barrier which might otherwise have prevented it from doing so. So that is just to touch on a couple of those critical elements but not pull away from other elements of the bill which are also pertinent to its success in terms of achieving the fairness and justice that we do require for our state.

I did think it would be important to just touch on and update where Victoria's treaty process is actually at. Victoria's nation-leading treaty process is advancing in partnership with Aboriginal Victorians while working with the assembly, the first statewide democratically elected representative body for Aboriginal Victorians in the state's history. Victoria is currently in phase 2 of a three-phase treaty process. In line with the 2018 treaty act, phase 2 involves the state and First Peoples' Assembly working in partnership to establish the treaty elements necessary to support future treaty negotiations. This includes an independent Treaty Authority to oversee and facilitate future treaty negotiations. Negotiations are ongoing to establish the treaty negotiation framework and self-determination fund, and we expect these negotiations to conclude in the coming months to enable treaty negotiations to commence in 2023. Just to note further, the Andrews Labor government has invested more than \$218 million in Victoria's treaty process, including \$151.4 million this year, as Victoria progresses in the next phase of this landmark process.

There is so much more to be said in this space, and I will not be able to do it justice today save for the fact that it is a very proud day for Victoria. I am very grateful to all those who have contributed and have put in so much work—years and years of blood, sweat and tears, let us be honest—to get to this point in time. This whole process is unfinished business. We are not there, but we are very much taking a critical step forward to ensure that self-determination for Victoria's Aboriginal people is a reality. It is just vital for all of us to be able to create a much better future for our state. Thank you also to the observers in the gallery who are here today.

Dr RATNAM (Northern Metropolitan) (13:18): I want to start today by acknowledging the traditional owners of the land on which we speak today, the Wurundjeri people of the Kulin nation. I also want to pay my respects to elders with us here today, to members of the First Peoples' Assembly of Victoria and to all the First Nations people that have worked so hard to develop this legislation and the Treaty Authority agreement.

The Greens warmly welcome the introduction of the Treaty Authority and Other Treaty Elements Bill 2022 into Parliament. This authority is the centrepiece of the treaty process and is critical to its

success. Treaties are fundamental to healing the deep wounds caused to First Nations communities by the colonisation of this land. For too long First Nations people have been vilified, traumatised and denied their rights to land, economic opportunity and self-determination. Treaties are the way to begin to fix this wrong. Treaties are an agreement between the government and the First Peoples where, on equal footing, parties negotiate reparations, rights to land and water, rights to self-govern and practice culture, and rights to economic opportunities. It is an opportunity to negotiate how the story of this country, its landscapes and its institutions can be re-visioned to reflect the true history, not the whitewashed version told for the last few hundred years.

Treaty is the opportunity to heal and to create a better future based on mutual respect, rights and empowerment of the First Peoples of this land. During my speech today I will be reading out some quotes provided by members of the First Peoples' Assembly of Victoria about the treaty process and the significance of the Treaty Authority bill and agreement. It is always fundamental on First Nations issues that First Nations voices are at the heart of the debate—in this case from the people who have been involved in bringing this authority to life. I will start by reading a quote from Uncle Andrew Gardiner, a Wurundjeri Woi Wurrung reserved seat holder and traditional owner of the land on which we speak today. His quote gives some context to this bill:

The Treaty Authority Agreement is another historic marker along the process for our people in negotiating their Treaties with the State Government and another step closer for the Assembly in achieving that goal.

As outlined in the Advancing the Treaty Process with Aboriginal Victorians Act 2018 and further articulated in the Treaty Authority Agreement established in this bill, the role of the Treaty Authority is to facilitate and oversee treaty negotiations, administer the treaty negotiation framework, assist parties to resolve disputes that may arise in treaty negotiations and carry out research to support and inform treaty negotiations. This is the cornerstone body in the treaty process.

The independence of this authority and ensuring that it is empowered to uphold lore, law and cultural authority is absolutely critical to the treaty process. This will help decolonise this process to the extent possible in the current circumstances. Leanne Miller, Dhulanyagen Ulupna of the Yorta Yorta people and member for the North East Region, articulated the role of the authority:

Treaty Authority Agreement is a significant legislation in Victorian History, it's enacting the formation of an umpire in relation to First Nations Treaty making. A Treaty Authority will enact a deeper level of listening, Culture, a balance of Aboriginal LORE and Law.

Tracey Evans, Gunditjmarra woman and member for the Metropolitan Region, articulated it further:

When we as First Peoples and Traditional Owners of Victoria stand strong in culture and lore we give the loudest voice to our people. The pathways of justice and upholding our inherent rights must be at the heart of the Treaty Authority work going forward.

So we are hearing just how critical ensuring culture, lore and First Peoples rights has been to the design of the Treaty Authority. This bill establishes the novel legal arrangements of the authority as an unincorporated body with the roles and responsibilities of a body corporate. This will hopefully provide the legal parameters to secure its independence. We strongly welcome that the Treaty Authority's funding is established in legislation, ensuring limited interference from the government without the accountability process of Parliament. It is important that its funding is not beholden to budget cycles.

This bill is in fact quite brief, and the details of the Treaty Authority's process for the establishment, the structure and the accountability measures are contained within the Treaty Authority Agreement made between the state and the First Peoples' Assembly of Victoria. The agreement lays out important processes and tenets for the authority members to be selected and to operate under. The central tenets of the Treaty Authority are as follows: upholding self-determination and empowerment of First Peoples, independence and impartiality, accountability, relationship-building, facilitation and integrity in the process for all. These are all very important tenets, and certainly the Greens support these.

It also recognises the United Nations Declaration on the Rights of Indigenous Peoples and specifies that Aboriginal lore forms a legal system and that Aboriginal lore and law have equal footing with the Western legal system. I just want to pause on this point for a moment. When the Greens were negotiating to pass the Advancing the Treaty Process with Aboriginal Victorians Bill 2018 we campaigned hard to have the United Nations Declaration on the Rights of Indigenous Peoples included in this bill as the guiding principle for the treaty process. At the time, the government would only accept making reference to it in the preamble, which is the non-legally-binding section of the bill, as they did not want to be legally bound to upholding the principles of the UNDRIP. To me this raises important questions about how legally binding this Treaty Authority Agreement is if the government is willing to recognise the UNDRIP and Aboriginal lore in it. I will be asking more detailed questions about this in the committee of the whole. We certainly would not want to see this very important and admirable tenet of this authority and the standards regarding the accountability and structures being able to be weakened as they are not actually legally binding.

Moving on, the Treaty Authority Agreement stipulates that the structure of the authority will be no less than five and not more than seven members. This is a good and reasonable number of members to achieve accountability while maintaining tight management of the process. It stipulates that if the number of members falls below five but is at least two, the Treaty Authority may continue to perform its functions and exercise its powers. Only when it falls below two will the authority cease until it has more than two members. This is a little concerning, however, because just two members seems quite a low threshold for continuation of the authority's work if we are to ensure a continued faith amongst the community in its independence, balance, accountability and integrity. So we will be asking further questions in the committee of the whole about this as well.

The Treaty Authority Agreement also lays out that a panel will select the Treaty Authority members. The panel will consist of one member from the First Peoples' Assembly of Victoria, one from the state and three individuals nominated by agreement of the parties. I note that the selection process for the truth-telling process was similar to this, and there was some concern amongst the community as there were questions about the balance in the independent panel. I very much hope greater focus will be brought to this process to ensure it will be free from such concerns.

In selecting the members of the Treaty Authority, the panel will be required to ensure that the appointment ensures the authority's independence, that members are suitably qualified and competent and that the authority is culturally strong, transparent, fair, impartial and so on. These are deeply important criteria.

In summary, the Greens welcome and strongly support this treaty authority bill. We strongly support the tenets in it and believe that cultural authority as well as independence and accountability measures are critical design features, as so many First Nations voices have told us.

One thing the Greens spoke about in the other house, and I will mention here again, is the importance of this authority acting in accordance with the obligations under the treaty act for fairness and equity. Right through this process we have heard deep concerns from non-registered Aboriginal party (non-RAP) nations that they have not been provided with a reserve seat or an avenue for representation and participation in the First Peoples' Assembly of Victoria and thus in the formation of the treaty framework. There is now a pathway, but significant barriers do remain to participation, including lack of secretariat funding for nations to do all the administrative work required.

The Treaty Authority must be a circuit-breaker. It must be a body trusted by all nations to uphold the tenets of impartiality and uphold self-determination and empowerment of all First Peoples. It must ensure that fairness and equity principles apply so that all nations that approach it can enter into negotiations with the state on an equal footing; little is more important to the integrity of the treaty process.

The values of equality for all First Peoples must also be extended to the administration of the self-determination fund, which this bill establishes as the responsibility of the First Peoples' Assembly of Victoria. This fund must be significant in size and very fairly managed if it is to operate in accordance with the legislated obligation in the treaty act to create equal standing between the state and parties. Let me be clear: we are talking about the state with all its staffing, legal experts and financial resources being on equal standing with parties, including nations with little money or staff or experience with such negotiations. Equal standing is a critical legislated obligation agreed to by this government that we expect it to fully meet with the self-determination fund, and that means significant funds for First Peoples for equal staffing, upskilling, legal advice and community consultation for all applicants to treaty negotiations. Moreover, the distribution of the self-determination funds to First Peoples must be impartial, fair and equitable. So far the distribution of government funds within the treaty process has been far from equal, with non-RAP nations being excluded from funding. So now more than ever we need a commitment from everyone involved in this process that the self-determination fund must be managed impartially and with a commitment to fairness and the self-determination of all traditional owner groups.

The Greens will continue to be strong supporters of this treaty process. We will also continue to hold the government to account and push them to reflect and strengthen the integrity of the process so that the principles, values and tenets that are legislated are implemented. We will continue to fight for an inclusive, fair and just treaty process.

I would like to finish today with a quote from Jacinta Chaplin, Wadi Wadi member and member for North West Region. There is deep wisdom in her words and an important reminder of the significance of this process:

The past defined where we are now. What we do next will define what we become.

So much has been taken out of our control, the damage has been done. Now we are responsible for what is passed on to the next leaders

I believe in the aspiration of the Assembly and I am passionate about Community having voices. We can create unity amongst ourselves. We as a people are the only ones that can pass on our customs and practices and demand the government respect our ways as we are still here.

I believe we now have some solid structures in place and we will see the effects starting to roll out. This is our time to keep our culture strong and to lead the ways to continue our practices and to support the new leaders to care for Country and keep our traditions alive into the future.

I commend this bill to the house.

Sitting suspended 1.30 pm until 2.08 pm.

Ms BATH (Eastern Victoria) (14:08): I am very pleased to make my contribution on the Treaty Authority and Other Treaty Elements Bill 2022, and in doing so I would like to acknowledge the traditional owners and custodians of the land on which Parliament sits and we stand today in this house of red, the Wurundjeri people, and I pay my respects to elders past, present and emerging. I would also like to acknowledge all of the Indigenous people who have worked so fulsomely with the Parliament and the executive to bring this bill before us today and all Victorians who have contributed collaboratively in this process.

I was present a few weeks ago when my leader, the Shadow Minister for Aboriginal Affairs, the Honourable Peter Walsh, made his contribution in the lower house as our lead speaker on behalf of the Liberals and Nationals. I very much took on board his comments and would like to reflect some of those in this house. The Nationals are committed to advancing the process in Victoria in a way that supports self-determination, reconciliation and strengthening of communities and connection to country. I am the Shadow Assistant Minister for Public Land Use, and I think that is an area that I would like to sit my contribution in shortly as well.

We want to continue to work closely with traditional owners and registered Aboriginal parties to ensure that this process drives genuine progress towards closing the gap, and we know that that is a term that has been around for a long time. It is a vision, but the elements within that still have a long way to go. It is important that we all remain focused and in fact renew our focus on the Closing the Gap targets. All of the Australian states and territories made that agreement some time ago.

This bill continues the advancement of Victoria's treaty process by facilitating the establishment of the authority, the body by which the framework is underpinned and the conversations are had. This facilitates its operation through a legal force and a legal entity. It also makes some minor amendments to the Advancing the Treaty Process with Aboriginal Victorians Act 2018 to look at that framework, self-determination and the funds that sit behind that and the establishment of those elements by agreement between both the Aboriginal representative body—the First Nations people—and the state.

This is really part of a phase, and this bill is the next part. The first phase was the establishment of the First Peoples' Assembly, and I acknowledge that there are members of the First Peoples' Assembly in the house today. Also in that first phase was the establishment of the Victorian treaty commissioner. This now is the second phase. The bill specifically looks at establishing the authority as an independent body, but it also facilitates the operations by that force and its activities, facilitating the treaty negotiations and the administrative framework. We all need administrative frameworks and for them to be hopefully as smooth sailing as possible to assist parties to, where there is conflict, interest or diversity of views and disputes, resolve those throughout the negotiations and to carry out research and support informed treaty negotiations.

In the past my party, in the previous government, had the Honourable Jeanette Powell from Shepparton. She is small of stature but big of heart, and I know she worked really compassionately and with determination to bring about better change and to work for the Indigenous community. When Jeanette retired we had the Honourable Tim Bull from East Gippsland in my Eastern Victoria electorate. I read Tim's contribution. He grew up with many from the community there, and I think he was often trounced in football by many of the very elite sportspeople down that way in East Gippsland. It was a great privilege, as he said in his contribution. And, as I have said, now The Nationals leader, Peter Walsh, is our representative and spokesperson.

A few months ago we were in Shepparton and Aunty Geraldine opened our National Party state conference; we have one every May. I had not had the privilege of meeting Aunty Geraldine before, but you could see the importance and the quality of Aunty Geraldine. I think irrespective of where we were born, who we were born from and our lineage, you always respect and understand people of integrity and quality, and it is always good to listen to them and to seek to understand their point of view. That was certainly my impression of Aunty Geraldine. She spoke on the floor in Parliament only a few weeks ago as that representative.

I will mirror some of Dr Bach's contribution. Probably from my own perspective and from an Eastern Victoria perspective—from the people that I have met and the concerns they have raised with me through my office over time—unfortunately we really still need to wholesomely, with integrity and with intent, focus on where there is incredibly unacceptable disadvantage.

In speaking with some wonderful people in my electorate that look after and provide additional supports to children in out-of-home care, unfortunately Indigenous children are over-represented. They are also still over-represented in child protection and in our youth justice system and they are under-represented in educational attainments. I think that needs to be a focus of every person standing in this Parliament. We want all of our people, all Victorians, to reach the highest outcomes, to reach their potential, but we certainly need to focus on those groups and indeed our Indigenous children who may not be meeting that full potential. It is super important, and I put my willingness to do whatever I can on the record.

In relation to my contribution today, I did write to as many people as I could in my Eastern Victoria Region to ask them for their opinion and to give me some feedback. We make representation, we stand here as one person, but we need to represent a diversity of views. I have somebody I want to mention, and a little later I would like to share with the house his comments about the process.

I want to use an example of public land management as a way that we can walk together, we can learn together and we can learn from very wise traditional owners about the past. Certainly it was a highlight of my career to take up an opportunity back in 2017 to go to Cape York and to Melsonby—or Gaarraay—National Park to meet and renew acquaintances up there with some people I have met down here. It was to do with the importance of learning about firestick. It is something that once you seek to understand it and can feel it from the ground up you become a convert, and I am certainly a convert. Up there, there were a range of nations. Gunnai/Kurnai members were there, Wurundjeri were there. Uncle David Wandin spoke and was invited to speak. There were Dja Dja Wurrung and Yorta Yorta people, young and old. Mountain cattle men and women were there as well, and South Gippsland ladies with hats and sneakers on were also there and listening.

In some of this it is important to stop, think, listen and feel, and certainly the firestick practice and methodology were really important to this group of people and the diverse clans that were there seeking to understand. Victor Steffensen spent two decades out on country with the wise elders and learned this and shared this. He was standing out there, in bare feet, talking on country, and it was really an honour to listen. His words were often around ‘Let fire be like water and trickle over the ground’, ‘The tree canopy is sacred’ and ‘Observe and listen to those indicators’—so grasses, the birds, the bees, the possums and the like. It is both simple and highly complex and specialised. I do not even pretend to fully understand. I just have a glimpse of the importance of it, but it can really heal country. I then came back with Uncle David Wandin and spent time out Healesville way and in the Yarra Ranges listening to him on country. I think in some way it is an example of how we can learn and listen and work together.

Also, in 2019 they came to the Barmah State Forest. I went to Nowra in 2018, and in 2019 they came and did burning on country up at the Barmah. Unfortunately Parliament sat that week and even on the Friday. Now I would probably be far more bolshie and I would take off and leave Parliament to go to it, but I was far too compliant back in those days—a little while ago.

Finally, let me just make some comments about Gunnai/Kurnai in my electorate and the very wise and esteemed leader Grattan Mullett. I value his calmness, his kindness and his wisdom. I could not get in touch with Grattan this time round, but on their website they talk about how:

Cultural Fire occurs with the right fire, in the right time and in the right way, in the right place.

We use fire to make the land healthy, for ceremony and as a means for communication with each other and the spirits. Our children grow up understanding these cultural practices and teach their children. We help others to understand the benefits of the use of the right fire to manage and protect Country.

Hopefully a little bit through my sharing that with my party, we are certainly very encouraged about continuing that bringing of fire. It is not me bringing it, but I am enabling, facilitating and supporting the traditional owners to bring it onto their country as they see fit. And there are diverse views. Indeed there are others who do not believe in or want firestick, and we appreciate that too. It is not up to me to make those comments other than to say that there are many that certainly do see the benefit of it.

A few weeks ago I had the absolute privilege of sitting down for a short time with Uncle Lloyd Hood—and again we talk of quality and that sort of centredness that comes with wise people. I wanted to pick his brains about treaty, and he made some interesting comments. I also learned about his early life in Lake Tyers, the very hard work that he did as a young man and the wise things that he is doing now, going back on country with young people and encouraging them to get back in touch with country. As I said, he is certainly a respected Gunnai/Kurnai elder. I am paraphrasing him, so these are not quotes, but when we spoke he spoke about walking together and working together. He also wants to ensure

that all clan groups are involved. He said that treaty is a new thing and we must do it well and it must be unpacked in clear terms so that grassroots traditional owners can engage and understand.

I read a report from Federation Uni the other day. I have got a science degree, and it just seemed a little bit like gobbledegook to me. That was separate to this process entirely, but clear language and good communication brings about really positive steps. I think that is what Uncle Lloyd was saying. He was also saying, ‘Well, what does treaty look like 10 years down the track?’. He wants genuine discussion and return visits with clear language to his people on Gunnai/Kurnai land. I do not really want to be outrageous with this, but he also mentioned the Voice. He said that there will be division on what that means as well and that he does not want anything to be tokenistic—it actually has to be very well grounded. Finally, I thank him for sharing his views, and I will continue to seek to listen and understand his point of view and those of others who wish to engage— *(Time expired)*

Mr BARTON (Eastern Metropolitan) (14:23): I rise to speak on the Treaty Authority and Other Treaty Elements Bill 2022. I acknowledge the traditional owners and custodians of the land on which this Parliament stands, the Wurundjeri. I pay my respects to their elders and ancestors past, present and emerging.

Sometimes in this place we do not cover ourselves in glory. Sometimes we have a little bit too much grandstanding, which is not something we can be proud of. But today we can be proud. To see this bill debated here in this Parliament fills me with a great sense of pride. I would like to begin by acknowledging the incredible leadership of the First Peoples’ Assembly of Victoria, which is the democratically elected voice leading the treaty process in Victoria. This bill has been shaped and driven by the assembly—thank you. As the assembly co-chair and proud Nira illim bulluk man of the Taungurung nation said:

It’s time to do things differently, enough of the top-down government approach. Treaty is about putting First Peoples in the driver’s seat so we can make the decisions that affect our communities ...

It was a historic moment in June, prior to this bill being debated in the other place, when the assembly’s co-chairs, accompanied by the rest of the assembly members, addressed the Parliament and asked MPs to support this bill and breathe life into the Treaty Authority. Today I am proud to stand with the assembly and pledge my support.

This bill puts us on a path towards treaty, a path towards reconciliation. It is an opportunity for all of us to acknowledge the pain inflicted by colonisation and to work towards creating a better future. The bill establishes an independent body responsible for negotiating a treaty or treaties between government and Victoria’s First Peoples. This is critical to the treaty process as it will facilitate negotiations and resolve disputes. My hope is that this independent umpire will be effective in ensuring mutual respect and that negotiations are undertaken in good faith.

This treaty authority is without precedent. I have no doubt that other jurisdictions will soon follow suit with their own treaty authorities, recognising that the government being party to negotiations prevents it from being able to umpire such an important process. The success of these negotiations will depend on engagement, conversation and productive relations. I am confident that there is the will to make this happen. I have heard arguments that this authority is unnecessary and that negotiations should be carried out by the Parliament. I disagree. The treaty process is too important to be subject to the politics of this house. The authority will sit outside government bureaucracy and will not report to a minister: this authority is independent.

Central to this treaty process is the right of self-determination. Self-determination is an ongoing process of choice to ensure that First Nations communities are able to meet their social, cultural and economic needs. All peoples have the right to self-determination, but we know the opportunities for First Nations Australians to exercise this right have been limited due to ongoing colonisation, dispossession, exclusion and discrimination. The Treaty Authority is just the beginning of a systematic change that is needed.

The members of this Treaty Authority will be appointed by an independent panel and will all be First Peoples. In the future I expect to see some structural change that facilitates First Nations community-led policy development. There is much work to be done, and of course this is a complex process and there will be many views expressed. The treaty, or treaties, will mean different things to different people. All we can do is move forward with compassion, an open mind and a genuine desire to do the best we can for our First Nations people. This is about giving First Nations people the power to make their own decisions about issues that affect their lives and their communities. This bill is a step in the right direction, and I am proud to support it today. I commend this bill to the house.

Mr TARLAMIS (South Eastern Metropolitan) (14:28): It is with great pleasure that I rise in this house today to also make a contribution on the Treaty Authority and Other Treaty Elements Bill 2022. I would like to begin my contribution by acknowledging the traditional owners and custodians of the land on which we meet today, the Wurundjeri people of the Kulin nation. I would also like to acknowledge that as a member for South Eastern Metropolitan Region I am fortunate to represent the lands of the Boon Wurrung people. I would like to pay my respects to their elders and ancestors past and present, elders from across Victoria and First Nations people who join us here today or may be watching or listening online.

For generations our laws and institutions were designed to exclude First Peoples, dilute their culture and steal their lands. It is these difficult truths that we as Victorians must reflect on during the treaty process. We should treat this not simply as a bandaid to cover the cracks but as a real opportunity to recognise the hurt and pain that has been caused and begin to unravel the systems currently in place holding our First Peoples back from achieving their full potential. For far too long First Peoples have been calling for treaty to secure structural change to improve their lives and to ensure they have the autonomy and power to make the decisions that affect them, their communities and country. In 2016 the Andrews Labor government made a commitment to begin the process of treaty with Victoria's First Peoples. This was a necessary first step towards creating a better and fairer Victoria. These commitments were enshrined in law with the passage of the Advancing the Treaty Process with Aboriginal Victorians Act 2018.

The act outlined a road map for the treaty process, ensuring that the government listened to the voices of First Peoples and allowed the process to be led by their people and their communities. One of the key elements of the act, the Treaty Authority, has now been established through agreement between the state and the First Peoples' Assembly, and it forms the focus of the bill before us today. The Treaty Authority has been empowered to fairly and effectively oversee treaty negotiations as well as administer the treaty negotiations framework, provide for dispute resolution and carry out research with respect to Aboriginal law, lore and cultural authority. The Treaty Authority will be completely independent, with its internal governance process prescribed by the Treaty Authority Agreement, not by this bill before us today. The Treaty Authority will be the first body of its kind in Australia, and given its unique status as an unincorporated body, this bill seeks to recognise its independence, facilitate its operations and give legal force to its actions.

The authority will be made up entirely of First Peoples members. The bill enshrines secure and ongoing funding, which is vital for it to remain completely independent of the government's annual budget process. Most importantly, the Treaty Authority will not report to a minister, nor will it be subject to the direction or control of the minister or government of the day. This independence will instil public trust in the authority and maintain integrity throughout the treaty process. Since the beginning of this treaty process we have heard from many First Nations people who have called for Victoria to be different, to be bold and to find a new way forward. This unique treaty authority model is reflective of the need to do things differently as we advance Victoria's treaty process.

My colleague Ms Taylor covered in much detail many of the technical elements of the bill and I do not intend to repeat them in my contribution today, but there are some elements that I do want to touch on. The bill will amend the Advancing the Treaty Process with Aboriginal Victorians Act 2018. These amendments will allow for the establishment of the treaty negotiation framework and the self-

determination fund. These are the remaining core elements of the treaty process, and both are currently being negotiated between the state of Victoria and the First Peoples' Assembly.

Firstly, the act will be amended to specify that the Aboriginal representative body is not prevented from being a party to the treaty negotiations. Essentially this amendment will remove any legal barrier to the Aboriginal representative body participating in treaty negotiations, whilst not prioritising any particular party over another. As with any other parties seeking to negotiate a treaty, including the state, the Aboriginal representative body will itself need to meet minimum standards to enter treaty negotiations. These minimum standards will be set out in the treaty negotiation framework and must be met by any party before it can participate in treaty negotiations. Secondly, the act will be amended to provide greater flexibility in how the self-determination fund can be administered. Ultimately this will ensure the Aboriginal representative body has sufficient flexibility to administer the self-determination fund based on good financial practice and in a manner that most effectively satisfies its purpose and supports the self-determination of Aboriginal Victorians in the treaty process.

I would like to acknowledge all members of the First Peoples' Assembly for their dedication and hard work in getting us to where we are today. I also wish to recognise the work of traditional owners, elders, young people and the grassroots organisations who have campaigned over generations and continue to be a voice for change in our community. We would not be here having this debate today without your ongoing commitment to truth and treaty.

As I touched on at the beginning of my contribution, it is impossible to change the past, but as Victorians we now have a unique opportunity to show Australia how to move forward by recognising our historic wrongs and addressing ongoing injustices. Our commitment to treaty is also a commitment to help heal the wounds of the past, support reconciliation and pave the way for a better and fairer Victoria. In the words of Aunty Geraldine Atkinson:

Treaty is about driving fundamental outcomes for our community by putting Aboriginal people in the driver's seat. This is the right side of history.

The passing of this bill today will be a truly momentous occasion where we are continuing on our path to treaty and we are doing it together. I commend this bill to the house, and I wish it a speedy passage.

Mrs McARTHUR (Western Victoria) (14:35): This bill purports to be just an administrative support instrument—nothing to see here—but at its heart it is about dividing Victorians, and therefore Australians, into two classes. However, in my heart:

We are one, but we are many
And from all the lands on earth we come
We'll share a dream and sing with one voice
I am, you are, we are Australian.

Why is it necessary to separate Australians? Why is it necessary to have a treaty with ourselves? We surely need less government intervention in directing individuals to live cohesively, not more. Where there is disadvantage it should be addressed not through virtue signalling but through practical assistance, and such support should be non-discriminatory, not based on the colour of your skin, on your ethnicity, sexuality or culture or on revisionist history. We need all Australians, and that means all Victorians, to live as one. Whether we be Indigenous, migrants or descended from first settlers, we should be one nation, not a collection of tribes. My overwhelming desire is to bring people together, not facilitate separation by difference.

We know that the Treaty Authority has been agreed to by the First Peoples' Assembly. However, we also know that only around 7 per cent of the Aboriginal population in Victoria voted in the assembly election. It appears that within the 1 per cent of the Victorian population who identify as Aboriginal, only a fraction voted for this governing body. In fact it was reported in the *Age* in 2019 that from the 30 000 potential voter pool only 2000 ballots were cast. The article further reported that in the Metro voting division, where there were 10 000 eligible residents, just 783 ballots were cast to elect nine

assembly members. Sissy Austin, who won a spot in the South West voting division for the assembly, where just 364 votes were cast, was reported as having said that the tiny turnout pointed to deeper problems in the treaty process. This means that those elected to this so-called ‘representative body’ take up their seats with fewer than 40 per cent first preference votes, and this is the body tasked with negotiating the establishment of a treaty authority and a treaty negotiation framework. Is this inclusive of the Aboriginal population of Victoria, or is it in itself unrepresentative?

Victoria already has a raft of Indigenous support mechanisms in this treaty space designed to revisit history. In 2020 this state introduced the stolen generations redress scheme, which agrees in principle to a self-determination fund and establishes a truth and justice process. In 2021 the Yoorrook Justice Commission, an interim elders voice and an interim dispute resolution process, was set up. There is an Indigenous industry in Victoria, largely overseen by a small number of interconnected members of one group. There are many bodies but frequently the same players, and there is substantial concern that many are associated with one group who, in the words of a senior representative of another traditional owners corporation:

... have undue influence and control across high level decision making within Aboriginal Affairs in ... Victoria.

The list of bodies is almost too long to list but includes Aboriginal Victoria, the National Native Title Council—which has now become First Nations Legal and Research Services—Native Title Services Victoria, the Federation of Victorian Traditional Owner Corporations, the Victorian Aboriginal Heritage Council and the First Peoples’ Assembly of Victoria. ATSIC, the Aboriginal and Torres Strait Islander Commission, was dissolved in 2004 after corruption allegations and legal action taken against its chair, Geoff Clark. It was replaced by the National Indigenous Council.

We know that beyond bodies specifically set up for assistance there are other ways to offer support. In the education and health sectors and even in the justice system Aboriginal children and offenders receive preferential treatment. This is all good, and this is what should be happening. But does it actually work, and how will a treaty with ourselves make a further difference to the disadvantaged?

I can do no better than go to the newly elected Country Liberal Party senator for the Northern Territory Jacinta Price, whose maiden speech has rightly received significant praise and endorsement. She set as her goal:

... to halt the pointless virtue signalling and focus on the solutions that bring real change that changes the lives of Australia’s most vulnerable citizens—solutions that give them real lives not the enduring nightmare of violence and terror they currently live.

And that is from a senator who is Aboriginal. In my own electorate of Western Victoria Region there is institutionalised poverty, family dysfunction, low education standards and intergenerational welfare dependency. These people simply do not benefit from the pointless virtue signalling the senator identified. They will not hear it or even know it is happening, and they most certainly will not experience any improvement to their lives. They have not in decades to date, and expanding the industry is just repeating the same old mistakes again, as if doing enough simply to salve our own conscience matters to them.

Some years ago Jacinta noticed that the most prominent and powerful representatives of their communities have most of the resources and control, and that:

Those who have managed to take advantage of the plentiful resources available in the Aboriginal industry have done so without effecting much change for the most vulnerable.

I cannot help but notice that \$13 million was previously spent to prepare the assembly tasked with designing a framework for future treaty negotiations. The minister told the Public Accounts and Estimates Committee last year that \$16.9 million is being spent on advancing treaty, and the Yoorrook Justice Commission is budgeted at \$58.3 million. This is not about support initiatives or infrastructure or even protecting heritage. How much of these tens of millions has gone beyond the professional

class? How much has gone towards effecting change for the most vulnerable? My concern is not just about how well-meaning a system is worked out—however, the fact is that in practice individuals and bureaucracies end up representing themselves and expanding their own empires—it is also with the principle itself, and it goes wider than this discussion of treaty or the Voice or Aboriginal affairs more generally. It is the insidious nature of identity politics, of which this bill is just another example.

Neville Bonner was the first Aboriginal Australian to become a member of the Parliament of Australia, yet decades before the term ‘culture wars’ we talk about today he reacted against the same patronising, paternalistic and ultimately damaging stereotypes. He told of an encounter with former leader Bill Hayden, who questioned him on why he was handing out how-to-vote cards for a Liberal friend. ‘What are you doing handing out those ... cards?’, said Bill, ‘We do more for you bloody Aborigines than those bastards do’. I do not think it was the language that offended Senator Bonner and provoked him to support liberal values, it was the presumption that his racial identity must dictate his politics, and even more so that he should be grateful for the handouts of others. His belief in liberty was like mine. It is fundamentally illiberal to treat any group within society differently to another. I acknowledge the atrocities and failures of the past and the continuing disadvantage faced by the Aboriginal community, but I am also proud of Australia, of its responsiveness to disadvantage and of its support for all those in the Indigenous community.

I respect all the views of those speaking passionately today, but we can do all of what has been suggested without a treaty, and we can do more. I cannot support something which I fundamentally do not believe in. It is wrong in principle, and it will not work in practice.

Mr FINN (Western Metropolitan) (14:45): I rise to speak on the Treaty Authority and Other Treaty Elements Bill 2022, and I want to begin by reflecting on the definition of ‘treaty’. In order to do that I went and had a good look at a number of definitions of the word ‘treaty’. There were some slight differences between each, but every single one of them had something in common. Each definition made the point that a treaty is an agreement between two states or nations—two states or nations.

Mr Melhem: It’s true.

Mr FINN: That is true, exactly right. Aboriginal Australians are just that—they are Australians. They are Australian citizens. How can any government, federal or state, have a treaty with its own people? I mean, it is just ridiculous.

Ms Patten: New Zealand has managed. Canada has managed.

Mr FINN: It does not matter what they do. They do some extraordinary things over there. But I have to say to you that the prospect that we are declaring Aboriginal Australians as being non-Australians in order to have a treaty I think is disgraceful. Think of all the work that went into the passing of the 1967 referendum. Up until then Aboriginal Australians were not regarded as full Australians, but of course that referendum was passed—thank God, as it should have been—and Aboriginal people have been regarded as full Australians since, as they should be. As Mrs McArthur referred to, Senator Jacinta Price said recently, ‘All we want to be regarded as is Australian citizens’. I do not think that is a big ask. She does not want a treaty. She does not want an extra voice. She just wants to be treated as an Australian citizen, as indeed a good number of Aboriginal Australians do, and I think it is only fair.

We have a Minister for Equality in this place. Where is she now? Where is she today in this debate? What I am doing standing here today is calling for equality for us all. Many of you will wonder why I do not stand during the acknowledgement of country every morning—

Ms Terpstra interjected.

Mr FINN: No. Fair dinkum, you are going to make me say something. In fact, Deputy President, I ask Ms Terpstra to withdraw that comment that she just made.

The DEPUTY PRESIDENT: You have not indicated as to why.

Mr FINN: The comment that she made across the chamber I found deeply offensive, and I ask her to withdraw.

The DEPUTY PRESIDENT: Ms Terpstra, the member has indicated that he is offended by your comment and has asked you to withdraw, so I ask you to withdraw the comment.

Ms Terpstra: What comment did I make?

Mr FINN: As—

The DEPUTY PRESIDENT: Mr Finn, there is actually no need for you to repeat the comment.

Mr FINN: I was just going to say, given that Ms Terpstra only made one comment, even she should be aware of what she said. I am aware she is easily confused, but even she should be aware of what she said.

Ms Terpstra interjected.

Mr FINN: ‘I don’t recall’. She has got the Dan Andrews—‘I don’t recall’.

The DEPUTY PRESIDENT: Ms Terpstra, you did make a comment, and I ask you to withdraw it, please.

Ms Terpstra: I don’t know what to say. I don’t know what to withdraw.

The DEPUTY PRESIDENT: All you have to say is ‘I withdraw’.

Ms Terpstra: What did I say?

The DEPUTY PRESIDENT: You know what you said.

Ms Terpstra: No, you are making an assumption that I have said—

Mr FINN: I heard you.

Ms Terpstra: What was it?

The DEPUTY PRESIDENT: Ms Terpstra, I heard you make the comment. I am asking you to withdraw it now.

Ms Terpstra: What did I say?

The DEPUTY PRESIDENT: I am not going to repeat the comment. It was offensive, and I am asking you to withdraw.

Ms Terpstra: Well, no-one else heard it.

Mr FINN: I did. I heard it. The Deputy President heard it. Turf her out.

The DEPUTY PRESIDENT: Ms Terpstra, I have asked you to withdraw. You are obliged by the standing orders to comply with that and to withdraw, or I will have to use the discretion to remove you from the house.

Ms Terpstra: I withdraw.

Mr FINN: Thank you, Deputy President. As I was saying, Aboriginal Australians are just that. They are Australians. They have the same rights and they have the same obligations as everybody else, and it is about time we allowed them to develop and we allowed them to have the self-esteem that other Australians have and not treat them as some sort of substandard Australians, because they are not.

This unfortunately is an attitude that has taken hold over the last 50 years in this country. I remember being at a luncheon up in Sydney just before the pandemic hit, where Tony Dillon—Anthony Dillon—a noted Aboriginal academic, was speaking. He explained why the Aboriginal people are in the situation they are in now, and he said that prior to 1972 the Aboriginal people were going very well. They worked the land. They had their jobs. They did all these sorts of things, and then along came Whitlam, and he said, ‘You can sit on your bum all day, do nothing and you’ll still get paid’. That is when the real problems for the Aboriginal people began. If that is what you want to go into, we can go into that a little bit further.

But to go back to what Senator Price said, I think it is a very fair and reasonable thing. All she wants, all her people in the Territory want, is to be treated as Australian citizens, and I think that is a fair and reasonable thing. They are not asking for anything special. They are not asking for anything which is beyond the realms of possibility. They are just asking to be treated as Australians, and I think that is what we should do in this house, because legislating on the basis of race—and that is what this legislation is—is by definition racist. That is what this legislation is. And it has to be said: those who put up this legislation, whether they like it or not, they too are racist, because—

Members interjecting.

Mr FINN: Members opposite might not like that, but if you support legislation which separates people on the basis of race, that is racist. There is no other way of describing it. It is racist. It is every bit as racist as what they had in South Africa or any other country, where legislation was based on race, where people were treated differently because of the colour of their skin. They were treated differently because of where they came from, where they—

Ms Patten interjected.

Mr FINN: I am not sure what Ms Patten is saying, because she has got her mask on and she is mumbling a bit. But I am deeply concerned that this legislation will enshrine racism in Victorian law, and that is something that I will not wear and I will not support. I will never support racism. You have got to remember the DLP was the first party to call for the abolition of the White Australia policy. That was back in the 1960s. I am not going to stand here 50 or 60 years later and vote for a piece of legislation which is just as racist as the White Australia policy. I am just not going to do that, and I certainly will not be doing that today.

We heard from some earlier today that this legislation will right the wrongs of the past. You cannot rewrite history. Nobody can rewrite history. Yes, some dreadful things were done in the past. We all know that. But that was 100, 150, maybe 200 years ago. Everybody involved in that—either the perpetrators or the victims—is no longer with us, God rest their souls. They are no longer with us. To try to have some sort of payback now for what happened 100 or 150 years ago is quite ludicrous. It will keep a situation going which is not necessary and is divisive in the extreme.

I say to the government and I say to the house that we should be bringing people together. We should all be as one. It does not matter what our background is. I think we need to bring Australians together. We do not need to separate Australians on the basis of their race, on the basis of their nationality, on the basis of their skin colour or anything else. We need to bring Australians together so that we are all Australians as one. That should be what we are dealing with, and we should all have respect. I will repeat what I was saying before I was interrupted by Ms Terpstra earlier: I do not stand for the acknowledgement of country because I refuse to stand for one group of Australians over another.

Ms Patten: You stand for the Lord’s Prayer.

Mr FINN: That is God. You are not even in the chamber. Ms Patten is not even in the chamber for the Lord’s Prayer. She would not know whether I was doing somersaults during the Lord’s Prayer or not; she is never here. But the fact of the matter is I am not going to stand for one group of Australians over another. I would not stand for Greek Australians or Irish Australians. Irish Australians—there is

a story in that which we can avoid until another day. But I am not going to stand for one group of Australians over another. That flies in the face of equality, it flies in the face of fairness and, in my view, it flies in the face of decency, and I will not do it. I just will not do it.

I have absolute respect for Aboriginal Australians, as I have respect for most Australians—not based on their race but because they are good people, living good lives and doing honourable and decent things. That is why I respect people, not because of their race or where they come from and not because their family might have been here 20 000 or 30 000 years or their family has been here 10 minutes. It does not matter. Every Australian should be—must be—equal. If we are fair dinkum about equality, that must be the way. Somebody whose family has been here a very, very long time is no better an Australian necessarily than somebody whose family has been here five, 10 or 20 years, whatever.

This bill is a flawed bill. It is a flawed concept. It is a flawed principle. It is something that, certainly where I come from, is totally unacceptable. To be treating people differently on the basis of their race is wrong. To add to the racism, it is extraordinary that there are people in this house and there are people in the community that think that every Aboriginal Australian agrees with each other, that they all have the same view. They say, ‘Oh, Aboriginal Australia tells us this’. Well, they do not, because they all have a different view. They are like the rest of us. Aboriginal Australia is like the rest of Australia. They have different views. They should not be regarded as some homogenous group thrown in together and all thinking the same. They are human beings who have the right to think differently, and indeed do. You do not have to go very far to find that out.

I think it is regrettable that we are going down this path. The money that Mrs McArthur spoke about, the huge sums of money that we are going to be spending on this, would be better going into health—perhaps Aboriginal health and the wellbeing of children and so forth—because there is a huge domestic violence problem in many Aboriginal communities. Instead of putting the money into areas where it could actually help people, we are going to be spending hundreds of millions of dollars—I reckon it will end up being hundreds of millions—on a process which quite probably is not going to lead anywhere because of the various disagreements that I have spoken of.

Whichever way you look at it, this is a piece of legislation that is not going to help anybody except a very, very small group who are already making a fortune out of the Aboriginal industry and who are not helping those who need it most. I mean, I do not understand how we as Australian taxpayers can be pouring hundreds of billions of dollars into the Aboriginal industry and still see what we see, where educational standards are Third World, housing standards are Third World and health standards are Third World. How can that happen when hundreds of billions of dollars—perhaps thousands of billions—have been spent over the last 50 years? We would have been better off—we would have gotten better value for money—if we had given every Aboriginal Australian a million dollars and told them to look after themselves. That would have been far more effective in getting the results that we want.

I will not be supporting this legislation. In fact I will be opposing this legislation. I think it is very bad legislation. I think it is sending us down a very, very bad path. It is sending us down a path of discrimination. It is sending us down a path of racism. It is sending us down a path of not accepting people for who they are but judging them on what they are. I think that is something that we should never be allowed to accept. That is something I do not accept, the DLP does not accept and I know for a fact many, many Australians do not accept. If you do not believe me, put it to the pub test and just ask people. Ask people outside of the inner-city bubble how they feel about this and you will get a very, very different response to what you get at the cocktail parties or the dinner parties in Armadale or North Fitzroy. Go and talk to real people and you will get a very, very different answer to the one you get from those that clearly you have been talking to at this point in time.

I will be opposing this legislation. I look forward to the day when we do have true equality for everybody in this country, and that includes people from Aboriginal Australia. They are as Australian as anybody else, and we should always, always recognise that.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (15:04): I am pleased to rise to make a contribution to this bill, the Treaty Authority and Other Treaty Elements Bill 2022, and it is with mixed views that I make this contribution. I understand fully the intent of this bill and where this bill seeks to head. I do think our Indigenous community have had a very, very rough way forward and there is a need to support them on a broad front. Certainly that has always been my view and the party's broad view, that there should be significant support and assistance for Indigenous Australians—and Indigenous Victorians, I should say, in the context of this bill in particular.

It is worth putting on the record what this bill does. The bill relates directly to the 2018 bill which laid out a series of steps for treaty and other arrangements. This bill in a sense adds to the machinery and some of the details about the Treaty Authority and other elements of the process. In one sense it is a derivative bill. In another sense what it does is in effect set up a talk shop; it sets up an opportunity to have discussions to deal with matters, and to deal with matters hopefully in a constructive way.

There is I think at the heart of it a tension that liberals—and I do not mean Liberal Party people, I mean people who are liberal in the broad sense of the word—feel. On one hand they want to provide additional support and assistance to Indigenous communities, to Aboriginal Victorians; on the other there is a genuine tension with treating people as individuals versus treating people as members of groups, and that tension is always there. I think it is a legitimate point. Liberalism has been founded on the idea of individuals and treating people on the merits of that person, the strengths of that person and the legitimacy of that person's position and character. The famous Martin Luther King Jr statement is perhaps the simplest way to express that. Notwithstanding that, it is important to recognise that there are problems that are faced by Indigenous Victorians as a community and as a group, and there does need to be some sensible response to that.

I also put on record that I am always uneasy at the creation of new and expensive government authorities with not clear, with not sharp, riding instructions. It might be argued that that is legitimate in this circumstance, but it does in effect create another quango. It does create a body that is being allocated \$66 million over four years—just over \$66 million over four years, I think, is the correct number. These are significant allocations. What I want to see is that money as closely as possible applied to assist Indigenous Victorians rather than talking about matters now. I understand what is trying to be achieved here, but I think there are legitimate concerns. In a sense today my purpose is not to oppose the bill—because we are not opposing the bill—but to make the point that there are legitimate concerns that we would want to ask about.

As a former health minister I have examined many of the aspects of Indigenous health closely. I had certain briefings and close discussions with a number of key Indigenous groups. I am not going to name a long list of people, but it is true, and I did look at these matters extremely closely and ensured additional financial allocations—not trivial allocations but very significant additional allocations—to assist in targeted areas of need to assist with health care. I was keen to see as far as possible that that be through Indigenous-controlled organisations, because more often than not that is a better way to proceed. It is not invariably the case, but more often than not that is the better way to proceed.

Notwithstanding that history, as I say, I have legitimate cautions and concerns about how this will operate. It does carry the risk of increased division, and I think that the way these things are discussed is important. I should put on record my caution too that the Treaty Authority will begin a process of discussion of reparations and payments and taxes and levies and charges and the machinery and mechanisms of implementing those. I think that would carry a significant risk of Victorians losing support for what are the genuine intentions, I think, of most in this field. I think most people are intending and want to see better Indigenous education outcomes, Indigenous health outcomes and better outcomes for Indigenous families more broadly. I think most people in this area want to see greater self-sufficiency for Indigenous communities, as they do for the rest of the Victorian community, and those objectives are highly legitimate.

I think it is also legitimate to look into the past and to see what happened here as a settler society. I am not one who supports a black armband view. I think by and large the story of Victoria is early contact, unsuccessful settlement in 1803 by British settlers, attempts in the 1820s but ultimately successful settlements in 1834 and 1835 and fast growth. Let us be clear, dispossession is actually what did occur. I am not afraid to be clear about the truth of matters, but there were views at the time, and I think it is very wrong to judge historical periods by the attitudes and views of Australia and Victoria today. I think that there are legitimate points in examining the historical legacy closely and understanding it, but that ought to not be an entirely negative view. I understand from the Indigenous—the Koori—position that it is seen as overwhelmingly a negative view, but I think actually that is not the view of all Indigenous Victorians, and I know that because I have discussed it with many.

The truth, I think, is that we do need to recognise the history on one side but recognise that there is a positive settlement story on the other. Victoria has by and large been a successful community and a successful society. That period between 1835 and 1851 and when Victoria got separation from New South Wales on 1 July 1851, Victoria Day, was a period of tremendous growth, and then in the surge of the gold rush and the period after that there was significant population growth and ultimately Federation in 1901. Indigenous Australians and Indigenous Victorians were not as much a part of that history as they should have been, and I think that there are ways to recognise and rectify that to the extent possible. I do not believe in forcing on people a collective guilt. I do not believe that that is the right way to go, but at the same time I do not think we can be blind to what actually did occur. There are many things that I think do not bear close examination without some recoil by people, so I think we have got to be fair, honest and balanced in the way we look at these matters.

I do not believe it is right to overly target former Victorians and contributors to our state. I think we have got to be very careful in reviewing our history in a way that diminishes the genuine contributions, while imperfect in many respects, and the contributions that have been made by people that would not meet some modern standards. I think that it is right to recognise those issues, but I just do think we have got to be extremely careful. European Australians, British-background Australians, have a legitimate history too, and our history has been largely successful. That is my background—partly Scottish, partly English, a bit of German and a bit of this and a bit of that—and that is the story of so many Victorians. But we have a history too, and that history needs to be incorporated in a way that is also generous, not grossly negative or a black armband view. We need to be fair about how this operates. I put on record my caution and concern about the Treaty Authority investing time in focusing on compensation and reparations and levies and taxes and charges levied on the broad Victorian community and Victorian families. I think that that will lead to a negative outcome if that is where the Treaty Authority overly focuses, and as I say, I would caution that that is not the right way to go.

In terms of the machinery of the bill itself, I have some legitimate concerns about the lack of transparency with some of these matters and the lack of clarity about how this will work, and I think that they are the sorts of questions I would ask on any bill of this type. I would want to see public money acquitted well and transparently. I am not sure that that is the case with this bill. But I do go back to my starting point and note that there is a generous spirit overall in the Victorian community, which wants to see a better outcome for Indigenous Victorians and wants to see better and more harmonious relations between most of our peoples, whatever their background.

We will see how this progresses. This bill undoubtedly will pass today, and the community will observe over the forthcoming years exactly how it delivers for Victorians. I wonder how the views of people of British background and non-British background, of European and other backgrounds—more recent migrants to our country, perhaps from an Asian background or perhaps from a range of other backgrounds—are to be incorporated and engaged with. It is not clear to me. Everything I hear talks about an Indigenous view, and that is understandable, but there is another side, and we need to balance these points if we are to reach a greater harmony, a greater outcome. That will require listening. I return to that other caution I put forward, which is that a focus on compensation, recompense, reparations and taxes will, I think, lead to a negative outcome.

Mr MEDDICK (Western Victoria) (15:18): Before starting, I want to acknowledge that I am a visitor on this land from Wadawurrung country, that this land was, is and always shall be the land of the Wurundjeri people of the Kulin nation. I acknowledge that this land was never ceded; it was stolen. I pay my respects to the First Nations people of not only this land here but to all First Nations peoples across this country—because the same injustice, the original injustice of terra nullius, was enacted against them all. I pay my respects to elders who have passed, to those that guide the renewal of country today and those who are emerging as the future leaders, including all who are with us in the chamber today and who are watching these proceedings online.

I also want to acknowledge the incredible work of Aunty Jill Gallagher, all members of the First Peoples' Assembly of Victoria and Aunty Geraldine Atkinson—giants, all of you. Your work and the work to follow is without doubt an example of how our federal counterparts need to go about a national discussion and national treaty.

I want to thank my colleague Christine Couzens MP in the other place. Her advice and continuous commitment are immeasurable. I also thank my friend here in this place Sheena Watt MP. You have been a wonderful influence on me, my friend.

It is with some trepidation that I rise to speak on this most important of bills, because it should not be my voice being heard. It should be the voice of one who is living the consequences of the invasion of this country. To them I say: I hope that what I have to say does some semblance of justice to this occasion. I apologise in advance for any shortcomings in my contribution as they come from my perspectives only. It is not, and never shall be, my place to speak on your behalf.

It is indeed a momentous occasion. Today we debate and vote on a bill to establish a new authority, one that will have independence and will guide the process of treaty in Victoria. On that subject, all Victorians should be proud that we have led the way on this important issue. Other states have sat back as we have blazed the trail, and I commend the Andrews government for having the courage to forge ahead with what many around the world have seen as a severe failing of our country. The fact our new federal government is pushing ahead with a referendum on a constitutional voice is testimony to the value of Victoria's work.

Our state—our country—is ready to move ahead with these conversations and the legislative and constitutional changes needed to rectify the fundamental wrongs on which our current society is based, and it is vitally important for us to hear all the terrible history that colonisation has wrought upon the oldest continuous culture on this planet. Some of it we know. It is well publicised and often spoken about and rightly brings a sense of shame that we all agree is the foundation now of making change. But a great many people are completely unaware of the vile practices that have occurred right where they live—local acts of hatred, of genocide, of theft, of rape, murder and infanticide, not to mention the rape of country and water.

We all know of the pain of the stolen generations—not ancient history, recent history of this country—and of the intergenerational trauma that that inflicted and continues to inflict today. But we may not be aware of some of the localised heinous activities that were undertaken and the effect they had on local people that had lived here for at least 65 000 years. Investigations currently underway may reveal that to have been for far, far longer. I apologise again because I am going to list just a few of these moments of anguish and pain because it is important that they are committed to *Hansard* to be part of the broader public record.

I will begin with Governor Lachlan Macquarie, who ordered a massacre of men, women and children at Appin in the New South Wales highlands, to which he said:

... they are ... to surrender themselves to you as Prisoners of War. If they refuse to do so, make the least show of resistance, or attempt to run away from you, you will fire upon and compel them to surrender, breaking and destroying the spears, clubs, and waddies of all those you take Prisoners.

Such Natives as happen to be killed ... are to be hanged up on trees in conspicuous situations, to strike the Survivors with the greater terror.

In Western Australia and Queensland it was possible in recent history to obtain a permit to poison Aboriginal people to clear them from land wanted by whitefellas or that they refused to leave.

Where I live the area is a minefield of a history of racism and exploitation, ranging from why the Geelong suburb Bell Post Hill has that name and across the whole region, including the massacres in the dunes around Warrnambool—too many to list here; too much history of bloodshed, of poisoning, of evil; too heartbreakingly long a list to tell in this place and in such little time.

I once had the honour to meet Uncle Jack Charles. I do not expect that he would remember meeting and chatting with me, but I certainly remember that conversation and me most likely annoying him with my persistent questions—wanting to know—when he most likely just wanted to go about his day. That chance meeting took place on the Princes Bridge, right near Flinders Street station and looking down and across to Birrarung Marr. During our discussion he pointed there and told me that it was a meeting place for all of the Kulin nations. Ideas were exchanged, celebrations had, food and goods exchanged and lore discussed. It was a complex, well-established society of human beings, one that enacted trade and negotiations, one that enacted politics—not a new invention of our history but one invented by them and practised on a daily basis long before we did.

It is significant then that just a short walk from such a significant historic place we are gathered in much the same way—different opinions, different attitudes, but today capable of passing a bill that makes another significant step towards a truly unified society where we can together move forward. But first truth must be heard. It must be acknowledged. It must be recognised. And we must be willing to stand aside and wait for this new authority to form the framework of treaty in Victoria. We must accept without hesitation and without alteration their decisions. I look forward to the day when we see what comes from their work.

Lastly, I acknowledge all First Nations people who have come into my life—all the individuals, all the bodies and NGOs. My life is all the better for having met you. I also recognise that my understanding has only just begun, but it is a journey I am willing and able to make. It is the journey of a lifetime—it is never over—of being informed every day, of learning and of being part of a society that seeks to be not just better but best. I hope that all others here and across Victoria and Australia can too. Treaty for Victoria. Treaty for Australia.

Ms LOVELL (Northern Victoria) (15:28): I rise to speak on the Treaty Authority and Other Treaty Elements Bill 2022. I am proud to come from Shepparton, the home of the largest Aboriginal population outside of metropolitan Melbourne. I am proud of the history that exists in my area—the history of our Indigenous people, both the Yorta Yorta and the Bangerang—and I am proud to say that people like William Cooper, who took up the fight for rights for Aboriginal people in the 1800s, came from my community. William Cooper was an extraordinary man. He not only fought for Aboriginal rights in the late 1800s and early 1900s, but he also took up the fight on behalf of other people. He was the one who stood up to the German consulate here in Melbourne against the atrocities the Germans were raging against the Jewish people during World War II. Pastor Sir Doug Nicholls is one of our past elders who has done extraordinary things. We have had people like Uncle Sandy, Uncle Kev and Uncle Rex Atkinson, who were extraordinary leaders in our community. Today we have people like Paul Briggs, who is an extraordinary person in our community, and we are very fortunate to have someone who I am very proud to call my friend, Aunty Geri Atkinson, who has taken up the leadership on the treaty process.

The Treaty Authority and Other Treaty Elements Bill 2022 continues the advancement of Victoria's treaty process by facilitating the establishment of elements necessary to support future treaty negotiations between Aboriginal Victorians and the state of Victoria. The bill recognises the establishment of the Treaty Authority under the Treaty Authority Agreement and facilitates its operations by giving legal force to its activities. Secondly, the bill makes minor amendments to the

Advancing the Treaty Process with Aboriginal Victorians Act 2018 in relation to the treaty negotiation framework and self-determination fund to support the establishment of those elements by agreement between the state and the Aboriginal representative body.

As Mr Davis said, this is just a machinery bill. There is nothing to be feared from this bill today. This bill just progresses the discussions about treaty, and I have been disappointed to hear speeches today that have pre-empted outcomes of a treaty and speeches that ignore the need for reconciliation and self-determination for our Indigenous Victorians. This bill is about our shared future, and we should all embrace our shared future. This bill is not something that should be dividing Victorians, it is something that should be uniting us and mapping out a way for us for our shared future.

For everybody, treaty will mean a different thing. There will be some very personal meanings to treaty. My personal aspiration for treaty is to actually progress with closing of the gap. I grew up in Shepparton. I went to school with many Indigenous people. It still offends me to this day that someone who I sat next to in school has an expected outcome in life that is 20 years less than my own life span simply because they are Indigenous. We must close that gap. We must ensure that everyone in Victoria has the same expected outcomes in life. As I said, I grew up in the same community, I went to the same schools with friends in the Indigenous community; I expect that they should have the same opportunities for outcomes in life, particularly when it comes to health and access to education.

I was very fortunate as a young person while working in the family newsagency to be exposed to some of the great leaders in our community. Uncle Sandy was a great friend of my father, and I spent a lot of time talking with him about our Indigenous heritage. I have a file that is probably about, I would say, almost 30 centimetres high of documents that Uncle Sandy has given me that I will never throw away. It stays in my office, and even when I am no longer a member of Parliament that file will stay with me, because those documents are precious to me because they came from Uncle Sandy. One of the greatest honours that I have ever been given in life was to be asked by Aunty Gwen to speak at Uncle Sandy's funeral, and he is someone who had an enormous impact on me.

But someone else who had an enormous impact on me was his sister-in-law and Aunty Geri Atkinson's sister, Aunty Mary Atkinson, who was one of the leaders in actually advancing education for young Aboriginal people. We have a great facility in Shepparton called Lulla's place, an early childhood facility, that is named after Aunty Mary's mother. This is because the Atkinson family have put so much time into actually recognising that if we are to close the gap, the first thing that we need to do is provide more access to education for our Indigenous students.

Aunty Mary used to get in my ear from the time I was about 15 working in the family business. I think she probably had great intuition and recognised that one day I might be in a position to actually change things for some of our Aboriginal community. She used to pull me aside and talk to me about investing in education for the young Aboriginal members of our community. When I became the Minister for Children and Early Childhood Development, the outcome in this state for four-year-old kindergarten was that nearly 95 per cent of non-Indigenous children attended kindergarten, but only 57 per cent of Aboriginal children were attending four-year-old kindergarten. I made it my mission to bring that up to 95 per cent. And we did—we brought it up so that we closed that gap in early childhood to make sure that Indigenous children had the same access to early childhood education. In fact we started free three-year-old kindergarten for Indigenous children, because we knew that investment in the early years is an investment in that child for life. It was a very personal quest of mine to honour Aunty Mary's memory by doing that.

The Liberals and The Nationals have publicly committed to working with Aboriginal Victorians to advance the treaty process in a way that supports self-determination and reconciliation while strengthening community and connection to country. The Treaty Authority is part of the treaty process. Having publicly committed to advancing the treaty process, the Liberals and The Nationals have committed to a treaty authority as a necessary element of that process, as outlined in part 4 of the Advancing the Treaty Process with Aboriginal Victorians Act 2018. This legislation reflects the Treaty

Authority Agreement. The bill accurately enables the Treaty Authority Agreement that is referred to in part 4 of the Advancing the Treaty Process with Aboriginal Victorians Act 2018 that was signed by the First Peoples' Assembly and the state on Monday, 6 June 2022, and published on Friday, 10 June 2022. No-one has anything to fear from this bill. This bill sets up the machinery to advance the treaty process, and I support this bill.

Mr HAYES (Southern Metropolitan) (15:37): This bill about treaty is certainly the most important legislation to come before us this week and possibly the most important legislation to come before this Parliament, because this is another step along the road that must be taken. This and the Voice to Parliament indicate the direction we are going, and it is a welcome direction because if we do not take these steps, we will live as a backward country.

I also acknowledge the Indigenous forebears, the original inhabitants and owners of this land, the Wurundjeri people, and pay respect to their elders past, present and future. Everyone says this now at the beginning of speeches, or nearly everyone. But we have got to go further than just paying respects and acknowledging—we have got to really take on board the spirit of our Indigenous community and recognise it and incorporate it in our way of life, because this is so important. We talk about Australians. The Indigenous people of Australia are the true Australians. We are all migrants, or our forebears were migrants, unless we have got Aboriginal blood flowing through our veins. My ancestors came here five generations ago. For half of Australia's population, their ancestors came here a mere generation ago.

The Aboriginal people go back hundreds of generations before that—we do not know how far back, but a long way back—and they have cared for and nurtured this land for all that time. We have only come here recently, and the settlers have become the power here. There were wars fought. Mr Meddick read out the attitude of an early Governor that this was war, and it was conducted in a bloodthirsty manner.

All this is part of our history. It is a history we must acknowledge, and we must teach this history. We must acknowledge Aboriginal history and teach that. I take very much on board what Dr Bach was pointing out in his opening remarks on this bill: the importance of teaching this history—history post 1788, when the colonisers came here, and also the history before that, the Dreamtime and all of that. That is extremely important for us to understand and incorporate into our life because it is Australian history and it goes back a long way. This is the way to understand and respect Aboriginal culture and Aboriginal knowledge, which is so important. We should be teaching Aboriginal language at schools, because if kids learn the language, they learn the culture too. It is most important.

We are just scratching the service in making progress here. Really the runs are not on the board, as Dr Ratnam and Dr Bach were talking about earlier. We have still got Aboriginal children being removed from their homes at a high rate. Although Indigenous people only make up 3 per cent of the current population, they make up 25 per cent of the prisoners in jail. There is something wrong with our social and legal systems: they are not working. Let us hope that incorporating Aboriginal ideas and Aboriginal issues into our daily discourse through this process really starts to bring about change.

I had the privilege of, and I learned a hell of a lot from, being on the Environment and Planning Committee, especially in the habitat destruction and species extinction inquiry that we did. We heard from many Aboriginal groups in that inquiry. The one thing that came through when hearing from Aboriginal people is that what they put first and foremost is care of this land and love of the land.

My party is this Sustainable Australia Party, and we talk about preserving the Australian land for future generations. This is what we want to do, and we hear that is what Aboriginal people have been doing and that is how they have lived upon this land. Yet when we came as colonisers we came with an extractive and exploitative attitude to the land, like we were coming here to take as much wealth out of the land as we could and go back to where we came from. Well, we are not going back to where we came from. This is our land. We have got to take care of it too. The only people that came forward

with reasonable, practical ways of managing or looking to manage the land into the future were the Indigenous people. They talked about ways of land management and water management that would work into the future, and this really did not come from the submitters that were representing other interests. The submitters that were coming from the group of people that were descendants of the colonisers were talking of the Aboriginal ideas that they had picked up in land management in Australia. It is just so important for us to take on board Aboriginal ways of land management, and to do that we have got to understand the culture and the history. All of that is so important.

I look forward because of the great promise of the treaty that we are trying to set up. This is really just the beginning of that. We have got a lot to learn from the Indigenous people of our country. I would like to see that become incorporated into our ways of going about our business and our relationships in Australia, especially our relationship to the land and how we can care for it.

The great myth of terra nullius, we all know now, was nonsense—that they were not here, or if they were here they did not do anything to look after the land so we could come in and teach them how to farm it and how to mine it. It is absolutely ridiculously arrogant, but we talk about the golden age of the 1800s in Australia—Australia Felix. I come from a farming family. My grandfather made a good living out of this land as a sheep farmer here, but we were living off the back of what the Aboriginal people had done. They had nurtured the grasslands, they had built up the topsoil, they had looked after the water and they had managed the forestry so it was not a dense bushy undergrowth the way it is now. All this had been done, and we benefited from it. But pretty soon we started running it down, and we see the damage all over the place.

We have to change our practices. I look forward to a lot of that coming out of this. We have already heard a lot in our inquiries that we need to do a hell of a lot more in the way of looking after our Indigenous species that are in decline. We have to pay close attention to climate change and how we manage the landscape and water. All of this we talk about at a high level, but we do not do enough practically. We have got to really take that Aboriginal knowledge on board at the lower levels and get that knowledge incorporated into how we go about things—not just say, ‘Okay, you fellas, thanks for turning up. You sit to one side while we do it our way’. I have great hopes for this.

This is probably the most important bill to come before us in this session. It comes in front of my wake-up-to-climate-change bill, which is also very important to our country. I will leave it there.

Ms PATTEN (Northern Metropolitan) (15:47): I am just so pleased to rise to speak to this bill. This is a really significant occasion, but it is one that is long overdue—hundreds and hundreds of years overdue. The action of this Parliament today truly does mark respect for the traditional owners of this land. As I said in my address-in-reply to the Governor’s speech at the start of this term, in acknowledging the Wurundjeri people and the Woiwurrung people of the Kulin nation, during the 59th Parliament I hoped that we would pay the ultimate respect of a fair and fulsome treaty process. Almost four years on, I am glad that we are here truly paying respect to the traditional owners of this land by changing the Victorian law in this way. And I pay my respects to the elders that have given so much to get us to this point, to those present here today and to those emerging and to those that will follow. I would also like to particularly acknowledge and thank the First Peoples’ Assembly and their co-chairs, Aunty Geri Atkinson and Marcus Stewart, for their work and their briefings to me and to my office. Such an important precursor to this bill the First Peoples’ Assembly was.

This bill, as many others have said, is as important a bill as we have ever seen before this Parliament. This is not just about words, it is about action—action in partnership with the Victorian Aboriginal community. It is an opportunity to address the heartache of the past, to acknowledge a long and incredible Indigenous culture and to work together for a shared future. First Nations people know what is right for their communities and making the decisions that matter and that make a difference. They

know. This is about that connection to country and community. I would like to quote Marcus Stewart right now:

There's overwhelming evidence that shows when First Peoples are in charge of the programs, and policies that affect us and our lives ... They succeed.

As the chair of the Legal and Social Issues Committee, when we have looked at spent convictions, when most recently we have looked at the impact of parental incarceration on children, when we have looked at the criminal justice system and when we have looked at drug law reform it is the voices of the Aboriginal communities that have really shone a light on the way forward—I think none more powerfully than when we were investigating spent convictions.

I put up a bill in this chamber, a private members bill, to address how historical convictions could become life sentences and how we could move on from that. Unbeknownst to me there was this terrific program, the Woor-Dungin project, which was run out of RMIT. This was a program that was run with Indigenous communities around our state. I had an idea about what spent convictions should look like, and I had put a private members bill up to say just that, but after hearing from the Woor-Dungin project and after listening to our First Nations people—who are exponentially affected by our criminal justice system and by what we call out-of-home care, but I am not sure there is much care in it—I completely changed my mind on what the spent convictions would look like, and the report reflected that. I am pleased to say that the government's response to that report and the subsequent bill that came before this chamber, which was successful, reflected the work of the Woor-Dungin project. There were First Nations people showing us the way, and this is what this process, what treaty, will go on to do.

This bill will allow the Treaty Authority to be established as a truly independent umpire, and this is what Aboriginal communities are saying needs to happen. The creation of the Treaty Authority is a key part of the architecture that will enable treaty-making between First Peoples and the state by acting as an independent umpire for treaty negotiations. The bill will enable the Treaty Authority to operate as a legal entity by conferring on it legal powers and capacities. I actually get a little bit of a shiver when we are saying these words because of what this means and the hundreds of years late that we are in coming to the table for this to happen. Ultimately this will enable traditional owners and First Peoples of Victoria to negotiate future treaties with the Victorian government, with the Victorian people, on a wide range of matters.

Many of us have visited New Zealand—probably less so over the last few years, but I have certainly been fortunate in the last couple of years to travel to New Zealand. I have always been struck by the relationship between the Māori community and the New Zealand government and how different it is to here in Australia and in Victoria. Like in New Zealand, these treaties that this is the beginning of will cover matters like recognition of historic wrongs and injustices, which we have heard about here today; recognition of self-determination and self-government; rights to access and manage land and resources, health, education and economic development; and rights to practise and revitalise culture, language and heritage. I for one am really looking forward to that—to learning more about the culture of this land that has the oldest living culture in the world.

I am proud to be here today, and I am proud that this state can make this commitment to treaty today. I do not want to finish without quoting the wonderful Aunty Geri Atkinson. She put this out on Twitter maybe even today. She said:

I'm delighted that our communities have crafted the Treaty umpire in a way that respects our way of doing things and will draw on the wisdom of the oldest living culture in the world.

I commend this bill wholeheartedly.

Mr LIMBRICK (South Eastern Metropolitan) (15:55): The Liberal Democrats acknowledge that Aboriginal and Torres Strait Islander peoples were here for many thousands of years prior to colonisation. We also acknowledge that colonisation was harmful to them. It was inherently violent

and coercive. It dispossessed people of land and resources, promoted extensive and oppressive government and warfare, and infringed upon the principle of consent. As libertarians we condemn these acts. They violate the most fundamental aspects of our philosophy: human liberty, non-aggression and non-intervention in international affairs. The Liberal Democrats agree that colonial Australia has a shameful history of relations with Aboriginal and Torres Strait Islander people, and we are strongly supportive of their communities.

As those in this place would know, I received public condemnation for attending the Black Lives Matter rally in June 2020 to hear and listen to Aboriginal and Torres Strait Islander people. If I had just listened to the media instead of going and listening with my own ears, I could have been fooled into thinking that this protest was simply some imported distraction from the United States. However, what I actually heard was many people from many backgrounds raising issues that I sympathise with, such as incarceration for victimless crimes. I also defended this community's right to freedom of assembly despite the pandemic restrictions and was upset by the way that the protests were deliberately misrepresented, particularly by the conservative media—similar to how more recent protests were manipulated by media outlets also.

The Liberal Democrats have also joined with Aboriginal and Torres Strait Islander people to support and advocate for positions on important legislation that impacts these communities, such as removing public drunkenness laws, issues relating to raising the age of criminal responsibility and the reformation of drug laws which result in people with substance abuse issues being unnecessarily criminalised.

Whilst we will continue to support the rights of Aboriginal and Torres Strait Islander people and engage meaningfully on all legislation—and I thank the representatives from the First Peoples' Assembly for their engagement with us—we do not support this particular bill. At the outset we commend the parties for what appears to be a fresh and constructive model to oversee a treaty. However, we have concerns about the legislation in its entirety. Firstly, there is no limit or particular end on funding. I note that this legislation is modelled on a similar organisation in another jurisdiction, the British Columbia Treaty Commission. Alarming that process started in 1993, almost 30 years ago. I have serious concerns about our state embarking on a process that would seemingly never end. There is no particular trigger that would signal the end of this process.

Secondly, whilst the Liberal Democrats believe strongly in providing safety nets for those in need, we do not believe in identity politics. During my first speech I said, and I quote:

Pitting man against woman, black against white and Christian against Muslim is a recipe for social chaos. All Australians are valuable and should be treated equally under the law.

We are also concerned about the conditions under which Australian citizens may become party to or responsible for any future treaty. Who will eventually bear responsibility for treaty outcomes? Will it be future generations? Is it right or ethical that a recent immigrant to Australia incurs liabilities for crimes committed hundreds of years ago or for recent policies such as the NT intervention that they or their ancestors had nothing to do with? Indeed many of the original colonists of this nation did not choose to come here, they were forced into deportation as convicts. We are concerned that this approach, which assigns the powers of a body corporate, could become the extension of paternalistic colonial structures to Indigenous Australians who choose not to take part in the process. We also have concerns about the compatibility with any potential national treaty or treaties. We also have concerns about the idea of having parallel legal systems, which violates the concept of equality under law. And importantly, a treaty is normally an agreement between nations or international organisations, so we have concerns about enforceability in the event of an unsympathetic future government that assumes power.

The federal and state governments claim billions of dollars are spent in Australia to combat Indigenous disadvantage every year; however, we commonly hear from First Nations people that they do not see any of this. We also see little or no progress in closing the gap in a number of areas. So where does

the money go? Much of that money is absorbed by an urban bureaucracy. More government-sanctioned bureaucracy did not serve Aboriginal and Torres Strait Islander people well during colonisation, and it is not serving them well now. For a free people, more government means more restrictions. More than anything the Liberal Democrats respect all people as individuals. We support more freedom for people to do more things on their land. We defend human rights and support more understanding approaches by law enforcement for all people. We want a Victoria that truly respects the rights of the individual, including First Nations people.

Sitting suspended 4.00 pm until 4.18 pm.

Mr QUILTY (Northern Victoria) (16:18): I will be brief. I am not an enthusiastic supporter of many of the symbolic acts of acknowledgement of Indigenous Australians that we have adopted over recent years. I sometimes roll my eyes at the ceremonies that have become de facto compulsory for almost everyone in public life who wants to signal their virtue on Indigenous issues—symbolism that by and large has no real value. I am sceptical of a lot of these symbolic things, but I am not an enemy of reconciliation. Unlike the usual virtue signalling, this bill is potentially about something more than symbolic: a Treaty Authority that will ultimately sign a treaty with the Victorian government.

But I have concerns. Treaties can only be signed between sovereign powers. To be blunt, I am not sure that either Indigenous groups or the Victorian government have the necessary sovereignty to enter into such a treaty. Victoria passed much of its sovereignty on to the federal government in 1901. It is unlikely that it really has the power by itself to treat with a separate sovereign power. On the Indigenous side we often hear that sovereignty was never ceded, so Indigenous Victorian groups claim a residual power to treat. However, the ultimate end of such a treaty will be to cede this residual authority to the Victorian government or it will result in the creation of separate territories outside the power of the Victorian state.

Much of what the Victorian government has put in place, supposedly for the benefit of Indigenous Victorians, is largely a sham. Title is given over areas of Crown land but not really. Instead of freehold land belonging to the people where they are free to choose how to use it, it is some kind of symbolic title where the government retains control, directs use and mismanages it into destruction. I have often stood in this place and advocated for the creation of a separate state for the regional parts of Victoria, free from the hegemony of Melbourne and the urban voters, but I struggle to see how we can create separate sovereign Indigenous territories from the remnants of Crown land in the regions in this state. At best we would produce South African apartheid-style homelands, economically dependent client states, and keep Indigenous people begging governments for funding. As a representative from regional Victoria I have said before that regional communities bear most of the costs of the city's reconciliation program. The inner city gets the warm fuzzy feelings and regional people get excluded from land and have their lifestyles and their events shut down.

To be clear, I am not opposed to reaching a settlement with Indigenous Victorians. I am willing to entertain many things towards this end, even radical things—changing dates of holidays, handing over freehold title to areas of Crown land, arriving at a final dollar sum of compensation or establishing an Indigenous electoral roll as they have in New Zealand. All those things would be on the table as part of the process for creating a new state of Murray if that ever goes ahead. But I am not prepared to sell out regional Victorians for the feelings of inner-city Melbourne—to have non-Indigenous regional Victorians excluded from the land and their lifestyles to push a city-based reconciliation process. It is city-based Indigenous and non-Indigenous people who would benefit, not regional Indigenous and non-Indigenous people. I am happy to hand over freehold title to Lake Tyrrell to Indigenous ownership, including revenue streams from tourism and salt extraction, provided the rights of local non-Indigenous groups are respected—the right to their rally three days a year.

But all agreements we make must be with the consent of the people of regional Victoria. I am not prepared to participate in an ongoing, open-ended series of concessions where each time ground is conceded the goalposts move further. There remains an open sore around the settlement of Indigenous

issues in Victoria and Australia, and it needs to be closed, but the solutions need to be for all Victorians and all Australians. We need a deadline to finalise discussion, we need clear limits on what is on the table, we need costs for not arriving at a settlement and we need to really establish who has the sovereignty to negotiate, all of which could be achieved through a treaty authority but will not be achieved through this authority or through this bill.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (16:23): With deep personal respect I acknowledge the traditional owners of the land on which this Parliament stands, the Wurundjeri people. I pay my respects to their elders and ancestors past, present and future, elders from all Victorian First Peoples, members of the First Peoples' Assembly and any Aboriginal people who are here with us today. For thousands of years—the oldest continuous culture in the world—these people have practised their laws, customs and languages and nurtured country through their spiritual, material and economic connections to land, water and resources. Victoria's First Peoples maintain that their sovereignty has never been ceded.

Historically, on 23 June 2022 the landmark Treaty Authority and Other Treaty Elements Bill 2022 passed the Legislative Assembly. There are very few days that deserve to be lauded as historic, but this was one of them. The Legislative Assembly broke with their usual practice, their usual way of doing things, to support the members of the First Peoples' Assembly of Victoria, Victoria's first independent and democratically elected body, to represent traditional owners and Aboriginal and Torres Strait Islander people on their journey to treaty. On that day many of us participated in the smoking ceremony on the front steps of Parliament and sat in the other chamber whilst co-chairs Marcus Stewart and Aunty Geraldine Atkinson delivered a powerful call to action to all members of Parliament.

I would like to take the opportunity to recall Aunty Geri's words, because they hold for us in this chamber today. She asked MPs to 'walk with us on this journey':

You each have a part to play here in ensuring that this can happen ... I ask that you give the ... Bill ... your blessings ... Do not look back on this moment in years to come to see yourself on the wrong side of history. Instead step into this moment and have the courage to help create change ...

Members of the Legislative Assembly took Aunty Geri's words to heart that day and passed the bill unanimously—bar one. Government, the opposition and crossbenchers came together in agreement that treaty and truth are the way forward for all Victorians. It was an important moment of bipartisan support that I hope to see replicated here today.

I would like to take the opportunity to thank most of those who have made a contribution to this bill. It is disappointing that a minority have used the debate to reprosecute their opposition to treaty—some expressly, some not so expressly but a little bit indirectly perhaps. I do not believe this was the day to do that in the Parliament. We have already dealt with that issue, and for those that are not on board, I think the words of the First Peoples' Assembly's co-chair will ring true: you will look back in years to come and see yourself on the wrong side of history.

I am proud to say that the majority of MPs, the majority of Victorians, overwhelmingly support treaty; support the opportunity for our state to recognise and celebrate the unique status, rights, cultures and history of Aboriginal Victorians; and support reconciliation and the healing of the wounds of the past. A treaty will tangibly improve the lives of Aboriginal Victorians and the lives of future generations.

This bill is quite straightforward. It is really a piece of architecture to deliver treaty. I do not intend to use my contribution to go through the content of the bill, because other speakers have certainly done that on my behalf. However, there are a few issues that I will front foot and answer a few questions that I know have been put. Some have asked why the Treaty Authority has not been established as a tribunal or inquisitorial body with coercive powers. This was a deliberate choice by the assembly in recognition that when taken internationally or in Victoria, these quasi-judicial approaches often fail when relationship building is at the heart of an outcome. They often lead to long-running litigation

and, rather than resolving disputes, cause them to take root. Treaty asks something different of us. In recognition that treaties must be forged freely, with the consent of all parties, it is not appropriate for the Treaty Authority to constrain the ability for parties to freely determine their participation in the treaty process.

The assembly put forward a unique Treaty Authority model with a novel legal form: an independent, unincorporated body. This form entrenches the independence of the Treaty Authority, as Parliament originally intended through the 2018 treaty act, and ensures the authority is not subject to the direction or control of the government or any minister. This signals to all Victorians that the Treaty Authority will be free from government influence and will be able to do things differently.

As a critical treaty element delivering a public good through the treaty process and without its own revenue-raising capabilities, it is fitting that this state resource the Treaty Authority. The bill proposes a capped special appropriation to fund the operations of the Treaty Authority. A special appropriation is a secure, ongoing stream of funding that insulates the Treaty Authority from the flux of annual budget cycles. This puts the Treaty Authority's ability to operate into the future beyond doubt and maximises its independence from government. Failing to resource the Treaty Authority in this way would prove fatal to the success of the treaty process. The Treaty Authority sits at the heart of the bid to remake the relationship between the state and First Peoples. It will also lead the way in cultural revival as it upholds Aboriginal lore, law and cultural authority for traditional owners across the state. The level of funding outlined in the bill is commensurate with the significance of this undertaking, and any reduction in the special appropriation would pre-emptively limit what can collectively be achieved through treaty before negotiations have begun in earnest. This is an investment in the returns that all Victorians stand to reap from a fair and just treaty process.

Importantly, the Treaty Authority will be publicly accountable to all Victorians. Accountability is acquitted through oversight by Victoria's transparency and accountability bodies and rigorous annual public reporting requirements. The Treaty Authority will be subject to robust financial management safeguards under existing legislative frameworks. The bill makes provisions for section 53A of the Financial Management Act 1994 to apply to the Treaty Authority. The Treaty Authority will be required to submit its annual report and audited financial statements to the minister each financial year, who will then present the report to Parliament. The Treaty Authority will seek charity status, meaning that it will also have financial record keeping obligations under the Australian Charities and Not-for-profits Commission Act 2012 commonwealth law.

The Treaty Authority is entrusted to build the integrity of the treaty process for all Victorians. The Treaty Authority must therefore be, and must be seen to be, independent and impartial. The state and assembly will convene an independent panel to select the Treaty Authority members in line with best practice appointments. The panel will select Treaty Authority members on the basis of candidates' notable skills, high moral character, cultural standing, integrity, technical expertise, understanding of First Peoples' culture and the workings of government. All candidates must demonstrate that they are free from any external influence which may undermine their ability to be impartial and objective and must understand that impartiality builds trust in their ability to make decisions and take action. Candidates will be required to declare any private interests and, where relevant, put in place a plan for managing conflicts of interest. The panel will also develop standards of conduct around conflict of interest to guide Treaty Authority members in good-faith exercise of their powers.

Those are just some of the issues that will hopefully pre-empt some of the questions in committee, although no doubt we will have a bit of a conversation about some of those topics and other topics at members' discretion. I will end my contribution by saying that this is a historic bill. I am very proud that Victoria is leading the nation. The state and the assembly have taken significant steps on the path to treaty in their partnership in establishing the Treaty Authority, and today we as a chamber are asked to take another step. Passing the bill will honour Victoria's commitment to treaty making and pave the way for genuinely fair and bicultural treaty processes that can deliver for every Victorian. As a member of this chamber and as the Leader of the Government, it is an honour to commend the bill to the house.

House divided on motion:*Ayes, 32*

Atkinson, Mr	Grimley, Mr	Ratnam, Dr
Bach, Dr	Hayes, Mr	Rich-Phillips, Mr
Barton, Mr	Kieu, Dr	Shing, Ms
Bath, Ms	Leane, Mr	Stitt, Ms
Bourman, Mr	Lovell, Ms	Symes, Ms
Burnett-Wake, Ms	Maxwell, Ms	Tarlamis, Mr
Crozier, Ms	McArthur, Mrs	Taylor, Ms
Davis, Mr	Meddick, Mr	Terpstra, Ms
Elasmar, Mr	Melhem, Mr	Tierney, Ms
Erdogan, Mr	Patten, Ms	Vaghela, Ms
Gepp, Mr	Pulford, Ms	

Noes, 3

Finn, Mr	Limbrick, Mr	Quilty, Mr
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Motion agreed to.**Read second time.****Committed.***Committee***Clause 1 (16:39)**

Mr DAVIS: With the leave of the committee, I might just ask a couple of general questions at this purposes clause time, noting the preamble and noting the purposes are:

- (a) to make provision in relation to the Treaty Authority ...
 - (i) recognising the Treaty Authority's establishment under the Treaty Authority Agreement ...
 - (ii) facilitating the operation of the Treaty Authority by giving legal force to its activities; and
- (b) to amend the **Advancing the Treaty Process with Aboriginal Victorians Act 2018** in relation to the treaty negotiation framework and the administration of the self-determination fund.

I just want to ask the minister whether it is the government's intention that this body would be negotiating or discussing—all those words that are used in the bill—matters around financial compensation, reparations or payments to Aboriginal Victorians.

Ms SYMES: I might have to ask you to be a bit more specific, Mr Davis. As you might be aware, the Victorian government has commenced its stolen generations reparations scheme. I am proud to say it has started and is receiving applications. But in relation to this body, I might ask you to be a bit more specific about what you are asking in the question that you have posed. The bill is pretty clear in the purposes clause in what it has set out to do, but it is not prescriptive in relation to limitations. The references that you made in a general sense are possible, but you made a very general claim. So I guess the answer is it is possible.

Mr DAVIS: I thank you for your answer, and that is precisely the point: this is not prescriptive, it is very open. It might be that that is legitimate in certain respects. My simple question is: is it the government's intention that the body discuss reparations, compensation or other aspects as part of a treaty? Is it the government's intention that there be some fundraising mechanism discussed to pay those fees?

Ms SYMES: Mr Davis, you are jumping ahead in relation to hypotheticals of what a future body might do. Why we need a Treaty Authority is to advance the treaty process, which has been agreed to by the Parliament as something that is important to Victoria. Before formal treaty negotiations can

begin, we need to set up the authority to facilitate that. That is the purpose of this bill. It is the architecture to create a nation-leading treaty in the state of Victoria.

Mr DAVIS: I thank the minister, and I understand that is the point. I think what you are saying to me here is that there is no restriction on that and it could well undertake those steps that I have outlined. It could well look at compensation, it could well look at reparations and it could well look at some tax mechanism or levy mechanism to support those payments.

Ms SYMES: Apologies, Mr Davis, I have version control. On some of the issues that you have raised in relation to compensation, what I would say is that the Treaty Authority is an independent umpire for the treaty process, as I have explained. It is the architecture. There is no express provision in the Treaty Authority bill or agreement for the Treaty Authority to establish mechanisms to deliver reparations or compensation.

The treaty process is not yet at the stage where we are negotiating specific proposals. We want to get started with treaty, we want to achieve treaty, and that is the goal and the intention of this legislation. It is the goal of the First Peoples' Assembly. It is the goal of the state government and, hopefully, of this chamber. By its very definition treaty calls for parties to come together in good faith and broker agreement, and to speculate about what treaty would achieve, I believe, verges on misrepresenting the earnest negotiations that are to come.

Mr DAVIS: I appreciate the Attorney's points and I appreciate the spirit in which they are provided. My reading of the earlier legislation in conjunction with this legislation is that it is wide open to the Treaty Authority to deal with exactly the matters I have outlined. It might be that the minister does not want to say that, but I am content, if I can put it this way, that in fact it is open to the Treaty Authority to look at compensation, recompense, reparations and the mechanisms of funding those, which could be levies, new taxes or other arrangements. I just make the point that the Andrews Labor government—and I make this point as the Shadow Treasurer—has increased tax very substantially across its eight years in—

Ms Symes interjected.

Mr DAVIS: No, it is actually quite important to know. I think people have a right to know exactly where the government believes this will—

Ms SYMES: I have just told you. It is setting up the treaty.

The DEPUTY PRESIDENT: Attorney, Mr Davis has the call.

Mr DAVIS: It is, but I will just leave with the simple point that it is open and there is no protection here for the Victorian taxpayer.

Ms SYMES: I will take that as a comment, but I will take it as an offensive comment. Mr Davis asserting a future thing that I am not in a position to rule out does not make it a fact, does not make it true and in fact undermines the spirit in which this bill is being debated today. This is about setting up the architecture to advance treaty. The comments Mr Davis has made today undermine that, and I think he should be ashamed of himself.

Mr DAVIS: You will note that we are not opposing this bill. We are not actually not supporting it, but we are entitled to ask questions on behalf of Victorians, on behalf of Victorian taxpayers. If there is an intention that there are new charges or new levies, I think Victorians are entitled to know that and they are entitled to be aware of that. That might on one level be uncomfortable, but the fact is that the truth of the matter is actually sometimes important too.

Ms SYMES: The only things that are uncomfortable in the chamber right now are your comments, Mr Davis. You are the master of backhanded comments. You are the master of saying, 'Oh, we support it, but'. This is about treaty; this is not about taxes.

Mr DAVIS: But with respect, Minister, what you have actually told us today—

Ms SYMES: No, you are not being respectful at all.

Mr DAVIS: I am actually being respectful. What I have said respectfully is that what we have learned is that in fact the two may well be connected.

Ms SYMES: I will leave it there, but, Mr Davis, just saying things might happen does not mean they will.

Ms MAXWELL: Attorney, if you wouldn't mind just indulging me for a moment. In clause 1 I am wondering if you could elaborate on self-determination for me. We know that the fund will provide flexibility. Does it have specific guidelines and a framework?

Ms SYMES: So two questions?

Ms MAXWELL: Two questions there, Attorney—one on more of a specific definition of 'self-determination', and does the fund already have guidelines and a specific framework?

Ms SYMES: I will go with your latter question first, in relation to the fund. So this is, as I indicated in my response to Mr Davis, the architecture to establish the authority. Matters such as the details of the fund will be subject to negotiations and agreement, and that is part of what the authority's work will be. In relation to self-determination, the normal meaning is given to self-determination, which is well understood in relation to matters of Aboriginal affairs and policy in relation to Aboriginal-led outcomes, Aboriginal-led processes, to get much better outcomes for Aboriginal people.

Ms MAXWELL: Thank you, Attorney. I think it was just important to have that specific definition on the record. Attorney, how will the Treaty Authority balance any conflicts of interest when overseeing negotiations between Indigenous and non-Indigenous parties?

Ms SYMES: That is a pretty broad question. In relation to what types of conflict of interest are you referring? Are you talking about dispute resolution between two people that disagree or personal conflicts of interest? It is a little bit difficult for me to determine what you mean by your question.

Ms MAXWELL: I think any dispute resolution, whether it be a conflict of interest as opposed to a personal conflict.

Ms SYMES: Look, in terms of treaties, they must be forged freely and with the consent of all parties, and the Treaty Authority is vital to the successful negotiation of any treaty and ensuring discussions proceed in good faith and on a more equal footing. As I indicated in my summing up, there is good reason that the authority is not set up as a judicial-type body. It is set up in the spirit of negotiation, and that is the aim: to ensure that we get the best outcomes.

Mr LIMBRICK: I have a few questions, and if it suits the Attorney I will acquit them all in clause 1 if that is okay. In our discussions with the government we were advised not just that part of the job of the Treaty Authority is to negotiate with the government but also that the government hopes that it will act as some sort of dispute resolution mechanism between Indigenous groups that might have disputes with each other, so that they can sort those out before negotiating with the government. I note that there are no coercive powers of this authority, so does that mean that there is no requirement for First Nations people to participate in this dispute resolution process as a first resort? There are multiple dispute resolution pathways. They could go through the courts, through VCAT or through these other things. Is there any requirement for an aggrieved party to use the Treaty Authority before it goes to VCAT or the courts?

Ms SYMES: It will be set out in the treaty framework and is still to be negotiated. But one of the benefits in having dispute resolution from a Treaty Authority will be to avoid that type of disputation in the courts, for example. So a different way of doing things hopefully produces better outcomes and saves money for everyone, frankly, in relation to avoiding drawn-out litigation and the like. So that

would be the ambition, I hope, of the authority to resolve as many disputes as possible within their own framework.

Mr LIMBRICK: I thank the Attorney for her answer. Actually this is one of the parts of the bill that I really liked, the streamlining of dispute resolution, but I suppose the point that I am trying to get at is that it is an option for parties to engage in this process. My understanding is, and please clarify if I am wrong, there is no requirement for any aggrieved party to use the authority as its first resort. They could just go straight to the courts if they wanted to bypass the authority. Is that correct?

Ms SYMES: As I answered in my first response, these are matters to be negotiated and determined. But perhaps a somewhat similar situation would be when matters are taken to the Fair Work Commission. Quite often they will say, ‘Hey, have you followed the dispute resolution processes that you agreed to in relation to an enterprise bargaining agreement?’, for example, and then they would flick it back, saying, ‘Hey, come back after you’ve done that’. I am not in a position to pre-empt what the framework would look like but am merely pointing out that there are other models that would encourage people to go through the appropriate steps before ending up in the courts.

Mr LIMBRICK: I thank the Attorney for clarifying that. Another subject that some people talked about in the chamber today was this idea of decolonisation. The Treaty Authority itself is set up similar to a body corporate. Does the Attorney believe that this body corporate structure could be considered another colonial structure by people that choose not to participate or cannot participate?

Ms SYMES: Mr Limbrick, you are inviting me to give an opinion, and I am not going to bite on that one. But coming back, this is the architecture that will facilitate the establishment of such matters that you have somewhat indicated. There are ways for people to look at these issues. But the body will be set up through negotiation and through agreement, and I will not respond to your invitation to me to give my views in relation to that matter.

Mr LIMBRICK: Thank you for clarifying your position there.

Ms SYMES: I kind of didn’t. That was the point.

Mr LIMBRICK: You kind of didn’t, yes. That is your position, so that is fine. One of the other issues raised is exactly what a treaty is, in terms of the ability of a government to make an agreement with its own citizens. Is part of the scope of the Treaty Authority to figure out what that legal framework actually looks like and how it would be enforceable in the future? Is that part of its role?

Ms SYMES: Mr Limbrick, the Treaty Authority is more like the independent umpire to help determine issues between parties. It is not a determining body in its own right in the way you have articulated it.

Mr LIMBRICK: I thank the Attorney for her answer. The next question is on the issue of funding—the initial appropriation amounts that are outlined in the bill. How were these figures arrived at? Presumably there must have been some sort of draft budget of how many staff and what sort of equipment they might need. How were these figures actually arrived at?

Ms SYMES: As you have identified, Mr Limbrick, the operating funding for the Treaty Authority has been set out. It is proposing a special appropriation with a yearly cap to fund the operations of the Treaty Authority, including member and staff matters and the like. It is very important, as I outlined in my contribution, that ongoing sustainable funding is available to enable the Treaty Authority’s independence from government and to enable it to perform its functions effectively.

The costings were developed in consultation with the assembly in consideration of its novel functions and its unique structure. They were assessed against comparable organisations like the British Columbia Treaty Commission and the Victorian Equal Opportunity and Human Rights Commission to project the scale and activities of the Treaty Authority, and they then went on to model the Treaty

Authority's potential organisational structure. It is important to point out that the funding has been agreed with the assembly.

Mr LIMBRICK: I thank the Attorney for her answer there. With regard to independence, were any of these funds envisaged to set up some sort of capital reserve for this organisation? What I am getting at is: the only lever that the government has, because they are an independent body, is through funding. If the organisation was able to reserve some of this money, was part of the thinking in this budget that they will have some sort of reserve fund, or is it not envisaged that they will hold reserves?

Ms SYMES: Like many entities in government, it is my understanding that unspent moneys would be returned to consolidated revenue.

Mr LIMBRICK: I thank the Attorney for her answer. For example, just to clarify for my understanding here, if they do not spend it, it will be handed back to the government, effectively. Is that what you are saying? So they will not be able to build a reserve.

Ms SYMES: That is correct.

Mr LIMBRICK: I thank the Attorney for her answer. How many employees were modelled in these estimates that were drawn up for the budget, and in particular what is the ratio of employees to executives? How many executives and how many employees are we envisaging that the authority will end up employing?

Ms SYMES: I am not sure that that is completely finalised, Mr Limbrick. The modelling would have made assumptions. In relation to the establishment, I will just seek some advice as to whether I can give you any more details, but I do not think that is set.

Everything I said is right.

Mr LIMBRICK: I thank the Attorney, but weren't we just saying that there was some modelling but we do not know how many people we are assuming will be employed here under that modelling? I am sort of not clear. If there was modelling, surely it would have assumptions of how many people would be employed.

Ms SYMES: What I am not in a position to do is outline the specific roles of every individual and their specific levels, but it was modelled on approximately 60 full-time equivalent.

Mr LIMBRICK: I thank the Attorney for her answer there. One of the major concerns that we have and that was expressed to us by a number of people is around the scope of the authority and at what point it would complete its work. My understanding is that there would be some point at which the authority would no longer exist. Has the government given any thought to what that actually looks like? My concern here is that we have got in British Columbia the example that was given of their authority there, and that has been going for 30 years and will continue going. I am sort of concerned: how will we know when they have done their job?

Ms SYMES: Mr Limbrick, the Treaty Authority will run indefinitely or until resolved by agreement of the state and the assembly, as the Aboriginal representative body, and it can only be done if they are satisfied that the Treaty Authority has no further functions or duties to perform under the agreement, under the treaty negotiation framework or under treaties made under the treaty negotiation framework or is unable to perform its functions or duties under the agreement. It is expected that the treaty process and therefore the Treaty Authority will be operational for some time. As you have indicated, the British Columbia model commenced in 1993 and it is still ongoing. In this time seven treaties have been finalised, while a further 31 First Nations are in the process of finalising negotiations or actively negotiating. So as I have indicated, there is no set time, but we anticipate it will be around for some time.

Mr LIMBRICK: I thank the Attorney for her answer there. If it is determined by the authority that they do not have enough funds to do the work that they think they will need to do—I presume that

they will need a lot of legal advice—or there are management issues, like maybe they spend all of the money, is there scope for the minister to award more money to prop up the organisation, or is that not something that is possible?

Ms SYMES: Yes, it is possible.

Mr LIMBRICK: I thank the Attorney for clarifying that. So what sort of mechanism does the government envisage will be there to show accountability for the spending of this money so that taxpayers that are concerned about how their money is being spent can see that it is being spent effectively? For example, will there be financial reports tabled in Parliament? How will this actually work?

Ms SYMES: I tried to front foot this one. You did not hear my contribution, did you? The Treaty Authority will be subject to robust financial management safeguards under existing legislative frameworks. The bill makes provision for section 53A of the Financial Management Act 1994 to apply to the Treaty Authority. The Treaty Authority will be required to submit its annual report and audited financial statements to the minister each financial year, who will present a report to Parliament. The Treaty Authority will seek charity status, which means it will also be covered by the Australian Charities and Not-for-profits Commission Act 2012. The Treaty Authority will be entrusted to build the integrity of the treaty process for all Victorians and therefore must be seen to be independent and impartial, but that does not mean free of oversight.

Mr LIMBRICK: I thank the Attorney for her answer. With the part of your answer where you spoke about how they effectively can be treated as a charity, does that imply that they may seek funding from alternate sources to government—through, for example, charitable donations?

Ms SYMES: My advice from the box is no.

Mr LIMBRICK: I thank the Attorney for her answer. So what is the reason for it being classified as a charity in that case? Is it for taxation purposes or something?

Ms SYMES: Pretty much.

Dr RATNAM: I just have a few questions. Firstly, Attorney, I want to commend the government for advancing this bill to this stage in this chamber. It is indeed a relief and really positive that we are here and about to pass this bill into law very, very soon. I have just a couple of questions, if I can acquit them in clause 1. Firstly, as I mentioned during my second-reading contribution, many of the details of the Treaty Authority, including its establishment and the tenets by which it will operate, are included in the Treaty Authority Agreement but not in the legislation. Can you speak as to why that model was chosen—to not include it in the legislation but just keep it in the agreement?

Ms SYMES: I thank Dr Ratnam for her comments, absolutely, and her contribution was exemplary. Thank you for your question. For clarity, the Advancing the Treaty Process with Aboriginal Victorians Act 2018 does not require that the Treaty Authority be established by legislation, only that it be established by agreement. As we know, the underpinning success of this is around agreement between the state and the assembly. Accordingly the Treaty Authority Agreement was executed by the state and the assembly on Monday, 6 June 2020, therefore establishing the Treaty Authority. The focus of the bill is to give legal force to the activities of the Treaty Authority established by agreement between the state and the assembly, including, as you would be aware, conferring on it the powers and the legal capacity of a body corporate, protecting members and employees from personal liability and appropriating funds from the consolidated revenue for the Treaty Authority's operations, so there is much work to be done after the bill passes today.

Dr RATNAM: Thank you very much, Attorney. I appreciate that clarification. Just further on that point, given that it is not in the legislation, what protections and checks and balances will be there to ensure that those operating principles are adhered to? For example, are there legal avenues the

community will have if they believe the Treaty Authority is not abiding by the Treaty Authority Agreement?

Ms SYMES: The agreement will be legally binding, so that resolves that issue.

Dr RATNAM: Thank you very much, Attorney. Much appreciated. I have questions on clauses 6 and 21, but I will acquit them now if that is okay. This speaks to the panel composition. Can I ask what the rationale is behind the agreement, including two out of five to seven members being the minimum for a functioning of the Treaty Authority? For example, in panels adjudicating things of similar importance there are often three experts as a minimum or a quorum of at least the majority of members. There is some concern about two members and whether this is an appropriate level for essentially the minimal number or the quorum, given there are five to seven members on the authority, and the ability to maintain confidence if that quorum number is small. Can you speak to what the thinking was behind that?

Ms SYMES: I thank Dr Ratnam for her question. As she has identified, at full capacity the Treaty Authority will be made up of five to seven members. However, as is the case quite often, member vacancies may arise over the course of the Treaty Authority's operations. The agreement therefore provides for the Treaty Authority's continued operation where there is any variability in the amount of members. It is certainly not anticipated to be a regular or an ongoing occurrence that there are two members at any one point. But should this occur, rather than halt, the Treaty Authority may continue to perform its functions and exercise its powers consistent with any practices and procedures made under the agreement.

Clause 14.2 requires the Treaty Authority to establish practices and procedures governing its day-to-day operations, including any limits on how the Treaty Authority may operate if the numbers fall below five but are greater than two. Newer acting members will be appointed to ensure there are at least five members as soon as possible, and we expect that that would be something that all relevant people and people that have an interest in this would be seeking to advance. In any unlikely situation where people leave at the same time, for example, for a variety of reasons, we believe that steps would be taken to remedy that as soon as possible. Where the number of Treaty Authority members falls beneath two, the Treaty Authority must cease to perform its functions. That is to preserve the state and assembly's intention for the entity to engage in collective rather than individual decision-making, for example.

Dr RATNAM: Thank you, Attorney. I really appreciate that clarification. My next set of questions are regarding the self-determination fund. In relation to that, the Advancing the Treaty Process with Aboriginal Victorians Act 2018 requires that traditional owners will have equal standing with the state in negotiations, and I talked about this in my second-reading contribution. We are talking here about the state with permanent staffing, lawyers and many more funds, and traditional owners, some of whom have none of these privileges and some who have basic staffing and funds but certainly nothing close to what would be considered equal. My question is, particularly to get it on the record so that the community has confidence as well: how does the government interpret what 'equal standing' is?

Ms SYMES: Thank you, Dr Ratnam. A really important question, and I am very happy to put it on the record in relation to this matter. Equal standing in treaty negotiations is explicitly provided under the treaty act through the operation of the self-determination fund, which is a further element to be agreed and established between the state and the assembly. The self-determination fund has the following purposes: firstly, to support traditional owners and Aboriginal Victorians to have equal standing with the state in treaty negotiations, and secondly, to provide a financial resource independent from the state. That empowers traditional owners and Aboriginal Victorians to build capacity, wealth and prosperity. This provision for equal financial standing in negotiations seeks to bridge the power imbalance between the state and negotiating parties, ensuring the treaty process is fundamentally fair, and fair from the outset.

Critically, the treaty act requires the assembly, as the Aboriginal representative body, to administer the self-determination fund as a financial resource independent from the state. And the assembly, as a self-determining body, will therefore oversee the disbursement to First Peoples engaging in treaty negotiations to support equal standing with the state in those negotiations. As you know, the state and the assembly are currently in negotiations to finalise this fund, which is intended to be operational before the treaty negotiations begin.

Dr RATNAM: Thank you, Attorney. My final set of questions: how will the government ensure that each and every traditional owner group is provided with sufficient funds and upskilling to be on an equal footing with the state?

Ms SYMES: Dr Ratnam, as you have identified, self-determination is something that we are very committed to. We have got the self-determination fund, which is all about ensuring that there is equal standing for all parties to be able to engage in this process, and the state and the assembly are currently in negotiations to finalise that fund. Critically, the treaty act requires the assembly to administer the fund as a financial resource so that it can ensure that it is a self-determining body. They will be overseeing that the disbursements to traditional owner groups are consistent with the fund's legislative purpose. So it will pick up those bodies by virtue of the group being in a position to provide that funding for people to come to the table and have those negotiations.

Dr RATNAM: Thank you, Attorney. Will there be measures in the self-determination fund that ensure the funding is provided fairly to all nations and traditional owner groups for the purposes laid out in the treaty act of empowering traditional owners and Aboriginal Victorians to build capacity, wealth and prosperity?

Ms SYMES: It is certainly something that I think will feature heavily in the negotiations. It is still to be determined, but it is obviously an important, relevant factor that I am sure will be resolved.

Mrs McARTHUR: Attorney, I just want to go to the Scrutiny of Acts and Regulations Committee (SARC) report. Well, actually, there is not one as yet in relation to this. The committee wrote to the minister seeking further information as to:

... whether or not the Treaty Authority is a public authority under the Charter; and whether or not any relief or remedy is available for a breach of clause 12.3 of the Treaty Authority Agreement.

The SARC digest was published this week, and despite that letter being from June and the matter being before the Parliament now, there has not been a response. Can you tell us why?

Ms SYMES: Coming to your point in relation to the charter, Mrs McArthur, the Treaty Authority is a necessary element, as we know, of the treaty process, as required under the Advancing the Treaty Process with Aboriginal Victorians Act, before formal treaty negotiations can begin. Clause 12.3 of the Treaty Authority Agreement requires that the Treaty Authority must not act incompatibly with human rights. It must give proper consideration to relevant human rights when making decisions, as if it were a public authority within the meaning of section 4(1)(b) of the charter.

Mrs McARTHUR: Thank you, Attorney. But why haven't the questions from SARC been responded to? The question is: why haven't they been answered?

Ms SYMES: Mrs McArthur, as I have responded on the record in relation to the authority being subject to the Charter of Human Rights and Responsibilities Act 2006, what I say is endorsed by the minister. In relation to any further responses to SARC, I understand that the minister is progressing those matters, but if you have got any specific questions you would like to put to me, then I am happy to provide my best endeavours to get you an answer today.

Mrs McARTHUR: Thank you, Attorney. So, Minister, is the Treaty Authority to be considered a public authority with respect to the protection that designation would give Victorians under the Charter of Human Rights and Responsibilities? Specifically, can they seek relief or remedy against its

decisions even though it is not established by statutory authority and may not be exercising its functions on behalf of the state or a public authority?

Ms SYMES: As I have indicated in relation to my response on the charter, the authority agreement requires that they must not act incompatibly with human rights and there must be proper consideration of human rights when making decisions as if it were a public authority. So in relation to your question, the expectation is that it will.

Mrs McARTHUR: Thank you, Attorney. You have referenced 12.3 from the Treaty Authority Agreement. Does the charter not provide protection for those disadvantaged by ‘unlawfulness arising’ from this charter? How does breaching 12.3, which is not part of the charter, enliven this protection?

Ms SYMES: Mrs McArthur, as I have confirmed, the expectation is that the charter would apply as I have outlined. In relation to the way you have framed your question in terms of any other action, that would be separate to a charter assessment. So putting it the way you have is confusing the charter and a potential other action.

Mrs McARTHUR: Thank you, Attorney. On another matter, can you explain the interaction of Aboriginal lore—L-O-R-E—and law within this treaty and movement?

Ms SYMES: Mrs McArthur, it is not for me to explain treaty in relation to the passage of this bill. This bill is about setting up the architecture, setting up the authority that is going to advance the negotiations to treaty, and it is not within my remit to pre-empt what that will look like, because I am not one of the members that will be having the conversation about where that ends up. I am really excited about where that will end up, but that is not a role for me, and I am certainly not in a position to pre-empt what treaty will look like, apart from being very excited about the benefits that it is going to bring to Aboriginal communities now and into the future.

Mrs McARTHUR: Thank you, Attorney. It was just that I heard you reference the two definitions in your speech earlier—this morning, was it, or this afternoon; I cannot remember—and I just wonder if you would perhaps define them more clearly.

Ms SYMES: It is not relevant to this bill, Mrs McArthur.

Mrs McARTHUR: But you have referred to them.

Ms SYMES: If you would like to bring me to a particular clause in the bill that asks me to look at L-O-R-E versus L-A-W, then I will happily look at that.

Clause agreed to; clauses 2 to 15 agreed to.

Clause 16—no question put pursuant to standing order 14.15(2).

Clauses 17 to 22 agreed to; preamble agreed to.

Reported to house without amendment.

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:26): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Ms SYMES (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (17:26): I would like to thank the contributors to the bill today. This is a historic day. I would like to acknowledge the people in the gallery who have been following this bill and this

process for some time. I thank them for their tireless advocacy and thank them for the work ahead. Congratulations. This bill is for many of the people up there and the communities that they represent. I am proud to move:

That the bill be now read a third time.

The PRESIDENT: The question is:

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

House divided on question:

Ayes, 32

Atkinson, Mr	Gepp, Mr	Ratnam, Dr
Bach, Dr	Grimley, Mr	Rich-Phillips, Mr
Barton, Mr	Hayes, Mr	Shing, Ms
Bath, Ms	Kieu, Dr	Stitt, Ms
Bourman, Mr	Leane, Mr	Symes, Ms
Burnett-Wake, Ms	Lovell, Ms	Tarlamis, Mr
Crozier, Ms	Maxwell, Ms	Taylor, Ms
Cumming, Dr	Meddick, Mr	Terpstra, Ms
Davis, Mr	Melhem, Mr	Tierney, Ms
Elasmar, Mr	Patten, Ms	Vaghela, Ms
Erdogan, Mr	Pulford, Ms	

Noes, 3

Finn, Mr	Limbrick, Mr	Quilty, Mr
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Question agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Joint sitting of Parliament

LEGISLATIVE COUNCIL VACANCY

The PRESIDENT (17:34): I have a message from the Assembly:

The Legislative Assembly informs the Legislative Council that the Assembly has agreed to the Council's proposal for a joint sitting on Wednesday 17 August 2022 at 6.15 pm in the Legislative Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett MLC.

Business of the house

ORDERS OF THE DAY

Mr TARAMIS (South Eastern Metropolitan) (17:35): I move:

That the consideration of orders of the day, government business, 2 to 5, be postponed until later this day.

Motion agreed to.

Bills

EDUCATION LEGISLATION AMENDMENT (ADULT AND COMMUNITY EDUCATION AND OTHER MATTERS) BILL 2022

Second reading

Debate resumed on motion of Mr LEANE:

That the bill be now read a second time.

Dr BACH (Eastern Metropolitan) (17:36): It is good to rise to make what you will find will be quite a brief contribution on this bill. There was a lengthy debate in the other place on this bill, which makes a series of really very minor and administrative changes to a number of pieces of legislation. The overall intent is to improve student wellbeing.

It is interesting, I must say, to be debating legislation that relates to the adult and community education sector given the government's dreadful cuts to neighbourhood houses. This has been broached in other places, and I do not need necessarily to recapitulate all of those points today. My colleague David Hodgett, the Shadow Minister for Education, made a very fulsome speech, and I would refer interested members of the Council to that speech, with which I concur fully. But it is interesting, given that the overall purpose of this bill is to improve student wellbeing, to note the fact that there is another bill sitting at number 8 on our notice paper, orders of the day, the Children, Youth and Families Amendment (Child Protection) Bill 2021 which, if debated—well, it has been debated—or if discussed in committee and then passed, as it would be, would do far more than this bill to improve the wellbeing of young people.

I was very interested in the comments of the Attorney-General earlier today. She has done a significant U-turn. I was sitting in this place some months ago now when Dr Ratnam asked the Attorney-General a question about raising the age of criminal responsibility. The Attorney-General was very definitive in her opposition to raising the age of criminal responsibility at that time—fine, a reasonable position on a very complex issue. However, today under questioning from Ms Patten, the Attorney-General said she was open to conversation. Now we all know the reason that the Children, Youth and Families Amendment (Child Protection) Bill has not come back to this place after 300 days—300 days—languishing on the notice paper, despite bipartisan support. It is a really good bill. I made it absolutely plain in my initial speech that every single member of the Liberals and the Nationals would vote in favour of this bill. I would say, through you, Acting President, to the minister at the table: 'You've got the numbers. It's a really good bill'.

I have regular discussions with the CEO of the peak body, Deb Tsorbaris; with people like Paul McDonald, the CEO of Anglicare; Michael Perusco, the CEO of Berry Street; and Auntie Muriel Bamblett. They are desperate for this bill to come back. In fact what the Attorney-General said today is that she is open to conversation now about measures like raising the age of criminal responsibility. The government will not debate the bill that is number 8 on our notice paper thus far, because Dr Ratnam has attached an amendment to raise the age of criminal responsibility. But now the Attorney-General says she is open to that conversation. She said so today. She also said that the chief reason that this bill, which Dr Ratnam questioned her about today, has not come back before the house is that there is not time. So at this point I will save the house 27 minutes by saying that members of the opposition—the Liberals and The Nationals—will not oppose the Education Legislation Amendment (Adult and Community Education and Other Matters) Bill 2022. Let us have the debate. I wish the bill a speedy passage, and let us get to the far more important bill, the Children, Youth and Families Amendment (Child Protection) Bill.

Mr MELHEM (Western Metropolitan) (17:39): I was lost for a moment about where Dr Bach was coming from. In the Education Legislation Amendment (Adult and Community Education and Other Matters) Bill 2022 we are talking primarily about adult education and community—

Mr Finn interjected.

Mr MELHEM: Mr Finn, I am not sure, but you might benefit out of this legislation. Maybe we can provide you with some adult education in relation to this bill. I want to congratulate Minister Tierney, who is in the house today, for bringing this bill to the house. I have been involved in this sector for the last 2½ years. We have some 270 adult, community and further education (ACFE) neighbourhood houses and community organisations that provide training and support for adults or older people in our community. When I say older people, it is anyone over the age of 18. They are delivering soft skills, like computer skills, digital skills, literacy and numeracy skills—you name it. I

had the privilege as the Parliamentary Secretary for Training and Skills to actually be given responsibility to look after the sector, and I have had the chance to visit most of these centres over the last 2½ years. There are about 30 000 people going through that sector, and about 2.5 million hours of training is delivered in the sector. In fact last week on Thursday and Friday the sector got together. They had the adult and community education conference just across the road from here, reviewing the way ahead and making sure we can continue to deliver a first-class service.

This bill is about making some changes because the principal act, the Education and Training Reform Act, was put in place in 2006, so it has been a long, long time. Part of the review that was commissioned by Minister Tierney was to basically find ways that we can improve the delivery of education for the most vulnerable people in our community. As a result of that, one of the recommendations was that a bill make amendments to the act to make sure there is an executive director appointed by the government to basically provide support to the Adult, Community and Further Education Board, which is chaired by Maria Peters. She is doing a magnificent job in delivering the services to our community. This bill will establish that and also continue to provide additional staff and resourcing. Now, the ACFE board manages around \$50 million of investment by the state of Victoria. Mind you, we are the only state in the country that actually has a system like that. None of the other states have any adult education; we are the only state that does that. I think that is very important.

I am going to be brief, but I just want to pay tribute to the people in the sector—both paid staff and volunteers—for the great work they have performed in the last 2½ years during COVID. One of the biggest challenges was the ability to switch between face-to-face training and online training. Everyone thought they were not going to be able to manage that process and get through that. But, guess what, in a matter of a few weeks they managed to do that switch, and they have they have done a magnificent job on our behalf to continue providing that service. I have even met some 90-year-olds doing some training just to learn how to communicate with their children, grandchildren and great-grandchildren—how to use Facebook. Some people are doing cooking lessons, for example, just to improve their skills. Another cohort will be looking at how to improve their digital skills or literacy and numeracy skills so they can do further education or perhaps apply for a job. The sector provides a first-class service to the most vulnerable people in our society, and as I said, on average somewhere around 30 000 people go through that system. The benefit is so great, and I think it is worth the investment.

The bill also modernises some other areas in relation to clarifying the powers of the ACFE board and makes some further administrative changes—for example, regarding the Victorian student number, the VSN, and related information. There are various other minor modifications, administrative ones. I will not go through them, but most importantly this bill mainly focuses on the ACFE board and the ACFE sector, which I think is long overdue. We are providing some additional resources to make sure that we are delivering on the ministerial statement that Minister Tierney launched some three years ago. That was a five-year plan, and that is one of the areas we have reviewed this week. It goes a long way to achieving that. Whilst the bill, as I said, is straightforward, it does clarify a lot of areas and makes sure we are strengthening the adult, community and further education sector to continue to deliver an excellent service to our community. With that, I commend the bill to the house.

Ms BATH (Eastern Victoria) (17:45): I am pleased to rise this afternoon to make a brief contribution on the Education Legislation Amendment (Adult and Community Education and Other Matters) Bill 2022. Before I unpack some of the elements of this bill, I think that as a whole we should always aim to be lifelong learners and take up opportunities to continue to learn and study, whether it is something of interest for our own entertainment and rounding out our enjoyment in life or whether it is part of a larger goal to expand our understanding and skill base in order to get the next job that we want or to elevate and increase our understanding of our current job. I think lifelong learning is a fantastic thing; the time we stop learning is certainly not useful. To wit, there are many different ways to learn, whether it is through adult education, whether it is through the TAFE sector or whether it is

through registered training organisations (RTOs), and sitting behind them there must be the checkers, the compliance, the standards and all of the regulations that form that framework.

The bill amends the Education and Training Reform Act 2006 to modernise the Adult, Community and Further Education, ACFE, Board; to reflect that AMES Australia is the only remaining adult learning institution; to provide—and I will say this just the once—the Victorian Registration and Qualifications Authority, the VRQA, with greater discretion to look at audits of registered training organisations; to modernise the framework in terms of student numbers; and to make other amendments.

It also looks at the Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021. This is something that I have had experience of in the last few years—probably about four years—from listening to the community and listening to parents at various schools. I make the point that if a government is going to introduce policies in relation to child safe standards, if there is going to be a set of standards, a set of requirements for schools, school communities and teachers to adhere to, the bar needs to be set high, and then there must be checkers. If there are concerns—if parents have concerns, the community has concerns, the school community has concerns—there must be those who are prepared to fearlessly assess them, because at the end of the day child safe standards are designed to do exactly that: keep children safe.

I think there are about seven standards, and I feel in speaking with my constituents that there have been occasions where these standards have not been up to standard in school networks. If that is the case, then the back-end work needs to come in. The Department of Education and Training and the Commission for Children and Young People need to come in and be fearless in that. That does not mean any targeted work or biased work, but they need to protect children and thoroughly make those assessments and audits in a way that will see improvements in the system. This is about, at the end of the day, a school—whether it be a secondary school, a specialist school, a disability school, a tertiary school or a registered training organisation—and young people and children. We need to ensure that our child safe standards are adhered to. I make that point. This comes from speaking with constituents and working with constituents who feel that the system is letting them down.

In terms of registered training organisations, they do play a very important role in delivering nationally accredited courses. We see a number of them in our electorates. It is the accredited courses that enable adults to either complete their secondary education or begin or change their direction in terms of career. We were very fortunate the other day to have two outstanding candidates in our Nationals preselection for the seat of Euroa. A councillor in that area applied, and she spoke about the fact that she left school at a very young age, at 15. When she realised that that was too early to exit the education pathway, she came back, and by the time she was 25 not only had she completed her Victorian certificate of education but she had gone on to higher education and was a highly qualified lady. I think an incredible accolade and respect are due to her for doing that.

The other thing that we know in terms of Eastern Victoria Region and in particular in the Latrobe Valley is that the dynamics of work and employment need to change and to be responsive to industries closing. We know that Yallourn power station will be closing in 2028, and I have had lots of conversations with EnergyAustralia in relation to this. They are very mindful about the need to change and to transition those workers who want to change and who are young enough and want to certainly stay in the area and support their families and have a really valued and worthwhile career. There will be that need to upskill, to pivot, but the learning institutions—the TAFE sector, Federation University and potentially RTOs without a doubt—will be able to facilitate that change and that learning.

There was a recent study—requested funnily enough by the Latrobe Valley Authority (LVA)—completed by Federation University. I have great appreciation for that uni; it is our only uni, and it has a very important and pivotal role in the valley. But one of their findings in terms of participation in labour markets is that somehow in that region we collectively as a society are failing those young men, and there has been a decline in labour force participation of young men in their 20s and early 30s. So

we really need to investigate why that is. It is good to have identified that, but we then need to ask why this is happening, what needs to change and how our learning institutions can be very much mindful of that and be pivotal in that to support them, to remove those people from outside of the workforce and to really engage them, make some aspirational changes and get that focus.

The other interesting thing—if I can say this slightly tongue in cheek—is that the LVA created the impetus for this Federation University investigation. It completed the investigation, and one of the recommendations was to have a parallel body just like the LVA to continue its work. So I feel like there may not have been a degree of separation there when the sponsoring entity was also in the recommendations to continue on. Notwithstanding that, certainly Federation University did an important investigation. Funnily enough, all of the comments that I had made in a minority report to do with that region and the closure of Yallourn and Hazelwood power stations were reflected very similarly—the work and unemployment levels were mirrored—in the Federation University report.

Digressing only slightly, the other thing is that the Victorian Registration and Qualifications Authority, the VRQA, certainly does play an important role in terms of school registration, making sure that schools meet a certain standard and other requirements.

I have told this story before, but when I returned to teaching in my late 30s I paid \$66 after having not taught for 10 years and I could walk back into the classroom. I hope that has changed now, because it is astounding, isn't it, that having not taught for 10 years I could go back into the classroom. Now, I worked very hard and was as diligent as I could be, but I think there need to be greater levels of standards. I was quite prepared to do extra training or a year's course so that I could re-skill, but they let me back in straightaway. It was called learning on the run.

In relation to a constituent that I have worked very closely with, she raises a concern that whilst the VRQA is meant to be the regulatory body that oversees compliance within schools, there seems to be this lack of separation, and I will explain this comment. The department secretary, Jenny Atta, sits on the board of the VRQA. Now, some will say, 'Well, okay, that's so she can have oversight', but when you are on a regulatory body—sitting on the board of the VRQA—and also in the Department of Education and Training, whether there is or not, there seems to be a conflict of interest. How can the VRQA investigate the education department if the secretary is sitting in two camps? This family and the people who I have worked with are from Voices for Special Needs in the valley. My constituent has told me in the past—and I share it with the house—that the Commission for Children and Young People have been trying to find a representative from the VRQA to meet with concerned parents, but this request has been unsuccessful to date. The minister is at the table, so in all genuine sincerity, it might be an opportunity to separate this impasse so that they actually can meet. Their last comment was, 'We haven't managed to find anyone who is willing to meet with you'. So the concerned parents have had to abandon this plan and go back to seeking a meeting with the Ombudsman.

The last time this parent attended her child's former school she completed a questionnaire which was facilitated by the VRQA. She and another concerned parent documented that they would like to be contacted regarding a sincere concern, and this was never actioned. Both parents wrote at the time through that questionnaire that they would be happy—they would like, they were asking, they were seeking—to have that contact, but there has been no feedback or follow-up. If we are going to have a level of investigation, a level of compliance or interaction or parent consultation, and if you put something in a survey, then what is it for if nothing is followed up from those comments? These are quite serious concerns, and I have raised them in the past here. Why do we have this layer of regulation if parents still feel entirely frustrated that their concerns are not followed up?

This bill The Nationals and Liberals are not opposing. It is largely a perfunctory bill that tidies up some various elements and acts. What our lead speaker, Dr Bach, certainly spoke about was the importance of our neighbourhood houses and how we on this side certainly recognise the various services they provide. Sometimes they are also RTOs and provide that learning opportunity in a variety of modes. I started my contribution talking about lifelong learners, and we value our neighbourhood learning

centres, which they are sometimes called. In Traralgon there is one that is called that. So with that, I wish neighbourhood houses all the best. I know we have made commitments, if we are elected—when we are elected—on 26 November, about continuity of programs through extra funding or continued funding for those services and programs. We wish them well, and we wish them good teaching and good compliance.

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (18:00): I thank everyone for their contributions this evening, albeit there was a lot of transgression, I have got to say, in terms of the contributions. But, leaving that aside, I take that as a compliment because we covered off on so many issues that people had as a result of the bill before us this evening. It has been great to see strong support for the bill from all quarters.

In 2019, I released a statement called *The Future of Adult Community Education in Victoria 2020–25*. This statement outlines an ambitious reform agenda for adult community education. An emphasis was placed that the Adult, Community and Further Education (ACFE) board was expected to lead the implementation and achieve the government's aspirations and goals for community education in this state.

In 2020 an independent review of the operation of the ACFE board focused on the governance arrangements that underpin ACFE, including the roles and responsibilities of the ACFE board and the Department of Education and Training. As part of its recommendations, this review found that outdated provisions in the ACFE board's governing legislation are significant barriers to effective governance as well as to the achievement of the aspirations and goals expressed in my ministerial statement. The bill therefore implements recommendations of the ACFE board review by removing barriers to effective governance. Passage of these amendments in the bill will lead to improved access to and quality of post-secondary education and training for Victorian adult learners.

One member in the other place spoke about changes that the bill makes in relation to advice the ACFE board receives from regional councils. The same member also asked about the skill set requirements for a person to be appointed to the ACFE board. In response I can confirm that there will be no material changes to the current role of regional councils, and the bill continues to ensure that the ACFE board consults regional councils. As the ACFE board is strategic in nature, it is important that the ACFE board members possess governance rather than management expertise. Management expertise is commonly understood as decision-making with regard to the operation of an organisation—reports on which would be made to the board of directors. This is not relevant when determining membership of the ACFE board. Governance experience is a far more important consideration so that the ACFE board can include members who have had significant experience in overseeing board responsibilities that are both statutory and strategic in nature.

I also can confirm that the Victorian student number data is held by the Victorian student register and is maintained by the Victorian Curriculum and Assessment Authority in a secure environment. Access to VSN data is and will continue to be strictly limited to those persons who are authorised by the secretary for certain and limited authorised purposes. The secretary will make guidelines in relation to a range of matters, including who the secretary will consider to be appropriate to be an authorised user and how authorised users should access, use and disclose the VSN in any way that maintains and protects students' privacy. All authorised users are bound by robust privacy laws to maintain and protect the privacy of individuals whose information is included in the VSN and VSR.

In summary, the bill contains amendments which make important improvements to various aspects of the government's education and training system, established under the Education and Training Reform Act 2006, including: improving the governance arrangements of the ACFE board; removing adult education institutions as a category of providers of adult community and further education; elevating the status of AMES Australia as the primary provider of these services and recognising the significant and unique work that AMES Australia undertakes in the settlement services and adult community education sector for culturally and linguistically diverse Victorian community members; and

modernising the provisions around the access, use and disclosure of the VSN. It also clarifies a number of regulatory powers and functions of the Victorian Regulations and Qualifications Authority in relation to registered training organisations and other entities required to comply with child safe standards. It also makes technical and consequential amendments which ensure that a person, body or school registered in respect of a foundation secondary course or foundation secondary qualification is subject to the reportable conduct scheme and the child safe standards.

In relation to a matter that Ms Bath has just raised that I have not heard of before, that is a local constituency issue. I am not aware of that. It would have probably gone to the Minister for Education at the time; I am the Minister for Training and Skills, Minister for Higher Education and Minister for Agriculture. I am not aware of that, but I would suggest that Ms Bath submit that request to Minister Hutchins, the new Minister for Education, so that she can have a look at what her constituents are seeking.

On that note I thank again the contributors tonight and also all the contributors that we saw in the other house and in particular those that have not necessarily spoken in this debate today but have spent a lot of time via emails and on the phone with my office wanting clarification and getting answers to a number of concerns or issues that have been raised by some of their constituents. I thank them for their interest, and indeed I hope that we do have a very speedy passage of this bill this evening.

Motion agreed to.

Read second time.

Third reading

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (18:06): I move, by leave:

That the bill be now read a third time.

Motion agreed to.

Read third time.

The ACTING PRESIDENT (Mr Gepp): Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

VICTORIAN ENERGY EFFICIENCY TARGET AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Ms STITT:

That the bill be now read a second time.

Mr DAVIS (Southern Metropolitan—Leader of the Opposition) (18:07): I want to make a contribution on the Victorian Energy Efficiency Target Amendment Bill 2022. This bill reforms the Victorian Energy Efficiency Target Act 2007, the principal act, and the Essential Services Commission Act 2001. It sets out a regulatory framework for the state government's Victorian energy upgrades program, which is overseen by the Essential Services Commission. The bill purports to strengthen regulation of the Victorian energy upgrades program through transparency, provider competence, a code of conduct and general governance measures.

I just want to say one thing: by God this area needs reforming. My goodness. We have seen the fridges. You know, there are some businesses with up to 40 fridges outside their premises, others with only 20 or 10 fridges offered to them—quite bizarre outings, when you think about it. This program has been hopelessly maladministered by this government. Programs of good intentions are one thing; programs

that are incompetently administered, whatever the intentions, are not what taxpayers need. They are not what the government should be delivering.

How is it possible that we could get to the situation where a business has 40 fridges lined up outside it—40 fridges on offer, 40 fridges delivered and 40 fridges where rebates have been provided to people? I mean, honestly, this fridgegate is an emblem for the incompetence of the Andrews Labor government—fridges lined up outside business premises. I mean, who would have thought you would have 10, 20, 40 fridges lined up outside businesses? Look, a lot of businesses are very happy to get one or two fridges—low-energy fridges, new fridges, clean fridges. In they go, but then the other 18 are lined up outside the door. I mean, honestly, what a complete circus.

I think the minister should have been moved on. She is clearly deeply incompetent. I know the minister at the table today, Minister Tierney, does not administer this program, so I am not saying that about her. I am saying it about the Minister for Energy in the other place, who clearly does not have a fundamental about what is going on and has been forced to freeze this program.

The funding offered for these certificates came to completely outstrip the commercial value of the appliances themselves. Reports allege that this led some providers to dump unneeded appliances. And it is not just reports, we have actually seen the pictures of the lined-up fridges outside the businesses. It is not a matter of reports; it is a matter of hard figures and hard facts and hard photos—I mean, what a circus.

This amendment process began before the fridges controversy. The provisions contained in the bill could have perhaps prevented the inefficient and environmentally counterproductive outcomes that have been reported in the media. I mean, that is the other point to remember about this fridge-gate thing: how is it energy efficient to deliver 40 fridges to one business? How is that in any circumstance a sensible thing to do? They have been brought into the country almost certainly over the recent period and trucked around—honestly.

This bill does put in place a fit and proper person test for an accredited person. It assesses, in new section 10B, findings of guilt in relation to offences under the Victorian Energy Efficiency Target Act or findings of guilt in relation to an indictable offence. This applies to other jurisdictions. It looks at conduct. It looks at revocation or suspension of accreditation certificates and behaviour with respect to the energy efficiency program, insolvency and other obvious matters, court records and so forth. The competent and capable person test—I mean, why wasn't this in place from the start? But that is a rhetorical question.

There will be, they say, an auditing and code of conduct framework. There will be strengthening of reporting requirements. The bill extends the scheme and its targets from January 2030 to January 2031. There are some general governance amendments. The bill, I guess, is in one sense largely uncontroversial since it tightens the regulation from the current clearly inadequate position, and in that circumstance the opposition will not oppose this bill. I think the conclusion is that it is an unexceptionable bill, but the fact that it is going through now, with fridge-gate large in everyone's mind, leads to a series of questions. The opposition will not oppose the bill, but we will ask a few questions.

Dr KIEU (South Eastern Metropolitan) (18:13): With great pleasure I rise to speak to the Victorian Energy Efficiency Target Amendment Bill 2022. Energy is crucially important—actually it is fundamental to all of our activities and in fact to our lives—but the way we have been, for hundreds of years, using fossil fuel has created a lot of problems. We have seen climate change. We have seen the consequences of climate change very recently and concurrently in Spain, in southern France and everywhere else in the world—indeed in our own country as well. We need to manage climate change but at the same time have energy for our activities. Victoria is very proud to be leading the country in delivering climate change action and transitioning to renewable energy. The form of energy for the future is a renewable one. We have set a national target, a nation-leading target, to reduce emissions

by 50 per cent by 2030 and 100 per cent by 2050, and we have delivered the largest annual increase in renewable generation of any of any state ever. The thing is that we are going to be the home of big batteries.

Mr Finn: ‘Home of Big Batteries’—I think we should put that on the numberplates, I really do.

Dr KIEU: That would be a good way to promote the big batteries, Mr Finn. We will have the largest big battery in the Southern Hemisphere. We also have a program of offshore wind targets. We are leading the country in bringing online 2 gigawatts of offshore wind by 2032. I just want to digress a little bit. One gigawatt would be enough to support about 700 000 households. The population of Victoria is about 6 million. Let us say we have two or three people per household—that would be about 2 or even 3 million households. By the year 2040, when we achieve the target of 9 gigawatts, offshore wind energy will more than supply the number of households in Victoria. In fact we will have enough energy to export to other states. Also, we could use that energy to create more renewable energy, for example, green hydrogen, which can be easily transported, stored and so on. It is not just the energy, but through our programs of support for energy technologies we have created thousands of jobs while at same time cutting power bills and slashing our emissions. We are also leading the nation in helping to reduce the amount of energy we use through various schemes to have more efficient light bulbs and efficient electrical equipment.

The Victorian energy upgrades program is our flagship energy efficiency program. It has delivered incredible outcomes, helping more than 2 million households and businesses to cut their bills, saving the average household about \$120 per year and businesses an average of \$3700 a year. It has supported more than 2200 jobs a year across our state, both in the metropolitan area and in regional areas. Importantly, it also has had a huge impact on our carbon emissions, reducing emissions by over 73 million tonnes since 2009, which is the equivalent of taking 22 million cars off the roads each year.

The Victorian energy upgrades program has been highly successful. We, the government, were ambitious and set very high emission reduction targets, but as part of preparing for an expanded Victorian energy upgrades program in order to reduce further emissions and deliver even more benefits to Victorians, the government have identified that the consumer protections were not fit for the scale of the program to be expanded. The Essential Services Commission, which is the regulator of the program, was only able to regulate the creation of certificates within the program. However, community expectations were far broader, with an expectation that the Essential Services Commission could regulate the behaviour of participants in the scheme and ensure that those selling products were suitably qualified. That is the reason for this bill.

This legislation will make sure that the Essential Services Commission have the powers they need to manage the Victorian energy upgrades program and protect consumers at the same time. It will also allow the ESC to enforce the newly established code of conduct and ensure that accredited providers are appropriately qualified. It will strengthen consumer protection by introducing penalties for all businesses providing services under the program, including subcontractors, telemarketers and installers. The bill, further, will also empower the ESC to take strong action to ensure compliance with the program. These expanded powers under this bill are vital to maintaining community confidence in the VEU scheme and ensuring that consumers are protected as the program continues to deliver massive savings for Victorians and helps slice our carbon emissions and create jobs for Victorians. I commend the bill to the house.

Mr FINN (Western Metropolitan) (18:20): In rising to speak on the Victorian Energy Efficiency Target Amendment Bill 2022 I have to say that the greatest contribution the government could make to fixing the mess that this legislation is aimed at fixing would be to remove the minister, because she is a disaster. Wherever she goes she stuffs up. Quite frankly I think Victorians have had enough and they need a new minister. That would be a giant step in the right direction. Quite frankly I am quite sick of all this nonsensical stuff about climate change and this carrying on about how we are leading the world—‘Don’t worry about the pensioners who can’t afford to heat their homes. Don’t worry

about the people who can't afford to heat their homes. Don't worry about them, forget them, because we're leading the world'. The fact that Australia contributes 1 per cent of the world's emissions has nothing to do with it of course. The fact that Victoria is a minute part of world emissions is nothing to do with it. If we stopped every form of emissions tomorrow—every form—it would have zero impact on the climate or anything else except how our society functions, because the fact of the matter is that these renewables are in fact unreliable. That is the fact of the matter.

If we want strong business, if we want strong industry, if we want strong jobs, we have got to have reliable, cheap power, and at the moment we do not. I know myself, living where I do, we have gas tanks which are filled up at this time of the year once every two or three weeks. I know over the last couple of months a tank of gas has gone from \$200 to \$500. It is unbelievable that that could happen. In this state, which has more gas and more coal than just about anywhere else in Australia, there is no need for those sorts of prices. There is no need for people not to be able to afford to heat their homes in this particularly cold weather. There is no need for that, but it is happening.

It is worth noting that members of the Andrews government are chortling about it as I speak. They think it is highly amusing that pensioners and those who are struggling, battling, cannot heat their homes. I thought that the Labor Party or the ALP was the battlers' party. Obviously I was wrong. The teal voters in Brighton can afford to heat their homes. They can afford to do whatever they like. It is the battlers in the western suburbs who are the ones who cannot heat their homes. They are the ones who have to try and calm their kids when they are freezing because they cannot turn their heaters on. They are the ones who are hurt by these policies.

So do not come to me saying that we have to lead the world, because what you are doing is you are hurting Victorians. That is what you are doing—you are hurting Victorians. For that you stand condemned, and for that I sincerely hope you will pay a very heavy price in November, because Victorians deserve better than an ideological government pushing its own barrow for international acclaim ahead of what is the best thing to do for Victorians. That is what we are in here for—for Victorians. That is what I am in here for—for the best deal for Victorians. At the moment, when it comes to energy, that is not happening. It is not happening, and it is something that just appals me. It disgusts me.

If this government had any integrity at all, it would open up the gas supplies and it would open up the coal supplies, and we would have cheap, reliable power yet again. We can do it. There is no climate emergency, but there is an energy emergency.

Ms Taylor interjected.

Mr FINN: I notice Ms Taylor over there is having a small breakdown—or maybe a big one, maybe a major one. But the fact of the matter is there is an energy emergency—man-made—made by this government. It could be fixed tomorrow—or tonight if the government really wanted to do it. If they open the supply and allow people to use the gas and to use the coal, they could provide the electricity that people need to cook their meals, to heat their homes, to run their factories and to provide the jobs that we need here in Victoria to allow battlers, in particular, to have a reasonable standard of living, rather than what we are seeing now.

This bill is not going to do much for anybody, as far as I can see. I really hope that we will put common sense before ideology and come 26 November—or maybe 27 November—we will have a government that actually cares about the battlers of Victoria and the people who are actually struggling to pay these appalling, monstrous bills that continue to come their way.

Ms TAYLOR (Southern Metropolitan) (18:26): Well, who knew that energy efficiency actually saves money? So when you are thinking about pensioners and you are thinking about everyday Victorians, energy efficiency puts downward pressure on bills. Who knew? And this is part of the reason why we are investing so heavily in energy efficiency but also clean energy as well. I do not

know what planet Mr Finn is on, but it is certainly not this one—that is for sure—because I do not really get where he is coming from.

Mr Leane: A scary planet, a very scary planet.

Ms TAYLOR: A very scary one. The Victorian energy upgrades (VEU) program, just to speak to that point, is our flagship energy efficiency program. It has delivered incredible outcomes, helping more than 2 million households and businesses to cut their bills and saving the average household \$120 and the average business \$3700 a year. In anyone's language that is saving on energy bills, so I hope maybe we have cleared up some misconceptions that have been perpetuated around the chamber in the last few minutes. Have we cleared that up?

Mr Leane: Yes, you have.

Ms TAYLOR: Good. We can move on.

Mr Leane: It's simple.

Ms TAYLOR: Simple—that is right. Since the program commenced in 2009 it has supported more than 2 million residential lighting upgrades; more than 530 000 low-flow shower roses; more than 398 000 homes have been weather sealed to reduce drafts; 365 000 homes have an in-home display unit to better monitor their energy use; almost 120 000 businesses have installed energy-efficient lighting and a range of high-efficiency appliances, including 23 000 high-efficiency televisions and nearly 900 high-efficiency pool pumps; and more than 230 businesses have been approved to undertake bespoke upgrades. Is that not terrific? Is that not wonderful? Is that not putting downward pressure on power bills? Is that not also helping the planet?

We know that the VEU is also having a huge impact on our carbon emissions. Since it was established in 2009 it has reduced emissions by over 73 million tonnes, which is the equivalent of taking 22 million cars off the road for a year, which is four times the number of cars that there are in Victoria. It would seem like common sense to me to continue this program. We know that the program is shifting from supporting relatively straightforward upgrades like lighting to supporting a wide range of technologies—reverse-cycle air conditioners, energy monitoring tools and heat pumps. Hence this legislation is here today. This bill will make sure that the independent regulator has the powers it needs to manage the VEU program and protect consumers.

Business interrupted pursuant to sessional orders.

Mr TARLAMIS: I move:

That the meal break scheduled for this day pursuant to sessional order 1 be suspended.

Motion agreed to.

Mr LIMBRICK (South Eastern Metropolitan) (18:30): The Liberal Democrats will not be opposing this bill today, but I do have serious concerns about the Victorian energy upgrades program itself. Ms Taylor just claimed 73 million tonnes of carbon savings through this program. Before I came into this place, like many Victorians, I had people knocking on my door giving me all sorts of upgrades and offering them to me.

Mr Leane: Very generous of them.

Mr LIMBRICK: Very generous of them—very generous of the taxpayer indeed.

Mr Davis interjected.

Mr LIMBRICK: I did not get a fridge. But many years ago one of the first devices that was offered to me—it was just handed to me by some guy who knocked on our door—was a stand-by power unit. It is a thing that you plug into a power board and it is meant to turn off your television or video or PlayStation, or whatever you have got, when it is on stand-by power and save some power. That device

did not really work very well. It took me a while to figure out how to use it properly, and once I figured out how to use it properly, I, like pretty much every other person in Victoria, figured out that it was so inconvenient that I did not want to use it. In fact every single person that I met that was given one of those never used it. They might have fiddled with it and had a play with it, but they never used it. However, they are part of the 73 million tonnes in carbon savings. That is incredible.

Later on I had another guy knock on my door and offer me LED lighting upgrades. It just so happened that at the time I was looking at lighting upgrades myself because I was looking to save power. Anyone who is making rational decisions as a consumer would say, 'Well, if there's something more efficient and it's going to save me some power, I might purchase that item', so I was looking at that myself. This guy just gave it to me. But what happens in these situations is the government crowds out the market.

I will give you another example: chimney pillows. This is part of the draught savings and, again, part of this 73 million tonnes. I know a few people who have these chimney pillows. It is like a balloon that you stick up your chimney to stop air coming through so that it makes your house more efficient. It makes sense. The chimney pillows burst for a number of people I know that had them. Because the government basically crowded out the market and was giving them away for free, where could you go to buy a replacement chimney pillow at the time the government was giving them out? Well, nowhere, because who is going to sell something that the government is giving away for free? Again, the chimney pillow that burst is part of the carbon savings.

In fact we have been so concerned about what this program is doing and these claimed carbon emissions savings that we have been in discussions with the Auditor-General about this. I think they really need to look at what is going on here, because I really do not trust this carbon accounting. Similarly with those fridges that Mr Davis was talking about before.

Mr Leane: It has stopped.

Mr LIMBRICK: Yes, it has stopped now, but who knows how many carbon emissions were claimed through that. I have got very serious problems with this. I applaud the government's attempt to clean this up. Lord knows how many grifters and stuff have been involved in this system. It has been pretty awful to see. But these claims of carbon emission savings are totally wrong. There is no way that they—

Ms Taylor: Totally wrong?

Mr LIMBRICK: They are totally wrong, and we know that they are wrong because people have not used some of these devices that have been handed out. Many people have not used the devices or the devices have failed or the government has interfered in rational decisions of consumers that would be purchasing these products anyway without government interference. LED lights are the classic example. Before LED lights I was given fluorescent lights. Just after we got the fluorescent lights we were looking at LED lights and we never used the fluorescent lights. Government cannot make these decisions on behalf of people. People making them themselves is a far more sensible thing to do.

It is even more crazy when you look at businesses. A business has to make rational decisions. They have to look at their energy consumption. Anyone that has been involved in the private sector will be very familiar with how they look at the accounting—they look at all their energy consumption and if there is some investment, companies will come and make proposals to them. They will say, 'We'll replace all your lighting. It'll cost you this much and you'll save this much over the long term. Make that investment'. But when government interferes in these markets and goes to businesses and says, 'We'll just give it to you', of course a business is going to do it. But is that actually a rational decision for the business? It might be rational for them to get something for free, but we do not know the overall effect that this is having on the market. We do not know that the 73 million tonnes of carbon emissions that they claim have been saved have actually been saved. We know that it cannot be 73 million, but what is the actual number? I do not think anyone knows.

I am happy that the government is concerned about this and trying to fix it up, but I have got very big concerns about the energy upgrades program overall. I will leave it there.

Dr CUMMING (Western Metropolitan) (18:35): I rise to speak on the Victorian Energy Efficiency Target Amendment Bill 2022. This bill improves consumer protections and the operation of the Victorian energy upgrades program, and I do support measures to increase energy efficiency and ways to reduce our carbon footprint in our environment.

When we look at programs such as this, we need to learn from history and look at similar programs that have operated. We had the home insulation program, a federal program; we had the changeover to LED globes; and we had the fridge replacement program. Every one of these programs had problems. The big issue with all of these programs is getting it right at the front end—having the right people with the right experience certifying them and auditing them. They must have the skills to understand the training requirements and make sure that they are all ticked off. This government must make sure that people understand the work, including subcontractors, and that they are trained and endorsed. This is the only way we can actually avoid disasters. A lot of people who implement these programs are willing to take risks, to cut corners and to make what they see as some quick money from the government. When an issue arises or is seemingly likely, the business quickly closes down. They set up another one, and then they sign up to the program with a different name. There is not any cross-referencing to the principal when signing up organisations to take part.

Another point I would like to make is around the energy industry itself. Programs such as the Victorian energy upgrades are just a bandaid solution to a much bigger problem. The closure of Hazelwood power station took 1800 megawatts out of the market, and traditionally coal-powered generators have provided the base load of our energy market simply because they could not be turned off and on like gas or hydro. That is 1800 megawatts we have to find from somewhere else when we have our gas being shipped offshore and prices rising in the domestic market. We have people with solar panels, which is great, but there is a lack of control on their requirements concerning inverters and batteries, so people are feeding dirty power back into the grid and/or having to buy power back from the grid at peak times and high prices. And what are we going to do with the solar panels and batteries that are breaking down? Where are we going to store them? Are we going to recycle them? Where is the waste management plan, and where is the waste management levy set aside for this to occur?

We are telling developers building houses that they do not have to provide a gas connection to a home, forcing people onto electricity and hoping obviously to have solar. But let us be real, they are using electricity because that is the base, and then we have a market that can hardly cope with demand as it is. We are telling people to buy electric cars—again, adding to the demand for electricity, because solar panels will just not cut it for charging your electric car. We are increasing the demand for electricity when we do not have a real plan in place for expanding the generation of it or for ensuring the reliable distribution of it, and we are certainly not encouraging organisations to invest in areas such as renewable gas when we are reducing the domestic demand for it.

And what has happened to the production of biofuels in Victoria? Ten years ago Victoria was being touted as the competitive destination for investment in biofuels and bioenergy. I can expand on that. That is like using old vegetables and cane and all those kinds of things. Where is that market? Where is that demand? Where is the government doing this work?

Mr Leane: There are a couple of plants.

Dr CUMMING: But it is not enough. It is not enough.

Mr Leane: A couple of water companies have invested.

Dr CUMMING: I am taking the interjection from the government at the moment. I had a biofuel refinery in Altona, in the west, and they are closing down. Why has there not been more investment in biodiesel or biofuels? Where is it?

Mr Leane interjected.

Dr CUMMING: I could actually go on for hours about this, but I have got a 5-minute speech. At the end of the day we have the opportunity to have waste to energy. Where is the investment? I have not seen that since I have been here. The government is great at talking about these things, but where is it on the ground? This is the point I would like to make within this debate—that you need to have those things in place. As other speakers have said, handing out and changing LED lights and giving power boards are absolutely a drop in the ocean of what needs to be done to make a serious commitment to the environment of Victoria and actually look at different ways we can create energy for the grid.

You cannot just say, ‘Everyone buy electric cars’. Okay, so tell me what you are going to be doing with all the petrol stations out there if you have not got biofuels and hydrofuels. There is only one hydro station; that is in my area of Western Metro, again. I want a more complex plan on how we are going to get into the environment and do all the things that the Victorian community want for the environment. You cannot just say, ‘Okay, we’re getting rid of coal. We’re not going to explore gas. We’re not going to do nuclear here in Victoria’ and have one solution, of handing out some panels—which you stopped during COVID. Currently I have people who are putting on solar panels who are virtually saying that they are only getting a \$1000 rebate now and there is more rebate—roughly \$3000—for a battery. More needs to be done. This government cannot give lip service to this; there needs to be a proper commitment. When I speak about waste to energy, the money is sitting there from your waste levy. Where are our waste-to-energy facilities? Where are our biofuel facilities—which is pretty much changing waste such as cane and all the other things into an energy source? I digressed from what I had planned to say. Australia’s largest renewable producer of biofuels is based in Victoria, but what are we doing with it?

My other concern is about the Essential Services Commission (ESC). This bill puts more workload on them, but they are managing their current workload and the industry properly. I raise this as some of the issues came to light during the storms over the last couple of months. Serious storms hit parts of Melbourne on a Friday, but residents were left without power throughout the weekend and for days, for weeks and for months afterwards. And they were running on generators. I do not know if the government was listening on the radio when people were trying to get generators to people. I am going to digress one more time today. What are generators run on? Are they run on solar? No.

One of my residents, when I told them that I was doing this bill this week, told me what they saw in Moonee Ponds or Essendon on the weekend. An electric vehicle had stopped working, and this RACV vehicle turned up, pulling a trailer with diesel, to get it going. It is mind blowing. We need to have the infrastructure in place before we go to new sources. I raise this as some of the issues came to light during the storms. This certainly is not meeting what this government guarantees as service levels.

Another resident contacted me about their energy company, which was the only one that provided a rebate after asking. Their next-door neighbour, who did not ask for the rebate as he did not even realise he was eligible for one, did not receive one. This does raise questions for me as to the ability of the ESC to properly administer this scheme if they are not ensuring that the energy distribution network itself is being run correctly. So I have grave concerns. I will have some questions to ask later, but we do need programs like this. Something is better than nothing at times, but we really need a real plan in place. We need to get our ducks in a row to ensure that we can generate and supply the power to meet the demand before we create more demand or launch more bandaied solutions to our energy problems here in Victoria. I look forward to the committee stage and asking my questions.

Mr LEANE (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (18:47): I will be very, very brief in summing up. Thanks to all the members for their contributions on this bill. Just to respond to one contribution, listening to Bernie Finn I am convinced that one day he is going to sail off the edge of the earth. I am absolutely convinced that that will happen. But moving on to substantive concerns that were raised by Mr Davis, can I just say that the Victorian

energy upgrades program is already extremely carefully regulated by the Essential Services Commission. Last year the Essential Services Commission only received 13 complaints out of 1000 upgrades, which is a very small number in a program that has delivered over 650 000 upgrades. The Essential Services Commission has also directly assisted with over 57 000 certificates, which is a 36 per cent increase on last year. Last year the Essential Services Commission's compliance and enforcement efforts resulted in the payment of over \$1.8 million in penalties from energy retailers and the surrendering of over 38 000 certificates by accredited providers.

As far as the fridge cabinet program is concerned, in this case the investigations revealed a gaming of the Victorian energy upgrades program by some unscrupulous providers, which we as the government agree is completely unacceptable and undermines the community's confidence in the program. The government acted swiftly to protect Victorians by removing incentives for these refrigerated cabinets. The swift action means we have maintained the integrity of the Victorian energy upgrades program, ensuring the community can maintain confidence in what has been a highly successful program. The removal of incentives builds on actions taken by the Essential Services Commission, the regulator and the administrator of the Victorian energy upgrades program, to pause the processing of the Victorian energy certificates for multiple installations of refrigerated cabinets while investigating any wrongdoing. Can I restate that this particular program has been paused until we find out what went wrong, so we have taken that swift action. The Essential Services Commission is taking a risk-based approach to processing certificates as quickly as possible while ensuring only legitimate certificates are issued. I will leave it at that.

Motion agreed to.

Read second time.

Committed.

Committee

Clause 1 (18:51)

Mr DAVIS: With the leave of the committee, I have a small number of questions regarding the purposes clause. They relate to the fridge program and the recent freezing of the program. I was pleased to hear the minister admit to some of the serious failings of the program. I just have a couple of questions, and the first is: is the program going to be independently, externally reviewed?

Mr LEANE: The Essential Services Commission (ESC) is the body that is doing the independent assessment of the fridge program. They have not finished that process, but they are getting on with the process as we speak.

Mr DAVIS: Are there terms of reference for that inquiry, that review? If so, can we have a copy of them? My second point is: will that report be publicly released? The third point is: when?

Mr LEANE: There are no terms of reference, but the outcomes of the investigation will be publicly released by the ESC.

Mr DAVIS: I thank the minister for his response. Can the public submit to that inquiry? Is it possible? Is this an open process, or is it a closed review where businesses and individuals are unable to provide information?

Mr LEANE: My understanding is the ESC will seek that advice from different stakeholders as they do their review.

Mr DAVIS: Does 'seek information from different stakeholders' mean there will be public advertisement of this so that the public—businesses, households—will be able to submit to that review?

Mr LEANE: The ESC will determine whether that is necessary to be able to fulfil their investigation. As I stated, Mr Davis, there are some glaring examples of how this program, which has a very good intent, was gamed by some unscrupulous providers, and they have the evidence and the understanding of those particular events.

Mr DAVIS: Is it the case, Minister, that the ESC was involved in regulating the program in the first instance?

Mr LEANE: As I stated, Mr Davis, the ESC have carefully regulated the Victorian energy upgrades program. We are happy to put on the record that they have only received 13 complaints out of every 1000 upgrades. That is a very small number when you consider the program has delivered over 650 000 upgrades. They have taken their responsibility very seriously in this area, to the point that their efforts of enforcement have resulted in payments of \$1.8 million in penalties and also the surrendering of 38 000 certificates from accredited providers.

Mr DAVIS: I thank the minister for his response, but it does not fill me with confidence that this is an independent arms-length process. What it seems to me is going on here is that the ESC are going to review the failings and problems in an area which they themselves were involved in regulating, and I would put it to the minister that this is essentially the ESC in part reviewing their own homework.

Mr LEANE: Thank you, Mr Davis. I will take that as a comment. As I said, the ESC have taken the responsibility of monitoring this program very seriously. I will not requote the figures about the amount of certificates that were surrendered or the amount of fines that have been delivered through their efforts. I will just take Mr Davis's last contribution as a comment.

Mr DAVIS: I thank the minister for that, and I will make one further reflection, and that is that this actually needs an independent review. It needs someone external, somebody who is seen to be independent, and it needs a public process here, not the ESC reviewing their own success or otherwise. I would put it to the minister that complaints at the rate of 13 per 1000 is actually quite a lot given what is going on here, and in many of the cases that we saw so spectacularly in the media, where 10 or 20 fridges et cetera turned up outside businesses, I am not sure that many of those people have actually made a formal complaint, but that does not mean that the performance was good. I will leave that as a comment and note that in my view it is not satisfactory that the ESC are the ones doing the review. It ought to be an independent review of some type. The government could well have appointed an esteemed person of some type or one of the large agencies, one of the large consulting firms or others, to have looked at this truly independently and taken public assessments. I think it should, because I think if this program is to maximise its outcomes it needs public confidence, and public confidence will be enhanced by that external review, that objectivity, that independence.

Mr LEANE: Thank you, Mr Davis, and I will take it as a comment. Can I apologise on the figures that I did quote in that previous answer? It is actually 13 complaints out of every 10 000 upgrades. I know Mr Davis quoted it back as 1000. I apologise. I misquoted that original figure. I will take Mr Davis's contribution as a comment, but I will add that the object of the bill and the intent of this bill, and we are confident that it will, is to enhance consumer protections for households and businesses participating in the Victorian energy upgrades program.

Dr CUMMING: Minister, could you give me the total number of complaints? Obviously you have just expressed that you made an error in the figures that you gave. I heard the same—it was 13 times 1000; now you are saying 13 by 10 000. What was the total number of complaints—what was the total, the larger figure that you gave? If you could do that. Otherwise I have got a calculator on my phone, but I would love the government just to give me the total number of complaints, because it obviously sounds great—'I only got 13 out 10 000'. What is the total number?

Mr LEANE: Thank you for your cooperation. You have got a calculator on your phone, so you might be able to assist me further. I did misquote that number, insofar as it was 13 complaints out of

10 000, and the amount of upgrades delivered was over 650 000. So I will rely on your good mathematics and your calculator to get the total.

Dr CUMMING: I would love the total from the government, so if you could ask your advisers or your boss to give the total number of complaints, I would be feeling more content with my direct question.

Mr LEANE: Out of that, over 650 000 upgrades resulted in 845 complaints being made.

Dr CUMMING: Thank you, Minister. That should have been done at the very start. So regarding the amount of money that has been lost due to people defrauding this scheme, what is the amount that the government estimates has been defrauded through misappropriation of this scheme?

Mr LEANE: Via the work of the ESC, it has actually resulted in the payment of over \$1.8 million in penalties by energy companies. Also, there has been the surrender of 38 000 certificates accredited by providers. Those certificates were not honoured as far as fulfilling what they were intended to be accredited for goes.

Dr CUMMING: Thank you, Minister. I have just got a couple of other minor questions, and I would like to acquit them here on clause 1. Section 55K refers to an audit every two years. To have this in the legislation is asking for trouble. It needs to be a closed position that does not allow assignees to run and to hide on a whim. This refers to the previous comment regarding the cut and run. Why has the government actually chosen to provide that:

The audit schedule must provide for the conduct of an assurance audit of an accredited person at least once every 2 years.

How did they come up with that two-year figure? They could have done a year or six months. Why?

Mr LEANE: The level of auditing was determined by the level of risk, liability and fraud, so that is where they determined that two-year span.

Dr CUMMING: Minister, does the government believe that this is just asking for trouble? It needs to be a closed position. Otherwise it allows the assignees to run and hide on a whim. And this refers to the previous comments around the cut and run that I made in my contribution. Do the government believe that they are opening themselves up for more trouble?

Mr LEANE: Thank you, Dr Cumming. I think I rely on the fact that the compliance and enforcement efforts from the Essential Services Commission have resulted in the payment of over \$1.8 million in penalties by energy companies and also the surrendering of those 38 000 tickets. I think we have relied on that. The compliance and the authority over this scheme are giving us confidence that it is working.

Dr CUMMING: New section 55L refers to the ESC publishing and maintaining a list. Does this actually happen? Where do we find that list? And how do we know that that list is an independent list?

Mr LEANE: Thank you, Dr Cumming. The list will be administered by the Essential Services Commission. As part of the bill, we are implementing that they have to publish that list on their website. It will be on the Essential Services Commission website for people wanting to view that list.

Dr CUMMING: I am taking on the points that the opposition just made. Why has the government not chosen to have an independent review and have a public report on what has just occurred? I understand, Minister, that you have just said there is heaps of information about the misgivings and how this system was defrauded and misused. Will there be an independent review? Will there be an independent report?

Mr LEANE: Thank you, Dr Cumming. The report will be made public. It will be a report from the Essential Services Commission. We are happy for different points of view, but we believe that the Essential Services Commission is the right group to be doing this work, considering the compliance

they have already achieved in the program. But also we believe that they are at arm's length and have some independence from the people delivering the program.

Dr CUMMING: What time frame has the government given the ESC to conduct this review and make that report public?

Mr LEANE: The report and the investigation are proceeding, so I do not want to give a time frame that is unreasonable for the ESC, but we believe that easily within the time frame of the next year it will be made public.

Dr CUMMING: Is there a reason why you have just explained that the ESC has got all of that information, because I heard the questioning from the opposition, wondering whether the community is going to be notified if the public are able to contribute. What I understood, Minister, from what you said was that you have got all of that information from all of the complaints and you understand where you have gone wrong. Why couldn't the ESC do this report before the state election—in the next couple of months? Why are you giving a time frame of a year or two—within the year? I am sorry, Minister; I do not want to misquote you.

Mr LEANE: It is not the government's time frame; it is the Essential Services Commission's time frame. As I responded to Mr Davis's question, the Essential Services Commission may decide that they want to hear from different members of the public. They are working through the issues now. We hope that their response can be swift, but they have determined that time frame, and it is not for the government to interfere to get something earlier or later or in between.

Dr CUMMING: Thank you, Minister. I guess the community would love to have updates from the ESC rather than just waiting a full year for the whole report—even if there were quarterly updates or what have you. From what I understand, my community would love transparency and accountability, and they believe that by the ESC providing that information regularly they will get that. I will leave that as a comment. I understand the minister's answer.

Just to go back to the previous point that I was trying to make around clause 55K, the government's audits will be every two years. I guess, as an example, there could be a provider that folds up their corporation or their business within 18 months, so they would not even have to go through an audit. The way that the legislation is actually written, you could set up an organisation for 12 months or 18 months and then fold it, because there is a two-year requirement for the audit. What are the checks and balances in place to guarantee that this two-year framework, which this government has put into this legislation, is not rorted again?

Mr LEANE: Thank you, Dr Cumming. Look, the government is not completely reliant on the biennial audit; it will continue to act on complaints. As I said, 13 complaints out of 10 000 are taken seriously and are followed up, and that has resulted in the Essential Services Commission's compliance and enforcement efforts, which resulted in the payment of \$1.8 million in penalties by the energy retailers and also the surrender of 38 000 certificates by accredited providers. So they will not be waiting for the biennial audit to act if there are complaints around a particular provider. Those complaints will be taken seriously, and if retailers are found to be gaming the system, as has been proven in recent times, then there will be action taken.

Dr CUMMING: I will ask one final question, because I know there are other members here that wish to ask questions. In new section 55N, what is the definition of 'body corporate'? A business or sole trader can come and go, thus creating a windfall for those who do not do the right thing and see this as another quick grab for cash, knowing that they will not have to be audited for two years within this legislation. Reading the fine print about the point that I was making earlier, it says:

The audit schedule must provide for the conduct of an assurance audit of an accredited person at least once every 2 years.

Minister, I understand that you could possibly do this audit earlier. Are you only going to rely on complaints? After a problem has been identified, are you going to rely on a complaint? I am not quite sure if you have touched on the proper checks and balances within this scheme. The more checks there are at the start of a scheme you would believe that you would come up with the problems earlier. Anyone who wants to get around the scheme can look at these targets and will be able to wiggle around the requirements. So my question, Minister, is: what is the definition of ‘body corporate’?

Mr LEANE: I rely on the previous answer. This scheme is not completely reliant on audits. This scheme involves acting on complaints. If someone is acting improperly, there will be complaints made and they will be followed up. The proof of that, as I said, is that there has been \$1.8 million in penalties imposed on energy retailers in the work that the Essential Services Commission has done around compliance and enforcement, and 38 000 certificates have been surrendered. So I think we are probably in disagreement, but that is where the confidence of the government is in making sure the scheme is held in the light that it should be as being a very good scheme.

Dr CUMMING: I agree with the minister that it seems that this is a point of disagreement between me and the government. I do not believe a good business model is to actually rely on complaints and then take action. I believe a good business model or good legislation would actually have checks and balances in place and audits at the right time—whether it is 30 days, 60 days, 90 days, six months, 18 months, whatever—for it to work and operate. Otherwise we create problems for the future because people will read it and go, ‘Okay, after 18 months I can fold up this corporation, or after 12 months, because we have received a couple of complaints’. I will leave my contribution at that.

Mr LEANE: I appreciate that Dr Cumming and I can disagree. We do not believe this has been an unsuccessful scheme or, for that matter, overly open to fraudulent behaviour, but we have conceded that the fridge cabinet program was stopped because there was unacceptable behaviour by some unscrupulous providers. That is why that particular scheme has ceased and is being looked at.

Mr LIMBRICK: The minister has spoken a number of times about these complaints. Could the minister please describe how a complaint is actually lodged?

Mr LEANE: Thank you, Mr Limbrick. It is quite a simple process to call or email through the website of the Department of Environment, Land, Water and Planning (DELWP) or, for that matter, the Essential Services Commission.

Mr LIMBRICK: I thank the minister for his answer. If a consumer had someone knock on their door, for example, and give them an upgrade of something, how would that consumer know that this upgrade is actually related to something by the Essential Services Commission or DELWP and therefore have the knowledge to make a complaint in the first place? I note that in the second-reading debate I spoke of my own personal experience and also experiences of other Victorians that I have spoken to who were unhappy and had no idea that this was something related to the ESC. They would not have known where to complain. How would consumers know where to do this?

Mr LEANE: The retailer or the representative of it that is doing this work has to show an accreditation and also hand over a fact sheet which will have on it where you can complain if you are unhappy.

Mr LIMBRICK: Thank you, Minister, for clarifying that. The minister spoke a number of times about this \$1.8 million in fines and surrendered certificates. Can I clarify: my understanding is that in large part those fines were around energy retailers not purchasing the required number of certificates and therefore being in breach and getting fines. Is that the situation? What is the nature of these fines?

Mr LEANE: Thank you, Mr Limbrick. It is in relation to surrendering certificates where it has been proven that the retailers were not following the proper intent of the program; therefore they were penalised in surrendering those certificates and incurring a monetary penalty as well.

Mr LIMBRICK: I thank the minister for his answer. Does the government concede that there must be some margin of error in these carbon emissions savings calculations that they are doing? I gave some examples in my second-reading speech of devices that simply would not have resulted in any savings. The government is aware of some fraudulent things such as what we talked about with the fridges. Undoubtedly there are other things that have been undetected. Normally when you report any sort of measurement in the scientific world—I do not often talk about science in here, even though my background is science—you talk about a margin of error. Does the government have any idea of the margin of error in its claimed carbon emissions savings on this scheme?

Mr LEANE: Thank you, Mr Limbrick. The estimation is on the actual actions that have been taken, as far as the actions that have been through this particular scheme go. We do not concede that our estimation of saved carbon emissions is incorrect, so we stand by that via the calculation of the savings in emissions from a number of actions through this particular scheme.

Mr LIMBRICK: I thank the minister for his answer. It is my understanding that a large proportion of the government's climate change commitment targets would actually be achieved through this scheme. What proportion of the government's climate change commitments will be achieved through this scheme?

Mr LEANE: Thank you, Mr Limbrick. I think we would not completely agree with your statement about this being the prime area or the only area where we seek our emissions reduction target. There are a number of facets to that as you can see, as far as moving to different types of generation goes and so forth—a number of other ways—so we would not completely agree with the position that this is our main way to achieve that target.

Mr LIMBRICK: I thank the minister for his answer. That \$1.8 million figure that you quoted before, how much of that was related to the fridges?

Mr LEANE: Thank you, Mr Limbrick. None of that \$1.8 million is part of penalties for the fridge scheme. The ESC investigation could well result in further penalties for those retailers, as we have admitted, that worked in an unscrupulous way to undermine the scheme.

Clause agreed to; clauses 2 to 69 agreed to.

Reported to house without amendment.

Mr LEANE (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (19:30): I move:

That the report be now adopted.

Motion agreed to.

Report adopted.

Third reading

Mr LEANE (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (19:30): I move:

That the bill be now read a third time.

In doing so can I thank the Deputy President, Mr Davis, Dr Cumming and Mr Limbrick for their contributions in a very important and interesting committee stage.

Motion agreed to.

Read third time.

The PRESIDENT: Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill without amendment.

Rulings by the Chair**CONSTITUENCY QUESTIONS**

The PRESIDENT (19:31): During constituency questions today there was a point of order raised by Mr Gepp regarding Mr Davis's constituency question. I have checked *Hansard*, and I rule the constituency question out.

Adjournment

Mr LEANE (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (19:31): I move:

That the house do now adjourn.

BENDIGO SHOWGROUNDS REDEVELOPMENT

Ms LOVELL (Northern Victoria) (19:31): (2043) My adjournment matter is for the Minister for Regional Development, and it concerns the planned redevelopment of the Bendigo showgrounds. The action that I seek from the minister is for her to provide a funding contribution of \$4 million towards the \$8.6 million cost to complete the first stages of the Bendigo showgrounds redevelopment project. The Bendigo showgrounds has one of the largest arenas in regional Victoria, hosting major events that welcome approximately 600 000 patrons annually. The ageing infrastructure at the showgrounds is not meeting the needs of its users, and the redevelopment of the Bendigo showgrounds is a high-priority project for the City of Greater Bendigo. In December 2019 the council released a detailed master plan and business case, which identified a nine-stage plan to improve and grow the showgrounds over an extended time frame. The document indicated that the planned multistage improvements at the showgrounds will attract approximately 320 000 additional visitors each year, with 85 000 projected to live outside of Greater Bendigo. It is estimated that such increased visitation to Greater Bendigo would generate more than \$7.3 million in additional spending in the region each year.

The City of Greater Bendigo is seeking a funding contribution towards the first two stages of the project, being the construction of a new market pavilion, an event space and an upgrade of the existing exhibition buildings. The redevelopment of the market pavilion and event space will see the construction of a new multipurpose market pavilion incorporating an indoor market hall, a market event space, storage areas as well as cold storage and catering facilities. These works would also deliver covered market stall spaces, new toilets and new landscaping around the pavilion. The planned upgrade of the Bendigo Exhibition Centre will include internal and external painting, fitting of new air conditioning and solar panels, extensions to both indoor and outdoor breakout spaces and improvement to existing landscape and pathways. These first stages have been costed at \$8.6 million, but it is estimated that this work alone will result in an increase in user group hire revenue of \$1 million each year. The City of Greater Bendigo are contributing \$600 000 towards this cost and are advocating for an equal funding contribution of \$4 million from both the state and the federal governments.

The redevelopment of the Bendigo showgrounds is a vitally important project that will cater to the needs of current and future users and generate ongoing economic and social benefits to the region, and I call on the minister to provide the funding requested.

MOUNT LILYDALE MERCY COLLEGE

Mr MEDDICK (Western Victoria) (19:34): (2044) My matter this evening is for the Minister for Education and concerns the actions of Mount Lilydale Mercy College, which has denied a student, Tayler Allwood, permission to show her short film both at the school awards night and on their online platforms because it reflects the LGBTIQ+ inclusive values of the majority of society and not those of the religious right. The action I seek is for the minister to investigate whether the school's actions are in breach of Victoria's anti-discrimination laws. Tayler's film explores the intricacies, hurdles, fears and joys of a young girl coming to realise who she really is and as she explores what it means

for her to be same-sex attracted. LGBTIQ+ youth are already our most vulnerable cohort, and by its actions the school is sending the community a message that LGBTIQ+ youth are somehow broken, wrong and have no place—a message we saw loudly promoted by the now federal opposition at the last election.

This is not the first time the school has decided to take a homophobic stance. In 2015 they brought in a person from a far-right religious organisation, who delivered a distinctly homophobic and transphobic presentation to students that described sexual behaviour as a ‘poor life choice’ and encouraged young women to marry after high school. They were also subjected to a game where as it progressed if they admitted to certain feelings, they were asked to sit down, exposing them as less than ideal. This led to them all feeling embarrassed and ashamed, open to being targeted and ridiculed.

We live in an inclusive society, one where the majority of people live in harmony with the LGBTIQ+ community. They are just purely and simply us—part of us all. As such, the majority of taxpayers feel that when their taxes go to education that education should include all students and not be discriminatory. Many feel rightly that private schools should not be allowed to hide like cowards behind the excuse of faith to continue with harmful and discriminatory policies towards our youth and take money from the public purse to do so—a public that strongly opposes those hurtful policies.

Taylor has earned the right as a hardworking, diligent student to have her work shown just as every other student will, to not be discriminated against or face potential punishment from staff or even be potentially excluded from exams. I hope the minister will take action against the school if they are in breach of our anti-discrimination laws and support not only Taylor but her family and her friends at school, who I have no doubt will now be fearful of being their true selves as well.

SUBURBAN RAIL LOOP

Dr BACH (Eastern Metropolitan) (19:37): (2045) My adjournment matter tonight is for the Minister for Transport Infrastructure, and it concerns the government’s recent approval of the environment effects statement of the so-called Suburban Rail Loop. The action I seek is for the minister to explain exactly how much more Victorian taxpayers can expect to fork out to manage toxic soil, this time in Cheltenham. Just last week we were able to access for the first time the report from the inquiry and advisory committee that was set up by the planning department to assess potential environmental impacts during the construction of the project and its aftermath. This report was then, unsurprisingly, ticked off by the Minister for Environment and Climate Action. One element of many elements in this report that alarmed me was the precarious approach that the government will have to take to the management of soil, particularly in Cheltenham.

The site of the proposed Cheltenham station on Sir William Fry Reserve is a former gasworks site. The local member for Sandringham, Brad Rowswell, has been informing me for some time that there is a significant risk to the government’s proposed plan due to the site’s industrial heritage. Well, Mr Rowswell was right. The committee’s report found that soil at the site contained an alarming amount of toxic chemicals hazardous to human health. These include, among other things, cyanide. The presence of cyanide in the dirt in the middle of a densely populated urban area alarms me, not least due to its proximity to the bustling Southland shopping centre as well as numerous schools and childcare centres. This report outlined a series of recommendations that could be taken up in an effort to potentially mitigate the catastrophic risks of unearthing this toxic soil, but I do not mind telling you, President, I am yet to be convinced. You will have to forgive me, as will the minister, for not quite being able to trust this government on the management of toxic soil.

Failure on the West Gate Tunnel Project saw costs blow out by billions and billions of dollars, but now we are expected to believe that the same government who so grossly mishandled soil management in Yarraville will somehow succeed in doing the same in another densely populated residential area. Albert Einstein famously said that the definition of insanity is doing the same thing twice and expecting a different result. I dare say he was onto something. This huge risk naturally begs the question why the government is about to spend \$35 billion of Victorian taxpayers money that it does

not have digging up toxic soil to build a railway line from Cheltenham to Box Hill. I am unconvinced, as are many experts who I have spoken to over recent days, by the mitigation measures. So the action, again, that I seek from the minister is an explanation as to exactly how much Victorian taxpayers will be forking out for this this time.

AMBULANCE SERVICES

Ms MAXWELL (Northern Victoria) (19:40): (2046) My adjournment is to the Minister for Ambulance Services, and the action I seek is for the minister to urgently establish a community paramedic trial site, expand the use of paramedic practitioners and dedicate additional ambulance resources to Indigo shire communities. Issues have plagued ambulance service delivery in this region for years, and the situation only continues to deteriorate. This is not because of COVID, though it is very apparent that the pandemic has made a bad situation worse. Ambulance Victoria performance data for the April to June quarter showed the service on average got to a code 1 call-out patient inside the 15-minute target in just two of the 27 local government areas in my electorate.

Paramedics are doing their absolute best to respond to these critical emergency calls, so why were response times between March and June going backwards in 21 of 27 local government areas in Northern Victoria from one year to the next? Indigo shire gets the wooden spoon for the worst ambulance response times in Victoria almost every quarter, year after year. Only one in five call-outs arrived inside the critical 15-minute benchmark in the June quarter. In an emergency, if you call one it takes 25 minutes and 35 seconds to get to you on average. That is 3 minutes and 40 seconds longer than a year ago.

Trials were announced in 2018 for the advanced paramedic roles implementation pilot. The trials in Ouyen and Tallangatta have been well received and provide a stopgap in small towns that are challenged by GP shortages and long delays in accessing primary health care and where ambulances are constantly diverted out of town. But this needs to be embedded across our regional communities as a matter of urgency and should incorporate community paramedics outside of Ambulance Victoria to maximise the use of available resources. Both the paramedic practitioner model and the community paramedic programs are evidence based. Across our Australian jurisdictions and around the world they are proven to reduce emergency department presentations and improve patient care. These programs have been running for more than 15 years in other jurisdictions, while Victoria has only 16 paramedic community support coordinators across the state. The government is ploughing hundreds of millions of dollars into recruitment, training and more emergency call takers, but communities are yet to see any significant improvements in performance response, and our resolute, hardworking paramedics remain under sustained pressure.

In a letter late last month I encouraged the new Minister for Health to consider how the government could alleviate demand on our ambulance and hospital services. I again advocate for public investment in community paramedic services like HMS Community, who are already working in central Victoria. Danny Hill from the ambulance services union said on radio last week that a shift in thinking is required and alternative pathways. These are practical solutions, and lives remain at risk without urgent action. Our community want to chip in as participants in the Country Fire Authority first-responder pilot to help with code 1 call-outs until an ambulance arrives.

WONTHAGGI GUN CLUB

Ms BATH (Eastern Victoria) (19:43): (2047) My adjournment matter this evening is for the Minister for Community Sport in the other place. The Nationals candidate for Bass, Brett Tessari, and I visited on Sunday—a very wet and rainy day—the Wonthaggi Gun Club. It may have been raining outside, but in this 50-year-old and quite decrepit building there was a warm reception and a warm fire. The clay target club was established in 1950, and it currently has 120 members. It shoots every Thursday and has regular competitions. It is a fantastic club with a great ethos embracing diversity. Young people as young as 13 are mentored by senior players. There are women, and LGBTI members are also acknowledged and shoot at the club. However, the premises were built in the 1980s, and it is

no longer fit for purpose. It is small and aged, there is one inadequate toilet and there was rain running down the internal wall where we sat by the fire.

It is impressive, the culture, the importance of it, the mentorship, the professionalism and the incredible safety record of the club. It has a vision for sustainability and growth, and it has comprehensively costed a brand new clubhouse, with plans submitted. It has male and female toilets and disabled toilets, large social spaces and a kitchen offering available for community functions into the future. It has a high energy rating, this new clubhouse that they are ready to build, and it has very good in-kind support. It was submitted in 2021 and has a 99-year lease, so the system is ready to go. Costed at only \$300 000, it has applied for a sport and recreation grant. They are sitting on tenterhooks because by now it was supposed to have been announced. With wide support, Bass Coast shire, the Gippsland Sports Academy and the Australian and Victorian clay target shooting associations have also put their support behind this outcome.

The action I seek from the minister is to ensure that this very worthy grant is successful and to inform the club as soon as possible of their success. The club plans for enhancement also of the shooting facilities—these upgrades are the next stage—and they will also look at holding a number of shotgun sporting disciplines across training and hosting venues at an international standard. This is needed because many of the other smaller clubs are closing in our region, and this one has got a great membership base and a great future. We just need that grant to come through.

PUBLIC HOUSING COMMUNITY CONNECTORS PROGRAM

Dr RATNAM (Northern Metropolitan) (19:46): (2048) My adjournment is to the Minister for Housing and relates to the recently announced \$8.5 million in funding for the new public housing community connectors program. I understand that the program aims to build on the high-risk accommodation response funding, which ended in June, and will have a strong health focus. The funding is a welcome relief for residents living in high-rise public housing in my electorate, which has a large concentration of high-density public housing in North Melbourne, Carlton, Fitzroy, Collingwood and North Richmond. Residents were understandably very anxious when it was announced that HRAR funding would end, and many residents who had been employed as community concierges were told they would lose their jobs. At the time, my colleague Ellen Sandell, the state member for Melbourne, advocated on behalf of residents who were feeling abandoned and called on the government to extend funding to ensure that residents would continue to be supported. When public housing towers were locked down during the height of the pandemic, it was informal community networks and groups, organisation leaders, neighbours and friends who coordinated medicine, food and other necessities and made sure that residents had the support and information that they needed.

It is great to see the government recognising the importance of community-led initiatives; however, there has been a mixed response from local residents and organisations about this new funding, and many people say they do not fully understand how the program will work. In my electorate over 100 local public housing residents were employed through the HRAR program by Cohealth, and many who lost their jobs when the program ended are still unsure if they will be employed again. Residents are unsure if the program staff will be based at the estates and are wondering when they will be able to access support. Since the HRAR funding ended and health concierges left the estates, my office has heard from residents that they are having difficulty accessing important health services and that many families who need emergency food and material aid do not know where to go. Increased cost-of-living expenses are adding additional pressures, and many residents are really struggling. During a recent conversation one resident commented that the community has no idea what is going on and just needs support. The action I seek is for the minister to direct the Department of Families, Fairness and Housing to provide onsite briefings to public housing residents on the program.

POLICE VETERANS VICTORIA

Mrs McARTHUR (Western Victoria) (19:48): (2049) My adjournment matter this evening is for the Minister for Police and concerns Police Veterans Victoria, a not-for-profit organisation which supports police veterans and their families. Despite PVV's important work, the organisation receives little support beyond the secondment of a specialist public servant from Victoria Police. While I am an enormous advocate for volunteer-driven organisations, Police Veterans Victoria delivers important mental health services to veterans, and there is a basic need for administration and continuity of service provision, which some core funding or grants might secure. This is not an obscure charity serving a minority interest, and it is not as if there are other bodies already doing the work. Minister, all serving officers will one day become veterans, and we are aware of the dedication of their work and the scars many bear on their retirement or resignation. The Department of Veterans' Affairs exists to support armed services personnel, and while I would not suggest an equivalent body is needed, surely some form of official support should exist.

I would like to highlight some of the great work which has been done in the organisation's name by my friend the former member for Ballarat East and 30-year police veteran Barry Traynor. Working with retired senior constable Sharon Watson, Barry has done a great deal to bring together the police veteran community in Ballarat and to offer serious practical help to those in need as well as create a social network which brings former colleagues together. Barry and Sharon are volunteers, but their efforts show what can be achieved in the wider framework of an organisation like Police Veterans Victoria.

As a peer support officer, Barry has assembled a comprehensive list of former officers and their families and supports them in a variety of ways. This included an initial survey of their views and needs and now includes publishing a newsletter as well as having one-on-one chats and organising large social functions. I know Barry has also spent much time bridge-building with disillusioned veterans and working with local psychologists and chaplains to provide much-needed support—and on practical measures too, like volunteer maintenance assistance and creating a list of tradesmen who will do handyman jobs for veterans. Striking a deal with the RSL to provide associate membership for \$40 seems particularly inspired, and I know Barry recognises that it is creating a lasting network among members rather than support from him or the organisation directly, which will make the difference long term. So, Minister, the action I seek is for you to consider how Police Veterans Victoria may be supported to allow volunteers like Barry and Sharon to continue their invaluable work.

SUBURBAN RAIL LOOP

Mr LIMBRICK (South Eastern Metropolitan) (19:51): (2050) My adjournment debate item is for the attention of the Minister for Transport Infrastructure. As part of the government's Suburban Rail Loop project there has been a significant level of community concern about some of the decisions made and the impact on local residents. Most notable would be those raised by Kingston City Council and surrounding residents on the decision to proceed with placing the train stabling yard next to Heatherton homes at the Delta site in Kingston's green wedge. Kingston council has opposed the use of the Delta site for a train stabling yard and as a result has proactively developed improved designs. These designs have come about following the council accepting that the train stabling yard will proceed in the proposed location and working with the affected community to propose a compromise that aims to maximise new green, open spaces, putting climate change and the community at the centre of the design. An example of this is requesting the consideration of a green roof at the Heatherton stabling yards to minimise noise impacts and substantially improve visual appearance. Minister, will you ensure that ongoing discussions between the Suburban Rail Loop Authority, Kingston council and the local community ensure serious consideration is given to this proposal and other suggestions that offer a compromise to those impacted by the project?

DANDENONG RANGES HOON DRIVING

Ms BURNETT-WAKE (Eastern Victoria) (19:53): (2051) My adjournment matter is to the Minister for Police. The action that I seek is for the government to commit extra police patrols in the Dandenong Ranges to deter hoon driving and related criminal activity. Residents up in the Dandenongs have long been frustrated and fatigued by hoon drivers keeping them awake every weekend and any given weeknight. The ridge-top communities have become a hooning hotspot over the years, with car enthusiasts using the windy, narrow roads as a racetrack. Home owners feel like sitting ducks as they watch cars doing burnouts in car parks outside their homes and hear groups gathering until the early hours of the morning.

A few years ago residents created a Facebook group, Stop the Hoons in the Hills. They use this group to lean on each other for support late at night as they all sit awake to the sound of burnouts and antisocial gatherings. They speak of their children who are too anxious to go to bed and they speak about being too tired to function at work. This weekend just gone, a stolen car occupied by six teenagers lost control and crashed through Kalorama's Kapi Art Space. It is alleged the driver lost control while driving along Ridge Road shortly after 3.00 am on Saturday, running through a stone barrier and decimating the shop and many of its artworks. It is sheer luck that the car did not instead crash through nearby homes with sleeping residents inside.

Previous calls for intervention have been met with the standard response that there are not enough police resources to have officers patrolling the mountain all the time. In a desperate attempt to stop the hooning, residents have in the past paid into a fund each week to have private security patrol the mountain. The fact it got to the stage where residents were paying out of their own pockets for their own safety and sanity is nonsense. People live in the Dandenongs for the peace and quiet. Many people move there thinking it will be their forever home.

I personally know of people who moved out of the Dandenongs and left their forever homes because the inaction on hooning became too much for them to bear. Police should be resourced to patrol areas of high criminal activity, and I can assure you that the Dandenong Ranges after dark is one of these areas. I live there. I hear the hoons too. The incident over the weekend is not the first, and it will not be the last if something is not done to deter these hoons. I call on the government to commit extra police patrols to the Dandenong Ranges to deter hoon driving and related criminal activity. This must be done before someone is killed.

HOUSING AFFORDABILITY

Mr QUILTY (Northern Victoria) (19:55): (2052) My adjournment matter is for the Minister for Housing. The government's affordable housing strategy appears to come in only two flavours—the taxpayer pays for housing or the government forces a portion of new housing developments to be cheaper. Both of these strategies are abject failures that will result only in ever-increasing housing costs, more affordability problems and a vicious circle of increasing government control over our homes. The reason housing is so expensive is that there are too few houses being built in the places where people want to live. That is it. All the other stuff—mean landlords, greedy developers, lack of social housing, rising mortgage costs, investment properties, foreign investment and whatever else—is effects caused by a shortage of housing supply.

This housing shortage is caused by restrictions placed on land and construction preventing new houses being built. Density limits, zoning, building standards, licensing, council rejection, community objection, environmental compliance, community amenity requirements, green space offsets, developer contributions, rental restrictions and stamp duty all work together to strangle the supply of new housing. With too many people and not enough housing the natural market response is for prices to rise. That is why we are here now. Having the taxpayer pay for a portion of the heavily restricted supply of new housing will not help much, because it does not address the root issue that is restricting supply. It also makes individual taxpayers poorer unless they are able to afford their own housing, so

we are essentially taking housing from people who would otherwise just be able to afford it and giving it to someone who cannot. This is almost the same thing as rationing.

The other policy, which is to force a portion of new builds to be cheaper, is even worse. This policy does nothing to increase the number of houses being built; it takes some nice new houses and deliberately makes them worse so the developer will not charge as much for them. This policy is even worse than rationing. The minister needs to take a few lessons in economics 101, familiarise himself with the supply and demand chart and then apply what he has learned to the housing market. You cannot fix the restricted supply problem with further restrictions and rationing. The incentives of the current system work to continually ratchet up house prices.

Governments love restricting supply because rising prices mean they collect more stamp duty. Home owners—voters—love restricting supply because it increases the value of their property. They have got no incentive to allow new construction around them and every incentive to object to high density and reduced amenity. Almost all members in this place are property owners. We all gain as house prices rise. The best way to guarantee that is with policies that restrict supply of new housing in the market. This is a toxic incentive structure that ensures the problems in the housing market will never be addressed. We must reject this selfish nimby mentality and do what is best for everyone. The action I seek is for the minister to adopt a new housing strategy, one that focuses only on removing the barriers that restrict supply of new land and housing construction.

HEALTH SYSTEM

Ms CROZIER (Southern Metropolitan) (19:58): (2053) My adjournment matter this evening is for the attention of the Minister for Health, and it is in relation to the waitlist, which is an increasing concern for the tens of thousands of Victorians who are waiting for their vital surgery. Today we asked in the Parliament about the numbers of Victorians who had died waiting to get their surgery. The minister was not able to answer that question.

We know that those figures are recorded, but they are not reported. In fact there were more than 7700 Victorians who were removed from the elective surgery waitlist between the months of April and June, the last reporting quarter. Unfortunately the government refused to provide those figures in the last sitting week. They dropped those figures well after the reporting date. But from those over 7700 people there will be people who have tragically died waiting for their surgery. Some will have gone off the list because their surgery is no longer required. Others that I am speaking with are going interstate to get their surgery. Today I spoke with another woman—and I am hoping the minister will follow her case up, because I wrote to her in June. She is considering going to India to get her knee replacement. This is totally unacceptable in Victoria in 2022. Since March 2020 Victoria's elective surgery waitlist has grown by 72.5 per cent, or over 36 600 people. That is compared to a mere 11.6 per cent in New South Wales. So the failures are stark and they are real here in Victoria, and it is years of mismanagement and underinvestment by the government.

One of the issues around the reporting on these figures is that not all hospitals are included—hospitals like Wangaratta, Mildura and Bairnsdale. These hospitals do significant amounts of surgery, but they are not included on the official waitlist. The action I seek is that the minister provide the true figures of just how many Victorians are waiting for elective surgery in places like Bairnsdale, Mildura, Wangaratta and other areas of Victoria that are not included in the official figures and for the government to provide that to the house as a matter of priority.

ASHLEY STREET UNDERPASS, WEST FOOTSCRAY

Dr CUMMING (Western Metropolitan) (20:01): (2054) My adjournment matter is for the Minister for Roads and Road Safety and Minister for Public Transport, and the action that I seek is for the minister to commission a traffic study on Ashley Street and Sunshine Road near the Tottenham underpass. I have previously raised the issue of the Ashley Street underpass at Tottenham station in this chamber. This underpass is at the intersection of Ashley Street and Sunshine Road. Sunshine Road

has five lanes, yet the underpass has only got two lanes and creates this bottleneck in Ashley Street. This is an important north–south route linking Braybrook and Tottenham, but it also affects all the traffic from the port and from the east, from Footscray into Sunshine and through the west.

In response to my previous questions, the minister confirmed that the Ashley Street corridor does have a public acquisition overlay along key sections that secures additional land for future road widening. This would mean the possibility of Ashley Street being four lanes. The minister also confirmed that the upgrades completed as part of the regional rail link project considered the need for future road widening and that the newer part of the underpass was designed to leave space for those additional two lanes. Yet the minister never answered my question about the funding, the opening up of the underpass and where this project is as a priority for this government.

If a traffic study was completed, I am sure it would confirm that opening up the underpass is a priority. This area of West Footscray, Tottenham and Braybrook absolutely needs this underpass. It is the most important route into the city and into the west. We need the widening of Ashley Street. This government needs to make this a priority. It would seem that the government has looked at the area and made a Cross Street underpass a priority. Cross Street is just near Whitten Oval. Cross Street is only two baby lanes on the back of Whitten Oval, near West Footscray station. This government was more than happy to make a land swap with the Western Bulldogs to the tune of about \$6 million or \$8 million for that to occur and for the council to do that. But the main thoroughfare, which is Ashley Street and Sunshine Road, and the widening of Ashley Street from two lanes to four lanes this government has not made a priority. I need an answer from the minister.

DINGLEY GOLF COURSE DEVELOPMENT

Mr RICH-PHILLIPS (South Eastern Metropolitan) (20:04): (2055) I wish to raise a matter for the attention of the Minister for Planning in the other place related to the redevelopment of the Kingswood golf course. This matter is complicated by the fact that the Minister for Planning has recused herself from it because of a conflict of interest with her brother; I understand that the Minister for Environment and Climate Action will be acting in her place on this matter. But it relates to the applications before government to rezone the Kingswood golf course site to allow for the development of 823 houses on that golf course site.

This is a rezoning which is strongly opposed by the local community. More than 8000 objections have been lodged. The plans in their various iterations have been rejected by Kingston council on three occasions. The member for Isaacs—the federal Attorney-General, Mr Dreyfus—opposes it. Mr Pakula in the other place opposes it. The Liberal candidate for Clarinda, Anthony Richardson, has worked very closely with the community in Dingley and with the Save Kingswood Golf Course group to oppose this plan. The Liberal-National coalition has announced that if it is successful in forming government in November, it will oppose the rezoning of this site. But what we have had from the government is silence. We know that the planning panel report has gone to the Minister for Planning. It went to the former minister, Mr Wynne, some time ago, and the government has sat on the decision. Whether it is Minister Blandthorn or, as we understand, Minister D’Ambrosio acting in her place, the community need to know what is happening.

The action I seek is for the acting minister or the interim minister on this matter to make a decision and announce that decision. The only conclusion the community can draw if the government fails to announce this decision is that they intend to hold off and announce the planning rezoning after the election, if they win, and that means the only course of action available to the community in Dingley is to elect a non-Labor member of Parliament, because anything other than that risks having this rezoning dropped on their doorstep after the election in the event that Labor is re-elected. So I call on the acting Minister for Planning, Ms D’Ambrosio, to come clean on this decision and let the community in Dingley know where they stand.

NEIGHBOURHOOD HOUSES

Mr HAYES (Southern Metropolitan) (20:07): (2056) My adjournment matter is to the Minister for Disability, Ageing and Carers. Over the past few weeks I have been contacted by 10 local neighbourhood houses in my electorate regarding serious funding concerns affecting almost half of Victoria's neighbourhood houses. These are just some of the 400-plus neighbourhood houses across Victoria that may see a dramatic cut to local support services and community development and significant job losses across the sector if core funding from the government is not permanently renewed.

As you will be aware, in 2018, after a massive advocacy campaign undertaken by the sector, the government made a \$21.8 million investment across four years in recognition of the inadequate funding for many neighbourhood houses and to fund additional neighbourhood houses to support local communities. At the time of this announcement it was not made clear by the state government that this new funding, unlike existing neighbourhood house funding, would be non-recurring, and it is now set to end in June 2024. The risk of not extending this funding is the closure of up to 27 neighbourhood houses, including four Aboriginal-run houses and 12 neighbourhood houses in rural Victoria. This would see a reduction of over 77 000 hours of annual employment—almost entirely impacting women—and the loss of 154 000 hours of neighbourhood house activity, negatively impacting 189 communities.

A recent report prepared for the Department of Families, Fairness and Housing found that under normal conditions neighbourhood houses generate a return of between \$5.43 and \$8.72 for each dollar that is invested in these neighbourhood houses. Neighbourhood houses provide multiple services to local communities right across metropolitan, regional and rural Victoria despite an already shoestring budget. Around the state approximately 200 000 Victorians access neighbourhood houses every week. They are the biggest providers of early childhood services and adult and community education in the state. They provide significant support for Victorians suffering from social isolation and mental health issues and those from disadvantaged backgrounds. I ask the minister to note that Neighbourhood Houses Victoria is not getting the priority it deserves, and I ask the minister to publicly commit to ongoing funding to secure their future.

PUBLIC TRANSPORT STUDENT FARES

Mr BARTON (Eastern Metropolitan) (20:10): (2057) My adjournment matter this evening is for the Minister for Public Transport. When we compare public transport fares in New South Wales and Victoria it is clear that Victorians are getting the short end of the stick. In New South Wales students get free travel to and from school. However, in Victoria families are paying \$4.60 a day in metropolitan areas to send one kid to school. That means a family with two kids catching the bus to school each day is spending almost \$50 a week on school travel. We are in a cost-of-living crisis, and this is putting immense pressure on working families. Rent, fuel, food and education costs are all rising, and lower income families are feeling the brunt. My fear is that more kids will be forced to fare evade and risk receiving fines as their families simply cannot afford the transport to school. No child should feel such pressure. We need to act now to reduce the cost-of-living pressures for Victorian families and ensure our young people can access schooling. What could be more important than that? Minister, the action I seek is: will this government recognise the cost-of-living crisis experienced by Victorian families and, like New South Wales, provide all students with free transport to and from school?

RESPONSES

Ms TIERNEY (Western Victoria—Minister for Training and Skills, Minister for Higher Education, Minister for Agriculture) (20:11): This evening we had 15 adjournment matters raised by members. All of those matters will be referred to the relevant minister for response.

The PRESIDENT: On that basis, the house stands adjourned.

House adjourned 8.11 pm.