

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**FRIDAY, 19 AUGUST 2022**

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## **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
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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 <sup>9</sup>	Eastern Victoria	ALP
Bach, Dr Matthew <sup>1</sup>	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 <sup>10</sup>	Northern Metropolitan	ALP
Burnett-Wake, Ms Cathrine <sup>2</sup>	Eastern Victoria	LP	O'Donohue, Mr Edward John <sup>11</sup>	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 <sup>3</sup>	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 <sup>4</sup>	Southern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Finn, Mr Bernard Thomas Christopher <sup>5</sup>	Western Metropolitan	DLP	Shing, Ms Harriet	Eastern Victoria	ALP
Garrett, Ms Jane Furneaux <sup>6</sup>	Eastern Victoria	ALP	Somyurek, Mr Adem <sup>12</sup>	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 <sup>13</sup>	South Eastern Metropolitan	ALP
Jennings, Mr Gavin Wayne <sup>7</sup>	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 <sup>8</sup>	South Eastern Metropolitan	LDP	Vaghela, Ms Kaushaliya Virjibhai <sup>14</sup>	Western Metropolitan	Ind
Lovell, Ms Wendy Ann	Northern Victoria	LP	Watt, Ms Sheena <sup>15</sup>	Northern Metropolitan	ALP
McArthur, Mrs Beverley	Western Victoria	LP	Wooldridge, Ms Mary Louise Newling <sup>16</sup>	Eastern Metropolitan	LP

<sup>1</sup> Appointed 5 March 2020

<sup>2</sup> Appointed 2 December 2021

<sup>3</sup> Resigned 17 June 2019

<sup>4</sup> Appointed 15 August 2019

<sup>5</sup> LP until 24 May 2022

Ind 24 May–2 June 2022

<sup>6</sup> Died 2 July 2022

<sup>7</sup> Resigned 23 March 2020

<sup>8</sup> Resigned 11 April 2022

Appointed 23 June 2022

<sup>9</sup> Appointed 18 August 2022

<sup>10</sup> Resigned 26 September 2020

<sup>11</sup> Resigned 1 December 2021

<sup>12</sup> ALP until 15 June 2020

<sup>13</sup> Appointed 23 April 2020

<sup>14</sup> ALP until 7 March 2022

<sup>15</sup> Appointed 13 October 2020

<sup>16</sup> 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



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**Friday, 19 August 2022**

**The PRESIDENT (Hon. N Elasmr) took the chair at 9.34 am and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The PRESIDENT (09:34):** 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.

**Papers**

**PAPERS**

**Tabled by Clerk:**

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

Ballarat Planning Scheme—Amendment C227.

Horsham Planning Scheme—Amendment C79.

Port Phillip Planning Scheme—Amendment C183.

Queenscliffe Planning Scheme—Amendment C36.

Stonnington Planning Scheme—Amendment C322.

Statutory Rules under the following Acts of Parliament—

Commercial Passenger Vehicle Industry Act 2017—No. 66.

Crown Land (Reserves) Act 1978—No. 62.

Forests Act 1958—No. 63.

Gas Safety Act 1997—No. 64.

Subordinate Legislation Act 1994—No. 65.

Subordinate Legislation Act 1994—Documents under section 15 in respect of Statutory Rule Nos. 57 and 68.

**Production of documents**

**JOHN WOODMAN**

**The Clerk:** I lay on the table a letter from the Attorney-General dated 18 August 2022 in response to the resolution of the Council of 25 May 2022 on the motion of Mr Davis and further to the government's initial response of 15 June 2022 relating to correspondence between the Premier and Mr John Woodman. The letter reads as follows:

I refer to the Legislative Council's resolution of 25 May 2022 requiring there to be tabled in the House by 15 June 2022 the following documents:

*“all emails and other correspondence since 4 December 2014 between the Premier or the Office of the Premier and—*

*(1) Mr John Woodman;*

*(2) Mr John Woodman's employees; and*

*(3) Mr John Woodman's companies.”*

I also refer to my letter to you on 15 June 2022 informing you that there was insufficient time for the Government to respond to the Order.

I note that the powers of the Council do not extend to compelling a Member of the Legislative Assembly to produce documents to the Council. This is because one House of Parliament cannot purport to exercise

authority over the other. Any relevant documents which are exclusively in the possession of the Premier or the Office of the Premier are therefore not amenable to production.

The Department of Premier and Cabinet conducted a thorough and diligent search for documents in accordance with the terms of the Order. It identified five documents in its possession that fall within the scope of the Order. The documents are identified in the enclosed schedule and are released in full subject to minor redactions for personal information.

I further lay on the table the five documents provided in full, together with the schedule of the identified documents.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (09:37): I move:

That the Attorney-General's letter be taken into account on the next day of meeting.

**Motion agreed to.**

### Business of the house

### NOTICES

**Notices of motion given.**

**Notice of intention to make a statement given.**

### ADJOURNMENT

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (09:40): I move:

That the Council, at its rising, adjourn until Tuesday, 30 August 2022.

**Motion agreed to.**

### Production of documents

### MELBOURNE MEDICALLY SUPERVISED INJECTING FACILITY

**Ms CROZIER** (Southern Metropolitan) (09:40): I rise to move motion 822:

That this house:

- (1) notes that:
  - (a) the Andrews government will not commit to releasing a long-awaited report into Melbourne's second drug-injecting facility before the November election;
  - (b) Mr Ken Lay had been tasked with reviewing potential locations for another supervised injecting room in Melbourne's CBD;
  - (c) the Premier, the Honourable Daniel Andrews MP, and the Minister for Health, the Honourable Mary-Anne Thomas MP, stated earlier this month that they did not know when Mr Lay's report would be finalised despite it being expected to be finished in 2020;
  - (d) the state government bought the former Yooralla facility site at 244 Flinders Street early last year;
  - (e) residents of Melbourne deserve to be informed about the issues identified by Mr Lay in relation to the government's plans for a second injecting room prior to the November state election; and
- (2) in accordance with standing order 11.01, requires the Leader of the Government to table in the Council, within three weeks of the house agreeing to this resolution, the current draft of Mr Lay's report and any prior drafts of the report that were provided to the government.

This is an important motion that highlights the failure of the government to release the Lay report. It goes to the point that this government is a secretive government. It is not releasing this very important report that Ken Lay is undertaking, looking at the potential locations for additional injecting rooms in the CBD.

**Ms Symes interjected.**

**Ms CROZIER:** The Attorney-General interjects. The point is that the Lay report was due to be finished 18 months ago. It was extended by another year until the end of last year, 2021, and now the Premier is saying that it will not be released until after the election. Surely these residents and businesses in the CBD have a right to understand what is in that report and potentially where the second injecting room is going to go. Furthermore, what is really uncertain about the second injecting room is that there are reports that a consortium of drug researchers has:

... piled pressure on the state government to build several more safe injecting rooms across Victoria.

That includes several more in the CBD. What we need to understand is: where are these injecting rooms going to go? How many will be in the central business district of Melbourne? How many will be in the suburbs? We know that the North Richmond facility has caused utmost distress to those residents. It is placed next to a primary school. The residents have been continually dealing with drug overdoses and antisocial behaviour. Children have had to see overdoses and terrible situations. That is what they have witnessed. We have had drug dealing inside the injecting room by workers. I mean, this is an utter failure, and the government keeps coming out and saying, 'No, we need to be looking at the Ken Lay report'. Well, they have bought Yooralla at a cost of over \$40 million. It is sitting idle in Flinders Street. Nobody can tell us what is going on with that. The Lay report needs to be released, and it needs to be released so that Victorians can understand exactly what the plans of this government are.

The motion that I am moving today is just that. It requires the Leader of the Government to table in the Council within three weeks of the house agreeing to this resolution the current draft of Mr Lay's report and any prior drafts of the report that were provided to the government. The government may argue that it is not finished. Well, we know that there would have been certain drafts submitted. There is a whole range of things that the government are keeping secret from the Victorian public. This is another one. It is shameful, the lack of transparency around this issue. It is shameful that the government will not tell those residents and those businesses who are going to be impacted by their decisions what they intend to do. It is shameful that the government refuses again and again and again to provide the truth to Victorians.

So I ask that all members of this house, in the interests of those residents and those businesses in the CBD and for all Victorians, support this motion so that we can see exactly what is in that report. I know that Cr Roshena Campbell has also been wanting to understand for her constituents what is going on, yet we do not have transparency at any level of government in Victoria on this—and we need to. We need to see what is in that report. Businesses, residents and every single Victorian deserve the truth, and they deserve to see what the government's plans are. To push it past the election, just like what Mr Davis talked about with the annual reports that we will never see because the Parliament will not be sitting—again, it is a lack of transparency, a lack of truth and more secrecy from the Andrews Labor government. I urge all members to support this very, very simple motion that calls for the release of documents relating to Mr Lay's report.

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (09:44): It is always a challenge to rise on a documents motion and to confine myself to the nature of the arguments around provision of documents, particularly when I am speaking immediately after Ms Crozier's contribution, which has only referred in passing to the nature of the motion itself seeking a range of documents which are, as I will go to shortly, the subject of a range of considerations around release that include commercial-in-confidence, cabinet-in-confidence and otherwise privileged documents.

I do, however, want to, in noting the preamble and the subject matter specific contributions of Ms Crozier in support of her motion, take this opportunity to correct a number of what I would see as mischievous, at best, comments around the issue of drug use and overdose, around medically supervised injecting room processes, around the way in which the facility in North Richmond has operated and around the way in which the independent panel has considered the way a location in the

city of Melbourne may address the further issues at play around overdose and around fatalities, and again to correct a number of the really grubby assertions being made in support of a lowest common denominator political narrative from those opposite.

The facility in North Richmond, for avoidance of any doubt on this issue, is saving lives. You know that, opposite; the community knows that. It is not an easy subject to contemplate, and in fact the issue of addiction and overdose is something which is variously on the front pages of newspapers when people want to decry and demonise people who are addicts. Well, newsflash to those opposite: addicts are in every part of our communities. Addicts are at the whim of a range of circumstances relating to provision of support services, relating to residential rehabilitation facilities and in relation to community-based assistance that is tailored to meet the needs of people at their most vulnerable.

Now, when we see this blatant scare campaign being run by Ms Crozier in various tabloids and again in this house, we can see fearmongering at its best. This is a skill which those opposite have refined and honed over the years to the point where it is about the best thing they are capable of doing, because they are sure as hell not able to come up with any nuanced or indeed properly developed or considered policy solution or framework to address harm minimisation in our community. Noting in fact the work that has been done by one of their former leaders—and I say ‘one’ because there have been a few—the former opposition leader, Mr O’Brien in the other place, appeared in fact capable of understanding the issues.

**Mr Gepp:** Could be making a comeback.

**Ms SHING:** I hope that Mr O’Brien is back, as I am sure many people do, in the leader’s position, because after the election loss sustained by those opposite Mr O’Brien said:

We’ve got work to do. We were sent a message at the ballot box. We’ve heard that message and we are going to work to make sure that we are better.

And:

We need to be back in the centre field of politics. That’s where we need to be. That’s where Victorians are and that’s where the Liberal Party is going to be.

So there was a period, an albeit very brief period, a very, very brief period, of self-reflection from those opposite where perhaps they appeared to understand the impact of their scaremongering, deceitful tactics around a number of issues. We are not just talking about African gangs. We are not just talking about a range of—I don’t know—groups that can be demonised and picked out easily. We are actually talking about people who live with and suffer from and often buckle under the burden of addiction.

When we think about the work that has been done in the North Richmond facility, when we think about the statistics, that facility has managed more than 5000 overdoses. That is 5000 cases of users being at risk of death—at risk of death—taking pressure off emergency departments and also reducing paramedic and ambulance call-outs. And on the one hand, depending on what day it is in this place, you will hear people like Ms Crozier decrying the state of the health system and urging any pressures to be taken off it where possible, yet on the other hand they are very, very happy to say that instances like this, where 5000 overdoses have been prevented or managed, in fact should not matter, that the health and hospital system should in fact be held to ransom by the absence of facilities just like this one.

When we had a review in 2020 in relation to the medically supervised injecting facility it was demonstrated that the number of heroin-related deaths within 1 kilometre of the medically supervised injecting room declined after it opened. We also know from Coroners Court materials that there was a decline in heroin-related overdose deaths in the Yarra city LGA from 26 deaths in 2018 to nine deaths in 2020. To those opposite and to anyone who wants to create a cheap political narrative about this issue, I would suggest going and speaking with the families of those 17 people who died.

**Ms Crozier** interjected.

**Ms SHING:** I would suggest going and looking them in the eye when you make a cheap political commentary about the fact that medically supervised injecting rooms are somewhat of an impost, a blemish on your desire for a pristine existence that ignores the reality of addiction and in fact seeks to—

**Ms Crozier** interjected.

**Ms SHING:** Again, I am going to pick you up on that interjection, Ms Crozier. You are talking about the adjacent school premises. The school itself has been publicly supportive of what this facility has done, because it means that kids at the school are not exposed to the kind of risks, the kind of frequency of overdose, the exposure—

**Ms Crozier** interjected.

**The PRESIDENT:** Order! Ms Crozier, your continued interjection is not welcome at all. You know you have a right of reply at the end. Ms Shing, without any interruption.

**Ms SHING:** to the most traumatic and the least acceptable or palatable elements of addiction. We know that facilities like the North Richmond facility work. They literally save lives. We also know that it is important to do the work to understand what any trial of a facility might look like. Ms Crozier got to her feet today and talked about all sorts of concerns, and I would imagine laid the foundations for a further chapter in the conspiracy theory she has been running in the public media around additional sites. Let us be absolutely clear—

**Ms Crozier** interjected.

**Ms SHING:** Ms Crozier is trying to quote herself back at the record again. That is always an interesting indication of support, isn't it? There will be no additional supervised injecting rooms beyond the discussion around a trial to include a second supervised facility in the City of Melbourne so that more Victorians have access to life-saving services. Ms Crozier can talk about herself in the third person all she wants in this chamber. It does not change the reality that the trial is about a second facility for a period of three years and there is no contemplation of any further sites.

The bottom line is when we pick away at this documents motion it is just another cheap attempt by those opposite to use parliamentary processes to argue in favour of a narrative that victimises people at their greatest time of need. When I think about that work and I think about how those opposite might well be in a position to craft a narrative that says, 'We care about people who need access to residential rehabilitation', for example, and when I look at those numbers, I note that when the coalition were last in government, in total over four years they funded an additional two—

**Ms Symes:** How many?

**Ms SHING:** Two residential rehabilitation beds across the entire state. That is half a bed per year. Since we were elected the numbers have doubled, from around 209 to well over 400. If that does not say anything about the way we are putting our money where our mouth is, then what any sceptic or cynic or anyone looking at the merit of Ms Crozier's motion should consider is that when it comes to walking the talk on these issues, these extraordinarily sensitive and often tragic issues, two residential beds over four years should tell you everything you need to know about the coalition's interest in addressing these issues.

**Dr CUMMING (Western Metropolitan) (09:55):** I rise to speak to this motion on a subject that has been extremely passionately debated in my community for the last 20 years. It is sitting on the front page of my local paper today. I have said numerous times that we want to see what this government is proposing in the way of injecting rooms throughout the state of Victoria. There are conflicting reports. Do you want a safe injecting room in Footscray? Do you want one in St Kilda? Where else do you want one? It is very simple—produce the document now before the election so that

the Victorian community can actually vote on a government based on where the safe injecting rooms will be. Previous governments have done that. Bracks, Kennett—

**Ms Patten:** Kennett promised five.

**Dr CUMMING:** Kennett promised five. There you go. Thank you, Ms Patten. So why doesn't Mr Andrews show us what he wants to do? Is he the Premier of Victoria? Are we coming up to an election in 99 days? Show the community so we can all know how to vote. One of my councils, in Maribyrnong, are in a complete panic. You have the two Greens councillors and the socialist that want the safe injecting room in Footscray, and then you have the ALP councillors, left and right, wanting to know what is going on—my former councillors. Why don't you tell your ALP colleagues in the City of Maribyrnong what is going on now? It is not right. It is not right for my Vietnamese community and African community in Footscray's CBD. It is not right. Let them know. Let the businesses know.

*Members interjecting.*

**Dr CUMMING:** No, that is fine. I am hearing from the government that we have the old Footscray Hospital site, and my community wants to know what you are going to be doing with the old Footscray Hospital site. Will there be a drug rehab facility, a large brand new hospital or a large mental health facility? You are building the new hospital in Footscray, but what is happening to the old hospital site in Footscray? What are your health plans? The community is crying out for drug rehab facilities. They are crying out for mental health beds. They deserve the best. What are your plans for Footscray?

**Ms PATTEN** (Northern Metropolitan) (09:58): I am pleased to rise on this motion, and I will speak briefly because I know we have got a lot of general business to do today. Firstly, I want to correct for the record: there was no drug dealing done at the supervised injecting room in North Richmond. That is a completely false statement. There was no drug dealing done in the supervised injecting room, so I want that to go on the record. Certainly there were staff who may have been brought in by the police—not in the centre, though, Ms Crozier, never in the centre. They may have been working in the centre at times. They were never dealing from the centre, as you asserted.

But going to this motion, and I think following on from Dr Cumming talking about Footscray—I do not know why that had anything to do with the motion about Mr Lay's report, which is to do with the Melbourne CBD—I am somewhat disappointed by the government's announcements. The government have asserted numerous times that they will only open two injecting rooms. As someone who has taken a great interest in this subject not just here in Victoria and not just here in Melbourne but also overseas, I have seen communities open up their own facilities. I have seen nurses open up facilities in laneways in Vancouver to save the lives of their residents. We know, as Ms Shing very adequately outlined, of the lives saved in North Richmond.

This motion was debated on Tuesday night at the Melbourne City Council—almost exactly the same motion was debated on Tuesday night. The Melbourne City Council voted six to three in support of a supervised injecting room in the city as long as it works in consultation with them. I agree with them, because, do you know what, there are 53 ambulance call-outs every week in the Melbourne CBD for overdoses—nearly eight a day. We worry about the stretch of our ambulance services, yet we have 3000 ambulance calls every year—53 every week—in the Melbourne CBD. That shows us the need for a supervised injecting room. That shows us the need for a centre that provides a pathway to treatment.

We are really stretched when we look at treatment. Opioid replacement therapy—there is becoming less and less and less availability for it. We are seeing people who are moving onto a methadone program having to pay \$50 up-front to start the program. That acts as a huge barrier. In other jurisdictions—in almost all other jurisdictions—in Australia opioid replacement therapy is free. There are really good programs, like daily hydromorphone use, coming out today that are available in Canada, are available in Europe, are available in the US but are not available here.

We have seen the CBD rates of overdose change, and I understand that Mr Lay is responding to that, because the CBD, as we all know, looked very different in the fourth quarter of 2021 than it did in the fourth quarter of 2020. We are seeing that in the ambulance call-outs. These centres are incredibly important. The idea that land prices drop and all the scaremongering that we hear around this have just not been borne out. It has just not been brought to bear. North Richmond's school is full. The prices for properties have not even been hit by the downturn like the rest of the state. The community wants it. We are seeing problems on Victoria Street due to land banking—and that is a real issue, and I do not know what we as a Parliament or the local government can do about that—but frankly, we know these centres work, we know they save lives and we know, more importantly, they help people move onto a pathway to recovery. That is one of the really promising things that we have seen out of North Richmond—the number of people entering onto recovery pathways, dealing with their trauma, dealing with their homelessness, dealing with their mental ill health and coming out the other end. That is what these centres are for—they are here to save lives and they are here to help people.

On behalf of Laura Turner, who lost her sister in the CBD, and on behalf of Loretta Gabriel, who lost her son in the CBD, I stand by an injecting room in the CBD. I think we can do things better. We have learned from North Richmond how we might establish a centre and the facilities we might offer, but frankly I would like to see one over in Port Phillip. There were 1500 overdose call-outs to ambulances in Port Phillip. In Stonnington there were nearly 700 overdose call-outs. This is not just something for the CBD, and I think it is something that we as a Parliament need to consider.

**Mr LIMBRICK** (South Eastern Metropolitan) (10:04): My heart sinks whenever I hear the Liberal Party start talking about drug law reform issues, because I feel that what is really going on here—and the government might have it right here—is it is just another scare campaign. It is undeniable that the supervised injecting room has saved lives. It is absolutely undeniable that people who have substance abuse issues have received treatment and their lives have been saved by it. I still remember at the last election there were corflutes out at the polling booths that had a picture of an arm, presumably a drug addict's arm, and a needle—running this scare campaign. I really hope that is not what they are planning to do again, because it did not work last time. But I would like to see this report because I am very interested. Although it is undeniable that the facility has saved lives, it is also undeniable that there are amenity issues, and I am very interested to see what sorts of effects they are looking at mitigating through site selection and that sort of thing.

One of the things that I am very, very interested in—and Ms Patten brought this up—is what is happening in Canada and in other jurisdictions around the world, and that is hydromorphone prescription. This has been relayed to me by numerous people in the alcohol and other drugs sector as a solution to many of these issues. One of the often unstated benefits of hydromorphone prescription is it allows the destruction of the organised crime market that supplies heroin. Anyone who wants to talk about organised crime and being tough on crime—I want to annihilate the organised crime market for heroin, and the way we do that is through hydromorphone prescription. We can do it, and it will do it instantly. We are talking about drug dealing and stuff. Well, let us stop it. We can stop it.

I really urge the government to be bold on this issue because it is absolutely crucial to helping these people. I do not want organised crime selling drugs on the streets. If we look at the last two decades or even longer in this state, there are so many problems with corruption—the Lawyer X scandal, all these gangland wars. It is all caused by our drug prohibition. It is all caused by dug laws. We have an opportunity, if the government is brave enough to do it, to fight back against all this. I would urge the government to proceed more boldly on these issues, and I would also urge the opposition to stop these irresponsible scare campaigns that are really, really damaging and dangerous.

**Ms CROZIER** (Southern Metropolitan) (10:07): I will be very brief because I know there is more business to get through. Mr Limbrick and Ms Patten have just been speaking about hydromorphone therapy. That is exactly what Emma Kealy, the Shadow Minister for Mental Health, has announced today. It is an opioid replacement treatment therapy to help these addicts. That is part of the solution. That is what we are saying: you need to help these addicts.

The government has got no solutions but to open up more of these injecting facilities and keep these reports secret. We are providing real solutions, Mr Limbrick. We agree with you, and I would hope that you would acknowledge that, because Labor's approach is not working. You are saying that there are more addicts. Ms Patten is saying that there are more call-outs. Go and speak to those residents in North Richmond. They will tell you how many ambulance call-outs there are. They will tell you what their children have to see. They will tell you what is happening to the businesses and what is happening to those people that they feel are not supported enough.

We want to do more in treating these addicts, and that is why the shadow minister has announced today a world-class, world-first opioid treatment with hydromorphone that will be happening here in Victoria. I would urge you and the government to support that initiative because it is exactly what is needed. But in relation to the motion, I would urge all members to please support this in the interests of transparency and what Victorians need to understand prior to the election.

**Motion agreed to.**

### Motions

#### WILD HORSE CONTROL

**Mrs McARTHUR** (Western Victoria) (10:09): I move:

That this house:

- (1) notes that this year the Andrews government intends to:
  - (a) via ground and aerial shooting, kill 500 brumbies in the Victorian Alpine National Park, including 65 Bogong High Plains brumbies linked by bloodline to army remounts;
  - (b) eradicate 400 brumbies living in the Barmah National Park;
- (2) regrets the failure of Parks Victoria to:
  - (a) publish updated population counts in accordance with its own wild horse management plans;
  - (b) pursue effectively trapping and rehoming of brumbies in accordance with the published management plans;
- (3) believes that the necessity to include ground and aerial shooting in rough and remote wooded terrain cannot, given the terrain involved and the shooting of moving targets from moving platforms, avoid significant cruelty to animals injured but not killed outright;
- (4) further notes the environmental and public health hazard presented by the current shooting operation tender for the Barmah and Alpine national parks, which closed on 8 June 2022, states that carcasses will not be buried or removed but instead hidden from view, broken down and left to decompose in the national parks;
- (5) requires the minister for energy, environment and climate change to:
  - (a) publicly announce the current brumby population numbers in the Barmah and Alpine national parks;
  - (b) reverse the current suspension of trapping and rehoming operations, including the approval of volunteer rehoming organisations; and
  - (c) cancel any current or planned brumby-shooting operations, particularly those which would leave carcasses to decompose on public land.

I rise today to speak on motion 796 on the notice paper in my name, which calls for an immediate cessation to Parks Victoria's present and future brumby-shooting operations. It is a cause I have supported for years now, and the case only gets stronger as we learn more about the slaughter that is currently being conducted in state-controlled parks and forests by this government.

While I am pleased that the coalition have committed to stopping the shooting when we defeat Daniel Andrews in November, the truth is it needs to stop now. That is why I was proud a few weeks ago to present to Parliament the petition, signed by so many people, and it is why I put down this motion for an immediate cancellation of the slaughter. What we have heard in recent weeks of the operation underway to eradicate brumbies is truly sickening. It is barbaric. Earlier this year at the Public



Accounts and Estimates Committee (PAEC) hearings Parks CEO Matthew Jackson confirmed to me that complete eradication by shooting was planned for the Barmah brumbies and that hundreds would be destroyed in the Alpine National Park too.

But what has really changed in the last month is the emergence of the detail of what this Labor government is not just allowing to happen but positively driving forward. The tender document issued by Parks Victoria is absolutely horrifying. It talks about military-grade secrecy, covert night-time exercises, primary targets, operational security and immediate termination of non-compliant contractors. It says drones may be used for surveillance and tracking of brumbies. It says working dogs may be used for the purpose of locating horses, especially in the very likely event of wounding. Worst of all, the plan includes sawing through carcasses with chainsaws and then camouflaging them so they are 'removed from view'. So not only will the horses be shot and shot badly—I have got evidence now they are being shot not to kill but to wound—but hundreds of carcasses will be hacked up and left to rot. It is horrific and it is cruel, and this says nothing of the environmental health consequences of rotting carcasses infecting watercourses or the fact that they will provide fodder for wild dog, cat and fox populations. None of this is scaremongering. It is there in black and white in the tender document.

It is no wonder it needs secrecy, this government. Ground and aerial shooting is unavoidably brutal. In rough and remote wooded terrain it is just not possible to do it humanely. Shooting from helicopters is worst of all. There is no way that targeting herds of moving animals from a moving platform can avoid significant and lasting cruelty to the horses injured but not killed outright. I have extensive visual evidence of the cruel approach being employed by this government. This really is the essence of the problem. It is where words meet reality. If you sit around a table and discuss a policy, you can make anything sound reasonable. If you design a plan which talks about management, you hide the bloody reality, probably even from yourself. That is what Parks have been doing. In fact their self-delusion has gone a step further. They claim that putting their management plan into practice will follow at all times approved standard operating procedures, but again that is words, it is not the reality. However much they want it to be and however much they spin it, it just is not and it cannot be.

The national regulator states ground shooting is not recommended in rough country, as wounded animals cannot be effectively pursued and would suffer unnecessarily, and that is exactly what is happening. PestSmart has significant experience in the reality of operations like this. They are managed through the Centre for Invasive Species Solutions and receive funding from the Australian government. It is not hard to see why they have reached their conclusions. In the remote, inaccessible, densely wooded, uneven terrain involved, wounded horses cannot be easily found and put out of their misery, especially when the tender document makes clear these operations will be taking place at night, in the dark. Those maimed linger for days, and worse still, when lactating mares are killed their foals face an even longer death from starvation or attack by feral dogs, cats and foxes. I have evidence of mares aborting after being shot and the foal being left to be eaten by wild animals. For Parks Victoria to state that they will comply with all standard operating procedures is simply fantasy. There is no way their operation, outlined in detail in the tender document issued, can possibly avoid incidents of gross cruelty. And it would hardly be the first time; just last year Parks Victoria commenced trapping in the Barmah during foaling season, in complete contradiction of these same standard operating procedures.

I want to touch on the last two elements of the motion. The first part is on rehoming. The much-mentioned management plans are careful to imply that shooting is a last resort and that efforts will be directed instead to rehoming. This sounds reasonable of course, yet those involved with rehoming in the Barmah and the Alpine regions have become extremely cynical about Parks Victoria's commitment. I have previously asked for, but not received, cost estimates per horse for their removal by both rehoming and shooting. Estimated costs must exist, for Parks Victoria has produced targets for removal for these programs and indicative budgets. It would certainly go some way to reducing public cynicism if Parks could dispel the feeling they are inclined to prefer shooting because it is cheaper and easier.

This lack of faith in Parks' sincerity is not just an unevidenced conspiracy, it is borne out by the low numbers of brumbies rehomed and Parks' apparent recent abandonment of the policy. In the PAEC hearing I referenced previously, Parks CEO Matt Jackson said:

... we have gone through and rehomed 10 horses in the Barmah National Park, consistent with ethics, animal equine vets' oversight and principles ... We did rehome 10 horses, which was a great outcome ...

Forgive me. I am sorry I do not share his enthusiasm. Ten horses rehomed is hardly an impressive outcome. To get an idea of the scale, just moments later I asked:

So you are going to shoot 400 horses?

And he replied:

If the numbers are there.

Ten animals rehomed versus the many hundreds, if not thousands, shot in the most barbaric fashion.

I feel particularly bad for those organisations and donors who are doing their very best to save the brumbies by rehoming them. Individual rehomers and groups have been trying to work with Parks in good faith. For example, the Barmah Brumby Preservation Group has fundraised nearly \$100 000 for fencing and infrastructure and applied to rehome 100 horses. Yet in this same PAEC hearing Mr Jackson confirmed that trapping has been completely suspended in the Barmah and Alpine national parks on the basis that activists had interfered with certain traps. While there is no doubt this is wrong, I question Parks' commitment to trapping and rehoming if they are so easily abandoning their effort. Offenders should be found and prosecuted and the traps reopened. Instead the idea is simply abandoned. If there are no horses trapped, none can be rehomed. Perhaps this is why so many applicants for rehoming have been rejected despite their clear ability to take horses. Whatever the case, it is clear that rehoming is not being pursued with the same determination that shooting is, and I cannot express how strongly I condemn this appalling judgement.

Finally, and most straightforwardly, the motion calls for Minister D'Ambrosio to publicly announce the current brumby population numbers in the Barmah and Alpine national parks. This should not be controversial. It should be the first step taken. The management plan makes it clear the rationale behind trapping and culling is to reduce populations in order to prevent their continued increase, yet without the release of these figures, we cannot even see if the primary argument is valid. It appears that the widespread bushfires in the summer of 2020–21 severely reduced the brumby population, yet no numbers have been published subsequent to these events.

The evidence so far at the moment is just incredibly devastating—to see the photos of the animals that have been shot in the neck and the shoulder only to immobilise and then no shots into the head to immediately destroy the animal. It is cruel. They linger, dying over a long period of time. It is so barbaric. I do not see how any government can possibly sanction this form of operation. It is just beyond understanding. In conclusion, I commend this motion to the house and call on all of us to use the opportunity to end this misguided, misdirected, cynical, unevidenced and cruel slaughter of a majestic and historic brumby population.

**Mr MEDDICK** (Western Victoria) (10:21): It may surprise some people who might be listening today—I know it is not going to surprise Mrs McArthur, but it might surprise some of her fellow members on the bench—that I am actually in support of a motion that the Liberals are putting forward. Having read through the motion, there is nothing in here that I disagree with, but I do want to cover off some topics that I think are worth talking about. My party and I firmly believe in the trapping of every single one, where possible, of the brumbies, wherever they are—in the High Country, in Barmah, in Victoria—and having them rehomed. We understand that this is not a simple process. It is not something that can be done in 5 minutes; it will take time.

I have spoken several times with the Minister for Environment and Climate Action, Lily D'Ambrosio, to say that this needs to be the tactic. It is what has to be done going forward, but not in isolation.

Immunocontraceptive measures also need to be employed. We know there are at least two drugs available freely from the United States which are highly successful in this area. But I did not want to leave that to chance either, so in the last budget I asked that the government supply enough money to finish some research projects that are going on at Melbourne University and Monash University on immunocontraception that could be manufactured here in Australia that is not species specific, that could be manipulated, because it is part of an overall solution.

Now, there is no doubt that no matter when these horses were introduced into the state they were exactly that, an introduced species. They are not a native species; they do not actually belong here. But we recognise the emotional attachment that people have because of the time that has passed since they were introduced, what the original horses were actually used for and why they were then let go. We understand that. The thing that upsets me a lot though, and I want to put this on record, is that there have been, from various members of these various groups, some shockingly racist attacks upon the Yorta Yorta people, whose country a majority of these horses reside on. That under no circumstances is acceptable. The Yorta Yorta people have concern for the country that is and always will be theirs. They want to see it restored to its former glory. They want to work in that way. They can have disagreements with the various groups—I understand that—but to resort to racist attacks is just not on. That is not on.

I will support the motion, and I look forward to the government actually working towards the rehoming and trapping of these animals and to also finding a solution for the other introduced species that are causing damage in these areas—the deer, the pigs, the goats—because my party and I do not support under any circumstances the inhumane shooting of any of these animals. Culling by shooting has been shown to never, ever be either a humane solution or an effective solution, and it cannot proceed.

**Ms LOVELL** (Northern Victoria) (10:25): I rise to speak to Mrs McArthur's motion today, and I congratulate Mrs McArthur and thank her for bringing this motion to the chamber, because it is a very important issue in my electorate, which incorporates both the Alpine National Park and the Barmah National Park. Certainly the government's policy of shooting the brumbies has no support that I have come across in my electorate. It is inhumane and it is abhorrent to everybody. Yes, there is support for the management of numbers of brumbies, and we all realise that brumby numbers need to be managed, but this can be done in humane ways through rehoming and through veterinary interventions, and this is what the Liberal Party have committed to doing. Members of this chamber will remember that some time ago I brought a motion to this house on this very issue of the Andrews government shooting brumbies in northern Victoria in the alpine parks. That motion was passed unanimously by this chamber. Not even the government ministers voted against that. Everybody thinks the shooting of these beautiful, majestic and indeed culturally significant animals is inhumane.

I would like to congratulate Bill Tilley, the member for Benambra, who has done an enormous amount of work in fighting the government's policy of shooting the brumbies and bringing it to the attention of the Victorian community. Bill's work, together with the motion that I brought through this house, which was passed unanimously, led to the Liberal Party releasing its policy on brumby management. That is, that on day one of a Liberal government—the next government after the election on 26 November, so on 27 November—we would stop all shooting of brumbies in Victoria and we would move to a more humane way of managing the brumby numbers in our national parks.

I heard either Mrs McArthur or Mr Meddick reference the Barmah Brumby Preservation Group and the sanctuary that they have started there. They have room for 100 horses to be rehomed, yet when the shooting happened earlier this year in the Barmah National Park, Parks Victoria gave five brumbies to the sanctuary and sent five for rehoming in other areas. The rest were just shot. They were left in the forest for people who were using the forest to come across and to be distraught about when they came across those brumbies. This is inhumane. They went on to shoot dozens of brumbies and only rehomed 10. That is not in the spirit of the agreement they struck with the locals in the Barmah district. I know that there have been at least two rehoming authorities that have applied for 30 brumbies each

and have been told that, no, they cannot have any brumbies for rehoming and that the government is just going on to shoot these animals.

We know that in the past week or so there has been a herd of brumbies found up around Limestone Road and these brumbies were shot by aerial shooting from a helicopter. A friend of mine actually went up there—he is also a member of the Brumby Action Group—and he photographed those brumbies. With instructions from vets, he was able to determine by the trajectory rods that he inserted into the wounds that those horses were shot from the air. There was a grey lactating mare that had aborted. She also had a foal at foot. The grey mare was only shot in the gut. She was not shot in the head or chest in accordance with the standard operating practices. Her dependent foal, the photographer believes, was shot in the chest much later, when a ground crew finally came by and shot her in the chest. She would have been by her mother's side for possibly days while her mother lay there dying, bleeding out. That would have been an horrendous death. But this was not just one horse. There were photos of a stallion under trees, and a dark mare. The dark filly was shot twice in the neck. The stallion was shot in the back and behind the shoulder on an upward trajectory. The only true chest shot was a little chestnut foal. The grey mare he was next to had only one wound from about halfway down her nearside flank.

In other words, the standard operating procedures had not been complied with. These horses had not been humanely shot. The observations were, as I said, that these horses were shot from a helicopter and that they suffered an inhumane and long death, as often happens when you shoot horses in remote areas. The little filly, as I said before, stood by her mother's side for days. Only the filly and the grey aborting mare were covered with branches. A ground crew did come by much later on and they shot that little filly and covered her with branches, but most of these horses would have died a long and slow bleed-out that would have been horrendous.

The wholesale, cruel and inhumane slaughter is unnecessary. There are rehomers willing to take these brumbies, and as I said, there were number of them that had indicated that they want to take these horses. There are better ways to manage our brumby population than to shoot them from helicopters as this government is doing. This wholesale slaughter must stop, and I note that Mr Meddick actually said he supports this motion and supports the Liberal Party's position on this. Well, the true test of whether Mr Meddick supports that position will be where his preferences go in the election. If his preferences go back to Labor and the Greens before they come to the coalition, then we will know that Mr Meddick does not actually stand for animal justice and he is actually just there to be a vehicle that preferences back to the Labor Party. If Mr Meddick wants to stop this inhumane shooting of horses in Victoria, he will preference the Liberals and the coalition ahead of the Greens and Labor.

**Mr HAYES** (Southern Metropolitan) (10:33): The Victorian government's current brumby cull can be summed up in a few words: cruel, ineffective and callous. I do not doubt the fact that the iconic brumby, or wild horse, populations are having a detrimental impact on the survival of our native flora and fauna. We urgently need to act to halt the damage they are causing, but recklessly slaying and injuring them with rifles from helicopters is abhorrent. There are other options, and the government should at the very least explore these avenues before resorting to the easy route. Shooting is not humane; leaving injured and wounded horses to die a slow and painful death is not humane. A socially conscious government should not inflict such suffering on animals. There are other options to explore. Immunocontraceptive vaccines, as mentioned by Mr Meddick, for fertility control, have been used with success in North America and are administered by injection. There is relocation—to simply move the horses from national parks and habitats with sensitive flora and fauna. These are the sort of options we should be striving towards. There is little doubt the iconic brumby is cherished by many in the Australian population, and we could even consider adoption and rehoming them in this way. The aerial cull is lazy, it lacks compassion and I do not support it. Therefore I support the motion.

**Mrs McARTHUR** (Western Victoria) (10:35): I am pleased that Mr Hayes and Mr Meddick are supporting the motion. That is fantastic. We will look forward to getting their preferences on this matter in the forthcoming election.

I just want to remind the entire house that this is an incredibly barbaric operation. It is totally unnecessary. We do not need to eradicate a population of animals in this most cruel and unseemly way. It is only creating more problems in a forest, as Mr Hayes said, where animal carcasses are left for wild animals to feed on. That encourages more feral animals like dogs, cats and foxes. These animals were managed very well in the past, and they can be managed very well in the future. I urge everybody in this house to support this motion.

**House divided on motion:**

*Ayes, 14*

Bath, Ms  
Bourman, Mr  
Burnett-Wake, Ms  
Crozier, Ms  
Cumming, Dr

Davis, Mr  
Hayes, Mr  
Limbrick, Mr  
Lovell, Ms  
Maxwell, Ms

McArthur, Mrs  
Meddick, Mr  
Quilty, Mr  
Rich-Phillips, Mr

*Noes, 13*

Elasmar, Mr  
Erdogan, Mr  
Gepp, Mr  
Kieu, Dr  
Leane, Mr

McIntosh, Mr  
Melhem, Mr  
Shing, Ms  
Stitt, Ms

Symes, Ms  
Tarlamis, Mr  
Taylor, Ms  
Terpstra, Ms

**Motion agreed to.**

**Bills**

**FIREARMS AMENDMENT BILL 2022**

*Second reading*

**Debate resumed on motion of Mr BOURMAN:**

That the bill be now read a second time.

**Mr GEPP** (Northern Victoria) (10:43): I rise to speak on the Firearms Amendment Bill 2022 introduced by Mr Bourman from the Shooters and Fishers—

**Mr Bourman:** And Farmers.

**Mr GEPP:** and Farmers Party, is it? We keep adding titles to the name of the party. It seems that everybody is trying to get the extra half a per cent, aren't they, out in the electoral grounds? Although when you see some of the voting patterns in this place these days—who said oil and water does not mix?

There is a very serious element to this bill that Mr Bourman has introduced, and I want to say from the outset that the Andrews Labor government is unwavering in its commitment to ensuring the firearms industry operates in a safe way. It is incredibly important that we have procedures, rules, frameworks in place for the operation of our firearms industry. We see far too many instances around the world where jurisdictions do not have proper procedures, frameworks, rules and regulations in place and we see the effect of that. And we do know, we recognise, that here in this state our sports shooting and recreational hunting industries have many, many positive economic and social benefits, particularly for our regional communities like the community that I represent, my electorate of Northern Victoria. There are many, many participants from my part of the world in those activities. We welcome the opportunity to participate in this debate. The firearms industry is well regulated, and

it keeps our community safe by keeping firearms out of the hands of unlicensed individuals and criminals, and we protect the image and reputation of all firearm users by doing that.

What we have got to examine in this bill is: what are we trying to achieve? What is the impetus behind Mr Bourman's bill? What is he trying to achieve? I am sure Mr Bourman, if I get it wrong, will correct me in his right of reply—or he may well interject, I do not know. He can on occasion jump in.

**Mr Leane:** He can be very rude.

**Mr GEPP:** Not necessarily rude, but—

**Mr Bourman:** I can be.

**Mr GEPP:** Well, he can be rude, I am sure, as everyone can, but that is not my usual recall of Mr Bourman's behaviour. I am sure that if I get this wrong he will correct the record from his perspective, but basically the bill that he is presenting us with today would remove the power of the Chief Commissioner of Police to declare a temporary or permanent firearm reclassification. That is ostensibly, as I understand it, what he is proposing. The system that operates today is that when firearms, for example, come into this country our border forces go through a classification process. Under the existing framework the Chief Commissioner of Police then has additional powers. Where the chief commissioner is made aware of, for example, a change in functionality of particular firearms, the chief commissioner can alter the classification of that particular firearm in addition to the work that is done by Australian Border Force. That is my understanding of what Mr Bourman is proposing here today.

**Mr Bourman:** Not quite.

**Mr GEPP:** Not quite, he says. Well, he will correct me when he comes around to it, I am sure.

The current act, the Firearms Act 1996, does enable the chief commissioner, as I say, to reconsider the classification when the chief commissioner gets further information. That is an important element. It is not just the chief commissioner sitting in their office making some random declaration about reclassifying a particular firearm. It is when they are made aware of and provided with information that changes the functionality of the firearm that the chief commissioner may then consider reclassifying that firearm and, through that reclassification process, making that particular firearm unavailable to licensed shooters. And it is critical because we know in the world that we live in today that technological advancement, technological change, happens at such an enormous and rapid pace. It changes all the time. We only have to think about the world we lived in 20 years ago. Contrast that with the world that we live in today, and particularly the firearms industry, where that technological change occurs at such a rapid pace.

So post the classification of a firearm that is brought into this country, after it has been classified by our border force agencies, where a technological change occurs that alters the functionality of a particular firearm it is vitally important that we have the mechanisms in place that allow the chief commissioner to review that information and where necessary then address the classification of that particular firearm. That is the current system that is in operation. I guess the question that I have—and I hope Mr Bourman addresses it in his summation—is: what is the problem that we are trying to address here? What is the problem that he is trying to deal with in terms of his bill? What is the fundamental flaw in the system as it exists today, where the chief commissioner is made aware of functionality changes, through technological advancement or other means, to a particular firearm after it has been classified by border force experts and then the chief commissioner, when made aware of those changes, determines on advice from a panel of experts—and I will come to that very shortly—to change the classification and make that particular firearm unattainable? What is the problem with that system? What is the actual problem that we are trying to deal with? I have gone to Mr Bourman's second-reading speech, and I could not find the answer to that question. I would hope that he addresses that particular question, because importantly since 2009—that is, during the period that the chief

commissioner has had the current reclassification powers—the chief commissioner has used those powers only on 11 occasions.

**Mr Bourman:** Twelve.

**Mr GEPP:** Mr Bourman says 12. I accept that it may well be 12—11 or 12. But the point is that it is not a lot. Over a 13-year period it is not a lot of occasions. The most recent reclassification goes to the issue that I hope Mr Bourman addresses in terms of what the problem is that we are trying to address here. The most recent reclassification, as I understand it, was in 2016, so some six years ago. I am not sure that there is this immediate massive problem that has emerged that causes us to deal with this today. Notwithstanding that, my understanding is that some of the firearms that have been reclassified by the Chief Commissioner of Police since those powers were put in place in 2009, so in the last 13 years, include the Alexander Arms R17 and the German Sporting Guns 522. If I have got the title of these firearms incorrect—

**Mr Bourman:** I'll correct you.

**Mr GEPP:** I am sure you will correct me, Mr Bourman. They include the German Sporting Guns StG44, the German Sporting Guns AK-47—I am not familiar with German Sporting Guns, but that terminology, 'AK-47', I think is very well known throughout the community—the Walther H&K416 and the Troy defence sporting rifle. They are just some of those firearms that have been reclassified, so not a lot. As I said, the chief commissioner only reclassifies when there has been a change to functionality and it is brought to their attention. There is then a process that is undergone to review that particular classification of that particular firearm, and I am advised that on 11—but Mr Bourman tells me 12—occasions that has resulted in a reclassification over the 13-year period.

What do other states and territories do? Other states and territories allow for firearm reclassification consistent with the National Firearms Agreement, and we would say—the government would say—that the impact of this bill would be to put Victoria out of step with the rest of the nation, with other Australian jurisdictions, by removing the ability for firearm reclassification to occur. Jurisdictions including New South Wales, the ACT, Western Australia and South Australia all allow firearm reclassification to occur. Additionally, under the National Firearms Agreement, firearms for military purposes, or those which substantially duplicate such functions, are prohibited, and references to such language in the act are consistent with the language that exists in the National Firearms Agreement. The removal of the sections proposed by Mr Bourman—that is, 3A and 3B—and amendments to the definition section of the act, as suggested, would be detrimental to the intent, we say, of the National Firearms Agreement and therefore impact, from a broader perspective, community safety.

There are safeguards that exist in the current framework to reduce the impact of temporary and permanent firearm reclassifications on existing firearms licence holders, and the Firearms and Other Acts Amendment Act 2021 inserted a grandfathering provision into the act to provide for existing licence-holders to retain and renew a reclassified firearm on their current licence following any declaration of a temporary or permanent firearms reclassification. That is important. If a licence-holder has a firearm in their possession that is subsequently reclassified at a later date, there are provisions in the act which provide for the retention of that for that licence-holder and for dealing with that temporary or permanent reclassification. Those provisions will come into force on 30 August 2022, so in a matter of days.

Again, it begs that question: what is the problem that we are trying to resolve here other than, I imagine, an argument that will be mounted by those in support of this bill that once the firearms are classified at the national level by border force that classification should stand? But again it ignores the technological change which is so rapid around the world, which can very, very quickly change the functionality of a weapon, of a firearm, and requires a proper framework to exist that allows for the review of that classification to deal with that change in circumstances, and that is what the current act does. I have not heard yet anywhere in this debate any problem that exists within the system, other

than some sort of fundamental philosophical view that it should just start and stop at border force at a national level.

The chief commissioner and the government do not just make these things up. Like most things that we do in government, we call on the experts to come in and give us advice. We form committees. For example, we have got the Victorian Firearms Consultative Committee. That comprises representatives from the Victorian firearms and shooting industry bodies, academia, criminology and law enforcement and legal, private security, farming and other experts. There are a whole bunch of people who sit on the Victorian Firearms Consultative Committee who give advice to the government, and in turn—the chief commissioner is not operating in a vacuum here—that advice is widely distributed. It is that information and that advice that we use to formulate our public policy. We continue to rely on that committee. My understanding is that the committee, certainly in this term of Parliament, has met on a quarterly basis, continues to meet on a quarterly basis and up until very recently was chaired by the member for Frankston in the other place in his capacity as Parliamentary Secretary for Police. The committee regularly meets and provides that advice.

Recently, my understanding is that the committee has agreed to establish a legislation subcommittee to work through any proposals for legislative change, and I am sure this change that is being proposed by Mr Bourman will be one of the many matters that will feature on the agenda at some point of both the committee and the subcommittee—to consider legislative change for the regulator and for Victoria Police. The group will provide ongoing advice to the Minister for Police, the member for Ivanhoe. He is a fantastic local member, Mr Carbines. I have known him for many, many years. I know Mr Leane has known the member for Ivanhoe for as many years as I have, and he is a fantastic member. He does sensational work in his local community, as does the member for Frankston, Mr Edbrooke. I think if there was a competition out of the two of them for who is the hardest working local MP—

**Mr Bourman:** On a point of order, Acting President, Mr Gepp seems to be straying into a bit of a review of some of his colleagues rather than sticking to the actual issue at hand. It is really great that he likes Mr Carbines and Mr Edbrooke, but I do not think it is relevant.

**Mr Erdogan:** On the point of order, Acting President, I found it very relevant, as Mr Carbines is the minister responsible for part of the regulation of the relevant act. I think a reflection on their contributions is important to understand the whole gamut of the issue before the chamber.

**Mr Bourman:** Further to the point of order, Acting President, and further to Mr Erdogan's contribution, if he was talking about their contributions to the actual issue at hand it would be fine, but it was all about local members and what great people they are. I will leave it in your hands.

**Mr GEPP:** On the point of order, Acting President, I was just trying to make the point that the work ethic that they bring to their local constituencies is mirrored in their work, in Mr Carbines's case as the minister and in Mr Edbrooke's case as the parliamentary secretary, and their diligence is brought to the table in relation to the committee that oversees the work of the firearms industry in this state.

**The ACTING PRESIDENT (Mr Melhem):** I want to thank everyone for their contributions on the point of order. There is no point of order. Mr Gepp is the lead speaker on this bill, and Mr Carbines is the Minister for Police. But having said that—and I accept what you are saying, Mr Gepp—please return to the bill.

**Mr GEPP:** If I can say, I know Mr Bourman is also a very hardworking member of Parliament—

**Mr Leane:** On a point of order! No, enough, this is serious business.

**Mr GEPP:** It is serious business, and I do digress. But I do genuinely make the point that both Minister Carbines and Mr Edbrooke take this work very, very seriously, and they are very diligent in exercising their functions and responsibilities. I know that in terms of both the broader committee, the Firearms Consultative Committee, but also the new legislation subcommittee that has been formed by the committee, they will rely very heavily on those two committees for the continued policy



development in this space, particularly given, as I said, the breadth of people and organisations that we have got on those two committees. All are experts in their own right, and all are very experienced in their own right. Their advice and recommendations to Mr Edbrooke, Minister Carbines and broadly the government will be very, very important moving forward.

I will wrap up my contribution in a moment. I do want to just repeat that, after listening to the second-reading contribution of Mr Bourman and reading the bill and looking at what has actually occurred over the last 12 or 13 years, I am not sure what the problem is that we are actually trying to fix here. I think it is a reasonable framework that we have in place: following the classification of firearms by our border force agencies when those firearms are introduced into this country, where changes are made to the functionality they are properly considered by a raft of experts, who then provide advice to people such as the Chief Commissioner of Police. I think it is a very reasonable framework that we have in place to maintain community safety across the board and that it is reasonable that we have the capacity in place to change that classification to meet the changing capability of the firearms that are in our system. That is what it is designed for. It is designed to keep our community members safe. It is not meant to deny people access to all firearms, but it is meant to deny people access to certain firearms where the consideration of experts is that it is not in the community's interest for them to be out there, even in the hands of licensed firearm holders. With that contribution, the government will not be supporting Mr Bourman's bill. I do hope he addresses some of those questions in his right of reply, because he did not address them in his second-reading speech—negligently.

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (11:06): I am pleased to rise this morning to make some remarks on the Firearms Amendment Bill 2022. It is a bill that I know has attracted a lot of interest and a lot of support among recreational and sporting shooters in Victoria. In considering this bill I am reminded of an Australian film, *The Castle*. There is a well-known scene where Dennis Denuto, representing Darryl Kerrigan, appears in the High Court and argues, 'It's the vibe'. Not surprisingly, that does not proceed very well. But the reason I raise that is that in many respects the point of principle here, on the issue of appearance laws in the Firearms Act 1996, is really about the vibe.

The reason this is being raised is that it is about an intangible. It is about a part of the Firearms Act which has no structure or guidelines around it. This is not an issue that was addressed by the government's speaker, but it is a point of principle that there is a provision within the Firearms Act that allows for the reclassification of firearms based only on their appearance—on the vibe, on whether they look nice or do not look nice. This is why there has been such strong interest in this bill and interest in this issue among recreational and sporting shooters in Victoria.

The Sporting Shooters' Association of Australia, which I think has around 40 000 members, has supported this bill. Its members have strongly supported this bill. I think there are around 9000 emails that have been sent to Victorian members of Parliament supporting this bill that is seeking to address the issue, the principle, that there is a piece of legislation that allows firearms to be reclassified not based on what they do but based on what they look like. No-one is arguing for removal of the Firearms Act or weakening of provisions within the Firearms Act. What they are arguing for is for policy around the classification of firearms to be based on objective criteria—what they do rather than what they look like. That is why this particular piece of legislation has generated such strong interest among recreational shooters and such strong support, because of the not unreasonable view that legislation and regulatory frameworks should be based on classifying firearms on what they do rather than simply what they look like.

Mr Gepp in his contribution said he is not certain what the problem is: the provision with respect to reclassification has only been used 11 or 12 times over the decade or 15 years it has been in place. But I have to say, having seen the way some things have unfolded in this state over the last two or three years, arguing that it does not matter that there are bad legislative or regulatory provisions on the books because they are not used is not a strong position. We have seen other quite powerful regulatory and legislative provisions that have sat on the books for decades suddenly used in the framework of the

pandemic. To say this does not matter because it is not used is not a strong argument. There is certainly a very strong belief that the classification of firearms should be based on rational and objective evidence, not simply on appearance. That is why there has been strong support, and understandable support, within the firearms industry and the sporting and recreational shooting community for this change to the Firearms Act to remove the capacity for firearms to be reclassified simply on the basis of appearance. That is an understandable position from the sector, that they believe any reclassification should be on functionality, not only on appearance.

Having said that, one of the challenges with this bill is that it does not simply remove the provision with respect to appearance. If enacted, it would remove the complete section with respect to the reclassification of firearms, including provisions with respect to reclassifying firearms based on their design and based on their function as well as based on their appearance. Rather than simply removing the appearance element of the capacity to reclassify a firearm, the bill seeks to remove the whole capacity to reclassify a firearm, including on those elements that Mr Gepp referred to, being design and functionality. That is where this bill runs into trouble, because the principle of not reclassifying only on appearance is an obvious one, is a logical one, is one where there is strong support among the firearms community, understandably, but the bill is actually much broader than that in seeking to remove all capacity to reclassify, including on design and on function. That is in respect of a permanent reclassification, a permanent declaration, under the act.

Likewise, the bill seeks to remove section 3A of the Firearms Act, which is in respect of a temporary declaration. Although that section of the act is worded differently to the permanent reclassification, and it is not entirely clear why that is the case—it works quite differently to the permanent reclassification—it also allows reclassification on functionality grounds, not just appearance grounds. In removing the temporary reclassification provisions—section 3A—the whole suite of those reclassification mechanisms would be removed, not simply those in respect of appearance.

We understand the intent of this legislation and we understand why it is supported. Appearance should not be the basis on which something is classified. Mr Gepp spoke about the need for a regulatory framework for firearms which keeps the community safe while also allowing legitimate recreational sporting and professional shooting activity. Appearance is not a part of that. Functionality certainly is, but appearance is not.

I might point out Mr Gepp also referred to the risk that a change like this would put Victoria out of step with the national framework and out of step with the National Firearms Agreement. In response to that I would simply make the point that the Victorian Firearms Act has been amended numerous times, creating changes from the National Firearms Agreement, so that is also not a valid argument as to why a change to address appearance laws should not be made. Other jurisdictions do not have appearance as the basis for reclassification, and that is not therefore an impediment to it being addressed in Victoria.

But, as I said, this bill actually goes far broader than simply addressing appearance. It goes into the full range of criteria by which firearms can be reclassified on either a temporary basis or a permanent basis, and for that reason we have reservations in supporting the bill as it is drafted, while fully appreciating and recognising the legitimate concerns of the shooting community that firearms should not simply be reclassified based on what they look like.

**Mr QUILTY** (Northern Victoria) (11:15): I will be brief. The Liberal Democrats will be supporting this bill. The entire shambles of the so-called National Firearms Agreement, the mishmash of differing rules between states, was designed to pursue political goals. Firearms laws in Victoria, indeed in Australia, are not designed upon a rational consideration of risk and trust. They are not designed to sensibly keep people safe. No; instead they function to make firearm ownership so complicated, frustrating and burdensome that many people do not bother. This is not an accident. It is a deliberate policy decision to make things as difficult for law-abiding firearm owners, LAFOs, as possible. I believe that our firearms laws should make sense. They should be designed to prevent

criminals from accessing firearms and to protect people from real risks. There are many areas of our firearms laws that need reform. Minimum attendance requirements for pistol shooters should go. Noise suppressors should be widely available. Toys should not be classified as firearms and require licences. Airsoft, gel blasters and paintball should all be freely available. The administration of firearm licences and registration should be removed from Victoria Police and given to a government department instead.

This bill addresses the nonsense that we call appearance laws. Appearance laws classify firearms not on calibre or capability but on looks. Firearms which under the objective criteria would be cat A or cat B are instead classified to a higher, harder-to-obtain category based on nothing more than the whim of the Chief Commissioner of Police. These misclassifications do not make anyone safer. They do not protect Victorians. They just serve to frustrate LAFOs. I will be very happy to take away this discretion from the chief commissioner, and we can lead the way for change in other states. There is a lot of nonsense, a lot of stupidity, around firearms laws. There is a lot of fear, a lot of people who want to ban them altogether, which needs to be pushed back on.

Victorian firearm owners are measurably the most law-abiding category of citizens in the state. We need to be, because at the slightest hint of an infraction we will have our licences suspended and our firearms confiscated. And, as we have been learning, once the police get hold of firearms or ammunition in Victoria, they often never come back. They get damaged or accidentally sent for destruction; they get lost. If this bill today was to pass, one little annoyance for LAFOs would be removed: we would be allowed to own firearms that we like the look of based on their capabilities. It would be a small way for the members of this place to indicate that they respect firearms owners, that they do not think we are all criminals. The Liberal Democrats support law-abiding firearm owners in Victoria and Australia. We will always stand with them and push for sensible changes to firearms laws, making things a little bit simpler and a little bit more sensible.

**Mr ERDOGAN** (Southern Metropolitan) (11:19): I rise to speak on the Firearms Amendment Bill 2022. From the outset I wish to thank all the contributors so far in the debate. There have been quite intelligent and eloquent presentations before the chamber today. Mr Gepp in particular lit up the room, but even Mr Quilty; it is important to hear different sides of the argument. That is what a good debate should be. It has all been very respectful, and respect is important, because firearms in Australia are quite regulated. Most Australians are quite proud of the level of regulation that exists in terms of ensuring that we have an industry that can operate safely. Obviously it is not something that I do recreationally, but many people enjoy it. As our Premier said, some people enjoy playing golf; some people like going hunting or shooting. That is their prerogative, and we need to allow those freedoms.

I know growing up my interest in shooting and more broadly in the sport and in guns was probably through the 1996 Olympics. I remember when Michael Diamond won a gold at the Atlanta Olympics in a shooting event, and I thought, 'Oh, shooting's an Olympics sport'. Obviously it was a gold for our nation, and like all Australians I was very proud of another gold medal for our country. We performed quite well at those Olympics, and in the sport of shooting even today, whether it be double trap or the different events, Australia performs quite well and has a strong team in shooting categories at Olympic and international sporting events. Even at last year's Tokyo Olympics we saw our shooters were amongst the best in the world and fine ambassadors for our nation.

We must understand that the shooting industry, gun owners and licence-holders are mostly very compliant. They stay within the laws. In Australia, like I said, since the national agreement on firearms in our nation in the 1990s, we have had relatively uniform laws—not exactly uniform, but relatively uniform laws. There has been poll after poll done on Australian public opinion about our relatively restrictive gun ownership laws—which Mr Quilty is very unhappy about, I note, and he made that clear, but I am one of those people who is quite happy with the current balance of the laws—and most Australians, an overwhelming 80 to 90 per cent, believe that either the current balance is right or we need actually more laws and they need to be more restrictive. So, overwhelmingly Australians support our gun ownership laws.

I do understand that the angle that this bill before the house is coming from is quite different to some of the others. I have been reading the bill. There are two parts to it, and in effect part 2 has amendments to the Firearms Act 1996. In part 1:

The main purpose of this Act is to amend the Firearms Act 1996 in relation to the Chief Commissioner's powers to categorise certain firearms, and to make related amendments to that Act.

The commencement is to be the day after its royal assent, and it is quite technical, if you read the amendments, in terms of removing sections and adding sections. In particular the category D long arm definition is repealed, the category E handgun definition is repealed and the category E long arm definition would also be repealed in section 3 of the Firearms Act 1996; sections 3A and 3B would be repealed; and new section 223 would be inserted. So the actual amendments themselves are not expansive, but they will make a difference to the legal framework.

Why do we have such a regulated firearms industry? Well, it is about keeping the community safe. It is about making sure unlicensed individuals and criminals are prevented and protecting the image and reputation of all firearm users. The current provisions in the Firearms Act enable the Chief Commissioner of Police to reconsider the classification of firearms. This is critical to responding to advancements in firearm technology and ensuring community safety. The current 3A and 3B reclassification powers enable the Chief Commissioner of Police to act against firearms of concern. They ensure that these firearms that have been incorrectly classified initially can be reclassified as a higher classification.

Mr Bourman's bill proposes the government revoke all existing declarations which have been made up to the point at which the amendments in the bill come into force. I think Mr Rich-Phillips touched upon this when he tried to state that this was only about the appearance of the firearms or raised what he views as inconsistencies. I understand that, and I know that some of the—did I get that correct, Mr Rich-Phillips?

**Mr Rich-Phillips:** No, you didn't.

**Mr ERDOGAN:** I will move back to the bill before the house. I see that my colleagues in the chamber are eager to contribute. Dr Catherine Cumming has expressed a desire to speak on the bill before the house. Ms Terpstra has expressed an intention to add to the debate on the bill before the house. These are all very important.

But it is important to understand that other state and territories also allow firearm reclassifications to be made consistent with the National Firearms Agreement. Therefore we believe—and I say—that these reforms will actually make sure that Victoria is out of step with other jurisdictions, not bring us in line, as some of the advocates for these reforms have made out. I have received emails from some advocating for Mr Bourman's changes, and I have heard from the other side of the argument too. It is interesting, because all sides of the argument are claiming that this will bring it either into step or out of step with the national framework. So it is tough, I guess, on these matters.

Furthermore, under the National Firearms Agreement firearms for military purposes or those which substantially duplicate such functions are prohibited. Reference to such language in the act is consistent with the language in the National Firearms Agreement. Removal of sections 3A and 3B and amendments to the 'Definitions' section of the act, as suggested in the private members bill, we believe will be detrimental to the intent of the NFA from a community safety perspective. That is the crux of the issue from my perspective. The repeal of those sections would have a detrimental effect on community safety.

I am interested in what Mr Bourman has to say on that matter. What is his justification for the need for this bill right now? I would like to hear from Mr Bourman and hear his explanation of those grounds. On that note, as I have stated, there are a number of speakers that want to contribute, and I will conclude my contribution now. I will not be supporting the bill.

**Dr CUMMING** (Western Metropolitan) (11:27): I rise today to speak on the Shooters, Fishers and Farmers' bill, Mr Bourman's licence legislation—the National Firearms Agreement. For me, I will be supporting this bill today because our firearms laws are not sensible. They are not about the calibre of the weapon, they are about the actual look of the weapon. There are many, many, many law-abiding firearm owners here in Victoria, and we need to protect that. I have over the last four years spoken a couple of times about firearms and the problems here in Victoria around the laws that we currently have. My brother has a paintball business. My brother was an Olympic wrestler. He went to America and he wrestled in college wrestling. He saw paintball and he brought it here to Australia. He thought it was a great idea. Then Port Arthur occurred. Then to play the game of paintball here in Victoria you actually needed to have a firearms licence, a shooters licence. It was really difficult many years back when that occurred. It is a bit like the taxi industry, when you make a law without actually thinking about the ramifications of the very small businesses that are there.

**Mr Erdogan:** Hear, hear!

**Dr CUMMING:** Hear, hear! Currently there are laws around when you play paintball and who has to have a firearms licence—and there is not really much discretion around what other places around the world would consider looks like a gun or appears to be a gun, like gel blasters or paintball guns—and if you actually have to carry your firearms licence. Toys like airsoft and gel blasters and paintball guns should, in my mind, be freely available. Yes, they have risks in that you need to wear goggles to protect your eyes and they should not be used in urban areas. But there are ways of facilitating games using toys that look like guns without having these kinds of laws in place, which make it very difficult for people who like to use toy guns. I am going to leave my contribution there. But to the Shooters, Fishers and Farmers, I do support this bill today.

**Mr BARTON** (Eastern Metropolitan)

**Incorporated pursuant to order of Council of 7 September 2021:**

I rise to speak in support of Mr Bourman's bill to amend the Firearms Act.

I want to acknowledge hundreds of my constituents who wrote to me about this matter, all in favour of a change. There are a lot of licensed firearm owners in my electorate, and it is crucial that they have a say about legislation that affects them. It is equally essential that legislation that affects them is fair and doesn't unnecessarily make things difficult for them.

From what I can see, the change being proposed by Mr Bourman is a modest one and would not diminish public safety, weaken our gun laws or do any of the other tropes that get trotted out to silence debate anytime someone tries to have a public conversation about the legislation in this space. It is important to note that 'appearance laws' are not a part of the National Firearms Agreement and do not apply to every state of Australia.

These changes would remove a very subjective power granted under the act. Less subjectivity in matters like these is a good thing; people should be able to know where they stand easily. We worked on that late last year with the Firearms and Other Acts Amendment Bill 2021 when the rules about safe storage were changed from a very subjective standard to an objective one. The shooting community supported those changes, too, because it's pretty clear they want to comply with the law and the best way they can do that is if the law is clear and makes sense.

This bill seeks to remove the power of the Chief Commissioner of Police to recategorise firearms based on a subjective appraisal of how they look—not how they work, not what they do but how they look.

Currently, the chief commissioner can effectively ban a firearm if it looks like it could be used in the military. It seems evident to me that many firearms could look like military firearms. Surely many attributes that make guns suitable for military use would also have applications in target shooting or pest control.

Items as varied as packaged salad mixers, EpiPens, bug spray, disposable sanitary pads, tissues, microwave ovens, computers, the internet, GPS navigation and the only two tools that anyone truly needs—duct tape and WD40—all came into civilian use after being developed for the military. Something looking like it could be used in the military is a feeble reason for banning it.

I am also advised that there is no policy document, no straightforward process and no requirement for consultation or public oversight if the chief commissioner uses these powers. How can the regulated have confidence in their regulators when the rules are so opaque and subjective?

I know all too well about failures in regulation and about governments and regulators judging things on how they look rather than on what they are. After all, what looks like a cool, shiny black app is, in reality, just a San Francisco Taxi Company. But enough about people who don't want to follow the law and back to the people who do. Removing these 'appearance laws' would give licensed firearm owners a level of confidence that legislation governing them is fair and consistent and based on facts, not feelings. That really shouldn't be too much for any law-abiding group in society to ask for.

**Mr BOURMAN** (Eastern Victoria) (11:31): I have got some fertile ground, and I might use up all my time trying to go through all this. I am going to start with the 'Why now?'. The answer is why not. I get two opportunities a year to bring things to the house, and this is my last opportunity in this Parliament, so now is as good a time as any. Is this an urgent thing? No, but it is a bad thing.

There are a couple of things I want to go through. The National Firearms Agreement is a non-binding agreement, so to all these people that seem to think that we need to stick by that, every state does it differently. I just do not get this thing where everyone seems to think we must stick by it unless we do not want to.

There was another supposition that this is about functionality. It does not work that way. When a legal firearm comes into this country it goes from wherever it is manufactured to Australian Border Force, to the dealer, to the end user. Should it get changed after coming through border force, that is illegal, a crime is committed. It does not get reclassified because of that; it gets seized and the person is charged. To say that this captures changes in functionality is just wrong. Anyone who changes the functionality of their firearm to the point where it changes into another category has just committed a crime, unless they are a dealer and are doing it with the appropriate permits. That is like saying I am going to Bunnings and I need to suddenly reclassify all the plumbing gear as firearms because it could be re-used as home-made shotguns, as we have seen overseas a number of times. It either works one way or it works another way; what it looks like is completely irrelevant.

Mr Erdogan brought up something about 'incorrectly classified'. That is another furphy, because border force do the initial classification. After border force are done with it and it is sent to the state, in a manner of speaking, then the state only reclassifies it if they think it looks wrong. That is the bottom line, and not all states do it the same. The National Firearms Agreement being a national agreement is not really proof of anything. If every state did it the same, there may be some validity in that, but the Ruger precision rifle—I can have it in this state, I cannot have it in New South Wales. I do not think I can have it in WA either but I can in other states, and it has a folding stock as well. The point is that there is nothing national about the agreement except for some higher level stuff really.

Another thing we heard is that it will put us out of step with the rest of the country. I seem to remember a lot of times in this place when we seem to be pretty big on doing firsts. We want to lead the way in—pick some reform. I see that as another load of codswallop because basically if we want to do it on some things, then we can do it on other things. Maybe it is not as funky as all the other stuff we are doing, and in fact I think Mr Gepp mentioned something, in between his felicitations for all his colleagues, about 'Why are we doing this?'. Well, yesterday we passed a bill that we hope not to ever use. Not all bills are passed with an urgent need. Not all bills are passed with a 'we must do this right now because'. Some bills are just done because it is the right thing, and that is the way I see this.

If I were to basically sum up the problem with sections 3 and 3A of the Firearms Act 1996 right now, I would say it is just rubbish. It is opinion-based policy, not evidence-based policy. It is certainly an evidence-free zone, because—whether it is a committee, whether it is the Chief Commissioner of Police or their delegate—it is up to the opinion of someone. Like many things in life, a firearm functions one way or it functions another way, and that is basically it. You can do what you want. You can turn a block of aluminium into a firearm if you want. You can 3D print them, so are we going to ban all 3D printers? No. So to say it can go from one to another is just a furphy.

Also I have had it said to me that the public would feel fear should they see one of these firearms. I cannot remember what it was, but with two of the firearms Mr Gepp mentioned—one was an StG44 copy and another was an AK-47 copy—it would not matter whether it was a toy, it would not matter whether it was one of those .22 rim-fire copies, it would not matter whether it was a real one; the police response would be the same, and it should be. Also it is very, very, very naughty to have the public see your real firearm, whether it is a nice blued wooden one or something that looks like a machine gun. Again, the police response would be exactly the same. Basically we could drop that function. I am pretty sure licensing and regulation have got better things to do with their time, because I would suggest that with everything that is new that gets imported into the country they have to classify or recheck it after it has come through border force.

I do accept—and I think I made a bit of an error in my second-reading speech—that since the new National Firearms Agreement there is a mention of classification due to appearance. But that is the problem: it is appearance. My understanding is that South Australia did a rejig of their firearms legislation in 2016 and did not include provisions for appearance-based classifications. In fact the Law Reform Commission of Western Australia in 2016 conducted a review of their firearms act, and recommendation 83 was to remove appearance provisions because they really do nothing.

Queensland police have a very different way of dealing with it. They actually seem to go through quite a practice, and this is a copy and paste from one of their websites:

We don't 'reclassify' firearms, unless it has been identified that it was incorrectly recorded in the first place.

An error I could understand, but my faith is more with border force as they have got a lot more money than the state police departments. Also if the Queensland government wants to do it, it requires a regulatory amendment, which is at least something that can be challenged. I am not aware of anyone challenging, or at least successfully challenging, any of the reclassifications that have been going on in this state.

Basically these laws are ineffective at being effective gun laws. They do nothing at all to help public safety. I would be willing to rethink this if someone could prove to me how a law-abiding firearms owner having a gun that looks like another gun but functioning as a normal bolt-action rifle is actually a public safety risk. I would be happy if someone could explain to me why this provision exists. I think the original part was a rifle back in 2008 or 2009 or thereabouts that for some reason just seems to offend someone, and that was the H&K R8, and then it just snowballed. Eleven or 12 are not big numbers. But not one of them was changed due to their functionality, because the functionality remains the same. The functionality, from the second that they were made in a factory somewhere in the world to the second they turned up at border force, is the same, and assuming they made it through to a dealer in Victoria, for instance, the functionality is the same. It was just the appearance. Therefore it was just someone's objective opinion that the firearm in question was more dangerous because of how it looked, not how it functioned, and I have got to say I think that is a very bad precedent for any legislation. I do believe I need to wind it up, as I am running out of time in my hour and a half. I commend this bill to the house.

**House divided on motion:**

*Ayes, 5*

Bourman, Mr  
Cumming, Dr

Limbrick, Mr  
Maxwell, Ms

Quilty, Mr

## MOTIONS

3016

Legislative Council

Friday, 19 August 2022

*Noes, 25*

Bach, Dr  
Bath, Ms  
Burnett-Wake, Ms  
Crozier, Ms  
Davis, Mr  
Elasmar, Mr  
Erdogan, Mr  
Gepp, Mr  
Hayes, Mr

Kieu, Dr  
Leane, Mr  
Lovell, Ms  
McArthur, Mrs  
McIntosh, Mr  
Meddick, Mr  
Melhem, Mr  
Patten, Ms

Ratnam, Dr  
Rich-Phillips, Mr  
Shing, Ms  
Stitt, Ms  
Symes, Ms  
Tarlamis, Mr  
Taylor, Ms  
Terpstra, Ms

**Motion negatived.**

## Motions

### COVID-19

**Dr CUMMING** (Western Metropolitan) (11:46): I rise to speak to my motion. I move:

That this house:

- (1) notes that the government has consistently failed the Victorian people through:
  - (a) the mismanagement of the health system;
  - (b) locking down the state, introducing mandates and curfews and closing playgrounds without producing any health advice to justify the measures;
  - (c) a consistent lack of integrity, alleged bullying and not cooperating in investigations;
  - (d) financial irresponsibility by blowing the budget and overspending billions of dollars on infrastructure and projects;
  - (e) the lack of transparency, including failing to produce reports, plans and business cases when requested;
  - (f) showing no accountability to the Parliament and the people of Victoria;
- (2) acknowledges that the mental health of the Victorian people, including children, has suffered during the past two years;
- (3) calls on the government to establish a royal commission into Victoria's response to COVID-19; and
- (4) further acknowledges that a change in direction and of government is needed to ensure the health of Victorians and the financial viability of the state.

I am not going to be speaking to every point in this motion. We all know the track record of this government. A change of direction is what is needed to ensure the health of Victorians and the financial viability of this state. We need politicians with three things—honesty, integrity and accountability—to bring about change. Speaking the truth is a big part of being honest, but it is more than that. Being honest means you admit to your actions even if it will get you into trouble. It is owning up; it is explaining how something really happened. Honesty has disappeared from our political system. The Andrews government is seemingly proud of its secretive and deceptive conduct. Integrity is having moral principles and being upright, honest and sincere. It is not just acting according to the rules but acting in the spirit that is behind those rules. Politicians have to put the needs of the wider Victorian community above their own personal interest. Accountability means being able to explain, justify and take responsibility for your actions. It means explaining when something does not go the way you said it would. It means answering to someone: to the Parliament, to the Victorian people or to the authorities.

The last federal election showed that the people are fed up with the major parties. It showed that they wanted a change. We know our health system is in crisis. This government has promised community hospitals. Where are they? Where are they during this COVID pandemic? We have a record number of people on the social housing waiting list, but this government has been more interested in looking at big-ticket projects, projects like the West Gate Tunnel and the Suburban Rail Loop, projects that are costing tens of billions of dollars and projects that are consistently over budget by millions and billions.



This government and the Greens would have us building rail tunnels and pushing for more public transport. It sounds great. Who would not want more public transport—and the environment? I do not hear people crying out for more rail tunnels during this pandemic, but I do hear them crying out for better hospitals and for housing. If this pandemic has shown anything, it is that. The Western Metropolitan Region, including councils like Hobson's Bay, Maribyrnong and Wyndham, are crying out for funds to build sporting and community facilities. Swimming pools: we had record drownings last year during the lockdowns. Children need to learn how to swim, so do our multicultural communities.

*Members interjecting.*

**Dr CUMMING:** The government is laughing at that. I am just going to jump from this for a moment. We have the Wyndham City Council—

**Ms Symes:** On a point of order, Acting President: Dr Cumming, you often make assertions about the government's reactions to your contributions, and you put on the record that the government is laughing at you. I can assure you that I do not even think Ms Stitt actually heard your comment, but I heard it. She was having a private conversation. We will try and keep it down. We were not laughing at you.

**The ACTING PRESIDENT (Ms Patten):** Are you asking for a withdrawal?

**Ms Symes:** No, no. I did not want Dr Cumming to feel uncomfortable that she thought we were laughing at her, because we certainly were not.

**Dr CUMMING:** Thank you, Attorney. No, I do not think that you are laughing at me, but because we are in the chamber you should be listening as a government to the debate for my community. When I am speaking about drownings I would hope you would have the courtesy to be quiet and to listen. On that, the point I was making was from Hobsons Bay, Maribyrnong and Wyndham city councils. Wyndham, briefly, wants a \$40 million swimming facility. They want a \$20 million commitment from this government. They are willing to put in \$20 million. In the western suburbs of Melbourne—

*Members interjecting.*

**Dr CUMMING:** Are you laughing again, Attorney, at this? You are not talking to anyone else.

**Ms Symes** interjected.

**Dr CUMMING:** No, you weren't. Don't lie. I am talking about integrity.

**Ms Shing:** On a point of order, Acting President: again, I really do not want, Dr Cumming, for you to think that there are conversations happening which are passing judgement on the contribution that you are making. We are minutes away from question time. We have a fair bit of documentation to work through here, and that is indeed what is happening.

**Dr CUMMING:** Thank you. Wyndham council wants a \$40 million swimming facility. They want a \$20 million commitment from this government. They are willing to put in \$20 million. We have multicultural communities in the western suburbs that need to learn how to swim, as well as children. Hobsons Bay City Council wishes to demolish their old swimming facility in Laverton. Again, they need a \$40 million swimming pool. They are willing to put in \$20 million. I am trying to make it as basic as possible for this government—the need for swimming facilities in the western suburbs of Melbourne, in the poorest areas of this state. When lockdowns occurred the amount of home drownings—we had the longest lockdowns in the world. Please acknowledge what you have created.

You take money out of pokie machines, but you do not spend it back in the western suburbs, in the poorest communities. These projects need to take priority with this government because, I can assure you, you cannot catch a train when you are stuck at home in a lockdown or waiting for surgery. Trains or hospitals, or swimming facilities—these are priorities that the community are asking for because

people are dying. Swimming facilities or drownings—you need to learn to swim. If you do not have access to a pool, you need to learn to swim. It is very difficult to learn to swim in the ocean. Multicultural communities, small children—you need to build these facilities in the west. We need to make sure that the people have access to all the facilities they need in their local community. We need to do everything we can to keep the cost of living down. We need to make sure they have a roof over their head and make sure they can put food on the table and heat their homes or cool their homes.

**The ACTING PRESIDENT (Ms Patten):** Excuse me, Dr Cumming. Can I just confirm this is the royal commission motion that you are speaking to?

**Dr CUMMING:** Ms Patten, I am quite sure that you can read. Would you like to read the whole motion out for me?

**The ACTING PRESIDENT (Ms Patten):** Not at all. There was a drowning motion that you raised before, so I was just making sure you had not been mistaken.

**Dr CUMMING:** Did I say community facilities in that—infrastructure?

**The ACTING PRESIDENT (Ms Patten):** Carry on, Dr Cumming.

**Dr CUMMING:** Thank you for the interjection, Chair. I am not having a debate with the Chair. At the moment, food banks are absolutely stretched. People cannot afford the basics, let alone luxuries. Steak and three vegetables for dinner is a thing of the past for most families. You can just forget about a Sunday roast—you cannot afford it. You cannot afford mince and sausages at the moment. This is in the western suburbs of Melbourne and in Victoria—regional Victoria. There are plenty of people doing without food at the moment.

The government have introduced tax after tax, trying to get every cent out of the Victorian people while they go along their merry spending way. Households have budgets—why can't this government take a leaf out of them? I have to live according to my income. I know what it is like to struggle at times to feed and look after five children. At the moment more and more people are struggling. For all Victorians, if you do not pay your mortgage or if you do not pay your rent, you get tossed out on the street. I have to live within my means, but this government does not know how to live within its means. They have prepared a budget, but they are also quite happy to throw that budget out the window.

Yesterday we heard that the cost of the first two stages of the Suburban Rail Loop has blown out to \$125 billion, more than double the initial estimated cost of \$50 billion. I think it has been reported again as \$150 billion. Whether \$50 billion or \$100 billion, it seems to be nothing for this government—billions. The Premier said it would cost more to mothball—

**Business interrupted pursuant to order of Council of 18 August.**

### Questions without notice and ministers statements

### ANNUAL REPORTS

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:00): My question is to the Leader of the Government and Attorney-General. Minister, many in the chamber were troubled by the letter received yesterday to the chamber from the Treasurer providing a farrago of excuses as to why almost 250 annual reports due to be tabled by 15 October would not be tabled and consequently would not be available to the community before the election. In this circumstance I ask the minister: will you guarantee that the annual reports of the department of justice and all its agencies will be tabled before the chamber rises?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:01): I thank Mr Davis for his question. I did table a letter yesterday in this place. For those that missed that, it was in relation to the Victorian Auditor-General's Office (VAGO) advising the government that due to workforce and skills challenges as a result of the global pandemic

final reports for certain entities should be prioritised. Departments and agencies will of course continue to work to finalise reports as soon as they can with the resources available.

For context, the information that we have received from VAGO is that, even in the event of there being more resources scheduled and applied to the reporting effort, there nonetheless remains a high risk that most entities will not be able to meet such a timetable despite their and our best endeavours. The advice also notes that the 2022 reporting cycle presents greater challenges due to the flow-on workforce impacts from the pandemic, scarce resources in the accounting industry that complement our workforce during peak reporting season and workforce pressure on corporate finance functions of the agencies and VAGO audits.

So, Mr Davis, in relation to the information that I furnished yesterday, I hope that the further information clarifies the position that we have been put in. As has been identified in relation to the information from VAGO, all agencies and all departments will continue that work, but in relation to being able to meet the tabling date of this year, not everybody will be able to meet that.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:03): The minister did not mention her department or any of its agencies, and that was the direct point of the question. As Leader of the Government I ask you: will you ensure that all other ministers, including those in this chamber, provide the annual reports of their departments and associated agencies before Parliament rises?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:03): I have answered this question, Mr Davis. The advice from VAGO stands. It is not because people do not want to table information. It is literally because it is impossible to get all of that work done in the time available given the amount of other priorities of government, other work. There is not an army of bureaucrats that sit around where their only focus is working on these reports. It is about making sure that we are providing a service that Victorians rely on. Of course we have accountability and transparency requirements, and, as VAGO has identified, that work is ongoing.

### SUBURBAN RAIL LOOP

**Mr HAYES** (Southern Metropolitan) (12:04): My question is to the minister representing the Minister for Transport Infrastructure. On 4 July the *Age* newspaper reported that a number of mayors of councils in which the Suburban Rail Loop will operate have expressed concerns around the design of the project. They have reflected widespread community concern about the location of station interchanges and connections to existing metro rail lines. My office has also been made aware of extensive community concern about the reduction of green open space and the controversial siting of a stabling yard on green wedge land at Heatherton. Given that many design features of the project are not meeting with community approval, will the government consider a redesign of the project in closer consultation with the Department of Transport as well as affected local governments and their communities?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:05): It was remiss of me at the start of question time not to indicate to the chamber that Minister Pulford is absent today. In relation to any questions for her or Minister Tierney or their representing portfolios, I am more than happy to take those.

With that, Mr Hayes, I will pass your question on to the Minister for Transport Infrastructure and provide an answer, probably through Minister Pulford.

**Mr HAYES** (Southern Metropolitan) (12:05): Thank you, Minister. Projections for the Suburban Rail Loop project show that half of its passengers will be transferring from metro trains, trams and buses to the rail loop. Can the minister assure me that the project will conduct an open process with local governments and communities to outline the costs and benefits of different options for interconnection with existing transport services?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:06): I will pass on your supplementary with your substantive.

#### **MINISTERS STATEMENTS: STAWELL UNDERGROUND PHYSICS LABORATORY**

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (12:06): It is Science Week, which means that this week we are in a position to celebrate curiosity, inquiry, learning and knowledge not just around Victoria but around Australia. I want to focus today on dark matter. Over 80 per cent of all matter in the universe is made up of material that scientists have never seen. Dark matter is completely invisible. It emits no light or energy and thus cannot be detected by conventional sensors or detectors, and to that end it is a little bit like the Leader of the Opposition.

But there is some fantastic news in Stawell today. The much-anticipated Stawell Underground Physics Laboratory is officially complete. This is a \$5 million partnership between Victoria and the commonwealth. What it will enable is a 1-kilometre underground laboratory to be established so that detection of dark matter has the best possible chance through a range of collaborative experiments. With stage 1 now complete, the SUPL Ltd laboratory, which is co-owned by the University of Melbourne, Australia's Nuclear Science and Technology Organisation, the Australian National University and Swinburne University of Technology, along with the University of Adelaide, will come together to deliver an experiment in partnership with the Laboratori Nazionali del Gran Sasso in Italy.

This is truly a global experiment to make sure that we stand the best chance of detecting a specific particle believed to make up dark matter. This means that laboratories like SUPL will help us to uncover the secrets of the universe—to that end, a wonderful announcement indeed.

#### **FIRE RESCUE VICTORIA**

**Ms BURNETT-WAKE** (Eastern Victoria) (12:08): My question is to the Minister for Emergency Services. Can the minister tell the Parliament how many staff in Fire Rescue Victoria have access to a fully funded and maintained vehicle with private plates and for private use?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:08): Thanks, Ms Burnett-Wake, for that question. I certainly do not know the answer to that. I will have to take that on notice and provide you with some information in relation to the provision of vehicles for FRV staff, whether they be executives or operational staff. There are obviously a number of vehicle requirements for an emergency services organisation given that they are required to travel around the state. We have hardworking FRV staff all across Victoria, in regional centres, in metropolitan Melbourne and obviously in all of our suburbs and outer suburban areas. There are a lot of kilometres to cover, so I hope that they have been furnished with the vehicles that they need to do their jobs. But in relation to the specific number of vehicles as per your specific question, I will have to get back to you with that detail.

**Ms BURNETT-WAKE** (Eastern Victoria) (12:09): Thank you, Minister. How many firefighters who are currently on long-term sick leave still have full access to fully maintained government vehicles? Could you also include that, please.

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:10): I will see what information I can get you to respond to that question, Ms Burnett-Wake.

#### **COMMONWEALTH GAMES**

**Mr BOURMAN** (Eastern Victoria) (12:10): My question is for the Minister for Commonwealth Games Legacy, Minister Leane. Minister, at the Commonwealth Games in the UK recently there were no shooting events at all. To date there have been no announcements about the Australian Commonwealth Games in 2026 and shooting sports. Shooting sports are legitimate sports enjoyed by

nearly a million Australians that also bring large amounts of money to the economy, particularly rural economies. My question is: are you aware if there will be any shooting sports in the Australian games in 2026?

**Mr LEANE** (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (12:10): Thank you, Mr Bourman, for your question and your interest in the Commonwealth Games. There is an expression-of-interest process in that there will be extra sports other than the 16 sports that were announced in the initial announcement that there is going to be a regional Commonwealth Games in 2026. It is going to be fantastic. As I said, there will be extra sports, and part of the process for expressions of interest is that the international sporting associations—and in this case you would know better than me, Mr Bourman, the different disciplines of shooting and the different international associations—need to be part of the expression of interest for extra sports. That is actually working its way through now, and I think there will probably be announcements of the added sports hopefully soon. It has been a fantastic process.

I think as far as the legacy goes—and I know you would probably be interested in the legacy—if, say, the sports that you are interested in were added to that initial list, of course common sense says that there will be a number of different—

**Mr Bourman:** On a point of order, President, the minister seems to be going on a wild frolic about what is and is not possibly done and all that. All I asked for was a fairly simple answer, yes or no: was he aware?

**The PRESIDENT:** To be honest, I was struggling with the question as well and whether it should be directed to the Commonwealth Games legacy minister or the Commonwealth Games delivery minister. But Minister Leane is happy to answer, so I ask the minister to continue.

**Mr LEANE:** I thought, President, you were struggling with my response as well. Mr Bourman, I thought I was giving you a range of different avenues. I thought I was going the Nigel. But, Mr Bourman, in all seriousness, there was an article today I read about how India is very pro the sports that you are interested in. Maybe something for Mr Bourman to follow up—and I am happy to follow up as well—is whether the international association has put in that application to be an extra sport.

I was going to say, as far as the legacy goes—and I understand your interest—of course common sense tells you that there are going to be a number of training facilities across regional Victoria, not just in the hubs. And that is an opportunity for those regional facilities to look at upgrades or to get to a certain standard, so it is quite exciting. In all seriousness, I thank you for the question.

**Mr BOURMAN** (Eastern Victoria) (12:14): I thank the minister for his farrago of answers, or whatever it is. And I thank the minister for actually mentioning that it is predominantly a rural sport. In the interest of getting as much as we can out of the Commonwealth Games to assist in upgrading rural facilities, will the minister help me in advocating for the shooting sports to make sure they are included in the 2026 games?

**Mr LEANE** (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (12:14): I think it would probably be inappropriate for me to advocate for a particular sport, but in saying that to Mr Bourman, I will endeavour to find out where the expression-of-interest stage is at and try and get more information just so he can come up to speed about how far away decisions are from being made. There are a number of sports vying for those extra spots, which is fantastic. I think one thing that is important is that the sports are inclusive so it is not too difficult for people to actually be involved, and that is one of the criteria that we are looking at. But I will endeavour to get Mr Bourman some more information on the expression-of-interest process.

**MINISTERS STATEMENTS: COMMONWEALTH GAMES**

**Mr LEANE** (Eastern Metropolitan—Minister for Commonwealth Games Legacy, Minister for Veterans) (12:15): Today I would like to provide an update on Victoria's 2026 Commonwealth Games. The Commonwealth Games flag was handed over to Governor Linda Dessau in Birmingham during a magnificent closing ceremony. A fantastic smoking ceremony was conducted by elders of four traditional owner groups, who invited the world to come to country for the games in regional Victoria. The Games will be hosted in four hubs, Ballarat, Bendigo, Geelong and Gippsland, for 12 days—12 exciting days, I have got to say—from 17 to 29 March 2026. I have been very privileged to meet with traditional owner groups, sporting clubs, councils and social enterprises, particularly in Geelong, Morwell and Bendigo and I plan to be in Ballarat very soon, to speak about how these regional games can leave a positive legacy. As I mentioned in my answer to Mr Bourman there is a core group of 16 sports that are slated for the Commonwealth Games, and international sporting federations have been invited to submit an expression of interest if they would like to have their particular sport added to the program. There is great opportunity for local jobs, social enterprises, apprentices, training and upgraded facilities. This is a fantastic opportunity for regional Victoria, and I am looking forward to working with all stakeholders to get the optimum outcome and the best legacy we can for the Commonwealth Games in 2026.

**VICTORIAN FAIR JOBS CODE**

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:17): My question is for the Minister for Workplace Safety, and I refer to the so-called Victorian Fair Jobs Code, noting the jobs code carries the minister's imprimatur. Will the minister explain to the house which act or other head of power this code is derived from?

**Ms Stitt**: President, I would seek your guidance in relation to Mr Davis's question. The Victorian jobs code is not a matter that sits within the responsibility of my portfolio. In fact Minister Carroll in the other place is responsible for the development and has been the lead minister doing the work with stakeholders on this code. Of course the code does have a small reference to health and safety, as you would expect, but it is not a matter that sits within my portfolio.

**The PRESIDENT**: I am checking that. Is that under Minister Pulford?

**Ms Stitt**: No, it sits under the industry portfolio. It is the responsibility of Minister Carroll in the other place.

**The PRESIDENT**: All right. Well, Mr Davis, I ask you to redirect your question to Ms Pulford, who is representing Minister Carroll.

**Mr DAVIS**: Minister, given the role that you play with the jobs code, will you explain what input you have—

**Ms Symes**: You have just been asked to redirect it.

**Mr DAVIS**: I am, to the Minister for Workplace Safety.

**The PRESIDENT**: I asked you to redirect the question to the minister through Minister Pulford, who is representing him.

**Mr DAVIS**: All right. I will do as I am instructed, President.

**The PRESIDENT**: Thank you.

**Mr DAVIS**: I will therefore ask: what act or head of power is the code derived from?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:19): I thank Mr Davis for his question, and I will pass that on through Minister Pulford to Minister Carroll.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:19): The Buying for Victoria website states that the code will be a condition for tendering for all government work and further notes all suppliers seeking to be considered for high-value procurement and businesses applying for significant business expansion grants must submit a job code plan to the contracting Victorian government agency as part of the procurement or grant process. The code plan requires businesses to describe how they will move staff to full-time employment. I therefore ask: is it not a fact that this directly discriminates against women, who represent a high proportion of all part-time and casual staff, many by choice?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:20): I thank Mr Davis for his supplementary question, which will be passed on to Minister Carroll. I do welcome his interest in the jobs code and the benefit that it will bring to Victoria and Victorian workers. Specifically in relation to his question, I am sure Mr Carroll will be delighted to provide him with information on the equality requirements in relation to procurement and the advancement of women's full-time employment.

### MINISTERIAL APPOINTMENTS

**Mr LIMBRICK** (South Eastern Metropolitan) (12:20): My question is to the minister representing the Premier. I have searched in the media, and maybe this question has already been asked before but I have not found it, and I am not sure the opposition is going to ask it, so it is probably up to me to ask it. Have there been any ministerial appointments during this term that were not reported to Parliament?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:21): I thank Mr Limbrick for his question. I so want to answer it, but I reckon the Premier will be delighted to provide an answer to you. I will pass that on to him, and I am pretty confident that you know what the answer is too. I am sure he will confirm that the answer is no.

**Mr LIMBRICK** (South Eastern Metropolitan) (12:21): I thank the Attorney for doing that. My supplementary question is: at what point did the Premier become aware that the previous Prime Minister was doing this?

**The PRESIDENT:** I am not happy with the supplementary, Mr Limbrick. I will give you a chance to reword it, or I will rule it out.

**Mr LIMBRICK:** Thank you, President. Can I get some clarification on why that is ruled out?

**The PRESIDENT:** It is not within the Premier's responsibilities, so I ask you to rephrase it.

**Mr LIMBRICK:** Okay. I will try rewording the question. At what point did the Premier in his role as a member of national cabinet become aware?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:22): Thank you, Mr Limbrick. I am sure in the Premier's answer he will be happy to canvass a lot of these issues, and if you see him around I am sure he would be happy to chat to you about it as well.

### MINISTERS STATEMENTS: MEETING OF ATTORNEYS-GENERAL

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:23): Today I would like to update the house on something that happened a week ago. We had the first Meeting of Attorneys-General (MAG) chaired by the new commonwealth Attorney-General, the Honourable Mark Dreyfus QC, MP. The meeting was a really important opportunity to ensure we have responsive and fair justice systems across the country. The meeting covered a range of shared issues, including access to justice, powers of attorney, coercive control, voluntary assisted dying and the criminal justice response to young people. It was clear that on many of these issues Victoria is leading the nation in relation to legislating and providing appropriate services.

We also discussed the need for continuing action to reduce and ultimately prevent family violence against women, sexual violence and sexual harassment, all areas where Victoria has made this a priority and has been at the forefront. Our landmark Royal Commission into Family Violence paved the way for wide-reaching changes on how our justice system works and supports victims. Victorian laws already recognise that family violence comes in many forms, including coercive and controlling behaviour such as emotional and financial abuse. This behaviour can be a criminal offence also. I look forward to contributing to the national principles to develop a common understanding of coercive control across the country and guide any future reform.

MAG also endorsed a work plan to strengthen criminal justice responses to sexual assault. As we know, Victoria is already on this reform pathway, and I am so proud that today we are debating legislation to adopt an affirmative consent model and provide better protections for victim-survivors of sexual offences. Victoria is also leading work in aspects of model defamation law reform to address the chilling effect that defamation laws can have on victim-survivors reporting criminal or unlawful conduct to police and other bodies. This is relevant to sexual harassment reforms that our government is championing, particularly under the leadership of Ms Stitt.

Once again I am tremendously proud of the Andrews Labor government's commitment to fighting for rights and protections for Victorians. There is always more work to do in the Attorney-General portfolio, but having a forum of like-minded attorneys from state and federal bodies is really encouraging. It was a decent, productive meeting last Friday.

#### BENDIGO GOVHUB

**Ms LOVELL** (Northern Victoria) (12:25): My question is for the Minister for Regional Development. Will the minister confirm that the cost blowout in the Regional Development Victoria (RDV) Bendigo GovHub—predominantly for its information and communication technology, ICT, obligations—required a Treasurer's advance to address the blowout, and will the minister confirm the amount sought was an additional \$9.5 million?

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (12:25): Thank you, Ms Lovell, for yet again giving me an opportunity to stand up and to talk about this government's record investment into regional development. Since we were elected, what we have seen is \$36 billion invested into regional Victoria. That is nearly three times what was invested by the former—

**Mr Davis:** On a point of order, President, this is a highly specific question about one project. It is not an opportunity for the minister to go on a general frolic; she announced at the start that she wants to go on a long talk. It is about one project in one city and one cost blowout.

**Mr Leane:** On the point of order, President—and General Frolic over there—Ms Shing has only been up for 30 seconds, so I think that Mr Davis needs to curb his enthusiasm.

**The PRESIDENT:** You know I cannot direct the minister in how to answer a question. I agree she had just stood up.

**Ms SHING:** Thank you very much, President. It is unfortunate that those opposite actually want to curtail the discussion that we are in the process of now having about our record investment into regional infrastructure. When we look at the recent discussion about the importance of investing into infrastructure—

**Mr Davis:** On a point of order, President, the discussion is not about the government's general investment. The question is about a specific project. You cannot direct a minister in how to answer, but you can indicate that a minister must be relevant.

**The PRESIDENT:** Thank you again, Mr Davis. Minister, please be relevant to the question.



**Ms SHING:** Let us try for take 3 on this particular question. As I was saying, the record investment into infrastructure across regional Victoria has enabled GovHubs to be developed and to be delivered around regional Victoria, including in Ballarat, in Bendigo and in Morwell. What this has enabled us to do—in the face of abject neglect by the former federal government in decentralising government services, programs and employment opportunities—is build upon the work we have already done in Geelong and make sure that across Bendigo, Ballarat and indeed Morwell we see record numbers of opportunities developed for public sector workers who might otherwise have needed to move beyond regional centres and down to Melbourne to undertake their work.

We have in fact seen that, as a consequence of scope changes, the development and delivery of a range of functions across GovHubs have needed to be refined over time. It may come as no surprise to people in government that in fact if you are in the process of being at all connected with market changes and uplift of costs across the board, including under the former federal government, including as they relate to upward pressure for a range of primary materials and labour across Australia and indeed around the world, there need to be—

**Mr Davis:** On a point of order, President, we have still got the minister on a general frolic. It is a very specific question about one GovHub in Bendigo and the costs and the cost blowout on it. It is not a general matter about the federal government; it has got to be relevant.

**The PRESIDENT:** Minister, I have to ask you to come back to the question.

**Ms SHING:** I was quite literally in the process of answering the question around the range of further refinements that need to be undertaken when and as there is any change to the scope or indeed to the fit-out and to the program delivery of capital or of operational costs not just across government projects like this—record-setting government projects like this in regional Victoria—but across a range of different projects. It should come as no surprise that any kind of fit-out that is required to be undertaken should be done properly, and that is indeed exactly what we are doing.

**Ms LOVELL (Northern Victoria) (12:30):** The minister's desperate grab for her iPhone every time there was a break there—

**Ms Shing:** On a point of order, President, I am just wondering if Ms Lovell needs to go back to Brighton to find an iPhone of her own.

**The PRESIDENT:** Ms Lovell to return to her supplementary.

**Ms LOVELL:** The minister's desperate grab for her phone showed us that she did not know the answer, so I will help her out. Minister, the original state budget allocation was \$16 million, so the additional \$9.5 million represents a 60 per cent cost blowout. I therefore ask: what steps or mechanisms will you put in place as minister to ensure that such cost blowouts on RDV projects do not occur in the future?

**Ms SHING (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (12:31):** Let us try this again, Ms Lovell. The work that is undertaken around any large-scale project, whether in the middle of Melbourne or at the edge of our state, requires a constant understanding of the way in which projects are managed and the way in which costs are incurred over time. The great disappointment is not only the way you have asked this question but the way that you conduct your narrative outside this place is that you do not seem to understand that there are necessary adjustments that need to be—

**Mr Davis:** On a point of order, President, the minister is on a frolic again, attacking the opposition. She should answer the question and be relevant to the question. It is a very specific point about what steps she will take.

**The PRESIDENT:** Mr Davis, I believe the minister was relevant. But, Minister, please stick to the answer.

**Ms SHING:** As I was hoping to indicate at the outset, this particular GovHub facility is in the process of being delivered as scheduled within the project envelope and to be operational early next year. In order to do that we need to manage the project as it continues to be developed and to be delivered, and we are doing that after having allocated that \$16 million and will continue to manage the project until it works as it deserves to.

**Ms LOVELL** (Northern Victoria) (12:32): I move:

That the minister's answer be taken into consideration on the next day of meeting.

**Motion agreed to.**

### WOMEN IN PRISON

**Ms PATTEN** (Northern Metropolitan) (12:33): My question is for the Attorney-General and relates to sentencing. Victorian women prisoners are growing at the fastest rate in the Western world, with Aboriginal women being the most incarcerated group on the planet by population. As we heard in the justice inquiry and from organisations like the Health and Community Services Union, the vast majority of female prisoners are victims of family violence and women tend to have shorter stays in prison for non-violent offences. However, short prison stays hugely impact health and mental health treatment and disrupt important stabilising factors like accommodation, family and employment. So my question to the Attorney-General is: will you amend the Sentencing Act 1991 to mitigate this trend?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:34): I thank Ms Patten for her question and her ongoing interest in these matters. I agree with you, there are too many women in our custodial settings. A lot of them are on remand. We know that this is a growing concern, and we are continually looking at programs of diversion and support services for women, particularly as we know that many women who are incarcerated are victims themselves, predominantly. So many of them have been subjected to family violence and the like or have housing issues and a lot of underlying causes that lead to them coming into contact with the justice system, so there are a range of responses in relation to preventing women going into custody.

In relation to sentencing reform, you have made recommendations in this chamber before about someone's gender being a factor of consideration in sentencing. It is certainly something that I do not dismiss out of hand, but you have asked a very specific question about whether I will be amending the Sentencing Act specifically. I will certainly not in this term in relation to the legislative program, but with sentencing more generally, the Sentencing Act of Victoria is certainly something that I am interested in exploring, but I am not in a position to give you guaranteed commitments around what that would look like. I have made it quite clear that when it comes to matters such as that I am very interested in people's views—victims' views, justice stakeholders' views and the like—and I would welcome any of your feedback. Indeed some of the work in relation to the justice inquiry has merit.

**Ms PATTEN** (Northern Metropolitan) (12:35): Thank you, Minister. I do want to acknowledge that we are starting to see a reduction in women in prison in Victoria, but they are still so over-represented. But by way of supplementary, imprisonment is a sanction of last resort, and it is inherently punitive. Community correction orders are also punitive but might be better at addressing all other sentencing purposes. CCOs are not necessarily used by the courts as creatively as the Sentencing Act permits. For example, restriction, exclusion and curfew conditions could be used in combination to effectively home detain. Short of amending the Sentencing Act, will the Attorney-General advocate in the sector for more creative use of CCOs as an alternative to short terms of imprisonment?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:36): I welcome your comments, but we are skating perilously close to separation-of-powers issues in relation to dictating to the courts how I think they should apply their sentences and the like. But your comments and the issues that you have identified are something that I am particularly interested in. We have ongoing conversations about this between me, the Minister

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for Corrections and the other ministers that have interrelated portfolios, whether it is housing or whether it is family service support and the like. It is something that we need to get better at. I think, as you have identified, we are seeing some positive trends, but there are still some of those cohorts that are over-represented, and that is not a trend that we want to see. We want to see that going backwards. I take on board your comments, and there are certainly alive discussions amongst government on the same themes that you have raised.

## WRITTEN RESPONSES

**The PRESIDENT** (12:37): Regarding questions and answers: Mr Hayes, transport, Ms Symes for Ms Pulford, two days, question and supplementary; Ms Burnett-Wake, question and supplementary, one day; Mr Bourman, Mr Leane, one day, question and supplementary; Mr Davis on safety—that goes again to Ms Pulford, which is Ms Symes—two days, question and supplementary; and Mr Limbrick to the Premier, two days, question and supplementary.

## Constituency questions

### EASTERN METROPOLITAN REGION

**Dr BACH** (Eastern Metropolitan) (12:39): (1935) My constituency question is for the Minister for Health in the other place, and it concerns the ongoing crisis at Box Hill Hospital in my electorate. My question to the minister is this: will she urgently meet with the senior leadership at Box Hill Hospital in order to ensure that they have the significant additional resources that they need to deal with the crisis they are facing and in particular to get rid of that stupid tent in the car park? As the house knows—as I have informed the house—I was at Box Hill Hospital with the CEO just a week and a half ago, and it was very instructive to have a tour of that facility and in particular to have a look at that tent. It is stupid. It is better to be in a tent in a car park than to be in an ambulance ramped in a car park. But, as so many health experts and paramedics have said over the last few days, it is no substitute—indeed it is a Third World substitute—for being in an emergency department and being in a hospital bed. But because of years and years of underfunding and mismanagement from the Andrews Labor government, this is what we see in Victoria in 2022.

### NORTHERN VICTORIA REGION

**Ms MAXWELL** (Northern Victoria) (12:40): (1936) My constituency question is to the Minister for Emergency Services and is regarding the storm clean-up for Yarra Ranges. Storms devastated this community 14 months ago, and Yarra Ranges are grateful for some funds received so far, but they have only received \$3.53 million. The gap between the funds provided and what they need to recover is \$19 million, so I am asking the minister: will she deliver this funding? The most urgent need—although it is all urgent—includes \$7.1 million to support wellbeing and community connectivity and to complete the removal of remaining fallen timber and bushfire fuel and \$1 million to support those navigating the complexity of requirements to rebuild. Yarra Ranges council are desperate for this financial support and a genuine long-term partnership to help restore a reasonable level of resilience within their impacted communities, environment and infrastructure.

### SOUTH EASTERN METROPOLITAN REGION

**Mr LIMBRICK** (South Eastern Metropolitan) (12:41): (1937) My question is for the Minister for Roads and Road Safety. A little while back I raised the matter of pedestrian safety at a crossing at Nepean Highway and Charman Road and the difficulty that it was presenting to a resident of a nearby retirement village, with inadequate time to cross safely. I thank the minister for acting on this and extending the time. The feedback I have had is that it is still a little tight but the extended time is appreciated. There are two additional safety issues on this intersection that have been raised with my office. It seems that the flashing give-way-to-pedestrians signs at the traffic lights on the outbound side of Nepean Highway are either inoperable or not clearly visible. There is also an issue with cars turning into the service lane too quickly. Will the minister follow up on these additional safety

concerns to ensure that the residents in the area have safe access to the shops and the station on Charman Road?

### NORTHERN VICTORIA REGION

**Mr QUILTY** (Northern Victoria) (12:41): (1938) My constituency question is to the Minister for Environment and Climate Action. Evidence obtained through freedom of information shows that your government had already agreed to a ban on sustainable hardwood harvesting before the 2018 election. Despite that, you only announced the plan after the election, in late 2019. Timber mills across my electorate are set to be devastated by this plan. Mills in Corryong and Wombat forest are already suffering because of it. I am sure many timber workers voted for Labor not knowing that you were planning on destroying their livelihoods. These people have been tricked. I believe in honest government. That means politicians should be up-front about what they plan on doing. They should take their plans to elections to let the public know what they are voting on. Northern Victorian timber workers cannot trust this government, and they will not vote for it again. Minister, will you confirm that you are not hiding any more attacks on the timber industry or the Northern Victorian economy that you will only be revealing after the next election?

### WESTERN METROPOLITAN REGION

**Dr CUMMING** (Western Metropolitan) (12:42): (1939) My question is to the Minister for Health in the other place, and it is from a resident, Kyle, from Footscray. She wants to know where she can get some of these free rapid antigen tests for concession card holders. In January this year a program commenced where concession card holders were allowed 20 free tests, with no more than five in a month. This program finished on 31 July. With COVID cases and deaths rising again, Kyle feels like practically all of the community protections have been stripped away in the hope of people taking it upon themselves to do the right thing at their own expense. She also understands that there are heaps of free—apparently free, because nothing is free—tests stockpiled in public schools, sitting in storage cupboards, and she would like some of those so-called free stockpiled tests.

### Motions

### COVID-19

#### Debate resumed.

**Dr CUMMING** (Western Metropolitan) (12:44): We need a royal commission into how this government managed COVID over the last 2½ years. We need to learn more from the mistakes of this government so we do not repeat them in the future. Victorians want to see the details. They want to see the emails. They want to see where their money went. They want to see the advice that was given. They want to see the minutes of those meetings. They want to know who made the decisions and who was in the room at the time. They do not want to hear ‘I can’t recall’ or ‘It’s not my job’. Victorians deserve transparency and accountability after what they have been through.

The last few years have been tough. They have been hard. Everybody in Victoria—individuals and businesses—has felt the strain of the last two years financially, mentally and emotionally. It has taken a toll on all of us. We are all exhausted. I am exhausted. Some have felt it more than others. Some lost their loved ones through illness, suicide or stress. Some died waiting for surgery or waiting for ambulances. Some lost their businesses.

Here there is a saying: ‘If you’ve got your health, you’ve got everything’. Our healthcare system should have been a priority, and COVID has shown us all that we have a second-rate healthcare system here in Victoria. The system is broken, and it is breaking our workers. New hospitals have to be built. They need to be the priority of the next government—not tunnels and rail loops. We need to train up a workforce that can fill these hospitals in the next four years. Could you imagine—dream with me now—no hospital waiting list? This can be achieved if we have the hospitals and the workers trained

in four years time. The government may say that I am a dreamer, but we need to dream big, and even getting halfway there would be better than what we have got at the moment.

I have been disappointed for the last 20 years with the infrastructure of hospitals. When the new Footscray Hospital was announced—\$1.5 billion—it sounded fantastic. I pushed for 20 years for that. Now the cost has already blown out by half a billion dollars. Then we come to Melton hospital, promised for years—not a cent in this budget. Instead, this government just took \$2 billion out of the health budget. In 2021–22 the healthcare budget was \$27 billion. In this year's budget it is \$25 billion. You can spin it all you want, calling the budget 'Putting patients first', but how can you take more than \$2 billion out in one year when we have a system like this that we are living under? Our healthcare system is in crisis. Our mental health is the worst that it has ever been. This is the time to invest everything we can in health care.

The Productivity Commission earlier this year released a report that showed that we have the worst healthcare system in Australia. Victoria spends less money per person running public hospitals than any other state in the country, with fewer beds, fewer staff and longer waiting times in emergency departments. Victoria was lagging behind the rest of the nation across a range of measures even before the pandemic pushed the system to the brink.

Victoria deserves the best healthcare system in Australia. We do not want pop-up tents in emergency departments, and we did not want pop-up tents during COVID near shopping centres such as Highpoint. Victorians deserve bricks-and-mortar hospitals. They deserve more ambulances to turn up—to be bought. They deserve to be able to see a doctor without waiting weeks. They deserve to have surgery when they need it. They deserve this because they pay the most in taxes. This government gave us 40 new taxes. Where is this money? There are no freebies. You know it.

The Independence Party will commit to ensuring accountability for those who are making decisions on behalf of all of us. We are not right or left. We are not Labor or Liberal. We will vote on legislation on its merits. The community wants hospitals. We will fight to get funding and services to our local community and local hospitals. We know what it is like to live within our means. We need to drive down the cost of living. We cannot continue to waste budgets. It is so extremely important at this time. I might leave it at that, and I look forward to the debate within this house.

**Ms TERPSTRA** (Eastern Metropolitan) (12:51): I rise to make a contribution on motion 832 standing on the notice paper under Dr Cumming's name. I have had the benefit of listening to the previous debate on this matter, and I might just note that this motion calls on the house to note a number of things but essentially in noting a range of things goes on to call on this government to establish a royal commission into Victoria's response to the COVID-19 pandemic. As we know, there have been a number of things canvassed in this debate today that essentially relate to our public health system, our mental health system, the mental health of Victorians and the like.

I might just reflect on my contribution earlier this week when this house was considering the Mental Health and Wellbeing Bill 2022, which was a very important bill that the government introduced into the house last week in response to the Royal Commission into Victoria's Mental Health System. It was in response to, I think it was, recommendation 42, which called on us to implement legislative change and to lay the foundations for some really groundbreaking responses to Victorians' mental health not just as a result of the pandemic but as a comprehensive root-and-branch review of Victoria's mental health system, which really has been in decline and in need of serious reform for many, many years.

The royal commission took extensive evidence from people with lived experience, mental health practitioners and experts in the field, and I can say with quite a level of confidence that the work that is being done in that space will meet the needs of Victorians not only now but into the future and give patients the responses that they need when they need them. Our mental health system previously was really predicated on the fact that you got the help you needed when you were in absolute crisis, and

we know that with regard to mental health the earlier the intervention you get, the better the trajectory you have for the prospect of recovery.

Again I will reflect on my comments in that debate, where I talked about during the pandemic when I saw the Victorian chief psychiatrist, who is actually well able and qualified to speak on these matters. Like many other Victorians, I follow the science, I take note of the science and I listen to experts in their field when they talk about these matters. I reflect on the chief psychiatrist's comments at that time, when he was asked a question I think about the mental health of Victorians through the pandemic. I am paraphrasing—I cannot say directly word for word, because it was some time ago—but the essence of his comments was that most people can respond to and cope with challenging circumstances. We all have the capacity to cope with those circumstances. The idea that we are all completely fragile and will be fallible with every challenge that we meet is actually not correct. That is not correct. However, it is correct to say that there are some people that will find circumstances more challenging than others, and it is those Victorians that the root-and-branch reform of our mental system is there to help when they need it.

Many of us through our lifetimes will be subject to, feel vulnerable to or suffer vulnerabilities to our mental health. This idea that only some of us will, others will not—it does not matter. We can all suffer the ill effects of mental health issues at some point. I know women sometimes, after childbirth, experience postnatal depression; that is a mental illness. Some people may experience an eating disorder; that is a mental illness, right? You may experience depression. There are lots of things. There are lots of illnesses. So when people talk about mental health, it can be anything from 'I'm feeling down, depressed and blue' to a whole range of things that need proper diagnosis. It is a very big, broad spectrum of things when we talk about mental health.

Going back to the chief psychiatrist's comments in regard to experiencing challenging times like we are experiencing in a pandemic, let us talk about this for a moment. This is a one-in-100-year event. This is something that none of us in our lifetimes have actually experienced before. There is no playbook on this, there is no rule book on this. This is about responding to the needs of people when they need it. As I said yesterday, some people—for example, children who are neurodiverse—actually liked learning from home. Why? Because they did not have to engage with the sensory overload that often school environments can bring—the lights, the noise, the sounds. So it is incorrect to say that everyone suffered badly. There is no doubt people have suffered badly, but when we talk about this we actually need to look at the entire experience of Victorians and Australians throughout the pandemic, because it is incorrect to pitch it in any other way. I reflect on those people and many constituents in my region who also talked about the fact that they were thankful for not having to battle traffic on busy roads when they were travelling to work. They were thankful for the fact that they actually got to spend more time with their family and children at home while they were working from home.

**Ms Shing** interjected.

**Ms TERPSTRA:** Exactly. There are multiple benefits. What this speaks to as well is recognising the diversity of experiences of Victorians and not lumping us all in the one basket. The motion is ill founded. It lumps a whole number of things together.

The work that this government just yesterday started—we started earlier than yesterday, actually, because we made a record investment prior to bringing the legislation into this house on reforming our mental health system, because we knew we needed to inject funds into it urgently so we could then get on with doing the preparatory work and legislating to make these important reforms. We listened to the royal commission. We accepted every recommendation of the royal commission. I am proud to be part of the Andrews Labor government, which is getting on with doing that, because those opposites would not do a thing if they had the chance. They do nothing. They do absolutely nothing over there except criticise the government. They have not got an alternative. I keep waiting for the day that we

get an alternative to anything we have to say. It is nothing. It is just negative, carping—nothing—and no-one is here.

**Ms Shing** interjected.

**Ms TERPSTRA:** Exactly. No-one is even here. There might be a Lib spill on at the moment; maybe there could be something like that going on. They would be more concerned about that than the mental health of Victorians and this debate today. It is a sad indictment on those opposite that they cannot even be here. We have accepted every single recommendation of the mental health royal commission. I am proud to be part of a government who is getting on with that, listening to the needs of Victorians and listening to experts who guide us in these things. We have got the Department of Health, who are experts; we have got many doctors and GPs.

I note on some of the things that were talked about earlier, when we talk about access to health care there is a bit of an issue with the feds there, for example. Under the Morrison government one of the things that was popping up all the time was that people were struggling to get access to their GPs in their local area. That is not a matter for the state government, that is actually the federal government. Thank goodness we have got a different federal government in Canberra right now. We might actually see some action on that so we can get a better and more responsive local GP network that can support people in local communities to get to their GP and to see their GP. During the pandemic, for example, there were many times, even for me, when I had to have a telehealth consult because I needed to see a doctor, and that was a great initiative. There are always positives and negatives. If we want to have a glass-half-empty approach to all this stuff, it is all terrible, but I look with optimism—

**A member** interjected.

**Ms TERPSTRA:** I know. We can just look over there. But I try and look at these things with optimism and a sense of hope because what people in my region are telling me is that they want to move on from the pandemic. They know what we all experienced—and all of us were in it together; we all experienced a challenging and trying two years. But what people are now saying is, ‘Okay. How can we get up and move forward?’. People are not interested in blaming and the negativity and talking about things that only matter to a very small negative-minded bunch of people. What people want to see is this government moving forward and helping people with their lives on things like cost of living, for example. People want to know how they can access housing. They are looking to our government to make that possible, and we are taking serious action on those sorts of issues—housing, climate change, cost of living. The initiatives we have rolled out—free dental in schools; the energy power saving bonus, 250 bucks in your bank account to help you with your cost of living and your bills—that is what Victorians want to hear about.

So I encourage everyone in this chamber to vote against this motion because, as I said, we are doing so many things for Victorians. We do not need another motion in this house, and we certainly do not need a royal commission into the COVID-19 response. As I said, the government has got so many things on the go to help Victorians every day. This motion is just unnecessary.

**Sitting suspended 1.01 pm until 2.05 pm.**

**Mr GEPP** (Northern Victoria) (14:05): I rise to speak on Dr Cumming’s motion 832. There is a lot in this motion, I have got to say. It covers a heck of a lot of ground. I do not know whether it is so much a motion on a page as a vomit on a page, but anyway, there is a lot in here to dissect. The one thing that this motion does talk about of course is COVID, and COVID has been an extraordinarily difficult time for everybody, not just in this state and not just in this country but around the world.

In Victoria there have been almost 4000 new cases and 27 Victorians have died in the last 24 hours from COVID, so we continue to feel the impacts of COVID. Victorians have been doing it tough but doing their best through this winter wave. I myself succumbed to it, and I can attest to how nasty COVID is. I do not wish it upon anybody. I am very grateful that I have received three vaccinations. I

was about to get my fourth but had to push it back. In the next few weeks I will be going to get my fourth vaccination, because, like so many other Victorians throughout our wonderful state, I understand that these vaccinations, whilst they do not stop you getting COVID, will alleviate the worst aspects of it in most cases. Victorians continue to pony up with things like the wearing of masks on public transport and in workplaces where they are in confined spaces.

Globally I understand there have been almost 600 million cases—think about that: 600 million cases—of COVID around the globe and about 6.5 million deaths. In addition to that—again from the World Health Organization, and I stand to be corrected—I understand that somewhere in the vicinity of 12 billion vaccinations have been administered right throughout the world, and we understand without those vaccinations those numbers that I have just quoted would have been far higher. But of course it has not just been the vaccinations. As we have been building up to having the vaccination standards that we have reached—what an incredible number, and I certainly thank the 94.5 to 95 per cent of adult Victorians over the age of 16 that have gone out and got the vaccine because that is so important to address this scourge called COVID-19—importantly we have had to take a number of steps over the last couple of years, as we know, to keep those case numbers as low as we possibly could and to limit the impacts on our health sector. And what a wonderful job our health sector has done and continues to do in very, very, very difficult times. Can I thank everybody associated with the healthcare sector, be they a clinician, be they a ward clerk, be they an orderly, be they an ambulance driver or whoever they happen to be. You have done a magnificent job, and we are very grateful and very appreciative of your efforts.

We know that we have had the vaccinations in conjunction with things like lockdowns. No-one enjoyed lockdowns. Gee, they were some of the most difficult times, and of course we are still dealing with some of the after-effects of lockdowns. Nonetheless, as we built our resilience to COVID-19 up, through things such as lockdowns and as we got vaccinated, it was so important for us to take those steps.

Of course the other impact of COVID has been on the economy at the state level, at the federal level and at the global level. We have seen, haven't we, in recent months around the world global markets starting to deal with economies coming back online. There are difficulties that we know economies are facing, with cost-of-living increases both here domestically and around the world. Importantly, what we also hear from many, many economists right throughout the world is that the governments that have been responsible by injecting money into the economy as best they could, particularly through things such as infrastructure programs, are the ones with economies that are starting to come through far better placed than in other parts of the world. Of course testament to that here in Victoria is that you only have to look at our unemployment rate, you know? We have got a 3 in front of it. Can you believe it? We have just come through—and continue to go through, of course—the global pandemic and some very, very difficult and challenging economic times, but we have unemployment in this state with a 3 in front of it. Depending on which economist you talk to, many of them say we are at full employment. Of course we hear our employers right throughout the state of Victoria who are having difficulty recruiting labour saying to governments of all persuasions, of all jurisdictions, 'This is a significant problem'. We have got to try and address that. It has been those economies, those states, those jurisdictions which have had an eye on not just dealing with the here and now but ensuring that, as they come through COVID, they could do so and reduce, again, the impacts on their communities through things such as infrastructure programs.

I think one of the things that this motion sort of assumes, if you like, is that you cannot do more than two things at once. It suggests that you should be focusing on this or you should be focusing on that, because this is a pretty broad spray about everything that the government has done over the last couple of years. You think about the things such as the lockdowns that the motion refers to—can you imagine? When they are looking at this motion I just ask people to ask themselves, as they are considering which way they are going to vote: what were the alternatives? It is okay to ridicule and criticise what has occurred, but what would you have done differently? What would we have done to curtail the impact



of COVID-19 if we had not had lockdowns, if we had not had mandates on vaccinations, if we had not had curfews and if we had not had the chief health officer and the Premier standing up every day—I cannot remember how many days it was, but it was every day for a very, very long period of time—explaining to Victorians the reason for the decisions behind some of the actions taken by the government? What was the alternative? Of course the alternative would have been that our hospital system would have collapsed two years ago. It would have collapsed two years ago, because we can already see that despite all of the efforts that we have made there are still problems, there are still stresses in the system, and it is a hangover of course from those peak COVID waves. It is one thing to talk about these things, but it is quite another to put up an alternative.

It is okay to talk about financial irresponsibility by blowing the budget. Minister Shing explained beautifully, I thought, during question time, especially to those opposite, about the things that you need to think about with big infrastructure projects and how costs move around. People must think that you sign a contract today and things remain static for the duration of that build. Of course that is a nonsense, and it does not occur. I can tell you if the government had not invested in infrastructure programs during the COVID wave, then what we would see today is an economy in dire, dire straits. Instead, we are powering ahead. We have got low unemployment. We have got record investment. We have got more kids going through TAFE and tertiary education. All of the levers that we have been pulling have delivered a good, strong economic outlook for this state. I am proud of the work the Andrews Labor government has done during COVID-19 and with our infrastructure program, and would I urge the chamber to reject this motion.

**Mr QUILTY** (Northern Victoria) (14:15): The Liberal Democrats believe Victoria needs a change of direction. We support a royal commission into the pandemic response to find out what we could have done, what we should have done and what we did well. We will support this motion. The last few years in Victoria have not been good years. We have had the pandemic and we have endured the government's response to the pandemic. We have had devastating fires driven by mismanagement of public land. We have had the destruction of the Victorian timber industry. We have had the continuing mismanagement of water. We have had the collapsing hospital system. What we are doing is not working, and Victorians need a change in direction.

The Liberal Democrats have a positive vision for Victoria. We believe in honest government, in treating Victorians like adults and in a prosperous Victoria. The Liberal Democrats want to see a Victoria where the rights of the citizens are respected and protected. Any student of history could tell you that government power is dangerous. Every decade we have new examples of abuse of authority and governments suppressing their people. The last few years were no exception. This government showed it has capacity to wield enormous power over the public. It was not afraid to suppress speech and enforce compliance. The forward-thinking and liberal state of Victoria was just as quick to turn to riot police and arrests to assert its authority. The truth is that Victorians have very little protection against the government. The Liberal Democrats want to change that. The Liberal Democrats propose to draft a bill of rights to be enshrined in the Victorian constitution. This list of enumerated rights will restrict the government and protect Victorians from the tyranny of the majority.

In addition to these protections, we need reforms to emergency powers legislation. We are still in an ongoing emergency. The government is still holding on to the power to make rules by decree. We need powers to enable a rapid response to an emergency situation, but those powers should include safeguards. These powers need limits to ensure they are not used to suppress people's rights, that they are not used indefinitely and that they follow a strict code of accountability and parliamentary oversight. Now the pandemic is dying down it would be easy to forget about this legislation and move on. But we owe it to the people who will live through the next pandemic to get these protections right. We have the time and the distance to soberly reflect on these powers and to ensure they are reasonable and proportionate for future emergencies. We need these changes and more to keep our government honest and to keep Victorians from authoritarianism.

The Liberal Democrats want to see a Victoria where corruption is exposed to sunlight and held to account. We look forward to our integrity bodies—IBAC, the Ombudsman, the Victorian Auditor-General's Office—having the independence and the funding they need to hold all Victorian institutions to account and a Victoria where most complaints about Victoria Police are investigated properly and solved. The Liberal Democrats have a vision of Victoria where citizens are treated like adults, where they are free to make their own choices and where consent is always required. Far too often our government acts like a parent and treats us like children. It bubble wraps us, manages us, makes decisions on our behalf and protects us from ourselves. This is not the role of the government. If anything, we are the parents and the government is the child. We are responsible for making sure our government has behaved itself. It is time we had a government that treats Victorians like adults.

The Liberal Democrats have a vision of Victoria that is unlocked and open to the people, with public access to public land. Our forests and parks are increasingly restricted and are managed by bureaucrats in Melbourne. Public land should be managed by local communities and user groups. They should be treated not as government land but as commons that are shared by everyone. Restrictions on camping, fishing, prospecting, hunting and travel get more restrictive every year. The current government sees humanity as a pest that needs to be locked out of the commons. We see the commons as an important shared resource that we need to make the most of. We need to unlock Victoria.

It is not just about the commons, the government thinks it should control our personal lives too. It continues to create and enforce victimless crimes and nanny state laws. We do not need the government to protect us from our own choices. We need to be free to make bad decisions about our own lives. More importantly, we should be free to decide what is best for ourselves—free to choose. The Liberal Democrats look forward to a Victoria where there is no nanny state. We want to see legalisation of recreational cannabis use, and we want to see the decriminalisation of drug possession, moving drug use away from being a criminal issue towards a medical one. We would no longer treat smokers, drinkers and gamblers like children. We want to allow people to consent to risk with their own lives and then to suffer the consequences of those risks if they get it wrong, from small liberties, like choosing to vape, to fundamental ones, like the right to die on your own terms. The Liberal Democrats believe in individual liberty. More than ever we need a government that treats Victorians like adults.

The Liberal Democrats look forward to a Victoria where parents have more choice about their children's education. We will return choices about schools to parents and about curriculum to schools, and we support independent educational models. Liberty is not just about limits on authority and the freedom to make social choices. Humans are fundamentally economic animals: we produce, we improve and we thrive. All the lessons of history show that liberty creates a flourishing economy and a prosperous nation. Every experiment with socialism and state control has led us to failure. The Liberal Democrats look forward to a Victoria where everyone is set free to pursue their own destiny, unleash their creativity and create a better, richer, more inclusive society for us all.

Years of government meddling and layers of regulation and control have created lasting damage that will not be undone overnight, but there are two growing issues that affect everyone that need to be addressed. If we do not fix the looming energy and housing crises, our entire nation will be struggling to bear the weight of everyday expenses. These crises will not be solved by the major parties, because they are being caused by the major parties. The Liberal Democrats look forward to a Victoria where the people have cheap, reliable and abundant energy to drive the economy, heat and cool their homes and charge their cars.

Government spends a fortune on propping up renewable energy in Victoria. When they say renewable energy is cheap, they are not counting the money they spend on it. Everything is cheap if you do not look at the actual price tag. Governments lie when they blame privatisation for price increases. The energy industry in Victoria is all but nationalised already. The government sets prices, controls sales and makes rules about every aspect of the business. Governments have almost complete control over the sector, and it is a disaster. We are paying more now for energy than ever before. The Liberal

Democrats want to see an energy policy that cuts the subsidies for unreliable renewables, that removes restrictions on nuclear and allows access to natural gas in Victoria.

The Liberal Democrats want to see a Victoria where houses are affordable for everyone to buy or to rent, where in the long run new house prices rise no faster than the inflation rate and old house prices decline slightly every year. If our housing crisis is not turned around and quickly, we are going to derail our economy and our society for at least a generation. There are two changes that need to be made to right the ship and save the housing market. First, we need to scrap stamp duty. This tax is the worst tax in Australia. It is difficult to imagine inventing a worse one. Stamp duties cause a full dollar of additional damage to the economy for every dollar collected by the government. The effect of stamp duty is that moving house costs tens of thousands of dollars. This makes it difficult to get a job in another town, to change the size of your house as the size of your family changes and to adjust your expenses when your circumstances change. This tax must go. This is not a high tax versus low tax argument, it is a stupid tax versus efficient tax argument. We should not be using stupid, inefficient and destructive taxes when other options are available.

The other change in the housing market is to allow more houses to be built. The reason housing is so expensive is that there are more people wanting to live in cities than there are new houses being built to accommodate them. The only real solution is to increase the number of houses being built and to increase the density of that housing. This is a mathematical fact and a logical certainty. Subsidies, tax exemptions, lenders mortgage insurance schemes, government part-owner schemes, tenants rights, rent caps, first home buyer grants—none of these things do anything to fix the problem. The government planning controls restrict the amount of new housing being built. The only real solution is to wind back our planning and zoning restrictions and approve more development and construction. The solution to the housing shortage is to build more houses. Everyone should be able to afford a home, and by increasing the housing supply everybody will.

The Liberal Democrats look forward to a Victoria that has low taxes, a budget surplus and low levels of debt, a financially sustainable state with a public service achieving value for money with taxpayer dollars. The Liberal Democrats look forward to a Victoria where regional Victorians are respected and treated as equals, and perhaps that is a future where regional Victoria becomes the new state of Murray, where we can determine our own destiny. The Liberal Democrats have a positive vision for the future of Victoria. We want to see a free and prosperous state where Victorian rights are respected, where consent is always required and where Victorians are free to choose for themselves.

**Ms CROZIER** (Southern Metropolitan) (14:25): I rise to speak to Dr Cumming's motion 832 calling on the government to establish a royal commission into Victoria's response to COVID-19. I welcome Dr Cumming coming on board and supporting this initiative, because this is an initiative that the Liberals and Nationals announced in September of 2020, almost two years ago. Two years ago we said that a royal commission into the government's COVID response because of the catastrophic failures and breaches in hotel quarantine where over 800 Victorians lost their lives needed to be looked at. We knew at the time that the contact-tracing failures were just catastrophic, that there were so many issues, that the public health unit had had budget cuts and were not set up properly to deal with COVID. We were told that 4000 intensive care unit beds would be there ready for Victorians, ready for our health system—we would be prepared. We were told that a surge capacity workforce would be in place. We were told a number of things at that point in time. Nothing eventuated.

Since that time there have been multiple failures, and never has the government acknowledged those failures. The issue of the curfew—the decision was made by Daniel Andrews himself. It was not a decision made by the chief health officer, who came out and said, 'It wasn't my advice'. So whose advice was it? That curfew was where Victorians were locked in their homes for 23 hours a day and restrictions were put in place on travel—Victorians were not able to cross the border to come home to their own homes, to have vital medical treatment or to say goodbye to dying loved ones. Thirty-three thousand Victorians were locked out of their own state. The Ombudsman found that that was inhumane.

There are so many issues with the government's response. We have never had the truth or transparency around some of these decisions. We have been told, 'Trust us. It's the health advice'. We have never seen that. They brought in legislation, the pandemic declaration, that we all live under now. The Pandemic Declaration Accountability and Oversight Committee has not seen the chief health officer since 31 January this year. We have not even seen the chief health officer in that important oversight committee. Let us not forget that this Parliament was shut down during COVID, so there was no accountability, no ability to question government.

The failures of the Andrews government in their COVID response will go down as the worst in this state's history. The policy decisions made by this government are the worst in our state's history. This is the worst government this state has ever had, and we need to be looking at what has happened over the last 2½ years because of the catastrophic consequences—the mental health impacts on our children, with no face-to-face learning; the lockdowns, with the longest city lockdown in the world; and the numbers of suicides and cases of self-harm. Our health system is in crisis now. It is worse than it was before COVID because of the decisions of this government.

This motion goes to the heart of why we need to have a royal commission—to look at the issues, the policy decisions, the decisions made by the Premier alone, and then get to the bottom of that to ensure those failures are never repeated again. We can never again have happen what has happened over the last 2½ years. It has been catastrophic for too many Victorians. Too many Victorians have lost their lives, too many Victorians are going to have impacts that will affect them for the rest of their lives. The royal commission and what Dr Cumming is calling for is something that the Liberal-Nationals wholeheartedly support. It is a pity that the government does not support such an initiative when so many Victorians have lost their lives throughout this entire crisis.

**Dr CUMMING** (Western Metropolitan) (14:30): The Independence Party want a change of direction in government, and the Independence Party want accountability, transparency and a royal commission. We all remember the protest at the CFMEU headquarters because they had to be masked working outdoors on construction sites. Construction workers marched over the West Gate Bridge against mandates. People sat on the steps of Parliament for weeks protesting. Parents and grandparents marched in the street for the health of their children. They marched for their children and the teenagers who had to wear masks when they had to go to school. And then this government shot protesters with rubber bullets. I know a nurse who pulled out a beanbag pellet from the back of someone's arm—someone that was running away. This government was shooting people in the back who were too scared to say they were at a protest in fear of a \$5000 fine. She said that that was not how to deal with a virus when we all knew from science that if we were outdoors where there was ventilation we were about 99 per cent safe. Our children had to wear cloth and surgical masks during summer, against the science. And now you are handing out N95 masks for free. You gave schools air purifiers and told them to keep their windows open, defeating the purpose. You need either ventilation or purification; you cannot have both at the same time.

This government has created confusion time and time again. They shut down playgrounds even though it was safer to be outdoors. They let us out for 2 hours a day, and we had a curfew. Apparently the virus must have been worse after 9.00 pm. What was the logic in the curfew? Where is the science to justify that? They created a vaccination economy. Where was the science to justify that? They stopped people from working. Where is the science to justify that? They split families apart at Christmas into the vaccinated and the unvaccinated. Where is the science to justify that? They stopped us from celebrating weddings. Where is the science to justify that? They stopped us from attending funerals to farewell our loved ones. They stopped us from seeing our relatives in aged care. They stopped us from visiting families in hospitals. They stopped us from having elective surgery, and now we have a skyrocketing waiting list of people who sit at home in pain. There was no justification for shutting down surgeries—empty hospitals during a pandemic. It is mind-blowing. Where is the science to justify that?

We need a royal commission. This government will continually say that their daily Dans were the medical advice, were the science. But the community want the emails. They want the minutes of the meetings. They want to see the paperwork. They are not happy that this government have been so secretive. They do not want to hear 'I don't recall' or 'It's not my job'. ScoMo just did that; look what happened to ScoMo—ScoMo, the minister for everything. We have our own dictator here. He only had eight ministers. I want a royal commission. Show me and show Victoria what you were doing, Dan.

### House divided on motion:

#### *Ayes, 12*

Bach, Dr  
Bath, Ms  
Bourman, Mr  
Burnett-Wake, Ms

Crozier, Ms  
Cumming, Dr  
Davis, Mr  
Limbrick, Mr

Lovell, Ms  
McArthur, Mrs  
Quilty, Mr  
Vaghela, Ms

#### *Noes, 17*

Elasmar, Mr  
Erdogan, Mr  
Gepp, Mr  
Hayes, Mr  
Kieu, Dr  
Leane, Mr

Maxwell, Ms  
McIntosh, Mr  
Meddick, Mr  
Melhem, Mr  
Ratnam, Dr  
Shing, Ms

Stitt, Ms  
Symes, Ms  
Tarlamis, Mr  
Taylor, Ms  
Terpstra, Ms

### Motion negatived.

### Business of the house

### NOTICES OF MOTION

**Mr TARLAMIS** (South Eastern Metropolitan) (14:41): I move:

That the consideration of notices of motion, government business, 683 to 730, be postponed until later this day.

### Motion agreed to.

### Bills

### STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022

#### *Second reading*

### Debate resumed on motion of Ms SHING:

That the bill be now read a second time.

**Dr BACH** (Eastern Metropolitan) (14:42): To be honest, it is with mild disinterest that I rise to make a contribution on the State Sport Centres Legislation Amendment Bill 2022. It is not a particularly important bill. It does make some minor changes, the nature of which obviously I have investigated thoroughly and will shortly expound upon for the benefit of the house. There is an amendment that my colleague in the other place Ms McLeish has circulated to other members for their benefit.

**A member** interjected.

**Dr BACH:** I have some text from Ms McLeish in the other place. I will plagiarise some of what she said in that place in this place, and then we will all be in a better position to ascertain the nature of those amendments, me included, and at that point we will have a vote.

*Members interjecting.*

**The DEPUTY PRESIDENT:** Order! I know it is late on a Friday afternoon, but perhaps Dr Bach could continue without so much assistance.

**Dr BACH:** I think I may need it. The purpose of the bill is to give the State Sport Centres Trust management rights and responsibility for the Knox Regional Sports Park, Lakeside Stadium and Lakeside Oval Reserve. It is also to update legislation on the parcel of National Tennis Centre land following road widening on Hoddle Street.

I think the amendments may have been circulated, but if not then I am very happy for them to be circulated at this point if that would be a useful thing.

**Opposition amendments circulated by Dr BACH pursuant to standing orders.**

**Dr BACH:** I think before the circulation of the amendment—which is in my name, but to be a fair, again, Ms McLeish in the other place has done the legwork, so I thank her for that—I was going to remark upon some of the more specific and exciting elements of this bill. The bill will make amendments to the State Sport Centres Act 1994—that is an act of this Parliament apparently—and allow the State Sport Centres Trust to manage and operate the Knox Regional Sports Park and land, the Lakeside Stadium and the Lakeside Oval Reserve land. It will also make amendments to the Melbourne and Olympic Parks Act 1985 to reflect the new boundary of the National Tennis Centre land following the reservation of a strip of centre land as a road in the Streamlining Hoddle Street project—I hope I got that right. It also makes amendments to include the CEO of the SSCT, as I will now refer to the State Sport Centres Trust, on the State Netball and Hockey Centre Advisory Committee. The State Sport Centres Trust, or the SSCT, has management responsibilities over a number of entities: the Melbourne Sports and Aquatics Centre, the State Netball and Hockey Centre and the committee of management of the Lakeside Stadium. What this bill will do is expand its responsibilities to include the management of Knox Regional Sports Park.

In all seriousness, I did want to make a contribution today specifically because the Knox Regional Sports Park is a really important facility in my electorate. I know my friend Ms Terpstra also wants to make a contribution on this bill because she has been to this particular park and it is in her electorate as well, given that her electorate is in fact also my electorate. The nature of the provisions in the bill that relate to the Knox Regional Sports Park refers back to our amendment, which I will perhaps refer to now, given that it has already been circulated, for the benefit of other members. Here is what we are seeking to do: in short, we are seeking to ensure that this legislation provides the opportunity for user groups specifically at Knox to be heard and indeed have the same opportunities to be heard as other groups. We would like to insert an amendment, should other members see fit to join us and vote in favour of what I think is an important amendment. And I do think, to be fair to some of my friends and colleagues in the ALP in the other house, several of them support it also. I am actually not sure of the position of the government regarding this amendment, but my advice is, unusually—and I am not being in any way facetious when I say this—that it may be possible to gain the support of the government for our amendment, and I hope so. Here it is. We want to insert:

**‘26FF Knox Regional Sports Park Advisory Committee**

- (1) There is established by this Act an advisory committee to be known as the “Knox Regional Sports Park Advisory Committee”.
- (2) Subject to subsection (3), the Knox Regional Sports Park Advisory Committee consists of members appointed by the Minister including—
  - (a) a person nominated by the Trust, being a member of the Trust;
  - (b) a person nominated by the Knox City Council;
  - (c) a minimum of 5 persons nominated by sporting clubs and community groups that use and are interested in the operation and management of the Knox Regional Sports Park.
- (3) The chief executive officer of the Trust is a member of the Knox Regional Sports Park Advisory Committee.
- (4) The chairperson of the Knox Regional Sports Park Advisory Committee is the member appointed under subsection (2)(a).

Then we want to insert:

**26FG Function of Knox Regional Sports Park Advisory Committee**

The function of the Knox Regional Sports Park Advisory Committee is to advise the Trust on the operation and management of the Knox Regional Sports Park and the Knox Regional Sports Park land.

Finally, we want to insert:

**26FH Procedure**

Subject to this Act, the Knox Regional Sports Park Advisory Committee may regulate its own procedure.”’.

Just briefly, for the benefit of the house, let me tell you why I think that this is an important and uncontroversial amendment. Ms McLeish and indeed others in the other place have been seeking to work collaboratively with friends and colleagues across the aisle—including some members of the Labor Party in the other place and in this place too, I understand—to see if we can get bipartisan support for this, which would be a great thing. Broadly speaking, what Ms McLeish said in the other place regarding the amendment that she has drafted but nonetheless comes to this place in my name was that nothing that is not already in the current act for other entities has been proposed here. Indeed these amendments have been based on section 26D of the current act, which is about the State Netball and Hockey Centre Advisory Committee—so that already exists. As such, what we are seeking to do is to replicate those arrangements, which are supported by government, for the Knox Regional Sports Park by creating a Knox Regional Sports Park advisory committee.

As I know Ms Terpstra will note in her comments, because we were just talking before—she being a big basketball fan, just as I am, has actually been to the Knox Regional Sports Park to play basketball—I think it is something like 11 000 young people use this park. It is a massive centre in our electorate, and I think, especially given what we have all been through over recent years, to create a mechanism for a louder voice and a clearer voice for folks in our electorate would be no bad thing. It is fantastic that so many young people who of course had very few opportunities to get out and about and to exercise are able to now do that in our electorate at this really important centre.

On this side of the house we have very few concerns about this legislation. Ultimately we will support it, of course, whether or not our amendment is successful—I am not sure if it is politic to advise the government of that beforehand, but there you are—

**Ms Shing:** Your largesse is impressive, Dr Bach.

**Dr BACH:** thank you—because we do think it is good legislation. In the very thorough consultation process that was conducted by Ms McLeish, some groups expressed some concerns to her that we considered and we note and we certainly do not dismiss, notwithstanding the fact, in the spirit of constructive engagement, we will still support the bill. Some user groups, it was put to Ms McLeish in her consultation process, could be pushed out once the long-term lease agreement is over. So, for example, Knox City Council want this to remain a community-accessible facility, not only for professional sport. That sounds like a sensible thing.

It is fantastic with this facility and other facilities named in the legislation that of course any number of elite teams can use them but also that these facilities are used so extensively by community groups. Community sport clubs are not entirely sure—this was reported to us—if it will be viable for them to lease space at the Knox Regional Sports Park due to fee payments and lower club membership numbers post COVID. Typically user clubs get discounted rates, but with new facilities costs can be higher. So our view is that the situation should simply be monitored. Perhaps Dr Kieu, who is the lead for the government on this matter, could bear that in mind. Finally, there is no direct position on the SSCT board of trustees for a member for the outer east. The creation of a consultative committee, similar to that which already exists, would provide direct contact and potentially deal with this issue.

On the whole this bill seems eminently sensible to us. We would like to make one change that we think is very important, because I know Ms Terpstra—I would not want to verbal Ms Terpstra, and I am not seeking to—and all of us who represent this region recognise the great importance of the Knox Regional Sports Park. For that reason I commend to the house the amendment that my friend Ms McLeish has put much time into crafting after consulting broadly, and more broadly I also commend the legislation to the house and I wish it, hopefully with an amendment, a speedy passage.

**Dr KIEU** (South Eastern Metropolitan) (14:54): With great pleasure I rise to speak on the State Sport Centres Legislation Amendment Bill 2022. This is a technical bill but, nevertheless, a very important one because it deals with sports and sports facilities. We know that sports play an important role in our lives. They make our lives healthier and happier and get us connected at the same time. Also, they are not just for the wider public; sports facilities and activities have helped our state, and indeed our country, very much through our achievement in the world arena.

Victoria is not only the cultural and entertainment capital of Australia, it is also the capital of sports. Indeed we are in many respects the world leader—not just the Australian. I have a long list here, but be nice to me and I will go through it quickly. Melbourne is the only city in the world with both a tennis grand slam and a motor grand prix. Only last month, Manchester United, which is a very big football club in the UK with more than 17 million fans globally and 150 000 people on its member waiting list, played two exhibition games at the MCG—so they chose the capital of sport. Next month we will host the Wallabies and the All Blacks during the Bledisloe Cup, and of course the AFL Grand Final will be played right here, as it will be every September until at least the year 2050. Not only that, in October this year the ICC Men's T20 World Cup cricket will also be played in our state of Victoria. Then the month after—November—we will have the Spring Racing Carnival, with the race that stops the whole nation. Then in December the Big Bash League begins and we will also host the Boxing Day Test, a tradition that has been going on for years in Australia and held right here in Victoria. Then beyond this year, next year we will host the FIFA Women's World Cup, with our investment in the home of the Matildas right here as well. And of course we are all aware that in 2026 we will host the first-ever regional Commonwealth Games, showcasing the best and the beauty of our region to the whole world.

Victoria hosts major event after major event, and our athletes win medal after trophy, and those happen not by accident. They are all by design and intention. We are very proud of that. This bill—

**Dr Bach:** Great bill.

**Dr KIEU:** Thank you, Dr Bach. This bill follows through on the commitments to redevelop the State Basketball Centre within the Knox Regional Sports Park. Even though this may now be in somebody else's region, I want to remind people that in November the State Basketball Centre will be in the South Eastern Metropolitan Region, my electorate, via the redistribution. The bill will make sure that it can continue to provide accessible facilities for the local community.

Primarily this bill transfers responsibility for the management of certain significant state sporting facilities that have dual community and professional utility from the Department of Environment, Land, Water and Planning to the Department of Jobs, Precincts and Regions and, ultimately, the relevant responsible minister. It should be noted that all environmental protections remain, but the bill allows for the Minister for Tourism, Sport and Major Events, via the State Sport Centres Trust, to manage more efficiently the needs of relevant stakeholders. Also, the bill contains some minor and technical amendments around updating the current records of the boundaries of sport precincts after some of the roadworks and refining how some of these state assets are defined.

Before I move further, I would like to briefly mention the State Sport Centres Trust. This is a very important entity. The trust facilities attract more than 2.5 million visits per year, contribute \$164.6 million—nearly \$165 million—per annum in economic benefits and provide over 1000 jobs. That was in 2019 data. I am sure that will be growing this year and in years to come. It also facilitates



further support for Victorian sports by hosting over 100 significant events per year—once again in 2019; there will be more to come. It also hosts 20 professional and semiprofessional and representative teams and over 30 sporting tenants, including state sporting associations, national sporting organisations and the Victorian Institute of Sport.

The bill will amend the State Sport Centres Act 1994 to, first, make the trust responsible for the Knox Regional Sports Park, including the newly redeveloped State Basketball Centre.

**Dr Bach:** A good bill, that 1994 bill.

**Dr KIEU:** This 1994 bill, the State Sport Centres Act? It is about time to amend it. Two, it will amend the bill to make the trust directly responsible for the Lakeside Stadium and the Lakeside Oval Reserve under the SSCA 1994, rather than as a committee of management under the Crown Land (Reserves) Act 1978 as is currently the case. The amendment will also aim to provide the trust with general leasing and licensing powers when managing Crown land. There will be no loss of public open space because of those amendments. It is also important to note that the reservation of the land as Crown land will be retained and its public character will be maintained.

The amendment also aims to provide for administrative efficiencies in the operation of the trust, including enabling the trust to prepare a single annual business plan and operate from a single bank account. Secondly, it will change the membership structure of the State Netball and Hockey Centre Advisory Committee. I know that the opposition has circulated an amendment for a new committee, but we already have the State Netball and Hockey Centre Advisory Committee. This bill will require the appointment of a trust member and a trust CEO to reflect the importance of the supervisory role played by the trust in that advisory committee.

The bill also amends the Melbourne and Olympic Parks Act 1985 to correct the details of the parcel of National Tennis Centre land that was acquired for the Streamlining Hoddle Street project. There are some more minor but technical improvements, including consequential amendments that have been made to the Albert Park Land Act 1972 and the Australian Grands Prix Act 1994 to reflect the change in management of the Lakeside Oval Reserve and also to the Major Events Act 2009 to include a definition of the Lakeside Oval Reserve land and to update the provisions for temporary closure or temporary modification of roads to include the land. Another technical point is about providing the transitional provisions that have also been drafted to facilitate the transition from current management arrangements to the new arrangements under this bill. The bill also provides that existing leases at Lakeside Stadium and Knox Regional Sports Park will transition as though they had been negotiated under the bill.

This bill ensures that the Victorian government is delivering the *Active Victoria 2022–2026* strategy to build a thriving, inclusive and connected sport and active recreation system that benefits all Victorians. This bill will mean that sports clubs and associations will get better access to better facilities, and it will reduce the regulation burden on both those community clubs and the internals of government. I wholeheartedly commend the bill to the house.

**Ms TERPSTRA** (Eastern Metropolitan) (15:06): I also rise to make a contribution on this bill, the State Sport Centres Legislation Amendment Bill 2022. I have had the benefit of listening to the contributions from Dr Bach and Dr Kieu. I have to say that both of them have very adequately addressed the scope and content of the bill. My contribution will focus on my interaction with this great sporting facility as it is in the Eastern Metropolitan Region, in Knox. I had the great pleasure of attending a charity basketball match at the Knox basketball centre. I have to say that my knowledge of basketball is pretty much next to zero, but I thought I would give it a crack anyway because it was for a good cause.

**A member** interjected.

**Ms TERPSTRA:** It is a sad thing. I mean, I am a little bit too old for the whole basketball thing. I think I was a generation—

**A member** interjected.

**Ms TERPSTRA:** Well, there you go. Clearly I thought I might have been, but I did not grow up playing basketball at school. We played other things, and basketball as a thing really only became a thing after I left school. In any event, when I was asked to come and play a charity basketball match, I thought, ‘Well, why not? It is at the Knox basketball centre. It would be a great thing to come and do’. I think the Minister for Veterans, Shaun Leane, had some role in organising it all, but it was a charity match with the Koori basketball association. It was a pretty amazing day. It was a wonderful day. Minister Ingrid Stitt came with me as well, and might I say, Minister Stitt is a dab hand at basketball. It was amazing. The best thing I could do when I was there was to run up and down the thing making like I looked like I knew what I was doing. I had no idea what I was doing at all.

**A member** interjected.

**Ms TERPSTRA:** I know. A little bit like that. But it was a wonderful day, and I have to say that that facility is a wonderful facility. The number of children and adults that come to play basketball at the state—

**A member** interjected.

**Ms TERPSTRA:** Thousands of them. It is really important in this post-COVID era that people are able to connect with sports, because we know that being active makes you healthy, keeps you fit and all those sorts of things. It is critically important to make sure that we provide good spaces and places for people to be active and to stay active and connect with sport.

As Dr Kieu said in his contribution, this bill helps to deliver and maintain the State Basketball Centre located at the Knox Regional Sports Park and replicates the best elements of the Melbourne Sports and Aquatic Centre model to allow for more efficient management of significant sports infrastructure that is utilised by both community and professional athletes. The good thing, as I said, about the Knox centre is that it is of such a high quality that we do attract high-quality matches and professional athletes to play there.

It was a fantastic day. I was surprised to see when we played against the Koori team that Nicky Winmar was in there. I was surprised—

**A member** interjected.

**Ms TERPSTRA:** I know. It was amazing. Nicky Winmar—wow!

**A member** interjected.

**Ms TERPSTRA:** I know who he is too. I am not an AFL aficionado, but I know Nicky. Also Lidia Thorpe played. She stole the ball off me. She did a big steal, and I got thrashed.

*Members interjecting.*

**Ms TERPSTRA:** I know. I was a bit of lead in the saddlebags on that day for the politicians who played with me on the team—I think Dustin Halse, the member for Ringwood, and Jackson Taylor, the member for Bayswater. There were quite a few of us there—

**A member** interjected.

**Ms TERPSTRA:** Yes. And of course the Knox centre is in the Bayswater electorate.

**A member** interjected.

**Ms TERPSTRA:** Yes. It was a marvellous day. I might talk about aspects of sport for a minute. Earlier this year a thousand Get Active Kids vouchers helped families get their kids involved in organised sport and recreation activities, reimbursing the cost of membership and registration fees, uniforms and equipment. When we went to play this charity match I was given a uniform to wear as part of that charity match. That was amazing. I did not expect that. I just rocked up with my own—

**A member** interjected.

**Ms TERPSTRA:** I know. I rocked up with my own things, but there you go. These things do add costs for parents with children who want to go and play organised sport. Like most kids, when they are growing you are buying them a new pair of shoes every six months because they grow out of them and they wear them out on the courts and those sorts of things, so these active kids vouchers are really useful and helpful. You have got the cost of competition fees or registration fees—really, really critically important. They have been incredibly popular.

As we know, the health benefits of sport participation are clear, and we also know that every kid should get to experience the camaraderie, community and joy that come with club sport. We also know that when you play a sport it is good to learn how to be a graceful winner and a graceful loser, because it is hard to lose sometimes. We see some people being incredibly poor losers around the place. This is one of the things that sport teaches you: to lose gracefully. That is an incredibly important thing—to lose gracefully and to be a gracious winner. Community sport does that.

**A member** interjected.

**Ms TERPSTRA:** There you go. Community sport does that. That is why it is so critically important. We know about the Get Active Kids vouchers. We committed a further \$24.2 million into the active schools initiative, which builds on existing programs and funding to boost support and resources for schools to give kids opportunities to find and participate in the sport they love.

We know that kids love basketball because so many of them are going to the Knox basketball centre in my region, in the electorate of Bayswater at Knox. Across Victoria there are 44 amazing state sporting facilities. In particular our State Netball and Hockey Centre in Parkville and the Melbourne Sports and Aquatic Centre in Albert Park, and soon the State Basketball Centre in Wantirna South, give Victorians access to world-class facilities that they can train in so they can develop all the way up to the professional level. It is really, really important that we continue to provide these access points for kids through community sport into state sports so they can make their way up into those competition levels. It is fantastic.

The State Sport Centres Trust helps to subsidise access to elite facilities for the community and helps to manage their complex administrative and infrastructure needs. Knox local council acknowledged the trust's expertise and support capacity would ensure that the \$132 million State Basketball Centre redevelopment could be fully utilised and maintained. It is why they have asked that the trust take over the administration of the Knox Regional Sports Park, which houses the centre. The legislation acknowledges those local voices and, in doing so, expands access and support to local community athletes and spectators who will benefit from the State Basketball Centre, which will include 12 new indoor community courts for local basketball competitions for a total of 18 courts; comprehensive training facilities for high-performance basketball, including the WNBL and NBL teams—wow, amazing; new gymnastics facilities; new administration facilities to support sport organisations and clubs; and an outdoor town square space—amazing.

The idea is that it is not just a sport complex but there is something for everyone. Everyone can go and attend. You can get a coffee there if you want. You can sit outside in the town square if you want and just soak up the atmosphere. We see that when the Australian Open is on: if you are not inside a court watching the tennis, you can be outside watching it on the big screen, and there is a really great atmosphere. Whatever your thing is as a spectator and however you want to be a spectator for these sorts of sports, it is there for you in Knox.

And I think the other thing is, as someone who has participated in community sport and served on committees of community sporting clubs, I know it is really important to have those administration facilities to support sport organisations and clubs, because when I took over as secretary of a local sporting organisation I ended up with a cardboard box full of papers and things. It is not the best way to administer clubs. You want to make sure that records are being passed over appropriately. There were some very old papers inside that box, I might add. Some of them went back 40 or 60 years, so it is good that things were being passed on. Nevertheless it is really important to make sure that those new administration facilities support the efficient operation of clubs and the facility being run so that when you get new committees or different people serving on these things there can be a seamless transition. No-one wants to look at papers that have been kept for 40 years in a box. That is not great, so those mechanisms are important. It does not sound like much, but I know as someone who has put hours of volunteer time into those sorts of things it does make a difference when you have got proper administration facilities to support the good operation of organisations and clubs and do those important things.

I talked earlier about the charity match that I attended with the Koori basketball association. There are countless thousands of hours that go into supporting organisations like that and also continuing to connect with local community groups like the Indigenous communities who support that. It was an amazing atmosphere. It was a party atmosphere when we were down there playing that match, and it was great to see the music and the interaction with the crowd. The people who were there spectating at that match were from far and wide, Koori communities right across metropolitan Melbourne and beyond, so it was a really good atmosphere. And that is testament to the fact that there is a strong club organisation around that Koori basketball group and that they were able to connect with lots of people—and politicians. It was the politicians team versus the Koori team, and actually we thought we were going to win close to the end but then we got smashed right at the end. We nearly got there. We were nearly there and got pipped at the post, but that is how it goes.

Look, I will conclude my contribution there. I know Ms Shing wants to have a few minutes just to wrap up, but I commend this bill to the house. It is an important bill. It does not sound like much, because it is machinery and it is about blah, blah, blah.

**Dr Bach:** It really doesn't.

**Ms TERPSTRA:** Yeah, we know. But it is important to have machinery provisions there to allow the efficient and effective operation of sporting facilities like these, so I commend the bill to the house.

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (15:18): Now, I know that it is 3.18 on a Friday, and the regular crowd is shuffling in. But what I want to do with the time I have left is talk about one of the great hits of the 1980s from the extraordinary talent that is the late great Olivia Newton-John, and it is *Physical*:

Let's get physical, physical

...

Let's get ... physical

Let me hear your body talk

Now, when I was growing up in fact nobody wanted to hear my body talk, because quite frankly I have no catch reflex, I have no spatial awareness and I have no capacity to actually set foot onto a court or indeed any sort of pitch without causing a ripple effect that is devastating in its consequences of ineptitude across entire teams, if not leagues. I have been a disaster as any sort of sporting comrade, and I do not even know the names of sports teams. I did have to ask the Acting President, Mr Gepp, about the team orientations for various people involved in different codes of sportsball, and I thought that that was a significant set of challenges for me.

Having said that, what I do love is law and what I love is good regulation, and what we have here is a delicate constellation of these things coming together in a statutory dance that is as dexterous and

nimble as I am uncoordinated when on my feet. And when I think about how far we have come in engaging with, on the one hand, people with my decrepit absence of talent when it comes to being outdoors and doing anything other than trying to walk in a straight line and, on the other, the expertise of people who graced our television screens in recent times from Birmingham, I think of the variation and diversity that is the human condition.

I am inclined, as I think many Australians are, to sit watching *Ninja Warrior* with a bag of Cheetos, much like everybody else, feeling as though we are vicariously engaging in some form of vigorous physical activity. But I know full well there are actually people who do that legitimately, actually, and when they do they need good facilities in order to participate, to practise and to train. No amount of good facilities was ever going to mean that I could make my way into the world of sport. I can, like a wombat, paddle myself up and down a pool for several lengths at a time. I quite enjoy that. It is a dreadful thing to watch. It is never going to make any kind of synchronised swimming competition or live stream. I am also inclined to go for walks, but that is about where it ends.

What these facilities do is provide opportunities for people of all ages and abilities, except probably for me, the opportunity to participate—as Olivia Newton-John sang, the opportunity to get physical. These are opportunities that mean that everybody has a better quality of life. When I think about the amendment that Dr Bach has spoken to, I am drawn to the establishment of a committee as a means by which there can be better governance and decision-making of the way in which these facilities and resources operate. Ms McLeish in the other place has worked hard. She has worked assiduously on this amendment. It has been good to hear Dr Bach speak in favour of it.

**Motion agreed to.**

**Read second time.**

**Ms SHING** (Eastern Victoria—Minister for Water, Minister for Regional Development, Minister for Equality) (15:23): I move:

That the bill be committed to a committee of the whole on the next day of meeting.

**Motion agreed to.**

## **JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022**

*Second reading*

**Debate resumed on motion of Ms SHING:**

That the bill be now read a second time.

**Ms TAYLOR** (Southern Metropolitan) (15:23): There is absolutely no place for sexual violence of any kind in Victoria, and we need to drive cultural change. That is why our Andrews Labor government is overhauling the way the justice system deals with sexual violence. It is no news—in fact everyone here would be very well aware—that sexual violence continues to be prevalent, and it is absolutely an unacceptable imposition on our community safety, particularly the safety of women. And we know that sexual violence can cause long-term serious harm to victims-survivors; they can literally carry it for their entire lives. It is incredibly hard to overcome these kinds of invasions of one's personal space, and that is an understatement of what that experience may actually be. Conviction rates for sexual offences remain unacceptably low; only one in 23 rape cases that are reported actually results in a conviction. Plus we know that under-reporting is a serious problem.

So with all this in mind, in 2020 the Andrews Labor government asked the Victorian Law Reform Commission to look into justice system responses to sexual offences, and their report was tabled in December 2021, the VLRC's *Improving the Justice System Response to Sexual Offences*. This report highlights the need for wideranging reform. It found that sexual violence is widespread, causes serious

harm and is severely under-reported. Even when reports are made, many cases do not get to court and few that do result in conviction. This report contains 91 recommendations.

Clearly, the time for change is now. We have seen strong and powerful advocacy for sexual offence reform from very brave women, such as Saxon Mullins, Grace Tame and Brittany Higgins. We have the VLRC's recommendations. New South Wales and the ACT have already progressed important reforms. We must act decisively to protect the community from sexual violence and ensure that the criminal justice system can respond effectively to these abhorrent crimes. But I should say that this bill is really just the beginning of a long reform journey. It will acquit several critical VLRC recommendations, but this bill forms part of an ongoing commitment from the Andrews Labor government to develop a whole-of-government 10-year strategy to address sexual violence and harm. The vital consultative work that underpins the strategy is continuing and will shape the strategy's release next year to ensure that it actually delivers meaningful change.

Sadly we have already seen some public detractors who have been attacking and trivialising this bill. They have claimed that people will go to jail for kissing their partner, that it will kill romance, that teenagers will be inhibited from discovering their sexuality or that the bill will end the presumption of innocence; all are nonsense, may I say. This is actually fuelling unnecessary panic, and some of the comments and articles reflect the exact old ways of thinking that we actually need to change. However, many people, especially the younger generation, have made it clear they will not stand for these archaic attitudes and victim blaming any longer. We have listened, and we are driving these reforms for them. The bill still deliberately allows for the courts to consider nuanced situations, and I think that is a very, very important element of this debate and the formation of this bill. We consulted extensively on the reforms and considered the issues that were put forward by stakeholders in detail, and we have reached an ambitious but entirely appropriate position.

If I can zone in on the issue of affirmative consent, the bill will implement an affirmative consent model. The model will make it clear that everyone has a responsibility to get consent before engaging in sexual activity. Consent must be communicated; it cannot be assumed. We can see here a fundamental shift in attitude. It is literally a cultural change—but a very healthy one. The bill will require that for a person's belief in consent to be reasonable that person must have taken steps by saying or doing something to find out if the other person consents. Simply, it must be clear and enthusiastic for it to go ahead, and I think that is only fair and reasonable. Under the existing law for offences such as rape and sexual assault, the prosecution must prove that the accused person did not have a reasonable belief that the complainant was consenting. These reforms will elevate the taking of active steps to a requirement in every case. So this will put greater focus on the accused person's actions in sexual offence trials, rather than focusing on what the victim-survivor did to indicate they did not consent, and so therein we can see the shift. This is important because, as the VLRC highlights, complaints continue to be questioned on outdated notions about whether they fought back or said no.

What must be said or done to check if the other person consents will depend on the circumstances. This can include but is not limited to verbally asking and getting a yes; a physical gesture, like a nod; or reciprocating a move, such as removing clothing. A person must say or do anything a reasonable time before or at the time the act takes place. In most situations there is an expectation that this will be immediately before or at the time of the sexual act. In limited circumstances it may be appropriate to say or do anything at a slightly earlier time so long as consent continues to be present at the time of the act, but doing or saying something—for example, at a party—hours before will not be sufficient on its own. I think we can all clearly see the nuance but also the critical nexus there in terms of actually gaining consent to proceed. Even if a person meets the minimum requirements to take steps, their belief in consent must still be reasonable in all circumstances, for example, taking into consideration if the steps went far enough or if there were cues such as pushing away the accused's hand or facial reactions. This means a judge or jury will still need to consider nuanced circumstances.

The language used in this provision reflects recent reforms in New South Wales and the ACT. We are confident this is the right policy landing but also see educative and cultural-change benefits in having

consistency across jurisdictions. Clearly it is time for these reforms to be implemented, and we are certainly in step with where community is at as a whole.

There are many technical elements to this bill, I think in particular because of those nuanced elements and because of the seriousness of the nature of the reforms—they are wideranging and appropriate—so I will not today have time to be able to get into all those matters. However, I did want to outline the fundamental tenets of these essential changes. I just will make one note regarding the limited exception to saying or doing anything and issues such as cognitive impairment or mental illness. The bill provides a narrow exception to the requirement to say or do anything to address cases where the accused person's failure to do this was substantially caused by a cognitive impairment or mental illness. This ensures a person with a serious diagnosed cognitive impairment or mental illness will not be unfairly disadvantaged by the new affirmative consent requirement. I think it is important to outline those kinds of parameters with this significant legislation. To be clear, the exception is not a loophole or a get-out-of-jail-free card. It will only apply if the impairment is a substantial cause of their failure to say or do anything. The exception will not apply where the cognitive impairment or mental illness is the effect of self-induced intoxication, such as that caused by alcohol or drugs. Even if the exception is made out, the decision-maker will still have to consider whether in all the circumstances the accused person has a reasonable belief in consent. This means that an accused can still be found guilty of the offence. And this exception, I should also point out, is consistent with New South Wales.

On that note, I am going to leave the discussion there, but that does not in any way sufficiently, can I say, lay on the table all aspects of this bill and certainly will not do justice to the bill and the tremendous reforms that are being brought through here. However, I did wish to acquit the fundamental tenets of the bill, and I hope that we have succeeded in getting that across today. Clearly now is the time.

**Dr RATNAM** (Northern Metropolitan) (15:35): I am pleased to rise to speak in support of the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. The reforms in this bill are extremely important for the women and gender-diverse people of Victoria. I want to acknowledge the work and the commitment of the Attorney-General in developing this bill and ensuring its debate in this term of Parliament and of course the many victim-survivors of sexual abuse who have been campaigning for these reforms for many years and who will continue to press for the reforms necessary to ensure justice.

The introduction of affirmative consent provisions in the bill is an acknowledgement that our current laws are no longer fit for purpose when it comes to holding perpetrators to account for sexual assault and that too many victim-survivors are being let down by the justice system. We still routinely hear stories of victim-survivors of sexual assault—overwhelmingly women—who have been failed at every step of the way by the justice system, by police who do not believe them or who know the chances of conviction in the courts are low, lawyers who engage in intrusive and aggressive cross-examination about their behaviour and a system that is tilted against victim-survivors.

The reality is prosecuting crimes of sexual assault can be deeply retraumatising for victim-survivors. Less than one-fifth of sexual offences reported to police result in a conviction in court. The vast majority do not progress past the police investigation stage, and of course most sexual offences are not reported at all. The Victorian Law Reform Commission, in their report that initiated the reforms we are debating today, noted that about 87 per cent of people who experienced sexual violence do not report it to the police, meaning that the actual number of sexual offences that are tried and convicted is less than 3 per cent.

The true extent of sexual violence in our community is much greater and much more concerning than those statistics would suggest. Some suggest less than 1 per cent of sexual assaults result in convictions. The reforms in this bill are an important step in addressing this injustice. They aim to improve how the justice system responds to sexual offences, ensure that perpetrators are held to account and empower more women to seek justice, because we know women disproportionately experience sexual violence. One in five women—that is about 18 per cent in Australia—report that

they have experienced sexual violence. Of all sexual offence victims recorded by Victoria Police from March 2021 to 2022, 86 per cent were women.

This bill is implementing recommendations from the Victorian Law Reform Commission's report, *Improving the Justice System Response to Sexual Offences*, the primary one being to introduce an affirmative consent model into Victorian law. The VLRC found that the legal system rarely considered whether the accused had actually done anything to find out whether the other person consented. Instead the focus too often was on what the victim did or did not do to lead the accused to believe they had consented. Affirmative consent requires that a person takes active steps to confirm consent to a sexual act. It puts the focus back on the accused and ensures that both parties have a responsibility to ensure that they give and receive consent.

Affirmative consent must be active in that a person must say or do something to confirm that they have received consent to an act. It may be verbal or non-verbal, but it cannot be assumed and it must be confirmed at a reasonable time prior to the act. The bill makes it clear that a person does not consent just because they do not resist the act verbally or physically, acknowledging that the act of freezing is an extremely common response to sexual assault but is all too often interpreted as a sign that the person wanted it or consented. The bill also specifies that a person does not consent to an act just because they have previously consented to other acts with the same or other persons—again, an attempt to correct damaging stereotypes and misconceptions about the behaviour of women that too often influence how sexual assault allegations are treated by the law.

The bill sets out five additional circumstances where a person does not consent in addition to the existing ones in law. There is no consent where a person submits to or engages in the sexual act due to force, harm or fear of force or harm of any kind, including psychological or financial harm experienced as part of family violence. There is no consent if a person engages in an act due to coercion or intimidation, abuse of a relationship of authority or trust or the false or misleading representations about payment for commercial sexual services. There is no consent if a condom is not used or is removed or tampered with where there is a belief that the condom would be used. This is what is commonly known as 'stealthing', a really insidious form of sexual assault which disproportionately affects women, gender-diverse people and men who have sex with men. A Melbourne study that my colleague in the other place Dr Tim Read co-authored in his former professional life finds that almost a third of women and one in five gay men have experienced non-consensual condom removal, yet as it was not explicitly criminalised it is not well understood as a form of sexual assault. We are pleased to see this explicitly included as a sexual offence in this legislation.

The bill also amends Victoria's image-based sexual offences, where intimate images of a person are distributed or threatened to be distributed without a person's consent. These offences, which include revenge porn, are increasingly prevalent in our community, with nearly one in four Australians aged 16 to 49 experiencing image-based sexual abuse.

The bill amends the definition of an intimate image to include an image that depicts the breasts of a transgender or intersex person identifying as female. While this is intended to ensure people of diverse genders are covered by the offences, the second-reading speech does note that:

... there is more work to be done to improve the inclusivity of language relating to gender and gender identity in the Crimes Act and Victorian legislation more broadly.

My office has heard concerns from the LGBTIQ+ community that this language is non-inclusive and does not effectively protect people of all genders from intimate image abuse. The Greens have prepared amendments to strengthen this definition and ensure it is more inclusive, and I am happy for those amendments to be circulated now, please.

**Greens amendments circulated by Dr RATNAM pursuant to standing orders.**

**Dr RATNAM:** As my colleague Tim Read noted in the other place, we know that legislative change is just one tool available to us in creating behaviour change, and while the justice system is an



important tool, it cannot be the only one. There is more work to do to improve how the justice system handles sexual offences, including implementing restorative justice models and truth telling. We still need to do more to improve sex and relationships education for young people and to encourage healthy, respectful relationships at a young age, and we need to continue listening to the voices of women, believing women and empowering them to lead reform to stamp out sexual violence. We hope that this bill is the next step in the continuing journey of empowering and eliminating sexual violence in our community.

**Mr LIMBRICK** (South Eastern Metropolitan) (15:43): I am pleased to rise and speak today on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. The Liberal Democrats will not be opposing this bill. However, I do have some concerns, and we have some caution in our approach to it. It is unusual in the fact that the principles behind this bill we are extremely supportive of—very supportive of in fact—but we have concerns about some of the practicalities of it. Firstly, around the issue of consent, this is something that libertarians talk about a lot—the idea that actions are taken voluntarily and free from coercion. It is right that what is being laid out in the bill is to ensure that effectively there is a contract in place so that there is some sort of understanding of the sexual activity that is about to take place, that consent is established and that if there is a breach of that contract—and there are several examples that are also included in this bill—that becomes an offence.

One of the breaches of contract which is included in this bill is what is referred to as ‘stealthing’, or the removal of a condom unknowingly, with the understanding that one would be used, when it is taken off during the act without one of the partners consenting to that. It is right that this should be an offence. Exposing someone to the threat of disease or pregnancy without their consent is absolutely abhorrent, and it is right that that should be an offence. I do note that there have been some concerns that this may be covered under existing offences anyway, but nevertheless the idea of having this as an explicit offence is useful. My main concern with this offence, however, in practical terms is about misunderstandings that might happen and potentially criminalising what could have been a miscommunication between people or a misunderstanding or an accident. I do have concerns about that, and I will be asking some questions about that in the committee stage, but conceptually I have no problem with this.

One of the other breaches of this contract that is being talked about, the breach of consent, is for non-payment for sexual services where there was an understanding that some act would take place for payment and then that payment was not provided. That is already covered under existing legislation as a different offence, but that is going to become, I believe, rape under this bill. Again, there is a clear breach of a contract, which invalidates the consent, and therefore it is right that that should be an offence.

Some of the other things in here include using someone’s explicit images without their consent. Again, this is an abhorrent act. I have read many awful stories and spoken to some people who have had this happen to them. It is absolutely very, very traumatising. Again, I have concerns about how this might be enforced. I have serious concerns about that, and I look forward to hearing the government’s explanations in the committee stage on how this might be enforced, because once something gets out there on the internet it is pretty hard to pull it back. Nevertheless those that initiate something like this against someone without their consent—it is absolutely abhorrent, and it is right that they are punished through an offence for that.

I cannot have all these conversations about consent without talking about some of the other things that the government has done which violate consent, things like sharing medical information. We recently had a bill that has not passed yet, but we have had bills go through that explicitly take away people’s consent on medical information, and then of course there is the other issue that I have been going on about for ages, which is mandates. Nevertheless it is good to see the government talking about consent, and I am very happy that we are starting this.

I would echo Dr Ratnam's comments, though: I do not believe that this very, very serious part of the crime spectrum is the only answer. I think more needs to be done on restorative justice programs, and I would like to see more action on this from the government to cover a wider range of offences. It has been conveyed to me that this type of offence is in the very, very serious category, but there needs to be a spectrum of responses that can happen from the legal system. I think restorative justice is clearly one that could be applicable in this space, and I would look forward to hearing any further developments that the government might be planning in that space.

Overall, despite some of these concerns about the possibility of accidental criminalisation and some issues around how these things might actually be enforced, legislating this type of consent model philosophically I have no problem with and, as I said, we will not be opposing this bill.

**Dr BACH** (Eastern Metropolitan) (15:49): I move:

That debate on this very important bill be adjourned until the next day of sitting.

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

### Motions

#### PARLIAMENT OF VICTORIA WORKPLACE SAFETY

**The PRESIDENT** (15:49): On 8 June 2022 the house agreed to a motion moved by Ms Maxwell that directed me to write to the Victorian equal opportunity and human rights commissioner requesting that they inquire into and report back to me on matters relating to bullying and harassment within the Victorian Parliament. On 9 June 2022 I forwarded the resolution to the commissioner. Today the Clerk received a letter from the commissioner. I call on the Clerk to read this letter to the chamber.

**The Clerk:** It reads:

#### Resolution of the Legislative Council dated 8 June 2022

I refer to:

- the letter from the President of the Legislative Council to the Victorian Equal Opportunity and Human Rights Commission dated 9 June 2022, providing details of the above resolution passed by the Legislative Council; and
- our letter to you dated 6 July 2022 confirming receipt of the above letter and acknowledging the passage of the Legislative Council's resolution (**resolution**).

The Commission acknowledges the important intention behind the resolution and takes seriously any concerns about sexual harassment, discrimination and victimisation in the Victorian Parliament. However, we are not able to progress the "inquiry" sought in the broad terms of the resolution.

The Commission's power to review a body's programs and practices is set out in s 151(1) of the *Equal Opportunity Act 2010* (Vic) (**EO Act**), which states that "on request of a person, the Commission may enter into an agreement with the person to review that person's programs and practices to determine their compliance with this Act." An inquiry of the breadth articulated in paragraph 4 of the resolution would require a request from the each of the employers in the Victorian Parliament with duties under the EO Act not to sexually harass, discrimination or victimise its employees who work in the Victorian Parliament. The Commission further notes its remit in relation to bullying and harassment is confined to bullying and harassment that has a connection with discrimination, sexual harassment, or victimisation.

Whilst we are unable to act on the resolution in its current form, we would welcome a meeting with The President of the Legislative Council and Speaker of the Legislative Assembly to discuss how we might progress a body of work similar to that intended in the resolution and in a form that falls squarely within the Commission's powers. Such a review could include developing an action plan to embed equality into the programs and practices of the Victorian Parliament so that it becomes a safer, more equal, fair and inclusive workplace. We will seek meetings with the other employers in the parliamentary workplace for the same reason.

**Adjournment**

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (15:51): I move:

That the house do now adjourn.

**SUBURBAN RAIL LOOP**

**Dr BACH** (Eastern Metropolitan) (15:52): (2081) My adjournment matter this afternoon is for the Minister for Transport Infrastructure, and the action that I seek is for her to release to me the government's costings of the Suburban Rail Loop. This week there has been much discussion in this place and more broadly in the community about the Suburban Rail Loop. I joined the Leader of the Opposition—it feels like some time ago now, but I think it was only two days ago—at Caulfield to make a major announcement about the opposition's policy should we be so fortunate as to come to government at the end of this year. Minister Allan then did what she does most mornings, which was to put on a hard hat, stick on a hi-vis vest and make her way immediately to the Metro Tunnel, where she stood with many of her colleagues. She had this to say: that it is up to Matthew Guy to explain how he costs his cuts to the Suburban Rail Loop.

The very next day the Parliamentary Budget Office released its costings for the Suburban Rail Loop—the independent, apolitical Parliamentary Budget Office, which until yesterday experienced bipartisan support. This was the place, I thought—and so did Mr Guy, by the way—to go to when we wanted costings of this megaproject. The day before of course the minister had challenged us and said that it is up to Matthew Guy to explain how he costs his cuts to the Suburban Rail Loop. So we told the minister and the Victorian community how we would cost our cuts to the Suburban Rail Loop, and of course according to the Parliamentary Budget Office our position saves tens of billions of dollars, because despite what Minister Allan may say there is film footage from before the last election of her saying that this whole project would be delivered for up to \$50 billion. That is a staggering sum of money. That is an eye-watering sum of money. However, the Parliamentary Budget Office says that just the first two stages of three will not cost \$50 billion but cost \$125 billion, before running costs of another \$75 billion. God only knows what the whole project will cost.

However, even though she had asked for an explanation of the opposition's costings the day before, Minister Allan was not satisfied by what the Parliamentary Budget Office had to say. Indeed she described the Parliamentary Budget Office's work as 'tricky, deceitful and underhanded'—an extraordinary attack on the Parliamentary Budget Office. If the Parliamentary Budget Office is indeed tricky and deceitful, if that is the wrong place to go to get costings, it is news to me. But now the Victorian people have the right to know from Minister Allan: what is the figure? If it is not \$125 billion just for the first two of three stages, just for construction, what is it? She said it was \$50 billion last time. She said quite frankly these figures are meaningless. Well, I think Victorians feel differently.

**DEFEND THE WILD**

**Mr MEDDICK** (Western Victoria) (15:55): (2082) My matter this afternoon is for the Minister for Environment and Climate Action, and the action I seek is for her to meet with representatives of a new initiative, Defend the Wild. I was lucky enough to attend the launch of Defend the Wild last week, which is a new initiative supported by vets, researchers, wildlife experts, rescuers, wildlife carers, biologists, wildlife photographers, Indigenous community members, wildlife shelters, animal protection organisations and environmental organisations, all coming together for a common goal. United in this common goal, Defend the Wild has formed because for too long the widespread suffering of wildlife in Australia has gone unseen and unheard. Despite being listed as protected, native animals are still killed for pet food, for recreation, to make way for grazing animals, for leather and skins, for cosmetic products and more. Their suffering is exacerbated by weak wildlife protection laws. Their habitat continues to be destroyed.

Defend the Wild will educate the public on issues affecting wildlife, including the climate emergency, habitat destruction, kangaroo shooting, dingo killing, emu farming, crocodile farming, duck shooting, agricultural netting and fencing, and ocean destruction. Importantly, they will also offer solutions and share the hope that together we can restore the health of our ecosystems, fight the extinction crisis and preserve the wild places left in our country. They will also invite brands, businesses and individuals to sign up to a wildlife protection commitment and take practical steps to reduce their impact on our native animals, offering a kinder, more sustainable solution. I hope that the minister will meet with representatives of Defend the Wild, hear more about their important work and discuss the way the Victorian government can support this vital project.

### WILD HORSE CONTROL

**Mrs McARTHUR** (Western Victoria) (15:57): (2083) My adjournment debate matter today is directed to the Minister for Environment and Climate Action and follows on from the very successful motion I moved this morning, which, among other things, called on the minister to end shooting of brumbies now. The carnage and animal cruelty that is taking place in our public spaces, in the Barmah and High Country forests, is just obscene. Proper protocols are clearly not being adhered to. PestSmart standard operating procedures demand proper slaughter procedures. This is not happening. Mutilated horses show shots to the gut and neck, with no speedy follow-up of a head shot to render a speedy death to minimise pain. They are also not meant to be shooting mares in foal. Mares are aborting foals, being shot in the stomach, and the carnage that is being left is so disgraceful.

The public were assured of best practices of animal welfare—by the RSPCA, no less. The RSPCA gave the green light to shooting. Where are they now? They are obviously just apologists for Labor atrocities. Matthew Jackson from Parks Victoria and Ms D'Ambrosio, the minister, need to be held accountable for this barbaric, cruel operation. Among other things, the motion also called for rehoming of the animals. That has not taken place either. Only 10 have been rehomed when there are plenty of rehomers prepared to take the horses and manage them and look after them. No, they do not want to do that. They just want to shoot them. So given the vote in the chamber this morning that demands an immediate end to shooting—I repeat, an immediate end to the shooting of brumbies in Victoria—the action I seek is for the minister to immediately take note of this motion carried today and end this barbaric and callous slaughter.

### KALLISTA STORMWATER MANAGEMENT

**Ms BURNETT-WAKE** (Eastern Victoria) (15:59): (2084) My adjournment matter is directed to the Minister for Transport Infrastructure. The action I seek is for the minister to invest in a remedial water management strategy and drainage system for the Kallista township to address damaging levels of undirected stormwater. Kallista is a quaint town surrounded by forest and sloping, unsealed roads. It is a beautiful town that has inspired many artists and authors; however, the picture of the town becomes quite different when it rains. Monbulk Road runs through the village. This is a declared road under the VicRoads umbrella; however, this road and adjoining arterial roads lack regular maintenance and drain cleaning.

The current small drains are not adequate for the area and are contributing to man-made flooding. Due to the steep incline of the arterial road, stormwater is often seen gushing down side streets, such as Emberson Street and Gleghorn Road, before making its way onto the main Monbulk Road. Once the water hits Monbulk Road it rushes down the footpath, makes its way over embankments and into driveways and eventually passes the Kallista Tea Rooms. The water is full of clay, gravel and debris, and there are no gutters to direct the flow away from homes. The strong gush of water has caused significant damage to homes and businesses, and this happens over and over again each time we get a heavy downpour of rain.

The Liberal candidate for Monbulk, Gareth Ward, recently met with the owners of the Kallista Tea Rooms. They have been trying for years to have the matter resolved by the state government, but calls for help to Monbulk MP James Merlino have fallen on deaf ears. Residents are fed up with relying on

sandbags, shovels and mops. They have cleaned the drains on Monbulk Road for over 40 years. The flowing water is dangerous to both drivers and pedestrians. The water is also causing erosion of roads and footpaths. Residents are concerned about the harmful environmental impacts of the stormwater entering nearby creeks, such as Sassafras Creek. I invite the minister to check out the Kallista flood watch Facebook page to get an idea of the volume of water and the impact it is having. I call on the minister to invest in a remedial water management strategy and drainage system for the Kallista township.

### RESPONSES

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (16:02): There were four matters from members for other ministers. I will pass them on.

**The PRESIDENT:** Have a good weekend. The house stands adjourned.

**House adjourned 4.02 pm until Tuesday, 30 August.**