

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE COUNCIL**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**TUESDAY, 8 MARCH 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 Education and Minister for Mental Health	The Hon. JA Merlino MP
Attorney-General and Minister for Emergency Services .....	The Hon. J Symes MLC
Minister for Transport Infrastructure and Minister for the Suburban Rail Loop .....	The Hon. JM Allan MP
Minister for Training and Skills and Minister for Higher Education ....	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development and Minister for Industrial Relations.....	The Hon. TH Pallas MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers .....	The Hon. AR Carbines MP
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Minister for Energy, Environment and Climate Change and Minister for Solar Homes .....	The Hon. L D’Ambrosio MP
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Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation and Minister for Fishing and Boating .....	The Hon. MM Horne MP
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Minister for Local Government, Minister for Suburban Development and Minister for Veterans .....	The Hon. SL Leane MLC
Minister for Water and Minister for Police. ....	The Hon. LM Neville MP
Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events and Minister for Racing .....	The Hon. MP Pakula MP
Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services and Minister for Creative Industries .....	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 Multicultural Affairs, Minister for Community Sport and Minister for Youth .....	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood .....	The Hon. I Stitt MLC
Minister for Agriculture and Minister for Regional Development .....	The Hon. M Thomas MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs.....	The Hon. G Williams MP
Minister for Planning and Minister for Housing .....	The Hon. RW Wynne MP
Cabinet Secretary .....	Ms S Kilkenny MP

## **Legislative Council committees**

### **Economy and Infrastructure Standing Committee**

Mr Barton, Mr Erdogan, Mr Finn, Mr Gepp, Mrs McArthur, Mr Quilty and Mr Tarlamis.

*Participating members:* Dr Bach, Ms Bath, Dr Cumming, Mr Davis, Mr Limbrick, Ms Lovell, Mr Meddick, Mr Ondarchie, Mr Rich-Phillips, Ms Shing, 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, Ms Garrett, Dr Kieu, Ms Maxwell, Mr Ondarchie, Ms Patten and Ms Taylor.

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

### **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, Mr R Smith, Mr Walsh and Mr Wells.

### **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, Ms Edwards, Mr Fregon, Ms Sandell and Ms Staley.

### **Integrity and Oversight Committee**

*Council:* Mr Grimley and Ms Shing.

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

### **Pandemic Declaration Accountability and Oversight Committee**

*Council:* Mr Bourman, Ms Crozier, Mr Erdogan and Ms Shing.

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

### **Public Accounts and Estimates Committee**

*Council:* Mrs McArthur, Mr Barton and Ms Taylor.

*Assembly:* Ms Blandthorn, 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: Mr P Lochert

**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	Maxwell, Ms Tania Maree	Northern Victoria	DHJP
Bach, Dr Matthew <sup>1</sup>	Eastern Metropolitan	LP	Meddick, Mr Andy	Western Victoria	AJP
Barton, Mr Rodney Brian	Eastern Metropolitan	TMP	Melhem, Mr Cesar	Western Metropolitan	ALP
Bath, Ms Melina Gaye	Eastern Victoria	Nats	Mikakos, Ms Jenny <sup>6</sup>	Northern Metropolitan	ALP
Bourman, Mr Jeffrey	Eastern Victoria	SFFP	O'Donohue, Mr Edward John <sup>7</sup>	Eastern Victoria	LP
Burnett-Wake, Ms Cathrine <sup>2</sup>	Eastern Victoria	LP	Ondarchie, Mr Craig Philip	Northern Metropolitan	LP
Crozier, Ms Georgina Mary	Southern Metropolitan	LP	Patten, Ms Fiona Heather	Northern Metropolitan	FPRP
Cumming, Dr Catherine Rebecca	Western Metropolitan	Ind	Pulford, Ms Jaala Lee	Western Victoria	ALP
Dalidakis, Mr Philip <sup>3</sup>	Southern Metropolitan	ALP	Quilty, Mr Timothy	Northern Victoria	LDP
Davis, Mr David McLean	Southern Metropolitan	LP	Ratnam, Dr Samantha Shantini	Northern Metropolitan	Greens
Elasmar, Mr Nazih	Northern Metropolitan	ALP	Rich-Phillips, Mr Gordon Kenneth	South Eastern Metropolitan	LP
Erdogan, Mr Enver <sup>4</sup>	Southern Metropolitan	ALP	Shing, Ms Harriet	Eastern Victoria	ALP
Finn, Mr Bernard Thomas Christopher	Western Metropolitan	LP	Somyurek, Mr Adem <sup>8</sup>	South Eastern Metropolitan	Ind
Garrett, Ms Jane Furneaux	Eastern Victoria	ALP	Stitt, Ms Ingrid	Western Metropolitan	ALP
Gepp, Mr Mark	Northern Victoria	ALP	Symes, Ms Jaclyn	Northern Victoria	ALP
Grimley, Mr Stuart James	Western Victoria	DHJP	Tarlamis, Mr Lee <sup>9</sup>	South Eastern Metropolitan	ALP
Hayes, Mr Clifford	Southern Metropolitan	SAP	Taylor, Ms Nina	Southern Metropolitan	ALP
Jennings, Mr Gavin Wayne <sup>5</sup>	South Eastern Metropolitan	ALP	Terpstra, Ms Sonja	Eastern Metropolitan	ALP
Kieu, Dr Tien Dung	South Eastern Metropolitan	ALP	Tierney, Ms Gayle Anne	Western Victoria	ALP
Leane, Mr Shaun Leo	Eastern Metropolitan	ALP	Vaghela, Ms Kaushaliya Virjibhai <sup>10</sup>	Western Metropolitan	Ind
Limbrick, Mr David	South Eastern Metropolitan	LDP	Watt, Ms Sheena <sup>11</sup>	Northern Metropolitan	ALP
Lovell, Ms Wendy Ann	Northern Victoria	LP	Wooldridge, Ms Mary Louise Newling <sup>12</sup>	Eastern Metropolitan	LP
McArthur, Mrs Beverley	Western Victoria	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> Resigned 23 March 2020

<sup>6</sup> Resigned 26 September 2020

<sup>7</sup> Resigned 1 December 2021

<sup>8</sup> ALP until 15 June 2020

<sup>9</sup> Appointed 23 April 2020

<sup>10</sup> ALP until 7 March 2022

<sup>11</sup> Appointed 13 October 2020

<sup>12</sup> Resigned 28 February 2020

**Party abbreviations**

AJP—Animal Justice Party; ALP—Labor Party; DHJP—Derryn Hinch's Justice 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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**Tuesday, 8 March 2022**

**The PRESIDENT (Hon. N Elasmr) took the chair at 11.34 am and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

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

**RUSSIA-UKRAINE WAR**

**The PRESIDENT (11:36):** On Friday, 4 March 2022, the Speaker and I approved the flying of the Ukrainian flag on Parliament House in support of peace, freedom and democracy in Ukraine. We also made a public statement in which we said:

Democracy is under threat in Ukraine and, as a democratic legislature, the Victorian Parliament expresses its support for the democratically elected parliamentarians of Ukraine's Verkhovna Rada.

We express our sympathy to the Ukrainian people for the lives already lost and for the suffering that they have endured.

**Condolences**

**SHANE WARNE**

**The PRESIDENT (11:37):** I wish to pay tribute to the late Shane Warne following his death on 4 March 2022 and acknowledge the contributions he made to Cricket Australia and the state of Victoria. I ask members to rise for a minute's silence as a mark of respect for the late Shane Warne.

**Members stood in their places.**

**Mr Davis:** On a point of order, President, it is very important to mark Shane Warne's passing, but I think that it would also, after the funeral, be appropriate that the chamber speak about that matter—about his life and his contribution.

**The PRESIDENT:** Thank you, Mr Davis, for your point of order. I will leave that to the leaders to discuss this afternoon and come back with a solution.

**Announcements**

**COVID-19**

**The PRESIDENT (11:39):** The special arrangements for the operation of the chamber that we have had in place this year have changed. It is no longer mandatory to wear masks in all indoor spaces. All other arrangements, including the regular cleaning of the chamber, incorporation of material in *Hansard* and the way divisions are conducted, remain unchanged from the last sitting week.

## Bills

**DOMESTIC ANIMALS AMENDMENT (REUNITING PETS AND OTHER MATTERS)  
BILL 2021****HEALTH LEGISLATION AMENDMENT (QUALITY AND SAFETY) BILL 2021****MAJOR EVENTS LEGISLATION AMENDMENT (UNAUTHORISED TICKET  
PACKAGES AND OTHER MATTERS) BILL 2021****SERVICE VICTORIA AMENDMENT BILL 2021****SEX WORK DECRIMINALISATION BILL 2021***Royal assent*

**The PRESIDENT** (11:39): I have a message from the Governor, dated 1 March:

The Governor informs the Legislative Council that she has, on this day, given the Royal Assent to the undermentioned Act of the present Session presented to her by the Clerk of the Parliaments:

**3/2022** Domestic Animals Amendment (Reuniting Pets and Other Matters) Act 2022

**4/2022** Health Legislation Amendment (Quality and Safety) Act 2022

**5/2022** Major Events Legislation Amendment (Unauthorised Ticket Packages and Other Matters) Act 2022

**6/2022** Service Victoria Amendment Act 2022

**7/2022** Sex Work Decriminalisation Act 2022

**Questions without notice and ministers statements****EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY**

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (11:40): My question is to the Minister for Emergency Services. Minister, I refer to an article in the *Sunday Age* which states:

Twelve people including four children have died after those trying to save them from critical injuries or illness made desperate calls to Victoria's triple-zero service that were never answered or were picked up too late.

Minister, the article goes on to quote the interim CEO of ESTA, Stephen Leane, saying:

... we've had some real trouble trying to deliver on the expectations of the community and we went through some really difficult patches through late 2021".

"We still haven't worked our way through it ... It will take ESTA 18 months to two years to get to where I think it needs to be," he said.

Minister, ESTA is your responsibility. Do you accept that 18 months to two years to fix the problems at ESTA is simply too long and would be putting the lives of Victorians gravely at extreme risk?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:41): I thank Mr Davis for his question. These are important issues and difficult stories, and my condolences to the families or anyone who has been impacted by a call delay. It is a topic that we have been discussing here for some weeks now, and I confirm that any delay in answering 000 calls is unacceptable. I thank the hardworking ESTA staff, who are motivated every day to help Victorians.

In relation to the improvements, Mr Davis, there have been improvements in the past months in relation to reduced call delays. We are supporting ESTA financially through the ability to recruit and train more people, retain more people and provide more overtime where possible. Indeed we continue to work hard on seeing improvements day in, day out, and I would like that to be as quick as possible. We know that yesterday's funding announcement of \$115 million, a record investment announcement, which is on top of the \$27 million that I secured as a Treasurer's advance last October, in addition to the 43 staff that are now on board as a result of last year's budget, are all investments that are well

needed and will be recognised by the community as they see these improvements flow through the system.

As I have indicated before, call takers are extremely well trained. They need to be well trained. They are the front line of the front line, and they need to ensure that they have the skills necessary to respond appropriately so that they can get the appropriate help to people when they are in need. This is not an overnight fix, and I have been quite open about that. We will continue to work hand in glove with the interim CEO, Stephen Leane. We have the experience of Deb Abbott there as well, so there is years and years of emergency frontline experience that is really transforming this organisation, building morale and ensuring that the support is there for those hardworking call takers. I am sure I will continue to provide updates to the house as we see more and more improvements each and every day.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (11:43): I note the minister did not directly answer the question as to whether she accepts that 18 months to two years is too long. I therefore ask: is it the government's position that community expectations of a 000 service—that it actually answers—are unrealistic?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:44): Of course not, Mr Davis. As I have said, we are supporting call takers to be trained and to be supported to ensure that they can do what they want to do—pick up the phone and help Victorians in need. In relation to the 18 months to two years time frame, the funding announced yesterday goes some way also to establishing a standalone centre of training. What we have had in the past is on-the-job training where experienced call takers have had to come off the phones to help train, which in a surge capacity is certainly not somewhere we should be. This investment is also going to have a dedicated training facility within ESTA so that you can start to really build that capacity and not impact your day-to-day call taking. So it is not surprising that we will have continued reform over a long period of time, but we are seeing improvements right now.

### COVID-19 VACCINATION

**Dr CUMMING** (Western Metropolitan) (11:45): My question is to the Minister for Health in the other place. Will the minister immediately lift the mandating for healthcare workers? We are in a crisis. We need every healthcare worker at this time. We have over 80 000 Victorians waiting for elective surgery. We have Victorians waiting to see specialists. We have Victorians waiting to have diagnostic procedures. We have healthy, qualified staff able to work who have been stood down due to mandates. Qualified healthcare workers take years to train. We need urgent action so Victorians can get the immediate care that they need now.

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:46): I thank Dr Cumming for her question. I will pass that on to the health minister, although I think we have had quite a bit of exchange in relation to vaccination requirements that have been suggested and indeed mandated across certain industries for the health and safety of both those workforces and the people that they come into contact with. But, again, I am sure that the Minister for Health will be happy to respond in detail to your specific request.

**Dr CUMMING** (Western Metropolitan) (11:46): Thank you, Attorney. I look forward to the minister's response. Will the minister please provide the numbers of staff who have been stood down or left the healthcare industry due to the mandating of vaccines? If the Premier is working as hard as he can, as he quoted yesterday, why can't Mr Andrews do the obvious and reinstate all healthcare workers and drop the mandates now, with obviously the health minister's help under the pandemic response? For me, Attorney, I hear what you have just said—that this government is obviously working hard to, I would hope, reinstate healthcare workers. We need them immediately, Minister. We have 000 calls being unanswered, and the obvious to me is to drop the mandates and allow all healthcare workers to come back, no matter what industry, no matter which minister or the Premier.

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:47): I will pass on Dr Cumming’s subsequent comments and question to the Minister for Health.

#### MINISTERS STATEMENTS: WOMEN’S EMPLOYMENT

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (11:48): I am really pleased to update the house today on what our government is doing to address the structural challenges that face women looking for work. Today is International Women’s Day, and the theme this year is ‘Break the bias’, which is about raising awareness of gender equality, equity and inclusion.

Women’s unemployment in Victoria currently sits at a historically low level of 4.3 per cent as of January this year. Despite the disruption of COVID, 1.65 million Victorian women were employed in the most recent data, up 16 900 from the previous month and up 52 000 over the year. More women in work translates to more women with financial security, social independence and better prospects to make safe decisions. But we know that structural challenges still limit some women’s participation in the workforce. Nearly 80 per cent of the 250 000 single parents in Victoria are strong women who carry the lion’s share of caring responsibilities. We also know that the impact of the pandemic has been and continues to be uneven. So we are prioritising investment in jobs and employment to support more women into work.

Jobs Victoria services support a range of jobseekers, including older women, women from different cultural backgrounds and women with mental health issues. The government has invested \$250 million in the Jobs Victoria Fund. \$150 million of this is earmarked to support women into work and to create just shy of 7000 jobs. But our Jobs Victoria wage subsidy scheme in addition has already helped to create over 4000 jobs for people who have been disadvantaged by the pandemic, including lots of women over 45. More than 62 per cent of these jobs have been taken up by women.

This morning the Premier and I met with an inspirational single mum, Chelsea Hinds, who lost her job as an apprentice carpenter in December 2020 through no fault of her own. Between her own sheer determination and some help with a wage subsidy, Chelsea has been placed in an apprentice joiner position with Kubale Constructions in Warragul. We wish her every success.

#### EMERGENCY SERVICES TELECOMMUNICATIONS AUTHORITY

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (11:50): My question is again for the Minister for Emergency Services. Minister, I understand the federal minister for communications was in contact with you, on 17 December 2021, regarding ESTA’s performance, requesting updates on the 43 staff which you declared would be answering calls by the end of 2021 and then a date pushed back to the end of February 2022. Minister, have you replied to this letter, updating the federal minister on the inadequate staffing situation at ESTA?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:50): I thank Mr Davis for his question. There has been an exchange between me and the federal minister. In terms of the latest correspondence I will have to go and check my records, but obviously we also have arrangements in place through our emergency services agencies, who work very closely with our federal counterparts. You would be quite aware obviously of issues arising just in relation to emergency events in the north of the country. We always work together when it comes to emergency responses, and that is as it should be.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (11:51): I thank the minister for her answer. It did not quite get to the point, but I think she is saying she is going to go and check. In fact she received an earlier letter from the federal minister, dated October 2021, which outlined his severe concerns at delays in ESTA’s response, citing specific stats from 6 October: 59 callers waited 15 minutes or longer on that particular day. The benchmark, as you have stated in this house, is 90 per

cent of calls answered in 5 seconds. It took some weeks for you to respond to that letter. Just returning to this letter and whether there has been a response there, I would ask as a further point: did you advise the federal minister that it may take up to two years to be, in the words of Mr Leane, where it needs to be?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:52): It is an awkward conversation that we are having. We are having a three-way conversation without the person that you are purporting to represent being here. I am happy to follow up with the federal minister. Presumably he is watching today. If he has been watching for the last couple of months, all of those questions have been answered, because you have asked me.

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (11:52): That question has never been asked before, and I move:

That the minister's answers be taken into account on the next day of meeting.

**Motion agreed to.**

### CHILD ABUSE EVIDENCE REFORM

**Ms MAXWELL** (Northern Victoria) (11:53): My question is for the Attorney-General. In March 2020 I raised an adjournment for the then Attorney-General, Ms Hennessy, about the model bill for uniform evidence law following agreement between all federal, state and territory attorneys-general to allow juries in child abuse trials to hear evidence of an accused's prior convictions and interest in children. The response to this confirmed the government's commitment to the model bill, and I hoped that this would be introduced as soon as possible, ideally in 2020. Given this bill is yet to be introduced, I ask the Attorney-General if she can advise what is holding up this legislation.

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:53): I thank Ms Maxwell for her question in relation to tendency and coincidence proposals that my predecessor agreed to at the Council of Attorneys-General, as I think it was known then—it is now the Meeting of Attorneys-General—in relation to the uniform evidence act. That remains government policy. As outlined in the recent annual report to Parliament, Victoria has done a power of work in relation to the implementation of the recommendations that were made by the royal commission. It is my understanding that New South Wales, ACT and Northern Territory have legislated. My advice is that, particularly in the case of New South Wales, who led this work, they deviated from the model that was agreed to at CAG. They have recently announced a review and will be receiving advice in relation to that in September, so we will use some of that information to inform our policy development. It is fair to say that the work has commenced in Victoria, but it is very complex. We want to make sure we get it right, and learning from the experience in New South Wales will be a good way to do that.

**Ms MAXWELL** (Northern Victoria) (11:55): Thank you, Attorney. Given the CAG approved a draft model bill in 2019 and it was noted in the Victorian government report in 2020, I am just wondering: why is it that there is no mention of the model bill in the 2021 report tabled in the last sitting week?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:55): I think, Ms Maxwell, as I have indicated, work has commenced. There have been concerns raised in New South Wales with stakeholders in relation to those reforms. As is always the case in the justice space, there is always room for reform. You will note that we continue to bring forward legislation to bring about positive changes, particularly for victims, in the justice system. But you always want to get it right, so we will await the September advice from New South Wales in relation to their experience before we proceed further with a bill for Victoria.

**MINISTERS STATEMENTS: WOMEN IN TRADES**

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (11:56): Today I rise to highlight the important role the post-secondary education and training system plays as a key driver to achieve gender equality in our society. TAFEs, Apprenticeships Victoria, Learn Locals and universities are instrumental in shifting cultural and societal change, and I am proud that Victoria is leading the way in achieving this with programs such as Respect and Equality in TAFE. The Andrews Labor government is committed to supporting all Victorians to achieve their career goals, and it is this government that is absolutely committed to equality and access.

I am proud that Apprenticeships Victoria is determined to break down barriers in male-dominated trades to support women to pursue more career options. The Apprenticeship Innovation Fund is providing \$5 million to pilot programs to address gender imbalance. One such milestone is the Accelerating Women in Automotive program. This great partnership between Apprenticeships Victoria and the Victorian Automotive Chamber of Commerce was designed in collaboration with Chisholm TAFE and the Gordon. It gives women the opportunity to do preapprenticeship training in automotive servicing and gain hands-on experience. It will be instrumental in shifting positive change in workplace cultures and lead to the development of a sustainable model to encourage women to start a successful career in the industry.

International Women's Day gives us the opportunity to continue to set the goals to achieve a society that lives and breathes gender equality, and it is this government that is doing the work to achieve this. Women have put on their footy jumpers, and we have proven that we can kick goals. Now it is time to put on our hi-vis and our steel caps and change the story with Apprenticeships Victoria and Victorian TAFEs.

**COUNTRY FIRE AUTHORITY WANGARATTA BRIGADES**

**Ms LOVELL** (Northern Victoria) (11:58): My question is for the Minister for Emergency Services. Minister, you have been invited to meet with CFA district 23, as well as the Wangaratta CFA group, to discuss ongoing issues in locating the group office, yet you have not even had the respect to respond to them. As their local member, why do you refuse to meet with district 23 and the Wangaratta group to discuss their concerns?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (11:58): Ms Lovell, Ms Maxwell has previously raised the exact same issue with me, and I have responded to it. I have spoken directly to Lachie. I have spoken directly to Jason. They are meeting with the CFA in relation to these issues. We have not resolved the issue, but I am aware of it and they are meeting directly with the CFA. It would be appropriate for me to get advice from the CFA about the options before I come back to, as you have identified, members that I know well, members that are in my electorate. I will give them an update when I have got more to say about the options.

**Ms LOVELL** (Northern Victoria) (11:59): Minister, they are still talking to local members because they do not feel they have been heard by you. Minister, the Andrews Labor government have failed to deliver the required infrastructure for regional Victoria, and this example in district 23 is one of many where staff and volunteers are being ignored by your government. We still have weeks to go in the 2021–22 fire season, and the government have failed to commit to having an incident control centre available in Wangaratta and district 23 have no permanent facilities to operate from. Minister, how can you have failed to deliver essential services for regional Victoria, and more so in the electorate you claim to represent?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:00): Ms Lovell, in relation to Wangaratta's issues with the district headquarters, I acknowledge that they are inappropriate, and we want to work through those issues.

But it is only in recent months that I was there opening a brand new SES facility, so to suggest that there is no capacity to create a control centre in the case of an emergency fails to understand that when we have an emergency all our agencies work together and respond as one.

### COVID-19 VACCINATION

**Mr LIMBRICK** (South Eastern Metropolitan) (12:00): My question is for the Minister for Higher Education. I have been contacted by a number of university undergraduates and postgraduates who are currently facing expulsion from their universities due to vaccine mandate policies. Most students during the last two years did much of their work remotely, but some students, especially science students, require the use of labs and other facilities on campus. The government vaccine mandate orders thankfully were updated to allow unvaccinated students on campus to conduct activities such as these that could not be done remotely. However, many of the university policies appear to be ignoring this exception and not allowing unvaccinated students on campus at all. One wonders about the legality of this, as the legal power to use immunisation registry data is derived from the pandemic mandates. My question to the minister is: have you spoken with the universities about this issue and the serious consequences that it will have for many students?

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:01): I thank Mr Limbrick for his question. This matter has not been raised by the universities with me. A number of other things to do with COVID have, but in relation to this specific issue, no, it has not. In respect of this issue generally, can I say that it would be better directed to the Minister for Health than to me. That would be my suggestion.

**Mr LIMBRICK** (South Eastern Metropolitan) (12:02): I thank the minister for her answer. We have actually made inquiries with the Minister for Health, and they were directed to the Minister for Higher Education, so we are sort of not sure. I think we have had some constituents also contact both offices trying to get answers on this. My supplementary question is: will the minister commit to ensuring that university student vaccination policies driven by the government mandates at the very least reflect the intent of the mandates? That does not appear to be the case at the moment.

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (12:02): Mr Limbrick, thank you for your supplementary. In terms of questions about this, it is very clear from all ministers' portfolio areas that when it comes to pandemic orders and clarification around them, they are to be directed to the Minister for Health. In relation to the matter that you have raised, I am happy to have a conversation with the Minister for Health in relation to the perceived inconsistencies I think that you are referring to.

### MINISTERS STATEMENTS: KINDERGARTEN FUNDING

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (12:03): It has been wonderful to see the statewide rollout of three-year-old kindergarten to tens of thousands of children and their families as part of the Andrews Labor government's commitment to cement Victoria as the Education State. We are transforming early childhood education in Victoria to deliver 15 hours a week of funded three-year-old kinder by 2029 through our \$5 billion reform. This reform will also create significant numbers of jobs—6000 new teacher and educator positions and 5000 construction jobs over the 10-year period.

There are so many incredible examples of early childhood programs right across our state, and last week I had the pleasure of visiting the Kinglake Ranges bush kinder program and seeing firsthand the benefits of two years of kindergarten education. As many of the children had attended three-year-old kinder last year, they were settling easily into four-year-old kinder. They are familiar with their teachers and the routines and are thriving in their learning. The highlight of my visit was joining some of the children on the famous poo walk, where I was presented with a guidebook to help identify animal droppings on the ground. I also had the pleasure of meeting early childhood educator Jade,

who is currently taking advantage of our government's support to upskill from a diploma to a bachelor of education.

I want to congratulate staff and providers across the state for delivering this significant reform to our three-year-old children. We know that investing in early childhood education is the smart thing to do, and I am proud that our government is leading the country on delivering universal three-year-old kindergarten.

### SOCIAL AND AFFORDABLE HOUSING

**Dr BACH** (Eastern Metropolitan) (12:05): My question today is for the Minister for Local Government. During the humiliating backdown you were forced into on your government's latest big new tax, the housing development tax, councils were clearly not happy about losing income through rate exemption. Did you consult councils on the loss of revenue before the new housing tax announcement was made?

**Mr LEANE** (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:05): Thank you, Dr Bach, for your question. I was thinking during the week, Dr Bach, that you have had more shadows than a sundial on Pluto. But there is nothing wrong with that. Dr Bach, I had many conversations. I actually only in the last few days had a really good conversation with the Municipal Association of Victoria and the Australian Services Union around a number of things. I did have conversations after the announcement with many stakeholders, and I think Mr Limbrick might have asked me a question last week about this issue. As I said to Mr Limbrick, I pride myself on being accessible to the stakeholders of the local government sector, and I will continue to do so. I always respect it if they may have a different opinion on policy to our government.

**Dr BACH** (Eastern Metropolitan) (12:06): I thank the minister both for his personal comments about me and also for his response to the question, more importantly. And I thank him for confirming that after the announcement was made he consulted with councils. The specific question was whether he did so before. By way of supplementary, some councils estimated that the new housing tax policy would cut millions in dollars in council revenue each year. Did councils advise you how they were intending to cover those losses with, for example, ratepayer increases?

**Mr LEANE** (Eastern Metropolitan—Minister for Local Government, Minister for Suburban Development, Minister for Veterans) (12:07): I can only go back. There were a lot of conversations around a number of policies. As far as this particular policy goes, as has been announced by the Treasurer and others, the Andrews Labor government is not pursuing this policy. It will not pursue this policy in this term, and it will not pursue this policy next term. We will not pursue this policy.

*Members interjecting.*

**Mr LEANE**: Mr Davis, you are nothing but predictable. No, we will not pursue this policy as long as there is an Andrews Labor government, and that is probably going to be a pretty long time. So good for them.

### TAXI FARES

**Mr BARTON** (Eastern Metropolitan) (12:08): My question is for the Attorney-General, representing the Assistant Treasurer. When comparing Victorian taxi fares to Queensland, the kilometre rate for Victorian taxis is on average 27 per cent less and the waiting time fare is 30 per cent less. When compared to Western Australia, the kilometre rate is 7 per cent less and the waiting time fare is 27 per cent less. But when we compare ourselves with New South Wales, the kilometre rate is on average 40 per cent less and the waiting time fare is 56 per cent less. It is clear the Victorian taxi fares are the lowest in the country, yet it was reported in the press only last week that the Essential Services Commission would consider reducing fares further. So I ask: what will the minister do to fix this appalling travesty for some of the lowest paid and most vulnerable workers in the country?



**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:09): I thank Mr Barton for his question. It is a really good question, and it deserves a comprehensive answer from the relevant minister. I will pass that on accordingly.

**Mr BARTON** (Eastern Metropolitan) (12:09): Thank you, Attorney. Since the last taxi fare increase eight long years ago, the executive team at the Essential Services Commission in the same period have received a pay increase of 24 per cent. Meanwhile, taxidriviers have only had one fare increase in the past 14 years. In the past year fuel prices rose by 32 per cent—the biggest annual increase in 32 years. Now we are seeing reports of fuel soaring to over \$2 a litre. The minister understands the industry has completely lost confidence in the Essential Services Commission. There is now an urgent review required, not in 12 months time but today. So my supplementary question is: will the minister urge the Essential Services Commission to conduct an accelerated fare review in light of the severe cost-of-living pressures being experienced by Victorian taxidriviers?

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:10): I thank Mr Barton for his question; he is well across his brief. I will provide his supplementary to the minister and furnish an answer according to the standing orders.

#### MINISTERS STATEMENTS: WOMEN IN THE LAW

**Ms SYMES** (Northern Victoria—Leader of the Government, Attorney-General, Minister for Emergency Services) (12:10): I want to take the opportunity on International Women's Day to highlight some incredible achievements of women in the legal profession. Last week I was honoured to be included as a presenter in the Law Institute of Victoria's address to the profession for 2022, joining an all-female line-up with the Chief Justice, the Honourable Anne Ferguson, and the legal services commissioner, Fiona McLeay. The session was moderated by law institute president Tania Wolff. It certainly was not that long ago that we were talking about the first woman Chief Justice, the first woman Attorney-General, the first woman president of the law institute and the first woman legal services commissioner. And while there are a few more firsts to get out of the way, I am proud that Victoria has so many capable, inspirational women leaders in the law.

Alongside the panel from last week we also have women in the roles of solicitor-general, DPP, Chief Magistrate, president of VCAT, president of the bar council, CEO of Victoria Legal Aid and many more senior roles across the judiciary and the profession. What this says and what this shows is a great message to the next generation of female lawyers: that the highest levels of achievement are not out of your reach. They also set the tone for a profession that has no tolerance for inappropriate behaviour and no tolerance for sexual harassment and that supports anyone who experiences it. I would say to the lawyers of tomorrow: the leaders of your profession have a shared commitment to making sexual harassment a thing of the past.

But we cannot rest on our laurels. There is a particular need to get more women from diverse backgrounds into the law and its leadership positions. As Melbourne lawyer Nyadol Nyuon wrote in the *Age* today:

... we still live in a world where the full potential of women's contributions remains untapped or even thwarted.

That is something that we can all work together to change.

#### WRITTEN RESPONSES

**The PRESIDENT** (12:12): Regarding questions and answers today: Dr Cumming to the Minister for Health, Ms Symes, two days, question and supplementary; Mr Davis, substantive question, one day, Ms Symes; and Mr Barton to the Treasurer, two days, question and supplementary.

**Constituency questions**

**EASTERN METROPOLITAN REGION**

**Dr BACH** (Eastern Metropolitan) (12:12): (1660) My constituency question this afternoon is for the Minister for Local Government. Over recent days I have been spending some time in Box Hill, in particular with Nicole Werner, who is an outstanding local community advocate, charity worker and now the endorsed Liberal candidate for the seat of Box Hill. Nicole and I share a passion for revitalising Box Hill Central, which is just so important as a major hub for our region. In our conversations with small business people at Box Hill Central one theme continues to re-emerge, and that is car parking. These small business people have experienced such a torrid time over the last two years, with the Andrews Labor government's crushing restrictions hitting them so hard. As we seek to recover and rebuild here in Victoria, putting the needs of our small business families at the centre of what we do is important. Therefore my question to the minister is this: will you work with the City of Whitehorse in an effort to deliver more and better car parking at Box Hill Central?

**WESTERN VICTORIA REGION**

**Mr GRIMLEY** (Western Victoria) (12:13): (1661) My question is to the Minister for Housing in the other place. Geelong needs a youth foyer. We have seen the fantastic results this concept has reaped in Shepparton, and we would like to see the same benefits in Geelong. A youth foyer is a supported accommodation option for at-risk or homeless young people between the ages of 16 and 24. As part of the agreement to live in a youth foyer, you must be studying or engaging in education. No person pays more than 30 per cent of their income to live at the facility and supports are provided to its residents. They also receive support to find a place to live when they leave the foyer. It is an incredible early intervention concept and a way to keep kids out of trouble and on a positive trajectory. Geelong is keen to have at least 40 beds in a facility similar to the Shepparton model. Infrastructure Victoria's 30-year strategy makes it clear that the government should build six youth foyers in regional Victoria before 2026, and this would be a step in the right direction. Minister, is your government supportive of a Geelong youth foyer, and will you work with the local community and the stakeholders to progress their plans?

**WESTERN VICTORIA REGION**

**Mrs McARTHUR** (Western Victoria) (12:14): (1662) My question is to the Minister for Planning. This morning the minister was directly asked by the media what the time line is for the environment effects statement for the Western Victoria Transmission Network Project. The minister responded by saying, 'I don't have the time line at the moment'. I ask the minister: why can't he provide a date for this critical part of the planning process to be completed, and does he understand the impact caused by the ongoing shifting of time lines on the mental health of the communities involved and the capacity for farms, businesses, home owners and local municipalities to properly plan?

**NORTHERN VICTORIA REGION**

**Ms MAXWELL** (Northern Victoria) (12:15): (1663) My constituency question is to the Minister for Emergency Services on behalf of the Yarra Ranges council. It is eight months since the storm event that caused extensive damage and traumatised much of this community. Yarra Ranges is still very much in the response phase, and it estimates recovery will take five years and cost \$65.4 million. Funding support has not come through and local government capacity is severely challenged. Council have been advised recovery funding will be announced through the state budget so have to make plans without knowing how much they will be allocated. The top issues they immediately need addressed include \$2 million from the Council Support Fund to secure and continue key roles, \$3.5 million for the two main community groups helping private property clean-up and timber salvage and just over \$3 million for resilience employment support and broadscale geotechnical assessments. So my question is: will the government confirm and provide this immediate support to Yarra Ranges council?

### WESTERN METROPOLITAN REGION

**Mr FINN** (Western Metropolitan) (12:16): (1664) My constituency question is to the Minister for Police. As I have mentioned previously in this chamber, Caroline Springs is now a substantial suburb in the west of Melbourne. Adjoining suburbs make the area a major population centre. This population centre has been begging for a 24-hour police station in Caroline Springs for years. It is now time for the government to come to the party. A permanent round-the-clock police presence will provide the level of protection that locals deserve and indeed need. It would also act as a significant deterrent to crime. This is a major issue for the people of Caroline Springs and surrounds. They are sick to death of waiting, and I do not blame them one bit. Minister, when will the government provide Caroline Springs with the 24-hour police station it requires?

### WESTERN METROPOLITAN REGION

**Dr CUMMING** (Western Metropolitan) (12:17): (1665) My question is to the Minister for Emergency Services in the other place, and it is from John, one of my constituents. When will the mandates for firefighters from Fire Rescue Victoria be removed in Western Metro? John wrote to me on behalf of a number of firefighters stood down since mid-October. During the first 18 months of COVID they served their community with commitment and diligence, despite the unknowns of the situation during that time. Since vaccines were rolled out and mandated they have been discarded, even though FRV has sustained no COVID cases in the workplace. Those at home are unable to work and are struggling. Many have young families and are sole income earners. Many of them have had COVID and are fully recovered, but the FRV are preventing them from returning with valid exemptions.

### NORTHERN METROPOLITAN REGION

**Mr ONDARCHIE** (Northern Metropolitan) (12:18): (1666) My constituency question today is for the Minister for Education. This year Greenvale Secondary College welcomed new students to year 7 under the leadership of principal Mark Natoli, an educator with over a decade worth of experience, most recently as principal of John Fawcner College in Melbourne's north. The minister might be aware that I have raised issues around Greenvale Secondary College, particularly the school crossing requirement over Mickleham Road. The community has raised with me the lack of school access to the Greenvale Recreation Centre for the new year 7 students and the unplanned fees that the centre will be charging the school if they need to use this facility. As the school is new and does not have a performing arts centre or a physical education building, the Department of Education and Training did a deal through the Victorian School Building Authority to use that facility at no charge. Well, the school have now been advised that council wants to charge them \$12 000 a year. So the question for the minister is: will you direct the department and the VSBA to do the deal with the council so they can use this facility at no charge?

### SOUTH EASTERN METROPOLITAN REGION

**Mr LIMBRICK** (South Eastern Metropolitan) (12:19): (1667) My question is for the Minister for Fishing and Boating. Better Boating Victoria recently released their strategy to 2030 and the 2021–22 action plan. They identify that recreational boating and fishing are popular activities for Victorians, with one in 10 Victorians regularly participating in recreational boating. With the popularity of boating increasing there is a need for increased infrastructure, and the strategy action plan identifies planning for a safe harbour in Frankston as one of the priorities. The member for Frankston recently was quoted in an article by the *Bayside News* ruling out a proposed boating facility at Olivers Hill. My question for the minister is: if the Olivers Hill proposal is not going to proceed, what plans does the government have to increase boating access in the South Eastern Metropolitan Region?

### NORTHERN VICTORIA REGION

**Ms LOVELL** (Northern Victoria) (12:20): (1668) My question is for the Attorney-General. My constituent Kristy Nihill is a senior psychologist contracted to work at Dhurringile Prison. Despite

being medically diagnosed with severe anaphylaxis, Kristy received her first dose of the Pfizer vaccine in September 2021 so she could remain working. Within minutes Kristy experienced two anaphylactic shocks, was conveyed to GV Health and admitted to ICU. After this experience Kristy decided not to receive a life-threatening second vaccination and received a valid medical exemption, yet she was banned from attending work at the prison. In January this year Kristy contracted COVID and as a result got a second valid medical exemption. In February Kristy was redeployed to work at the Shepparton Drug Court and actually commenced work there, but someone from the Department of Justice and Community Safety has changed their mind and she has now been banned from working at the court precinct. Will the Attorney have this ban lifted so Kristy can carry out her important duties as a psychologist at the Shepparton Drug Court as a valid medically exempted person?

### NORTHERN VICTORIA REGION

**Mr QUILTY** (Northern Victoria) (12:21): (1669) My constituency question is for the minister for transport. I have asked over 20 questions on rail since being elected here. I have been inundated with concerned members from north-east Victoria wanting trains to stop at Sunshine station so they can transfer to the airport. There is a feeling of utter disbelief that north-east Victorians have yet again been ignored when it comes to this government's management of the north-east rail line. The government has said that north-eastern Victorians do not need or want the same opportunity to hop onto a train at home and go all the way to the airport as other regional Victorians have been promised. It is not true. The government claims there is no space to rebuild the standard gauge platform, but it could go back where the old platform was with only minimal changes, or if rebuilding a platform is too difficult, you could dual gauge one or more platforms at Sunshine as we already have at Southern Cross. Minister, will you intervene to build either a new standard gauge platform at Sunshine or a dual gauge existing platform? North-eastern Victorians deserve the same access as all other regional Victorians.

### EASTERN VICTORIA REGION

**Ms BATH** (Eastern Victoria) (12:22): (1670) My constituency question is to the Minister for Health, and it relates to the Latrobe Valley drug and alcohol rehabilitation treatment facility. Back in 2018, almost four years ago, the government said that a 25-bed residential rehab facility would be built for 16- to 21-year-olds—a very narrow age group for the needs in our community. Despite this promise—the government said it would be open in late 2021—there are mixed messages about when it will be opened by the government. The Australian Community Support Organisation is doing referrals, but Latrobe Community Health Service has no idea. The government is very unclear about when it is actually going to be open and serving the community. By contrast, the Hope Restart Centre was actually funded and operational in 2020—thank you to philanthropic works. So my question to the minister is: when will you open this and will you expand it so that it includes the whole community so that everybody can get the drug rehabilitation services that they need?

### NORTHERN METROPOLITAN REGION

**Dr RATNAM** (Northern Metropolitan) (12:23): (1671) My constituency question is for the Minister for Roads and Road Safety. Last week I visited the Bell Street Merri Creek bridge site at the border of Coburg and Preston and met with some locals from the Safe Access over Bell Street Bridge for Everyone group. It was shocking to see how unsafe this intersection is and that the local community and schoolchildren in particular are being left vulnerable despite their ongoing efforts to get safety assessments done as soon as possible. We welcome that VicRoads is now planning to do some minor traffic calming works, but that is simply not enough. Minister, I request that you urgently provide a commitment to an immediate comprehensive safety assessment of the Bell Street risk zone to ensure the protection of Coburg High students.

**Mr Grimley:** On a point of order, President, under standing order 8.13, I am raising a series of questions on notice that have not been answered dating from 16 December last year. They are in the portfolios of the Attorney-General, health, police, child protection and corrections, and I would like to

request that the government responds to these as a matter of priority if possible, please. The numbers are: 3903, 4376, 4377, 4664, 4665, 4666, 4667 and 4738.

**Ms Symes:** On the point of order, President, I was just going to respond positively to Mr Grimley's point of order. I just received a text message from my office saying, 'Do you want us to bring in your adjournment and constituency question folder?', so I will get to it.

**The PRESIDENT:** First of all, the point of order is out of order. According to standing orders Mr Grimley can raise this on Wednesday. But, Mr Grimley, since the minister has answered you already, I think we have dealt with it.

**Mr Ondarchie:** On a point of order, President, I bring to the house's attention some constituency questions that have been unanswered for quite a period of time: 1602, asked 27 days ago; 1548, asked 98 days ago; and to the Minister for Health, 1208, which was asked 273 days ago. I am not sure how far outside the 14-day window the government thinks that is, but 273 days to answer a constituency question that is so important to them is totally unacceptable.

**The PRESIDENT:** Again, Mr Ondarchie, you know there is nothing under my control that I can do about this.

### Petitions

#### Following petition presented to house:

#### BANYULE PLANNING SCHEME AMENDMENT

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Banyule Planning Scheme Amendment C160 and planning permit application P384/2021 in relation to land within the Rosanna railway precinct, does not reflect a form, scale and materiality that responds to the preferred character of Rosanna's neighbourhood.

The proposal seeks to rezone land from Public Use Zone 4 (Transport) (PUZ4) to Commercial 1 Zone (C1Z), create a new lot by subdivision, develop a seven-storey mixed use building with basement parking, reduce car parking requirements and remove two trees.

The design of the proposed development does not include boundary or edges between the village development or ensure a seamless transition between the two areas. There are no obvious signs of delineation. The development will overshadow nearby residences, overlook private spaces, and increase parking congestion in local streets.

The Rosanna Village Urban Design and Landscape Guidelines, approved and adopted by the Banyule City Council, stipulate predominant built form height of retail form of one to two storeys and preferred contemporary built form height of three to four storeys. These guidelines should be respected and not ignored by the Council, Government, or the Minister for Planning.

The petitioners therefore request that the Legislative Council call on the Government to restrict any further development of land within the Rosanna railway precinct under Banyule Planning Scheme Amendment C160 and planning permit application P384/2021 until a maximum building height of four storeys with no reduction to car parking requirements is applied.

**By Mr ATKINSON (Eastern Metropolitan) (47 signatures).**

**Laid on table.**

### Bills

#### OFFSHORE PETROLEUM AND GREENHOUSE GAS STORAGE AMENDMENT (NO NEW OIL OR GAS ACTIVITIES) BILL 2022

#### *Introduction and first reading*

**Dr RATNAM (Northern Metropolitan) (12:27):** I move to introduce a bill for an act to amend the Offshore Petroleum and Greenhouse Gas Storage Act 2010 to prohibit the grant or renewal of

petroleum titles that authorise petroleum activities to be carried out in the offshore area and for other purposes, and I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Dr RATNAM:** I move:

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

**Motion agreed to.**

### Committees

#### SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

##### *Alert Digest No. 3*

**Ms TERPSTRA** (Eastern Metropolitan) (12:28): Pursuant to section 35 of the Parliamentary Committees Act 2003, I lay on the table *Alert Digest* No. 3 of 2022 from the Scrutiny of Acts and Regulations Committee, including appendices. I move:

That the report be published.

**Motion agreed to.**

#### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

##### *Inquiry into the Parliamentary Budget Officer*

**The Clerk:** Pursuant to section 36(2) of the Parliamentary Committees Act 2003 and following the transmission of the report on 7 March 2022, I lay on the table a copy of the government response to the Public Accounts and Estimates Committee's report on the inquiry into the Parliamentary Budget Officer.

#### LEGAL AND SOCIAL ISSUES COMMITTEE

##### *Inquiry into Management of Child Sex Offender Information*

**The Clerk:** Pursuant to standing order 23.30(2)(b) and following the transmission of the report on 7 March 2022, I lay on the table a copy of the government response to the Legal and Social Issues Committee's report on the inquiry into management of child sex offender information.

#### PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

##### *Inquiry into the Parliamentary Budget Officer*

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (12:29): I move:

That the government's response to the Public Accounts and Estimates Committee report on the inquiry into the Parliamentary Budget Officer be taken into account on the next day of meeting.

**Motion agreed to.**

### Papers

#### PAPERS

**Tabled by Clerk:**

Crown Land (Reserves) Act 1978—Order of 8 February 2019 giving approval to the granting of a lease at Albert Park.

Gambling Regulation Act 2003—Documents under sections 6A.3.14(1)(b)(ii) and 6A.3.14(1)(c)(ii) of the Act for Keno licences and related agreements in relation to—

Keno (VIC) Pty Ltd.

Lottoland Australia Pty Ltd.

Gunaikurnai Traditional Owner Land Management Board—Minister's report of receipt of the 2020–21 report, together with an explanation for the delay.

Parliamentary Committees Act 2003—Government response to the Public Accounts and Estimates Committee's Report on the 2021–22 Budget Estimates.

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

Ballarat Planning Scheme—Amendment C225.

Benalla Planning Scheme—Amendment C41.

Boroondara Planning Scheme—Amendment C353 (Part 1).

Cardinia Planning Scheme—Amendment C240.

Corangamite Planning Scheme—Amendment C55.

Darebin Planning Scheme—Amendment C200.

Gannawarra Planning Scheme—Amendment C46.

Greater Dandenong Planning Scheme—Amendment C211.

Greater Shepparton Planning Scheme—Amendments C210 and C238.

Hobson Bay Planning Scheme—Amendment C131.

Kingston Planning Scheme—Amendment C197.

Latrobe Planning Scheme—Amendment C135.

Mansfield Planning Scheme—Amendment C47.

Melbourne Planning Scheme—Amendment C356.

Moira Planning Scheme—Amendment C95.

Mornington Peninsula Planning Scheme—Amendments C263 and C281.

Nillumbik Planning Scheme—Amendment C129.

Queenscliffe Planning Scheme—Amendment C38.

South Gippsland Planning Scheme—Amendment C127.

Stonnington Planning Scheme—Amendment C315.

Strathbogie Planning Scheme—Amendment C84.

Whittlesea Planning Scheme—Amendment C226.

Wodonga Planning Scheme—Amendments C134 and C136.

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

11 February 2022.

13 February 2022.

18 February 2022.

20 February 2022.

Statutory Rules under the following Acts of Parliament—

Bus Safety Amendment Act 2009—No. 17.

Drugs, Poisons and Controlled Substances Act 1981—No. 16.

Guardianship and Administration Act 2019—No. 15.

Road Safety Act 1986—No. 19.

Transport (Safety Schemes Compliance and Enforcement) Act 2014—No. 18.

Subordinate Legislation Act 1994—

Documents under section 15 in respect of Statutory Rule Nos. 154/2021, 177/2021, 9/2022, 11/2022, 12/2022, 14/2022 to 16/2022.

Victorian Environmental Assessment Council Act 2001—Notice of amendment to the Victorian Environmental Assessment Council for an assessment of forest values in the Immediate Protection Areas in the Strathbogie Ranges and Mirboo North, under section 26C of the Act.

Yarra River Protection (Wilip-gin Birrarung murrum) Act 2017—

Notice of Approval of the Burndap Birrarung Burndap Umarkoo (Yarra Strategic Plan), dated 16 February 2022, under section 39 of the Act (*Gazette No. G8, 24 February 2022*).

Burndap Birrarung Burndap Umarkoo—Yarra Strategic Plan—A 10-year plan for the Yarra River corridor—2022 to 2032, under section 39 of the Act.

### Business of the house

#### NOTICES

#### Notices of motion given.

**The PRESIDENT:** I take this opportunity to wish Mr Barton a happy birthday. Enjoy the day.

#### Notices of intention to make a statement given.

#### GENERAL BUSINESS

**Ms MAXWELL** (Northern Victoria) (12:42): I move, by leave:

That precedence be given to the following general business on Wednesday, 9 March 2022:

- (1) order of the day 1, second reading of the Human Rights and Housing Legislation Amendment (Ending Homelessness) Bill 2022;
- (2) the notice of motion given this day by Ms Maxwell on support for victims of crime;
- (3) the notice of motion given this day by Ms Maxwell on victim impact statements;
- (4) the notice of motion given this day by Ms Vaghela on bullying;
- (5) order of the day 55, resumption of debate on a motion referring matters relating to the financial position of WorkSafe and the operations of the port of Melbourne lease to the Public Accounts and Estimates Committee;
- (6) order of the day 1, listed for a future day, resumption of debate on the Drugs, Poisons and Controlled Substances Amendment (Decriminalisation of Possession and Use of Drugs of Dependence) Bill 2022;
- (7) notice of motion 669 standing in the name of Ms Patten on opioid agonist therapy; and
- (8) order of the day 48, resumption of debate on a motion to introduce a sessional order for formal pairing arrangements.

#### Motion agreed to.

#### Committees

#### LEGAL AND SOCIAL ISSUES COMMITTEE

##### *Reporting dates*

**Ms PATTEN** (Northern Metropolitan) (12:44): I move, by leave:

That the resolutions of the Council of 3 June 2020 and 8 February 2022 requiring the Legal and Social Issues Committee to inquire into and report, by no later than 10 March 2022, on various issues associated with the operation of Victoria's justice system, be amended so as to now require the committee to present its report by no later than 7 April 2022.

#### Motion agreed to.



**Members statements****RUSSIA-UKRAINE WAR**

**Mr QUILTY** (Northern Victoria) (12:44): The war in Ukraine has finally driven COVID from the headlines. Hopefully it will bury the narrative and the government will take the opportunity to quietly kill the mandates and the remaining COVID restrictions while everyone is distracted. We are all watching what is going on in Ukraine in horror. While some of us might wish that Western countries had cleaner hands, following the military and diplomatic campaigns of the last 20 years, we should all still condemn the invasion and the attacks on civilian populations.

But I want to address some of the anti-Russian hysteria that is flying around out of control. There is effective boycotting of anything that sounds vaguely Russian. I want to oppose the blatant racial vilification of the Russian people. It is not the Russian conscripts who bear responsibility for the attacks on cities in Ukraine, and it is not the Russians living in Australia who are responsible for the war. Many Russians oppose the invasion. There have been anti-war protests all across Russia, and many thousands of brave protesters have been arrested. Russia is a dictatorship. The people are not to blame for what the government does.

It is not a secret that I have personal ties to Russians. Many of our close friends are from the Russian and Ukrainian diaspora. This section of our community are going through quite enough with what is happening in their homelands without having their children targeted at schools. Russian Australians are Australians. We need to dial down the racist rhetoric against these fellow citizens and lend them support instead. Let us save the condemnation for those who deserve it: Putin and his cabal.

**INTERNATIONAL WOMEN'S DAY**

**Ms SHING** (Eastern Victoria) (12:46): I would like to invite people to think about a woman who inspires you, is a feminist and a champion for women in her deeds and in her principles and in the consistency of her words, and who moves you to be better. Picture her in your mind: her story, who she is. Think about who came to mind for you. I would hazard a pretty confident guess that she is white with an Anglo-Saxon surname, that she speaks English as a first language, that she is not an Aboriginal or Torres Strait Islander, that she does not live with a disability, that she is straight, that she is neurotypical, that she lives in a city and has a job and that she has a wide platform to advocate for change and to be visible.

And look around our parliaments. Look at who appears on our television screens, in our advertising and on the covers of our magazines. There is an opportunity for us to do better, on International Women's Day and every day. Look at the women who are missing from this conversation. Think of how we can and should and must make women of colour, women of diverse ages and backgrounds and cultures and identities and lived experiences the centre of the work that we do to raise them up and to listen to them. Think of making way to ensure that the full breadth of their experiences and aspirations is understood and heard and gets the respect that it deserves. This is how we 'Break the bias', the very theme of this International Women's Day.

**TRANSPORT INFRASTRUCTURE**

**Dr BACH** (Eastern Metropolitan) (12:48): As Minister Leane referred to a little bit earlier today, once again I have been pleased to gain some different and new responsibilities, in particular in the vital portfolio of transport infrastructure. Few portfolios demonstrate the mismanagement and incompetence of the Andrews Labor government better than the portfolio of transport infrastructure, and yet in saying that I certainly take no pleasure in that. It is Victorian motorists, Victorian commuters and Victorian transport users who pay the price of seemingly never-ending cost overruns and seemingly never-ending time lines being blown out by this Andrews Labor government.

But it is not only commuters; indeed it is every Victorian. Since the Andrews Labor government came to power back in 2014 infrastructure projects have blown out to the tune of \$24 billion—\$24 billion.

Now, \$24 billion could have, over that period of time, funded 120 000 ambulances or 280 000 teachers and nurses, and yet the government has no plan to fix the manifest problems in this portfolio—something that the Auditor-General has noted time and time again. If we are indeed to make this state number one again, it is on this portfolio in particular that we must focus to make sure we recover and rebuild.

### ENVIRONMENT POLICY

**Mr HAYES** (Southern Metropolitan) (12:49): I do not know, President, if you have seen the movie *Don't Look Up*, a satire that is supposedly a comedy yet is surprisingly telling. A review says it 'nails the frustration of being a scientist', and it relates to this government because despite public outcry about inadequate environmental policy, the government continues to do little too slowly. Will it need mass species extinction and more environmental catastrophes like more bushfires and floods for the government to accept that its overall environmental direction is wrong? 'To delay means death' is the message from a recent UN-backed report—more floods, more fires, more intense heatwaves and more frequent extreme weather events. Last year our species extinction inquiry reported collapsing ecosystems, habitat destruction, decreasing biodiversity, declining tree canopy, the urban heat island effect and signs pointing to mass species extinction, yet the Victorian government ploughs on with its relentless removal of trees and reduction of open space, pouring more and more concrete, expanding housing and industries out into farmland and bushland, clearing native vegetation and allowing forests to be destroyed. This is just not good enough. We need aggressive, innovative and responsible policy. We are on a catastrophic course. The government is not doing enough. We need new, clean, innovative industries. The environment needs urgent attention and must be prioritised in all decision-making. We cannot just keep putting it last.

### INTERNATIONAL WOMEN'S DAY

**Ms TERPSTRA** (Eastern Metropolitan) (12:51): On this International Women's Day I am going to acknowledge the many women who do not get acknowledged and the long list of things that still need to get done. I acknowledge the many women who cannot afford to go to an International Women's Day breakfast and are too busy looking after the kids, and I ask why these events are organised at times that are least suitable for women with small children anyway, juggling breakfast, getting kids ready for school, doing lunches, feeding pets and getting out the door themselves. I acknowledge women with disability; those who care for loved ones with a disability; black women and queer women, who deserve respect and equal employment opportunities; the countless women who speak truth to power, pay the price and never have their stories told; the need for women to be employed in workplaces which are free from sexual harassment, bullying and undermining without management using legitimate processes set up to weed out shit behaviours by men being corrupted to whitewash investigation outcomes and enter the relentless media campaigns used to respond to sexual harassment cases involving high-profile and powerful men; the need for the victim blaming and weaponising of women's complaints to end; the need for women to be represented in positions of real power; the need for women to no longer retire in poverty, as the embedded structural inequalities in our superannuation system has helped to create women over 50 being the largest growing cohort of homeless people in Australia—this is a national embarrassment; and the need for there to be a price on care so that we can end the situation where profits are made off the backs of the unpaid labour of women, who contribute millions to our economy each and every year. In conclusion, there is much more work to do, and this International Women's Day 2022 tells us that this work is more urgent than ever.

### WEST GATE TUNNEL

**Mr FINN** (Western Metropolitan) (12:52): It is a truism that Labor neglects Melbourne's west, something that we have come to accept for a very long time. As Sunbury and Bulla await their first deposits of PFAS toxic soil, this carcinogenic crap already is being dumped in Ravenhall in Melbourne's west. But if you really want to see what the government is doing to the west at the

moment, have a look at the traffic. Have a look at the West Gate Bridge and indeed the West Gate Freeway. Last week we saw an incident where the CFMEU, a significant contributor to the ALP, closed the bridge, affecting tens if not hundreds of thousands of people. They put the cat among the pigeons in fact and just closed the bridge altogether. Of course that is something that we are becoming increasingly used to, because what this government has done is make the West Gate Freeway a no-go zone. You just do not go there. The Princes Freeway—it is a no-go zone. You just do not go there. It is killing business, it is driving residents up the wall, it is hurting industry and of course it is hurting employment. It is just extraordinary that this government is doing this to an area that it so often likes to call its own. This government could not have stuffed up more if it had tried. It is a tribute to the corruption and incompetence of the Victorian ALP.

### BLACKBURN LAKE FISHING

**Mr BARTON** (Eastern Metropolitan) (12:54): I met with the teams at Mitcham Angling Club and VRFish earlier this week to discuss how we can make recreational fishing in the City of Whitehorse a reality. The City of Whitehorse currently offers no opportunities for fishing, even choosing to prohibit this recreational activity under its by-laws. What this has meant for the community is that they must travel outside their municipality much further to find a recreational fishing spot. While families have been driving long distances this whole time, a great fishing opportunity sits right under their noses. Blackburn Lake Sanctuary is situated only 4 kilometres from the Mitcham Angling Club and is already well frequented as a walking and play area by many members. Blackburn Lake is currently filled with carp, which is not ideal for the local environment or for fishing. There are many community stakeholders who have expressed their interest in helping to remove the carp and introduce environmentally friendly fish to make this the perfect recreational fishing spot for families. Mitcham Angling Club works to bring the community together and educate families on how to ensure fishing is practised in a responsible, environmentally aware and sustainable manner. I understand a petition is about to be launched that hopes to make fishing at Blackburn Lake a reality. I will be supporting this petition, and I urge you to do the same. This is a project that I am excited about.

### INTERNATIONAL WOMEN'S DAY

**Ms TAYLOR** (Southern Metropolitan) (12:55): I recall that when I got into law school I met a male student who wondered how I got the marks to get in. He thought I must have had some sort of special arrangement. I want to express gratitude to teachers I had in school who really inspired me. I remember my legal studies teacher, who said to me, 'Nina, if you work really hard you can get 100 per cent in legal studies'. Of course, being naïve, I believed her. And, guess what, I got 100 per cent in legal studies. I am not saying that to flatter myself. It just goes to show what inspiration can do.

What triggered these memories is that last week I went to the International Women's Day alumni breakfast for Mac.Robertson Girls High. Principal Harrap shared her story. She grew up on a farm, and it was expected that she could handle anything on a farm but she was heavily discouraged from going to university. Anyway, the former enabled the latter. She ended up going to uni, and now she is a brilliant principal who is inspiring her students to break down the barriers.

If I loop back to that male student—he will remain anonymous; that is fine—I recall we compared notes, and our HSC scores were 1 point different. So can I say: happy International Women's Day.

### SHEPPARTON FIRE BRIGADE LADIES AUXILIARY

**Ms LOVELL** (Northern Victoria) (12:57): On International Women's Day I would like to congratulate the Shepparton fire brigade ladies auxiliary on 60 years of service to the brigade. When the auxiliary first started, 60 years ago, it would have been fair to say that behind every good firefighter there was a good woman. However, over the years roles have changed and females now participate in all fields of service to the brigade, so we can no longer say that. But what is fair to say is that one of the reasons the Shepparton brigade has been so successful is because of the support of the ladies auxiliary. At a dinner to celebrate the occasion we heard from grateful members of the brigade about

the support the ladies have provided, which includes catering, fundraising and providing uniforms and equipment for the running teams. Congratulations to the ladies auxiliary, and I look forward to their continued support of our dedicated volunteers.

#### **ALBANIAN MOSQUE, SHEPPARTON**

**Ms LOVELL:** On Saturday, 5 March, I attended the opening of the refurbished Shepparton Albanian mosque. The mosque was first opened in 1960 and was the first of our four mosques in Greater Shepparton. Under the leadership of Reg Qemal and his committee, the mosque has undergone extensive renovations to expand the worship area and add a community room, kitchenette and new conveniences. Congratulations to Reg and the committee.

#### **COUNTRY FIRE AUTHORITY NAGAMBIE STATION**

**Ms LOVELL:** On Wednesday, 2 March, I attended the official opening of the Nagambie fire station, which was opened by CFA chief fire officer Jason Heffernan. The Nagambie CFA had long lobbied for a new station to support the brigade to keep the community safe. I congratulate them on achieving this and thank them for their service to the community.

#### **MAUGERI FAMILY**

**Dr CUMMING** (Western Metropolitan) (12:58): I speak today about the Maugeri family in Werribee. In 1963 the Maugeri brothers leased a farm on McGrath Road for market gardening and cattle grazing. In 1976 they bought the land. Today the family still owns the farm of 142 acres. In 2018 the Department of Environment, Land, Water and Planning advised the family that the farm would be acquired to become part of the Werribee township regional park. They also said that they were actually committed to ensuring a fair and open land acquisition process. The family were supportive of their farm becoming part of the park and being used by the community, but they have been offered one-third of the going market rate for the equivalent land in the area. This makes my blood boil. As many of you know, my family home was subject to compulsory acquisition and we had to fight to get the right value for our family home in Footscray. One of the reasons why I came to Parliament was the Footscray Land Act 1988, which took my home. Now, this family has worked and cared for this land for 60 years. It is their livelihood. When will the government treat this family with respect and pay a fair market rate for their land?

#### **INTERNATIONAL WOMEN'S DAY**

**Dr RATNAM** (Northern Metropolitan) (13:00): On this International Women's Day, as the world grapples with another war unfolding and our fragile peace around the world on the verge of crumbling, I want to take this moment to acknowledge the impact of war and conflict on the lives of women especially. Women are disproportionately impacted by war. They are killed and injured, displaced and plunged into poverty. They are exploited, tortured and raped in gendered acts of violence, and women and children account for the majority of refugees created by war. As we despair about the invasion of Ukraine and witness the mass movement of people, the many women and children fleeing for their lives, it is important to remember that these people seeking asylum and refuge will rely on the generosity and humanity of other nations to provide them safety. We have already seen neighbouring countries within Europe open their doors to refugees, and it is welcomed that Australia seems to have offered the same. We must now extend this generosity to all people seeking asylum and refuge across the world and those arriving in Australia. You cannot say that you care about the people fleeing Ukraine but in the next breath sanction locking up refugees in hotels in Melbourne or on offshore prison islands like Australia has done on Nauru and Manus Island.

On this International Women's Day I stand in solidarity with all the women fleeing from wars across the world and remember that women continue to play a critical role in creating peace. It is often not recognised as it should be, but I want to send my thanks to all the women in our parliaments, the women in our communities and the women leaders across all parts of our society who continue to agitate and activate their communities to create a more peaceful world.

**RUSSIA-UKRAINE WAR****Mr MELHEM** (Western Metropolitan)**Incorporated pursuant to order of Council of 7 September 2021:**

I stand today in solidarity with the hundreds of thousands of Ukrainians fleeing violence and their families and communities here in Victoria.

As someone who has lived through war and conflict, I can begin to understand the fear and devastation they must be feeling.

I also condemn the acts of violence that have resulted from the Russian government's invasion, and I stand in solidarity with the people of Ukraine.

I hope common sense and humanity will prevail.

**QUEENSLAND AND NEW SOUTH WALES FLOODS****Mr MELHEM** (Western Metropolitan)**Incorporated pursuant to order of Council of 7 September 2021:**

I would also like to send my thoughts to Australians in Queensland and New South Wales who are currently experiencing the destructive floods, particularly those who have lost family, loved ones, homes and livestock during this tragedy.

I want to thank the emergency services men and women and volunteers for their brave sacrifices in helping those who need it.

It's another reminder of the hard work and dedication that our frontline workers have and continue to provide to our community.

Whether it was firefighters during the 2020 bushfires, or nurses and doctors during the pandemic, their hard work is invaluable, and I want to say thank you.

**Business of the house****NOTICES OF MOTION AND ORDERS OF THE DAY****Ms TAYLOR** (Southern Metropolitan) (13:02): I move:

That the consideration of notices of motion, government business, 683 and 691, and order of the day, government business, 1, be postponed until later this day.

**Motion agreed to.****Bills****ALPINE RESORTS LEGISLATION AMENDMENT BILL 2022***Second reading***Debate resumed on motion of Ms PULFORD:**

That the bill be now read a second time.

**Ms LOVELL** (Northern Victoria) (13:03): I rise to speak on the Alpine Resorts Legislation Amendment Bill 2022. I think it is timely that this bill has come into the Parliament just after we have all enjoyed the Winter Olympics. Certainly the Winter Olympics was a spectacular event. I congratulate everyone who participated in that, and I hope that it generates more activities for the snowfields in my region, because they certainly need the visitors to come back to them post the COVID period.

I would like to congratulate the Australian medallists at the Winter Olympics. Jakara Anthony, in the women's moguls, won the gold medal—that is fantastic, a gold medal for Australia. We had two silver medallists: Scotty James in the men's half-pipe and Jaclyn Narracott in the women's skeleton event. We also had a bronze medallist, Tess Coady, in the women's slopestyle. Seventy-five per cent of all

the Australian medals were won by women. I think it is fantastic that we can acknowledge that on International Women's Day. But also on International Women's Day it is important to note that more of the competitors that went from Australia were women: there were 43 competitors in the Winter Olympics from Australia, 22 of which happened to be women. This is truly an area of sport where women are not only equal and well represented but doing better than the men in Australia.

The purpose of this bill is to establish Alpine Resorts Victoria (ARV) as an entity responsible for managing Victoria's six alpine resorts. The six alpine resorts consist of Falls Creek, Mount Hotham, Mount Buller, Mount Stirling, Lake Mountain and Mount Baw Baw. Five of those resorts are in my electorate. Falls Creek, Mount Hotham, Mount Buller, Mount Stirling and Lake Mountain are in Northern Victoria, and we are very proud of the contribution that they make to our alpine economy. At the same time as this bill establishes Alpine Resorts Victoria the bill will also abolish the four existing resort management boards—Falls Creek, Mount Hotham, Buller-Stirling and Southern—as well as the Alpine Resorts Coordinating Council, and it will transfer all assets and liabilities to the secretary.

The bill will also make related amendments to the Emergency Management Act 2013, the Forests Act 1958 and the Circular Economy (Waste Reduction and Recycling) Act 2021 to address the establishment of this new entity. In many respects the establishment of the new entity and this bill do not change the intent of the act as the bill largely mirrors legislation that already exists and just adopts Alpine Resorts Victoria and replaces references to the existing management structure. There are, however, new inclusions that this bill will bring in, and they are to the Alpine Resorts (Management) Act 1997 principles that the minister and Alpine Resorts Victoria must consider under new section 6A. One of the new inclusions is the recognition and incorporation of traditional owners into the act. Another inclusion is the focus on climate change, with the mountains to be year-round destinations. Another new inclusion is that the unique characteristic of each alpine resort must be considered, and there is also the appointment of a stakeholder consultative committee at each resort. Another new inclusion is of course the skills-based board structure for the board of Alpine Resorts Victoria.

The bill is largely about modernising the legislation and the governance model. The establishment of the single authority is aimed at improving coordination, cost efficiencies and overarching strategic leadership to the sector. It will transfer all 200-plus staff, plus a huge seasonal cohort of staff, to the new single entity. At the moment each of the resorts have many staff—as I said, around 200 plus their seasonal cohort. They will all transfer to the new entity so there will be no losses of jobs, which is a very good thing. Victoria's alpine resorts contribute around \$1.1 billion to the economy each year, attract around 1 million visitors and sustain around 10 000 jobs. So it is a really important sector of the community, particularly in my area in the north-east of the state.

The establishment of a single board is not actually a new idea. Back in 2014 the then Minister for Environment and Climate Change, Ryan Smith, commissioned a report into how to restructure the management of the Victorian alpine resorts. The second-reading speech for this bill says:

The establishment of Alpine Resorts Victoria will achieve savings through improved coordination, efficiencies of scale and reduction of duplication.

What is disappointing is while this legislation was established to find these efficiencies and reduce duplication, that information—that this needed to be done—was actually in the report that Minister Smith commissioned back in 2014. If we had won that 2014 election, those efficiencies and reduced duplications would have been long found and the state would have saved quite a bit of money. That report has been with the department for eight years. Maybe it has not been shown to the minister, maybe the department have not spoken up about it, but the way to do this has been there for over eight years. It should have been implemented earlier so that the burden on the taxpayer could have been relieved a whole lot earlier, but of course this government have taken time to get this to the Parliament. At least now those financial efficiencies and duplications will be addressed under this new bill.

Despite the fact that I think the government should go ahead with this bill and establish ARV and reduce the financial burden on the taxpayer, there are a number of concerns for stakeholders. Most of these concerns should be able to be resolved without any changes to the legislation, but the government should be listening to those stakeholders and addressing their concerns. Some of the concerns are about the lack of clarity around the resort funding model and also that the larger resorts will have to prop up the smaller resorts. There are concerns from the bigger mountains that they will be propping up the smaller mountains, but equally the smaller mountains are concerned that they will not get enough money as a result of the new structure. What they all want to know from the government is what the financial situation is likely to look like, how they are going to be assisted or how they are going to be hindered by this model of management and how the funds will be distributed.

Another concern is that, whilst the minister is anticipating savings through the department, the department could not quantify them. They stated that they are unlikely to be realised for a number of years. I have just spoken about that report that was commissioned back in 2014 by Minister Ryan Smith. A lot of those savings and things are outlined in that report. Yes, the numbers will have changed from 2014 to 2022, but if the department had looked at that report, they probably could have had those figures updated and we would all be in a much more informed situation now rather than just being told ‘We can’t quantify them, and they won’t be realised for a number of years’.

Another concern is the lack of acknowledgement of private enterprise and its critical role in investment in the operations of the alpine resorts. It is really concerning that there has been a lack of acknowledgement of private enterprise, because 85 per cent of all the assets on the mountains are owned by private owners. Private investment, private enterprise, is very much a part of all our alpine resorts, and yet the government has failed to acknowledge them and failed to consult with them on this legislation.

Another concern has been competition between mountains for the punters and resources and investment. This is something that I think could be a challenge in the future with one management board. You do have competition between mountains in attracting visitation and also in attracting investment and resources to their particular resort to make it the resort of choice. Without competition we know that things tend to decline—competition produces a better offer to the tourist and better infrastructure on the mountains.

The timing of the commencement was a concern, but we have been assured that the bill will not come into effect until after the snow season to allow a smoother transition, and we are relieved that that is going to happen. It may not even come into effect prior to caretaker mode, so perhaps there might be a government that will engage with the locals more on the implementation of this new management structure.

The board composition is also a concern—actually the board composition I think is a real concern—because it has a minimum number of board members of three, and three board members is hardly good governance. You really need a collective thinking, and three people can be just three mates who had some idea. It also raises questions about: what would be a quorum for a board meeting if you only had three people on the board? Are two people a quorum? Is one person a quorum? It really does not seem to be conducive with good decision-making and good board practices. It could be possible, too, that there are no locals included on the boards—no locals from any of the six mountain resort areas. It could be that there are three blokes from Melbourne or three women from Melbourne or two women and one man from Melbourne who possibly enjoy their time up at the resorts but have no investment in the local areas.

The councils are really concerned that they are going to be left out, and they should not be left out. The councils in the areas where the resorts are rely heavily on the mountains and are concerned that Alpine Resorts Victoria is not obliged to consult with them. They provide a lot of the services to the mountain and certainly the workers that work on the mountain. Of course up in my area the Alpine shire has both Falls Creek and Hotham in it, and Falls Creek relies heavily on people from Mount

Beauty and Tawonga who go up there to work. It also relies heavily on the Alpine shire to provide a whole lot of other services to the resort. Bright also services Mount Hotham, and again that is in the Alpine shire, and the Alpine shire are very much involved in providing those services to people who are visiting the mountain resort at Mount Hotham. We know that during the winter it also puts tremendous pressure onto our hospital system et cetera, because the people who are visiting the resorts, if there are accidents, come down into those towns to access their medical services.

Of course that is not just confined to the Alpine shire; the Mansfield shire and the Merrijig township in particular service Mount Buller. The Mansfield township also has a number of people who work on that mountain and who provide services to Mount Buller. Lake Mountain of course is serviced largely by the Marysville community and the Murrindindi shire, so it is important that the government do actually consult with the councils, and it is important that ARV has a very close working relationship with those councils and those towns who provide all of those services to the mountain resorts.

While I have outlined a lot of the concerns there, the implementation of this legislation is going to be far more important than the policy itself. The policy is there, but the implementation, that engagement with the ARV and the local councils and the addressing of all of those other concerns, particularly the financial concerns for the mountain resorts, all need to be considered and they all need to be addressed to the satisfaction of the locals in these areas. The opposition, as I have already said, is not opposing this legislation. We are supporting the modernisation and better management of the resorts. We just believe that the government should be consulting more widely and be more inclusive of each of the individual mountains and each of the individual councils and the local communities in those areas.

When we were up in the Alpine shire about this time last year for a regional sitting, we heard from a number of people up there about the importance of the resorts to the area. We also conducted the day before the regional sitting a committee meeting of the Economy and Infrastructure Committee for our inquiry into tourism, and we were told about a number of challenges that they have faced in that part of the world, particularly on the mountains. Of course our part of the world lost the tourism season in the summer of 2019–20 because of the horrific bushfires that were nearby and even around some of the alpine resorts. We lost winter 2020 to COVID because no-one could travel to or stay at the resorts. The recovery has been very slow. Tourism has been open and closed and open and closed, and we have the reluctance of some people to travel, so that recovery is taking a lot of time.

One of the main things we heard, not only from the resorts but also from the townships in the Alpine shire, was about the shortage of staff. They cannot get enough staff to go up and work on the mountains or to work in towns like Bright and Mount Beauty. They cannot get them because there is no affordable housing locally and because we have not had international students, who supplement a lot of our hospitality workers, and it is becoming a real issue for both the mountain resorts and the townships that surround them and service them. And you have to remember that not everybody stays on a mountain. In fact some of the smaller mountains do not really have much accommodation at all, and people stay in these towns that surround them. This lack of staff is really impacting on the offer that can be made at the alpine resorts.

The Economy and Infrastructure Committee also heard from the resorts themselves about the challenges that they are having with planning and building new infrastructure. The bushfire attack level ratings have really hit hard on the resorts, and the government need to sit down with the resorts and talk to them about this. A lot of the private operators are having trouble getting insurance for their assets on the mountains because of the bushfire attack levels. This is impacting on their lease requirements because in order to have a lease on a mountain you have to have insurance. It is my hope that the government will listen to the alpine resorts and will listen to the shires that these resorts are located within. We know that local government does not have any control over the alpine resorts but, as I said, it does provide a lot of the services to those resorts and the infrastructure to get people to those resorts. My hope is that the government will do some more extensive consultation with these people to ensure that this bill is implemented appropriately, because, as I have said, the implementation of it is far more important than the policy itself.



**Ms TERPSTRA** (Eastern Metropolitan) (13:24): I rise to make a contribution on this bill, the Alpine Resorts Legislation Amendment Bill 2022. This is a critically important bill. It will do a number of things which I will touch on shortly, but I just want to make some opening remarks in preparation for some of the detail that I will go through shortly. Many of us have been cheering the Aussies on at the Winter Olympic Games. While we may not be quite the powerhouse we are in the summer games, we do have decent winter sporting abilities, and these abilities are sparked, nurtured and honed on our very own alpine mountain resorts.

Victoria has four alpine resorts covering six mountains, each with their own unique characteristics. They are the Southern Alpine Resort, which is made up of Lake Mountain and Mount Baw Baw, the Mount Hotham Alpine Resort, the Falls Creek Alpine Resort, and the Mount Buller and Mount Stirling Alpine Resort.

In Victoria beginners can enjoy tobogganing and snow play, intermediates can go cross-country skiing and try some smaller slopes, while experienced skiers can zip down blue tracks and black runs. We are very fortunate to have these fantastic natural assets in our very own backyard. We can also see that our international athletes, our athletes who want to compete at international Olympic Games in the winter, can train at home as well as training abroad.

But our alpine regions also face difficulties. It is expensive establishing and maintaining tourist infrastructure, especially when most of the tourism occurs in a very short window and time of the year. And climate change is rapidly occurring, which is changing the nature of the snow as well as the threats of bushfires. I have skied at some of these places as well, and what I know is that they are quite different to overseas. For example, if you are skiing at some of these alpine resorts, you can be in a blizzard one moment and in the blazing sun the next, and you have got your T-shirt on and then you have got your jumper back on or your big ski jacket and all the rest of it. And the quality of snow is definitely impacted. I know, for example, the depth of the snowfall at times in winter is not what it used to be, so it is definitely changing, and you can see it at other alpine resorts around the world as well.

Why we need this bill is that our current individual boards are doing a great job in managing these issues but they are limited a little in their own patch. This is why the time is ripe to reform our alpine regions. The legislation in Parliament proposes to abolish the individual resort management boards and the Alpine Resorts Coordinating Council (ARCC) and bring them all together under one organisation which would be known as Alpine Resorts Victoria, or ARV.

There are five key drivers for this reform: firstly, financial stability—improving the economic viability of alpine resorts for current and future generations by consolidating management, which has a whole-of-sector focus; modernising governance to improve transparency and accountability, as the current legislation is over 20 years old and limits the ability to effectively respond to long-term challenges facing the sector; thirdly, strengthening our long-term climate change mitigation and planning across the sector in a coordinated way; improving efficiency by greater coordination and removing duplication; and also in regard to the COVID-19 recovery we need to build a whole-of-sector road map out of COVID-19 to improve our resilience.

This will be done by amending the Alpine Resorts (Management) Act 1997, and in parallel with the legislative change the Department of Environment, Land, Water and Planning, or DELWP as it is known, is working with stakeholders to develop an operating and financial model as well as a transition plan to ensure that ARV is sustainable not only now but into the future.

In addition to the existing activities that the current boards and the ARCC undertake, ARV will also need to consider the following principles. It will need to consider protection of the unique environmental, social, cultural and economic characteristics of each alpine resort; planning for and managing all alpine resorts in a coordinated manner that adapts to and responds to the impacts and risks of climate change; the ongoing impact of the use of the resorts on natural and cultural features and the ecology of the resorts; and respecting, protecting and promoting Aboriginal self-determination,

cultural values, practices, heritage and knowledge in the resorts, which we know is a very important issue and something that the Andrews Labor government promotes heavily. It is really important to make sure that our First Nations people have much greater self-determination and their cultural values, practices and heritage are respected within our own environments. We will also be partnering with traditional owners in policy development, planning and decision-making in regard to the resorts and protecting and enhancing the amenity, access and use of each alpine resort for the benefit and enjoyment of current and future generations of all Victorians. We will also be promoting investment in a diverse range of tourism and recreation experiences for all seasons in each alpine resort.

So, as you can see, the key principles include economic characteristics, which include the financial and economic contribution made by the private sector. Our reforms very much acknowledge the contributions of the private sector, and we are keen to work in partnership with the private sector as well. Our principles seek to protect the ecology of the mountains and ensure climate change effects are accounted for.

**Sitting suspended 1.30 pm until 2.03 pm.**

**Ms TERPSTRA:** Finally, we acknowledge the unique connection traditional owners have with country, and we will work together to protect our alpine region. There are currently three registered Aboriginal parties: the Gunaikurnai Land and Waters Aboriginal Corporation, the Taungurung Land & Waters Council and the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation. In addition, there are other First Nations people with an interest in the Victorian High Country, and they are the Dhudhuroa Waywurru Nations Aboriginal Corporation, the Duduroa Dhargal Aboriginal Corporation, the Dalka Warra Mittung Aboriginal Corporation and the Jaithmathang Traditional Ancestral Bloodline Original Owners First Nation Aboriginal Corporation—I hope I did those names justice.

A major strength of this reform is the requirement to have a skills-based board—that is, the combined skills of all the board members must cover the following: alpine environments, activities and tourism; financial management, commercial acumen or economic development; natural resources management; cultural knowledge and authority rising from experience as a traditional owner of the land in alpine resorts; environmental conservation; and public administration or governance. We believe that this broad range of skills will allow ARV to have a strong strategic purpose and achieve the principles that I outlined earlier.

We have also engaged in extensive consultation in regard to this bill, and we are confident that we have got the balance right in regard to this legislation. It is very clear that our reform of the resorts will have a stakeholder consultative committee, which will input into ARV's decision-making so that stakeholders will be engaged and involved in those decision-making mechanisms. The committees will be broadly representative of resort stakeholders and will likely seek nominations from traditional owner organisations, chambers of commerce, ratepayers associations and lessees and licensees of land within the alpine resorts.

So you can see there is a broad representative group of all stakeholders who are affected. ARV will review the service charges levied at each resort and will be legally required to consult with stakeholder consultative committees on each resort. Any change to the rates levied will carefully and transparently consider the financial impacts placed on on-mountain stakeholders. The minister of the day can also issue ministerial directions to ARV if they are unsatisfied with the process.

The bill does not require ARV to be self-sufficient, and ARV is able to seek funding through the regular government budget process as well. The government has historically provided financial support to the alpine regions, including most recently during the COVID pandemic, when we supported the alpine regions and businesses.

In conclusion, the Andrews Labor government have a proud record of protecting our natural treasures, and we have worked in consultation with traditional owners, local government authorities, tourism

peak bodies, industry peak bodies, chambers of commerce, ratepayers associations and environmental groups in developing this legislation which we believe will allow the alpine regions to thrive not only now but into the future. I might leave my contribution there and leave some of the other points for other contributors to speak on. I commend this bill to the house.

**Ms BATH** (Eastern Victoria) (14:06): I am really pleased this afternoon to rise and speak on the Alpine Resorts Legislation Amendment Bill 2022, noting that The Nationals will not be opposing this piece of legislation through the house. Now, to give some context around it, this bill establishes Alpine Resorts Victoria, the ARV, as an entity responsible for managing Victoria's six alpine resorts. I will start off with the best one—which is in my electorate—which is Mount Baw Baw and go on to fantastic Falls Creek, Mount Hotham, Mount Buller, Mount Stirling and Lake Mountain. On probably all of them I have come a cropper in some form or other in my less than expertise on the skis, but that is not to say that one cannot enjoy oneself whilst flowing down the slopes. At the same time, this bill abolishes the four existing resort boards—Falls, Hotham, Buller-Stirling and Southern—as well as the Alpine Resorts Coordinating Council, the ARCC, and all assets and liabilities will be transferred over during the course of this enactment, when this bill becomes part of the Alpine Resorts (Management) Act 1997. The bill also makes related amendments to the Emergency Management Act 2013, the Forests Act 1958 and the Circular Economy (Waste Reduction and Recycling) Act 2021 to address the establishment of the new entity.

I love speaking about my electorate and the wonderful opportunities that it has, the wonderful attributes that it has in terms of the coastline along Gippsland, our most amazing beaches, our jewelled sea and our highlands and mountains. Indeed the whole of the mountain system—the whole of the alpine resort system—is very important to Victoria's economy, hosting around 1 million visitors annually. That certainly has been interrupted during successive lockdowns and COVID, but it generates over \$1 billion for the Victorian economy annually normally and supports up to about 10 000 jobs. That rolls off the tongue very quickly, but it is incredibly important for our Gippsland economy that these resorts are managed expertly and are managed without a flowing loss to the coffers—to taxpayers coffers—but also to our economy. Indeed Mount Baw Baw was a place where I first went in year 9. The little ski lodge there for our high school was at the bottom of a run, and one of my favourite teachers, called Mr Howard, came flowing down on his skis right up to the alpine resort door. I think I just came flowing down the hill without the skis. At the moment Mount Baw Baw still hosts some fantastic wildlife as well—there are two dingoes there, Warragul and Rowdy—and indeed my son was a ski instructor there a number of years ago. It is a fantastic place to be and play.

We also understand and know that long before we had people on cross-country skis—whether they be day visitors or staying overnight in little family-owned chalets or at the local hotels—our ski resorts were home to our traditional owners who worked the land, lived in the land, on country, and managed the land. Their bounty, their food, was off the land and also their medicine. They also of course managed the land by using firesticks and burning the land during times when they saw the indicators were it was the right time to get rid of that undergrowth. It was to establish all the herbs they needed and the plants they needed for their medicine chest but also to create the right environment to have flora and fauna for their food. It is really important that we do.

I note that the other day it was a beautiful evening and in my house I had two bogong moths. They looked like bogong moths because they were massive moths. They came all the way down to Gippsland to see us. These were a beautiful sight, knowing that they were part of the Gunnai/Kurnai diet and of those traditional owners over the hill as well. Of course in the past we did not have zones like we do now. The traditional owners had their grounds and their territories, which were somewhat fluid over the decades and centuries.

What I know is that these places need to be managed properly. I do know that during the 2019–20 fires a number of our national parks and state forests became alight because of lightning strikes. Now, to people who say that they do not exist, they have existed for millennia, lightning strikes, and unfortunately in 2019–20 we saw a number of those fires join up and travel, with devastating

consequences, all the way down the coast to Mallacoota and the like. These sorts of issues and the management of our land are absolutely critical.

I have had the pleasure of popping over the hill, going from Omeo in my electorate over to Wangaratta via Falls Creek, in the past, and also last April driving back from the Council, when this house sat in Bright, over the Dargo High Plains Road, through Dargo and home. That gave me the opportunity to look around and to look at some of the, I guess, by-products of some of those massive fires. Through Falls you can see during summer basically the skeletons of the snow gums there and the consequence of the intense fires. I believe it was probably the 2002–03 fires that predominantly caused those and also, along the Dargo High Plains, some in the ash forests coming down the hill. It is very important that we look after our environment.

I would like to quote Michelle Freeman from Forestry Australia. This is a quote from what she provided to our hearing when we had the decline in ecosystems inquiry. She said:

Regardless of tenure, we need proactive management of fire risk, including strategic use of prescribed burning, maintaining forest access including strategic firebreaks, and mechanical interventions such as thinning where that is appropriate. And regardless of tenure, we need to shift our conservation strategy away from simply creating more protective areas to a broader strategy of targeted management actions designed to specifically address major threats to our forests, flora and fauna.

So when we have this ARV, part of the strategic planning around this has to be looking at the environment as well.

Another group that sincerely understands the forests of course is the mountain cattlemen. In the past we have had undergrowth cleared by the cattle throughout for many, many decades, and they still feel that that is a really important element that is now missing.

We heard through our inquiry that part of the fragility around the High Country is around the infestations of invasive weeds and feral animals and pests, and this must be looked at in context when you are looking at an alpine resorts system. This has to be addressed. One of the great strategies that the Institute of Foresters of Australia, now Forestry Australia, came up with is the importance of seed storage and sufficient seed storage. They talk about the fact that this is a really good time, an opportune time in the flowering cycle to bed down up to 40 tonnes of seeds from ash and potentially from snow gums as well. I endorse that, and the government needs to listen to this very wise, scientific group of people.

Going back to some other issues that are important to my electorate, I turn to Mount Baw Baw and its needs. First of all, in order to have a very coordinated and positive alpine resorts system you need access. Technically there are two ways to get to Mount Baw Baw. One is via Mount Baw Baw Tourist Road, which is bituminised, through Noojee and Tanjil Bren—I have stayed at Tanjil Bren, a great little hamlet—and the other one is through the fantastic town of Erica and along the South Face Road. The sealing of South Face Road has been a priority for the Baw Baw Shire Council, Tourism Gippsland and the locals forever, and indeed The Nationals and the Liberals at the last election in 2018 made a commitment to seal that road as an election promise. I again take the opportunity today to raise this as an issue for the Andrews government: commit to sealing South Face Road in the next budget in May this year. It is a really important one. It is also important for safety and security and the wellbeing of those people that work and live on Mount Baw Baw.

The other thing that needs to happen at Mount Baw Baw, looking at a great document that encompasses the whole area of the mountain rivers experience—and I know a lot of locals have put into this—and at Walhalla, Mount Baw Baw and the Erica region, is in relation to updating of the seven lifts, whether they be T-bars or pomas, to create a four-seat chairlift with a mountain bike rack. It brings me to a very important point: all of these fantastic regions now, the alpine resort regions, need to be used both in the winter context, or the white season, and then in the green season, the summer context, to enable people and encourage people and facilitate the likes of mountain bikes throughout the area on some of our great tracks in that space. These sorts of details need to be worked out with

ARV. But I again encourage the government to look to these sorts of improvements that have come through very good sources. There are a multitude of great ideas with *Growing Jobs in the Latrobe Valley: the Mountain Rivers Experience*, a document that the Andrews government should know well. I encourage them to look at it and to adopt as many of those practices and programs as we can.

Turning to Omeo, Dinner Plain and Falls Creek, there is a great road called the Great Alpine Road, but unfortunately many people in my constituency, in East Gippsland, call it at the moment the Not-So-Great Alpine Road, because the road surface and the maintenance on that road have just been appalling. There has been a subsidence at Name Stone Point and engineering works. Yes, there is a lot of water that goes through, but the locals are consistently saying it needs to be dealt with properly so that it will not fail again and fall again and cause a big concern.

Moving to the bill in my last few moments, in the past our then Minister for Environment and Climate Change, Mr Ryan Smith, back in 2014, commissioned a report into what to do with these resorts. We have also seen the Auditor-General talk about the high risk to their financial stability. Certainly when the Libs and Nats were in government Belgravia Leisure ran the management and saw reductions in the losses on some of these mountains.

In 2015, when the Andrews government took over, the boards of Mount Baw Baw and Lake Mountain were merged and came back under the Department of Environment, Land, Water and Planning. We have seen some fairly significant losses across the whole scope there in relation to providing services in the region and also in financial viability. These are some of the things that we really need to address.

There are certainly some valid concerns. One from the community and The Nationals is the lack of clarity surrounding the resort funding model. The other one relates to savings through the intended processes. They may not be quantified by the minister and are unlikely to be realised for a number of years. Competition between the larger mountains for resources and investment is also a concerning element, particularly for those smaller resorts.

One of the key things missing from the bill is an acknowledgement of private enterprise and the critical role that all of our great operators play, whether they be hotel lodges, restaurants, ski hire, supermarkets or chemists. These are very important in that private sector. If they do not exist, the mountains really cannot operate and serve the tourist industry.

On board composition, we see that some of the boards can have three members, and they can be from Melbourne. Again, we do not want to see that; we want to see locals on the boards. And the councils, which are an integral part of our regions, need to have a say. Even though it is not right on the mountain, East Gippsland council needs to be part of that conversation—in Omeo and Swifts Creek. All of those sorts of things play a really important role. With that, The Nationals do not oppose this ARV bill.

**Ms MAXWELL** (Northern Victoria) (14:22): I rise to speak on the Alpine Resorts Legislation Amendment Bill 2022, which will abolish the existing alpine resort management boards in Victoria and establish a single entity, known as Alpine Resorts Victoria. I would like to start by acknowledging the gruelling past few years endured by the alpine resort operators and the surrounding communities that rely on alpine tourism. The devastating bushfires of the summer of 2019–20 and subsequent smoke inundation led to the evacuation of many areas and completely wrote off the summer tourist season as well. Then COVID hit and wiped out their winter. All up, around 90 per cent of tourist visitations were lost during 2020. The alpine resorts—the hundreds of small business operators on our mountains and the surrounding towns who depend heavily on ski tourism—lost somewhere in the vicinity of \$900 million in economic activity. Some businesses were open for only four days in 2020 due to the pandemic restrictions. Many were ineligible for much financial support and are still suffering and trying to rebuild their businesses. There are chronic affordable housing and staffing shortages across regional Victoria, but in particular in those towns that need a real uplift in workforce during peak seasons.

I raised in Parliament last year an insurance crisis which has developed within the sector, with premiums increasing 400 per cent in some instances. A market failure is required in order for the government to intervene; however, that would necessitate the financial collapse of a significant alpine operator. The government's response to my question was that an intervention in the insurance market would be premature before Alpine Resorts Victoria, established in this bill, has considered the long-term financial sustainability of the region. I certainly hope addressing this issue is a high priority of this new entity.

I would like to thank those in the sector who have engaged with me on this bill and also thank Minister D'Ambrosio and the Department of Environment, Land, Water and Planning for meeting with me to discuss the bill and some of the issues that were raised by the sector during my consultation. We discussed the importance of private sector investment in our alpine regions and some of the challenges when investing in ventures on public lands.

The government has conveyed a commitment to local engagement, to understanding the unique characteristics of each resort and to the need to tailor solutions that reflect their differences. I accept that funding decisions are made from one budget to the next but hope this new governance will focus on ensuring our alpine resorts are put on a sustainable footing. I hope too that our alpine resorts are supported to not only bounce back from the difficulties of the past few years but to explore the potential that strategic investment could deliver for this industry. Solid work has been done on this in the past by the existing boards and tourism bodies and there are investment opportunities identified that could double the number of visitors each year and double the contribution of alpine tourism to Victoria's economy.

Emergency management across the resorts will continue to be very important, and Alpine Resorts Victoria will be responsible for developing a single emergency management plan that, with local components, applies across the six resorts. I have conveyed to the government concerns from the sector around asset preservation, funding models for capital investment and helping the resorts to diversify and grow their offerings across other seasons. There is usually a 17-week window for alpine businesses to make 90 per cent of their income, hence why it is so expensive to go skiing. We want the ski season to remain strong, but developing those other seasonal offerings would help sustain the resorts and stabilise employment. Much of the detail of those matters is not covered in this bill, which is about transitioning to the new entity, but they will be extremely important matters for Alpine Resorts Victoria to strategically manage.

While there is not too much that is controversial about this bill, it is certainly an important piece of legislation because it will shape the destiny of our alpine resorts, and that is extremely important to the Victorian economy and to my electorate of Northern Victoria. We look forward to seeing how this unfolds and I will continue supporting the alpine operators and proud small businesses in my electorate on any concerns they have in the process. I commend this bill to the house.

**Mr GEPP** (Northern Victoria) (14:27): I too rise to speak on this very important bill, the Alpine Resorts Legislation Amendment Bill 2022. As has been stated by previous speakers, here in Victoria we are very, very fortunate that we have four alpine resorts covering our six mountains, each with their own, as we know, unique set of characteristics. Ms Maxwell has just talked glowingly about the resorts that we share in our electorate of Northern Victoria. We know how tough they have been doing it over the past couple of years. We talked about the bushfires over the 2019–20 Christmas-New Year period and then the onset of COVID and all that was associated with the winding back of the visitor economy during that period of time for so many local businesses, small and medium—not all necessarily associated with the resorts but in the nearby towns—and the impacts that they have felt because of the impact of COVID and other things over the past couple of years.

It is important for us to understand that each of those resorts currently has its own level of management, and of course I talk about the Southern Alpine Resort, which covers Lake Mountain and Mount Baw Baw, the Mount Hotham Alpine Resort, the Falls Creek Alpine Resort, and the Mount Buller and

Mount Stirling Alpine Resort. These boards do a fantastic job in managing their own patches, but it is now opportune, as we come through COVID and we start to plan for our recovery out of COVID, and we are well on the way to that, for us to have a look at such a significant industry as the alpine resort industry, the snow industry, and all of those that benefit from it.

That is why this reform is so timely and so important. I take on board the contributions that others have made about the process that will still be ongoing. I think Ms Bath talked about people being very interested in what would happen moving forward in terms of the financial aspects, the financial modelling, of Alpine Resorts Victoria and the transition to ensure that ARV is sustainable moving forward. That work continues, with Department of Environment, Land, Water and Planning (DELWP) continuing to work with our stakeholders to develop that operating and financial modelling. Ms Bath also talked about a key aspect that ARV will need to consider, which is protecting the unique environment that surrounds our very important alpine region, and that is part of the ongoing work.

There are five key drivers for this reform, and I think it is important that we just briefly put those on record. Financial stability—that is, we want to improve the economic viability of the alpine resorts for current and future generations by consolidating the management across the whole sector with a whole-sector focus. We want to modernise the governance to improve transparency and accountability. We know that the current legislation is over 20 years of age, and I think there are still some people in this place who were probably here when it was first introduced. That is how long ago it was first established. I am not one of those, Ms Maxwell, but nonetheless. We also want to strengthen our long-term climate change mitigation and planning across the sector in a coordinated way. We want to improve efficiency by greater coordination, removing duplication. And, as I stated in my opening remarks, there is the recovery from COVID-19. We want to build that road map for the entire sector and work through those issues so that we have the ongoing resilience for the alpine resorts to be able to confront challenges of the future.

I am not going to use 15 minutes. I do want to just say a couple of quick things. How impressive was it at the Winter Olympics just recently, Ms Watt, that three of our four medallists came from Victoria. Seventy-five per cent of the medallists for the Australian Winter Olympics team came from here in Victoria—sadly not all from Northern Victoria, but what we do know is that each of them would have used the facilities in Northern Victoria on their journey to becoming superstars. I of course speak of Jakara Anthony, who is down Barwon Heads way, who won a gold medal, a fantastic gold medal; Scotty James, of course, who was born in East Melbourne and I think grew up in Warrandyte, who took home a silver; and Tess Coady, again, born in Melbourne, who took home a bronze medal. So to those three outstanding Victorians we say congratulations. You have done yourselves, your state and your country very, very proud. And it is important for the next generation of Jakaras, Scottys and Tesses and everybody else who enjoys the snow season—I myself have given it a bash, and I have got to say as a snow skier I am an excellent table tennis player. There is more stability in a bowl of jelly than me on skis, I have got to say. Please do not visualise that. But suffice to say that one thing you always hear when you do go to the snowfields of course is that very unmistakable sound of children's laughter—you know, those kids having fun. They enjoy that environment so much.

We hope that the restructuring of the management of the alpine resorts under ARV will continue to grow that very important visitor economy in our alpine regions and preserve what has become such a very, very important part of our industry, particularly in Northern Victoria.

I do want to touch on one thing before I conclude, and that is in relation to some of the comments that have been made about what those opposite might have been going to do in 2014. I do not think there is a debate that goes by in this place when we are not reminded by those opposite about what they were going to do in 2014, but the fact is that they had the opportunity and they did not do anything. They did not do it. I am not sure what Mr Smith was doing in 2014 when he was reviewing the alpine resorts and the industry, but the fact is that they did not do it. You can stand in this place and say, 'Well, we were going to if we had been elected', but the reason you did not get elected is because, as

my memory and the record states, you did not do very much during that period of time when you did have the baton in your hand.

I am glad that the bill has got support across the chamber. I am glad that we are doing what we are doing. I am pleased that DELWP and others will continue to lead consultation, particularly with our Indigenous communities in the alpine regions. They are the traditional owners of this land. It always was Aboriginal land, and it always will be. It is so important that we continue to engage those First Nations people to ensure that we are moving forward in a partnership that respects the cultural heritage of that land, respects our moves for self-management and self-determination and ensures that we are marching in lock step together. I commend the bill to the house.

**Ms BURNETT-WAKE** (Eastern Victoria) (14:37): I rise to speak on the Alpine Resorts Legislation Amendment Bill 2022. This bill intends to establish Alpine Resorts Victoria (ARV) as the entity responsible for managing Victoria's six alpine resorts, which include Mount Buller, Mount Stirling, Lake Mountain, Mount Baw Baw, Falls Creek and Mount Hotham. To do this the bill will abolish the current various boards of the respective mountains.

Eastern Victoria Region is home to the beautiful Mount Baw Baw. It is something that we are very proud of in the east. Mount Baw Baw is tucked away among the Great Dividing Range, and as the closest downhill ski resort to Melbourne, it is always bustling with tourists, skiers and snowboarders throughout the snow season.

This state is blessed with many beautiful alpine regions and their respective resorts. It is no secret how important these destinations are to our Victorian economy. They attract millions and contribute over \$1 billion to our economy. In 2019 the Southern Alpine Resort Management Board's annual report detailed that Mount Baw Baw and Lake Mountain generated more than \$157 million for the visitor economy. But the value of these alpine destinations is so much more than just monetary. They are the places where children see snow for the first time; indeed they were where I saw snow for the first time. They provide a lifetime of memories for families who hit the slopes every year, they are the places our Olympians first learn to ski and snowboard, and they are of historical and cultural significance to Indigenous Australians.

These resorts are important to all of us in different ways, and that is because each mountain is vastly different. One of the first concerns I had when reading this bill was that all mountains would be lumped under the one umbrella without their individual differences and needs being considered. I am glad to see the inclusion of new section 6A, which vows to recognise the unique environmental, social, cultural and economic characteristics of each mountain, and I sincerely hope this is followed through with funding decisions. This legislation is silent on how funding will work under this new model. Mount Baw Baw is smaller in size than some of the largest destinations such as Mount Buller and Falls Creek. The stakeholders in the smaller mountains, like Mount Baw Baw, need to be sure that the big players are not going to be the focus of all the funding. Will it be the case that the bigger revenue generators are prioritised while the smaller mountains go without? These are worthy concerns, and I urge the government to consider them when implementing ARV's funding regulations.

The second concern I have with this bill is the composition of the new board. I speak solely on Mount Baw Baw in saying it has undergone its fair share of changes to the board. It was announced in 2015 that the Lake Mountain and Mount Baw Baw boards would merge. The Southern Alpine Resort Management Board is now responsible for managing both resorts. There was initially some concern around the number of board members representing each mountain, and here we are seeing that again with this bill. This bill proposes that the board will be made up of no less than three members. It is concerning that the government think three board members is sufficient, particularly given many other government boards have as many as nine or, in the case of the Homes Victoria board, as an example, 11 board members.



The communities surrounding these alpine resorts are determined to see them thrive, and the thought of having a board member who does not live in the local area is causing concern. I firmly believe that local knowledge is the best knowledge. This bill does not include a requirement that these board members live in the local areas; it merely requires skills, qualifications and knowledge of various matters affecting alpine environments. Although this is important, board appointees could be anyone from an academic to someone who hit the slopes for a few seasons yet does not have local knowledge. This concern is somewhat mitigated by the creation of stakeholder consultative committees for each mountain, which will effectively give stakeholders a voice and the ability to express their needs and concerns. However, I am concerned that, with the Andrews Labor government, having a voice does not mean it will be listened to, as is the case with the Pakenham East property acquisitions and Flinders Pier funding issues I mentioned last sitting week. I believe these stakeholder consultative committees are absolutely key to keeping the mountains functioning in a way that best suits their individual characteristics, and I urge the government to listen to and act on the information gained through these committees. Like any change, the introduction of the ARV will require some getting used to, but if the voices from each individual resort can remain heard and acted upon, I am hopeful it will be a positive one.

Just one more thing before finishing: I want to reiterate and commend what my colleague Ms Melina Bath said earlier about South Face Road and the sealing of it. If this road is sealed, it will have great economic impacts upon the local communities, including Rawson, Erica and down through Moe. It will also offer an alternative main route into Mount Baw Baw without all the windy roads, and more buses will be able to go up the mountain and attend the ski play for the skiers, the snowboarders and the tourists. In regard to the economic impact, the positive impact in that regard, there will be able to be more ski hire and chain hire along those small towns from Moe leading up to Mount Baw Baw. Finally, I would like to thank all past and present board members for their service to the alpine resorts, and I also commend this bill to the house.

**Mr ERDOGAN** (Southern Metropolitan) (14:43): I am pleased to rise and advocate the passage of the Alpine Resorts Legislation Amendment Bill 2022. As previous members in this chamber have mentioned, the principal purpose of this bill is to facilitate the establishment of Alpine Resorts Victoria, ARV. This modern and fit-for-purpose new statutory body will be tasked to manage all six alpine resorts in our great state and provide strategic leadership to the sector as a whole. The introduction of this entity will enable an integrated and strategic sector-wide approach and better equip the resorts in terms of strategic leadership and in terms of responding to the financial and climate challenges facing the alpine area. It will address the duplication and coordination problems faced by their planning, marketing and investment functions, and obviously the entity will address stakeholder concerns surrounding the current government's model and embed the input of traditional owners.

In my role as chair of the Economy and Infrastructure Committee I have had the opportunity to engage with stakeholders in the alpine region, in particular with representatives and the CEOs of two institutions directly affected by this bill, the Mount Hotham and Falls Creek alpine resort management boards. This was in relation to an inquiry we did into the tourism and events sectors. Obviously when we went up to Bright in northern Victoria and to the region we heard from a number of stakeholders, but we heard directly from the managements of these two institutions. Both the individuals that were invited to join were invited to join jointly, understanding that the issues they both face—that is, the Mount Hotham and Falls Creek alpine resorts—are quite similar. They had mutual challenges, and the stakeholders reflected this view, with the Mount Hotham Alpine Resort CEO highlighting at the outset that they both wished to draw attention to the numerous common problems and challenges faced by the alpine sector. This instance was testament to the importance of addressing the issues of planning, marketing, investment and climate change in a collective manner.

Obviously there was an overlay with the COVID-19 global pandemic, which had a dramatic effect on our whole tourism and events sectors. As we all know, these two resorts, but really all six resorts, are quite popular because of the unique weather and their natural beauty. They attract visitors from not

only across our state but really across our nation. Instituting Alpine Resorts Victoria in place of the four alpine resort management boards and the Alpine Resorts Coordinating Council is a much-needed reform that will address their shared challenges for years to come.

Before detailing the structure and functions of Alpine Resorts Victoria I would like to draw attention to a few challenges and opportunities which characterise the sector, challenges and opportunities that I can see. Tourism is critical to Victoria's High Country, with the sector accounting for 30 per cent of the region's employment and 27 per cent of the region's economy. These are really high figures, higher than any other multi-LGA regional tourism region in Victoria. The snow symbolises the uniqueness and competitive edge of the alpine resorts and cements their position as a principal tourist destination. This has seen the resorts alone account for a quarter of the total visitation to the region.

Without a doubt the past two years have been really difficult for the resorts. They started 2020 off the back of bushfires, and then the COVID-19 global pandemic hit. Obviously this was followed by a period in which they had in effect closed winter seasons. Their busiest periods were greatly affected by the COVID-19 pandemic. It needs to be understood that especially in the first year, in 2020, they could only operate for four days in winter—during their peak season—so that had a dramatic financial impact on their revenue-generating ability. In 2021, although they were open for a number of additional days, it was still a dramatically affected and shortened season. Effectively when you are running a business model where your income stream must be maximised during your peak short three-month window in effect—the winter period—to be closed means that you have no significant revenue stream for those two years. As a government we took steps, and we provided support throughout, but obviously there are long-term challenges that they still face that are quite unique to the sector as a whole. Being together, being united and ending the duplication of resources will assist.

The qualities that make the alpine resorts tourist attractions are their remoteness, their weather patterns and their location, but these also impose strains on resort operability, as we have heard from some of the other speakers. Establishing and maintaining tourist infrastructure requires high fixed costs, given that most tourism occurs within a very short window, as I talked about, and other costs can be inflated due to the logistical challenges that are inherent in regional and remote areas. If we want to discuss the cost of construction in metropolitan Melbourne, the cost of constructing or doing maintenance repairs somewhere remote like the alpine resorts would be significantly higher. These challenges are paired with the sector's significant exposure to variable income. The growing threat of climate change makes weather patterns increasingly unpredictable, and understandably the region's tourism relies a lot on the weather.

In terms of governance and operations, alpine resort management boards function as a hybrid between a council and a tourism attraction operator. Like a council, they are tasked with offering facilities and services such as sewerage, water, public services and community infrastructure. On the other hand, their offering extends beyond the duties of a council to include those akin to a tourism attraction operator's, like ski patrols, snow clearing and guest services, amongst others. The hybrid model also complicates the avenues for government funding.

Establishing a single, modern, fit-for-purpose statutory body for alpine resorts across Victoria will alleviate many of the governance, financial and operational difficulties faced by the alpine resort management boards due to their unique hybrid model. It will also facilitate better coordination amongst the resorts in terms of dealing with strategic planning, infrastructure limitations and climate change. Alpine Resorts Victoria, the new statutory body, will replace the four existing alpine resort management boards—namely, Falls Creek, Mount Hotham, Mount Buller and Mount Stirling, and Southern—and the Alpine Resorts Coordinating Council. In their place the bill will establish Alpine Resorts Victoria as a statutory body to govern all alpine resorts, with functions and powers commensurate with existing alpine resort management boards.

The bill modernises and strengthens governance arrangements, including establishing a skill-based board. This means that the new board will have combined skills that must cover alpine environments,

activities and tourism, financial management, commercial acumen or economic development, natural resources management, cultural knowledge and authority arising from the experiences of traditional owners of the land, environmental conservation and public administration or governance. The bill also provides a legislative recognition of traditional connection to alpine country and places obligation on the ARV to engage and involve traditional owners in decision-making.

Recognising the unique nature of each resort is among the cornerstones of this reform, with specific emphasis that a common governing body does not mean resorts will lose their individual character. Instead the bill introduces objectives and principles to protect the distinctive characteristics of each resort by requiring the ARV to establish a local stakeholder consultative committee. These committees will be broadly representative of resort stakeholders and will seek nominations from traditional owner organisations, chambers of commerce, ratepayer associations and lessees and licensees of land within the alpine resorts. Stakeholders from the northern resorts—Falls Creek, Mount Hotham, and Mount Buller and Mount Stirling—have raised concerns that merging the resorts will lead to them subsidising the less profitable southern alpine resorts through their payment of service charges and site rental. The bill addresses these concerns by requiring the ARV to seek input from stakeholder consultative committees in determining the level of contributions in service charges. It also provides the minister with the power to issue directions to ARV, which may be used to require the entity to make public the basis for how service fees are calculated.

I have talked about why this is required, but there are in particular five key drivers for the need for this reform. Financial stability is obviously crucial. Improving the economic viability of alpine resorts for current and future generations by bringing them into one portfolio and making decisions about future management that are in the best interests of the sector is crucial. Consolidating resort management will improve the capacity to fund essential infrastructure and operations.

Two is a contemporary governance framework—a modern, fit-for-purpose legislative and governance framework that increases transparency and accountability. The current legislation is 20 years old and limits the ability to effectively respond to the long-term challenges faced by the sector.

Climate change, as we know, the ever-growing present issue—

**Mr Finn** interjected.

**Mr ERDOGAN:** This will be an opportunity to strengthen our response to climate change, Mr Finn. It will provide an opportunity to address climate change with a coordinated approach, but obviously there are other matters as well, such as functional efficiency—the opportunity to improve coordination of resort management and remove duplication.

**Mr Finn** interjected.

**Mr ERDOGAN:** Mr Finn, I understand that you have discovered climate change this morning as well. I digress from the bill.

**Mr Finn** interjected.

**Mr ERDOGAN:** I will not digress from the bill, Mr Finn, and I will focus on the COVID-19 recovery, because I guess that is one of the crucial reasons why this bill is so needed. As I stated earlier, the global pandemic had a great effect on the alpine resorts, and this bill makes sure that by consolidating the authorities and the governance framework they will be able to respond in a better way.

The alpine resorts—I do not need to tell anyone here—are a jewel in the tourism crown of our great state. They are a unique attraction for a country that is so warm and so hot. That is why they do attract tourists from not only across Victoria but across the region.

**Mr Finn:** Great wineries.

**Mr ERDOGAN:** And yes, the alpine region and surrounds in northern Victoria have great wineries—and other great tourism destinations too—all the way up to the border and the Murray. But obviously the alpine resorts are quite unique for our climate down under. They are beautiful, and I am sure that they will prosper especially in light of this new governance structure.

As a whole they do contribute over a billion dollars directly in terms of visitor spend and \$2.5 billion of economic activity, and importantly they employ 10 000 people. They are a great source of employment in that region. The establishment of Alpine Resorts Victoria will be a landmark reform that will progressively strengthen the sector and make it more dynamic in responding to contemporary challenges for years to come. I commend the bill to the chamber.

**Mr QUILTY** (Northern Victoria) (14:55): I will be brief. I will just comment that it is nice to walk up here without a mask on. I am not out of breath for once.

This bill is designed to combine several separate competing management boards into a single large monopoly. Just this statement alone should be enough to set alarm bells ringing. Ending duplication and waste sounds like a good idea, and if it had never been tried before we might believe it. But we have seen this in practice, and it is seldom pretty. The government supports the monopoly because it believes that central planning creates efficiency by reducing redundancy, but there are no redundancies expected from this new alpine management monopoly. They are not going to cut positions. They are going to continue to spend the same as they do now. There is no reduction in redundancy, only a reduction in competition.

This new bill will not improve management. It will make park management less responsive to the public and more expensive in the long run. The government explains that part of the reason it wants this monopoly is so it can more easily implement its policy agenda across the area. The government is dictating from the top and is restructuring the state to facilitate that top-down control.

What our alpine resorts need is not centralisation and increased regulation. What they need is more autonomy and more deregulation of what can be done there. Small resorts are going to be squeezed out by the bigger revenue generators. I am sure the Department of Environment, Land, Water and Planning and Parks Victoria would love the chance to close down more resorts and kick more people out of our national parks. Competition and free markets would invigorate our alpine resorts. This bill does the opposite of that, and inevitably over time it will make things worse. This is almost certainly not the solution you are looking for. We do not propose to force a division, but on principle the Liberal Democrats will not support this bill.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (14:58): I move, by leave:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

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

**Business of the house****ORDERS OF THE DAY**

**Ms TAYLOR** (Southern Metropolitan) (14:58): I move:

That the consideration of orders of the day, government business, 3 to 6, be postponed until later this day.

**Motion agreed to.**

**Bills****WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL  
2021***Second reading***Debate resumed on motion of Ms PULFORD:**

That the bill be now read a second time.

**Mr ONDARCHIE** (Northern Metropolitan) (14:59): I rise this afternoon to speak to the Workplace Safety Legislation and Other Matters Amendment Bill 2021, an omnibus bill that seeks to amend a number of acts in relation to workplace safety; to improve compensation outcomes for injured workers and their families, especially for progressive illnesses such as silicosis; and to enhance WorkSafe Victoria operations to better prevent and respond to workplace safety incidents, including by amending the threshold for issuing prohibition notices and extending the range of matters deemed notifiable incidents. It also seeks to amend the acts associated with victims of crime by prohibiting alleged offenders from being notified of or attending any hearings relating to family violence or sexual offences in the Victims of Crime Assistance Tribunal (VOCAT). It looks to amend acts relating to fire services by extending presumptive rights afforded to firefighters under the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 to vehicle and equipment maintenance employees who attend fires, so the mechanics. Those employees will now be provided, should this bill pass, a rebuttable presumption that if they are suffering from a specific form of cancer it will be presumed that this occurred due to their employment. This will consequently enhance their compensation entitlements under the Workplace Injury Rehabilitation and Compensation Act 2013.

The bill looks to change the act in relation to the legal profession by imposing stricter requirements for the appointment of lawyer members to the Victorian Legal Services Board (VLSB), ensuring that appointees are not the subject of any actual or potential disciplinary action at the time of their appointment. Further, lawyer members will now be able to be removed from the Victorian Legal Services Board if they are subject to disciplinary action during their term of office. That is essentially what this omnibus bill seeks to do.

Part 2 amends the Accident Compensation Act 1985 to (1) improve compensation arrangements for workers with certain work-related injuries that are progressive in nature, (2) improve compensation entitlements for family members of deceased workers and (3) make minor and other technical amendments in division 2 of the bill. Part 3 amends the Dangerous Goods Act 1985 in relation to funds collected from infringement offences, clarifying that the funds must be paid into the WorkCover Authority Fund. Part 4 amends the Equipment (Public Safety) Act 1994 in relation to funds collected from infringement offences, clarifying that those funds must be paid into the WorkCover Authority Fund.

Part 5—and this is something that has been very much of interest to constituents and unions—amends the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 to (1) extend presumptive rights coverage under the FPRC act to vehicle and equipment maintenance employees—mechanics, as I mentioned—working for Fire Rescue Victoria or the Country Fire Authority, (2) change the method of calculating eligibility qualifying periods to

count a part year of service as a full year of service and (3) allow periods of service as a career firefighter, a volunteer firefighter, a forest firefighter or a vehicle and equipment maintenance employee to be combined.

Part 6 amends the Legal Profession Uniform Law Application Act 2014 to replace the current processes for electing lawyer members to the VLSB, as I mentioned, with appointment processes similar to those for appointing non-lawyer members to that board. Part 7 amends the Occupational Health and Safety Act 2004 to expand upon the types of matters that are considered notifiable incidents, which include incidents where a person is suffering from a type of incident or a type of illness prescribed in the regulations, and I refer to clause 47 specifically when I am talking about that.

Part 8 amends the Workplace Injury Rehabilitation and Compensation Act 2013 to insert new definitions of ‘eligible progressive disease’, ‘lung transplant surgery’ and ‘serious lung injury’, as well as extending the compensation available to affected workers and their families. Part 9 amends the Victims of Crime Assistance Act 1996 to prohibit the VOCAT from notifying alleged offenders of the time and place of family violence and sexual offences hearings.

There are some things that concern us here as the state opposition, and they are around workplace safety and prohibition notices. The expansion of circumstances in which prohibition notices can be issued may in some situations lead to overzealous applications. Without adequate guidance WorkSafe inspectors may impose prohibition notices and fines without first giving business owners the opportunity to rectify those errors. We are trying to avoid people just rushing in and issuing fines without providing a chance to collaborate and work these things out. Additionally it is important to distinguish between early mitigation of a problem and unnecessarily scrutinising an issue that is unlikely to ever eventuate. Although the distinction is largely discretionary, greater guidance could be provided in this bill on how inspectors can consistently identify risks that are likely to eventuate. We cannot have presumptions in this particular matter. The coalition advocates for a more collaborative approach between inspectors and businesses. Rather than immediately trying to issue a prohibition notice or a penalty, maybe inspectors could work with business owners to discuss potential issues and give business owners the opportunity to rectify notifiable incidents before a prohibition notice is issued. We will be looking for the minister, in summing up the second-reading debate, to address those very things. This approach favours assistance rather than admonishment. By involving business owners in the process inspectors can foster working relationships that may reduce hostility and improve a business owner’s skills in identifying mitigation risks early.

In a roundabout sense the proposed changes to workplace safety beneficially improve current entitlements for injured workers and their families. The expansion of presumptive rights to mechanics impacted by fires is broadly supported by the coalition. Improvements to VOCAT to provide further supports to victims of crime are very much supported by the Liberals-Nationals coalition. I pay tribute to former minister Edward O’Donohue, who did a lot of work in supporting victims of crime.

I think having stricter methodology around the appointments for lawyer members to the Victorian Legal Services Board can improve the integrity of that board and its regulations through the legal profession. Generally speaking when we have consulted with the key stakeholders about this omnibus bill they have been very supportive—or so I thought. Because what is interesting is that Daniel Andrews’s own mate, Peter Marshall from the United Firefighters Union (UFU), has some problems with this legislation—Daniel’s own mate. Now, in the past Daniel has sorted it out through—

**The ACTING PRESIDENT (Mr Melhem):** Order! Mr Ondarchie, can I ask you to address the Premier, Mr Andrews, by his title—not Daniel. That goes for any other member of Parliament. I am sure you know that very well. So if you could do that, Mr Ondarchie, that would be great.

**Mr ONDARCHIE:** Thanks, Acting President. I thought everybody was supportive generally of this omnibus bill, but it appears that the buddy of the Premier—Daniel Andrews—is not that happy. Now, it seems that Peter Marshall has some issues with this particular bit of legislation, so much so

the United Firefighters Union—I cannot believe for a moment I am speaking in support of the UFU, but nonetheless when it comes to presumptive rights I think there are some things to be said here—the Victorian firefighters, will request that IBAC investigate the background to the changes that are made in this bill because, according to Peter Marshall, it:

... will weaken protection for firefighters who contract occupational cancer from workplace exposure.

So the United Firefighters Union are not necessarily happy with this bill. They are worried that the legislation before the Parliament today would extend presumptive legislation from just firefighters to other persons—particularly mechanics, we are talking about today—and:

... are concerned this could make the current system unviable and lead to later government cuts.

Now, we do know that this government is running out of money. We do know they are in significant financial trouble in this state, hence the reason they tried to impose a new tax two weeks ago, which fell flat on its face. And who did they blame? They blamed the property market for that. They did not say, ‘Oh, we’ve mucked it up. We tried to impose a new tax’—that would have made it tax number 41—‘despite the fact we said we wouldn’t introduce any more taxes’.

**Mr Finn:** Out the front here, wasn’t it?

**Mr ONDARCHIE:** And then, as Mr Finn rightly says, out the front of this building then Leader of the Opposition—to use his correct title at the time—Daniel Andrews said to Peter Mitchell down the Channel 7 camera, on the nightly news, ‘I make this commitment to every Victorian. There will be no new or increased taxes under any government that I lead’.

**Mr Finn:** On election eve.

**Mr ONDARCHIE:** On election eve, Mr Finn. On election eve he said that, and we are up to 40 new taxes. Had it not been for the state opposition and others, including new homebuyers and potential new homebuyers arcing up about this, there would be another new tax from Tim Pallas in this state—another one. So who do they blame? They blame the market. They blame potential new homebuyers. They blame everybody else but themselves for their cost blowouts in this state—over \$24.5 billion of cost blowouts.

I remind the chamber that the Treasurer came to this place last calendar year asking for a \$24.5 billion extension on the state debt provision to fund COVID requirements. It just so happened cost budgets on major projects added up to \$24.5 billion. You join the dots here. It was not about COVID, it is just they cannot manage money. And how do you create a big blowout in this state? You give Tim Pallas a small one, because everything he touches turns bad.

But coming back to United Firefighters Union secretary Peter Marshall, he said that the union wants to stop the proposed changes to the firefighters presumptive rights act because, he said, presumptive legislation for firefighters was supported by all federal political parties based on science. Mr Marshall said that he met with Victorian ministerial staff, who confirmed the extension of presumptive legislation to cover mechanics was a result of a previous commitment. Mr Marshall is saying he does not know where that previous commitment existed, and Mr Marshall, of all people, is saying that someone is doing someone a favour. Oh, the irony.

The Master Builders Association of Victoria have been pretty well supportive of this bill. They said that the changes would recognise the progressive nature of silica-related diseases and aim to improve access to support for injured workers and their families. So the MBAV have been pretty well supportive of this bill that talks about workplace safety.

It is probably an opportune time, then, to talk even further about workplace safety and what is important about safety in the workplace. One of the issues that we have seen over recent times, over the last few years indeed, when it comes to workplace safety is the issue of bullying. Bullying in the workplace is totally unacceptable, and we have seen a bit of that in Victoria over the last few years.

**Mr Finn:** In this building.

**Mr ONDARCHIE:** As Mr Finn rightly interjects, in this building. I remind this house of comments made by then Premier Daniel Andrews about a former colleague of mine, Donna Bauer, who was going through bowel cancer at the time. He made a really inappropriate comment about her condition and how she could treat that. So when it comes to workplace bullying—

**Ms Shing:** On a point of order, Acting President, if Mr Ondarchie wishes to put a substantive motion in relation to the Premier, then he should do so by way of a separate and substantive motion. He is making allegations, and if the Premier is not in a position to defend them and if on the public record they have been refuted, then he should actually go under another process in order to pursue that course of action.

**Mr ONDARCHIE:** On the point of order, Acting President, this is a bill about workplace safety. I am talking about bullying in the workplace. As the lead speaker for the opposition, as is typically the operation in this place, I have wideranging ability to speak to that. If people are sensitive about the bullying by the Premier, particularly of women, maybe they can deal with that in their party room. Maybe they can deal with it there.

**Ms Shing:** Further on the point of order, Acting President—Happy International Women’s Day, Mr Ondarchie—Mr Ondarchie has in fact failed to address the substantive point that I have raised whereby if he has an allegation of substance to put in relation to the Premier and comments which he attributes to the Premier which constitute a course of action and/or a pattern of behaviour, then he should do that by way of substantive motion.

**The ACTING PRESIDENT (Mr Melhem):** Thank you both for the points of order. In relation to the first point, I think the legislation talks about workplace bullying. I understand that, Mr Ondarchie, you might want to get into that. But in relation to the second point, where you are raising a specific allegation in relation to the Premier and other members, I ask you to refrain from going further on that and to just go back to the bill and talk about it in generic terms and not go into a specific allegation. If you want to do that, I think that may be something to do by way of notice of motion. I uphold that part of Ms Shing’s point of order. You are entitled to talk broadly about other matters, but I ask you to refrain from specific allegations.

**Mr ONDARCHIE:** Thank you, Acting President, for your guidance. I will therefore follow your guidance, not ever wanting to dispute the guidance of the Chair. I will not name specific people, but I will talk in a general sense about workplace bullying to satisfy your request.

On International Women’s Day, as we look to break the bias, I remind the chamber of the former Minister for Health who was thrown under a bus here in this place when the pandemic was a major issue—a major issue for a former Minister for Health in this place. Can I remind the house of a former Minister for Emergency Services who chose not to do a special deal with the United Firefighters Union, argued against it—a former minister—

**Ms Shing** interjected.

**Mr ONDARCHIE:** I have not named anybody.

**Ms Shing:** On a point of order, Acting President, this is a slightly separate point of order to the one which I raised before. Mr Ondarchie is now pursuing a line of commentary which goes beyond the point—as wideranging as he may be entitled to be as the lead speaker for the opposition—of relevance to the bill at hand.

**Mr Finn:** On the point of order, Acting President, Mr Ondarchie has been discussing an extremely important matter, a very topical matter, and that is workplace bullying and workplace safety. Now, he has not accused anybody of anything. He has merely raised a number of examples of where people have suffered that bullying or may have suffered that bullying, and I think he is well within his rights,



particularly as lead speaker for the opposition. But even if he was not, he would be well within his rights to discuss those particular issues, given that he has not accused anybody of anything.

**The ACTING PRESIDENT (Mr Melhem):** Mr Ondarchie, I understand that you have not strayed too far from my ruling, but can I ask you basically not to go overboard. You are within your rights to discuss these matters, but I ask you to be very cautious in relation to drawing other matters into the debate.

**Mr ONDARCHIE:** Thank you very much, Acting President. As you have rightly noted, I have stayed within your directive. But I have to tell you, Acting President, the sensitivity meter is off the scale across the chamber today—off the scale on International Women’s Day and off the scale in terms of sensitivity—when they have been very quiet about women who have been bullied in the workplace, very, very quiet about it, not saying a word about it. I remind the chamber that it was a former minister who disagreed on issues associated with firefighting and firefighting arrangements who allegedly was bullied—was certainly bullied in the marketplace by the head of a union—and there was not a word issued by those opposite, not a word issued about bullying.

*Members interjecting.*

**The ACTING PRESIDENT (Mr Melhem):** Mr Ondarchie, I gave you some leeway, and I think you need to go back to the bill. The bill only talks very narrowly about the issue of bullying. Can I ask you to go back to the bill and refrain from further commentary about alleged bullying when you are actually naming individuals. I ask you to go back to the bill and refrain from going any further on this matter.

**Mr Finn:** On a point of order, Acting President, I note your ruling on this. I do not believe that Mr Marshall has the protection of parliamentary privilege as you are apparently appearing to apply at the moment. I do not follow the logic of your ruling, given that he does not have that protection.

**The ACTING PRESIDENT (Mr Melhem):** Thank you, Mr Finn. If you want to speak on the bill, I am sure I can put your name down on the list.

**Mr ONDARCHIE:** Thank you, Acting President. Workplace bullying is a very, very serious issue. It is unfortunate that those opposite are not taking it as seriously as I am today. Unfortunately they are not standing up in protection, particularly of women that are being bullied in the workplace. I suspect in tomorrow’s business day we will hear more about bullying in the workplace. But when there were allegations of bullying against women you could cue the sounds of crickets across the chamber. No-one was saying a word, and from those people who are so active on Twitter—bang, bang, bang, sending out messages about bullying—there was not a cracker about bullying of women in the Labor Party, not a cracker of those allegations, not a word. So it is no wonder the sensitivity meter is off the scale today, because we take workplace bullying as a coalition very, very seriously. The question is: why doesn’t the government? Why won’t the government deal with it?

Why aren’t the people in the government, those who were elected to lead, saying more about workplace bullying in this state? It is not acceptable. We will not stand for it. It comes to the very point today: why are the government standing for it? Why aren’t they speaking out against this? As part of workplace legislation today, on International Women’s Day, as we elect to break the bias, people are very, very quiet over there about this—very quiet. They can take all the points of order they want; they are entitled to do that under the standing orders. But it sounds more like defence than points of order.

There will be a committee stage for this bill, and we will be looking for the minister to address some of the issues I have talked about today, particularly around workplace inspectors, particularly around collaboration with business owners, particularly about a methodology to make sure we do not get some overzealous applications and businesses do not get hurt through this process. I will be looking for the minister, when she sums up, to talk more about what this government are going to do about workplace bullying, about bullying in all workplaces, including in this building, because the sad thing is there is

a lot of talk over there and not much walk. We will see their commitment through the course of debate on this bill today.

**Ms WATT** (Northern Metropolitan) (15:21): In rising to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021 I would like to first and foremost note that this bill will improve outcomes for injured workers and their families, enhance scheme operations and increase WorkSafe Victoria's ability to prevent and respond to workplace safety incidents. I am of course very proud to be part of the Andrews Labor government, which is protecting and supporting Victorian workers. We are a government that is committed to delivering key reforms to uphold workplace safety standards and ensure there is support for injured workers. This bill, like many that have come before this place, builds on the many reforms that continue to support workers at a time when workers need it most. I would like to firstly acknowledge our colleague in this place the Minister for Workplace Safety, Ingrid Stitt, for the important work she does ensuring the safety of Victorian workers.

Workplace safety is an issue I hold dear to my heart, and I have spoken about it a number of times. I began my professional working career in fact in workplace safety, both in the mighty trade union movement and also in a workplace health and safety centre for the government where I took calls each and every day from workers injured in the workplace or those that feared potential injuries, and, sadly, there were those that were right there on site, having just been injured. These are some of the true traumas of my life that I reflect on every now and again. When I read bills like this, I think about those workers and the lives and circumstances that brought them to that place. I do carry those stories with me in much that I do, and this, like many others, hits very close to home.

Under the Occupational Health and Safety Act 2004 employers must provide and maintain a work environment that is safe and without risk to the health of their employees—that is all workplaces right across our state. This bill will also amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019, the FPRC act, to extend presumptive rights coverage to Fire Rescue Victoria, FRV, and Country Fire Authority, CFA, vehicle and equipment maintenance workers.

I would like to acknowledge the Australian Services Union and the Australian Manufacturing Workers Union for their advocacy on this bill and for the work they do to fight for members' rights and workplace safety. It was powerful to hear from ASU members employed as district mechanical officers who have been fighting for the extension of presumptive rights to vehicle and equipment maintenance employees. In the lead-up to this bill I had the distinct delight of meeting with ASU delegate and CFA district mechanical officer for 40 years Glenn Mumford, who works at the Cranbourne workshop, one of 13 across our state. In his role as a mechanical officer he is regularly called to firegrounds and major incidents, resulting in exposure to smoke and dangerous chemicals. Additionally, Glenn and his colleagues are required to handle foam and change over foam compounds. This has meant years of working with raw concentrate firefighting foams and other chemicals. They have also been exposed to heavy diesel exhaust gases, asbestos and various other chemicals in their line of work. These DMOs are also all qualified as general firefighters and not only support Victorians but also have been called on to assist in firefighting interstate fires. One of Glenn's co-workers, I heard, has just returned from Western Australia where they assisted with the devastating fires which have destroyed 60 000 hectares of bushland across the south-west of that state. Folks like Glenn truly are the heroes in our community.

Glenn spent in fact 11 weeks at the Hazelwood mine fire—I think it was around that time—working in the pit beside firefighters and getting trucks going because they could not be pulled offline. He also worked in the Longford gas disaster. There is so much that resonated from my conversation with Glenn, but in reference to the amendments it is this quote that stands with me:

We hope that we never have to use it, but we should be protected nonetheless.

I would like to thank Glenn for the time he took in sharing his story and for being so very generous with me in telling me about the lives, livelihoods and circumstances of workers like him. That is why it is so important that we extend presumptive rights to compensation to vehicle and equipment maintenance employees (VEMs) of the CFA if they develop cancer linked to their exposure on the job.

As I have mentioned before, this bill will also amend the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019 to extend presumptive rights coverage to FRV and CFA employees like Glenn. They really are an integral part of our Victorian firefighting service. They maintain and repair equipment, including at the fireground, where they are exposed to the same carcinogens that career and volunteer firefighters are exposed to. I am, as are so many here, incredibly proud of this historic scheme to protect firefighters, and we are always keen to work with our emergency services about how we can make them feel safer and more supported in the critical and vital work they do for our state. I want to keep talking a little bit more about this, but the truth is that over the last 10 years VEMs have attended fires an average of 25 times per annum and have often attended high-risk campaigns like the Hazelwood mine fire.

This bill also introduces amendments to enable claimants to combine their periods of service as a career firefighter, volunteer firefighter, forest firefighter and vehicle and equipment maintenance employee in order to demonstrate they have served the required qualifying period. The amendments will ensure that claimants are not disadvantaged if they have served across different fire agencies, which I think is really important, knowing of course that so many in this highly specialised field do in fact switch over between agencies from time to time.

Consultation in the development of these changes has been such an imperative part of the legislative process. I am happy to see that there was consultation on these amendments, and I give my thanks to the CFA, the FRV, the AMWU and of course the ASU for their work on this issue and their ongoing support. As of last year we had extended presumptive rights to forest firefighters, and with this we are extending them to vehicle and equipment maintenance mechanics that work for our fire agencies. This is indeed a really special amendment today before us. I would like to take a moment just to acknowledge the members of the CFA branches in the Northern Metropolitan Region, specifically in Epping, South Morang, Craigieburn, Greenvale, Wollert and Kalkallo. Thank you from me and everyone else in the Northern Metropolitan Region for all that you do for our local community.

There is so much more that I could say about that, but I have some other things to mention that are importantly captured in this bill, and they include the important work that the Andrews Labor government is doing to support injured Victorian workers and their families. There is so much that has been done, including the provisional payment reform, establishing an arbitration function at the Accident Compensation Conciliation Service and indeed establishing our nation-leading silica licensing scheme. We are of course delivering for Victorian workers and their families. This bill adds to all that important work by making a range of amendments to several workplace safety acts. We are delivering on important aspects of the Andrews Labor government's silica action plan, a landmark plan announced in 2019. Silica-related illnesses have a debilitating impact on far too many workers who work with engineered stone commonly used for benchtops. By working with this material they are at risk of exposure to respirable crystalline silica dust, which can lead to deadly lung and respiratory diseases, including silicosis.

Tragically, since the beginning of last year four workers have died from silica-related illness and WorkSafe has accepted around 60 claims for silica-related diseases. Improving the compensation arrangements for workers with silicosis and other diseases is essential. That is what this bill does by amending the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 to provide more support to workers and families affected by the debilitating effects of silicosis and similar occupational diseases. Workers suffering from silicosis are currently not able to pursue common-law claims where they develop further silica-related diseases after an initial award; this will be rectified with these amendments before us today.

The amendments also improve the process of accessing impairment benefit compensation and seek to address the identified issues by allowing workers with certain occupational diseases which deteriorate over time and progress quickly to receive further compensation. It will also waive the current requirement to demonstrate the disease has stabilised for a period of 12 months for workers with specific diseases, to allow access to impairment benefit compensation. The bill provides greater support for workers who have received a lung transplant due to a work-related injury and importantly extends compensation for counselling services to families of workers diagnosed with an eligible disease. The Andrews Labor government is leading the nation in supporting workers who suffer the terrible consequences of working with silica.

This bill also ensures WorkSafe have all the tools they need to prevent serious injuries, by changing the threshold for issuing prohibition notices and directions. Through my time in this place I have really heard those opposite attack WorkSafe and its efforts that have been made during the global coronavirus pandemic to keep Victorians safe, and as someone who has witnessed firsthand the important work that WorkSafe undertakes to ensure the safety of workers is upheld I assure you they could not be more wrong. We are underscoring the seriousness of workplace incidents by including a broader range of matters to be notifiable incidents, including infectious diseases and illnesses as well as near misses, and we are importantly recognising how difficult a time it is for families of loved ones who have been killed at work, by improving compensation entitlements.

This bill will also improve access and deliver better support to families of deceased workers, with weekly pension payments for children with a disability to be extended from the age of 16 to the age of 25. Currently under workers compensation legislation a child with disability is not eligible to receive a child pension at the age of 16, whereas full-time students or apprentices are eligible for the pension until they reach the age of 25. This bill fixes that through amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 to provide for improved compensation entitlements for the families of deceased workers. Importantly this will be partially retrospective and allow for eligible dependents who are between the ages of 16 and 25 at commencement to receive back payment for the period they would have been entitled to. I know that my little cousin will be entirely happy about hearing this news as he probably grows up old enough to understand it, given that he was too young to speak actual words when he lost his dad.

The bill will also extend household help service payments which are already being received by a worker with an accepted claim where they die as a result of their work-related injury, for six months after their death. Losing a loved one is hard enough. Extending household help services will provide greater assistance with the family's transition. The family support benefits changes also allow for the payment of overseas funeral costs following a work-related death. This is a recognition that many Victorian workers were not born in Australia and may be repatriated overseas following their death. These amendments are designed to improve outcomes for injured workers and their families, enhance scheme operations and increase WorkSafe's ability to prevent and respond to workplace safety incidents.

Finally, the bill will amend the Legal Profession Uniform Law Application Act 2014 to strengthen the integrity of the Victorian Legal Services Board, and this bill makes a number of important changes to Victoria's workplace safety and compensation framework that are entirely necessary for the improved compensation outcomes of families.

There is so much that I could continue to talk about, but I am just going to take a quick moment to speak about the changes in this bill that will ensure that survivors of family violence and sexual assault are not further subjected to trauma when seeking assistance. This bill will also expand the existing rights. I am probably going to have a lot more to say about family violence and sexual assault, but I know there are others that probably will speak to this important change in this bill before us today. I might leave it, knowing of course how very, very important it is and what a significant further step this is in improving the lives and circumstances of survivors of family violence and sexual assault.

Throughout our time in office the Andrews Labor government have demonstrated time and again that we are a government committed to delivering on our promises and delivering the important reforms to keep Victorians safe. It is true to say here with this bill, as with so many others that will be before us this week, that only a Labor government can deliver the crucial reforms in the bill. I am proud to support this bill, and I commend it to the house.

**Dr RATNAM** (Northern Metropolitan) (15:35): I am pleased to rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. This is an omnibus bill that seeks to make a number of changes to various workplace safety and related laws. Most of the changes in the bill are uncontroversial and indeed welcome. In particular the additional mechanisms to support workers who contract silicosis are important reforms. Silicosis is an awful degenerative lung disease that has unfortunately re-emerged in recent years, particularly through the use of manufactured stone in kitchens and bathrooms. Workers and unions have campaigned for greater recognition of the dangers of silicosis in recent years, and the Victorian government has responded with an action plan, including a statewide ban on the uncontrolled dry cutting of materials that contain crystalline silica dust, free screening for stonemasons and an awareness campaign around the risks of working with engineered stone. Silicosis is also now a proclaimed disease, meaning workers or dependants of a worker with silicosis are entitled to compensation without having to prove that work contributed to the disease. The changes in this bill recognise the degenerative nature of silicosis and improve the compensation arrangements for workers with silicosis, including allowing greater flexibility for common-law applications and improving impairment benefit compensation. These are very welcome changes.

However, there is one part of this bill which is controversial, and it is poor form of the government to try and hide such a contentious reform in an omnibus bill like this. Part 5 of this bill seeks to expand the firefighters presumptive rights cancer scheme to workers other than firefighters. To be crystal clear, the Greens support presumptive workers compensation laws for other workers; however, a number of issues have been raised with us in relation to the specific provisions in this bill that we believe deserve more robust consideration, including the potential impacts of the expansion of the firefighters scheme and whether there are alternatives for providing other workers such important protections.

The Greens have a proud history when it comes to presumptive laws for firefighters. The first legislation in Australia was a bill at the federal level initiated by Greens MP Adam Bandt in 2011. It was subject to a robust Senate inquiry, which considered the overwhelming evidence of the higher rates of certain cancers in firefighters due to their exposure to thousands of toxins while fighting fires. The bill passed into law with bipartisan support. Other states soon followed with their own schemes. By 2019 only Victoria and New South Wales did not have such a scheme. My former Victorian Greens colleague in this place Colleen Hartland introduced the first bill for a presumptive scheme for Victorian firefighters back in 2013, and I was here six years later in 2019 very pleased to vote in favour of the firefighters presumptive cancer scheme finally becoming law here in Victoria. Presumptive workers compensation laws hold a special place for the Greens, and that is why we are listening when we hear concerns raised that the integrity of the existing scheme may be compromised by the changes proposed in this bill.

These presumptive laws came into operation after years of campaigning by firefighters and on the basis of a significant body of evidence linking the specific activities of fighting fires to the increased chance of contracting certain cancers. These presumptive laws acknowledge the specific and unavoidable risks firefighters face when they enter burning structures and have exposure to tens of thousands of toxins and carcinogens. They are an acknowledgement that firefighters do what the rest of us do not, which is run towards fires and willingly expose themselves to the risks as they seek to save lives and property. As I said before, we absolutely support vehicle and equipment maintenance workers in Fire Rescue Victoria and the Country Fire Authority having access to a presumptive scheme. We appreciate that these workers can find themselves at firegrounds and exposed to cancer-causing toxins.

I was very glad for the opportunity to speak to Glenn Mumford earlier today about his experiences as a fire services mechanic. However, we are concerned about the potential for the integrity of the existing firefighter scheme to be undermined by incorporating other workers that do not share the same evidence base, and we want to explore whether there are other ways of achieving the same outcome. For example, should workers other than firefighters have their own scheme or use the deeming provisions I mentioned earlier in relation to silicosis? The existing scheme is based on a significant evidence base that was explored in the 2011 Senate inquiry. Indeed the government admits there is no similar evidence base for workers other than firefighters.

In previous debates in respect of the firefighters presumptive scheme Ms Maxwell has raised the issue of female cancers being included in the scheme given women are also firefighters. The government's response has been to indicate it will look at the issue but that it needs to consider the evidence base further before including other, female-specific cancers. Yet here we have the government rushing through laws expanding the existing presumptive scheme while acknowledging there is no actual substantive evidence base to support such an extension. I am not sure what that says about the government's commitment to female workers on International Women's Day. It was less than two years ago that this place legislated the scheme, and there was no intention indicated then concerning expanding the scheme to other workers. If these provisions pass, will there be other fire service workers seeking to be included further down the track, and what cumulative impacts will that have on the scheme?

I repeat that we are supportive of other workers having access to presumptive rights, but the question is: what is the most appropriate mechanism to achieve it? To my mind there are genuine questions to be asked about the way the government has gone about providing presumptive laws for other fire services workers in this bill, which it is now rushing through this Parliament. That is why I indicate that I intend to move a motion, after the second-reading debate, referring part 5 of this bill to a short committee inquiry. The inquiry would consider the potential impacts of the bill on the existing scheme and whether there are alternative ways to ensure other workers can have the protections of a presumptive scheme.

I will not be opposing the bill at the second reading given the majority of the bill provides for important and welcome reforms, but I do believe part 5 of the bill should be subject to greater scrutiny by this Parliament. Firefighters play a very important role in our society, putting themselves at risk every time they fight a fire. We owe it to them to get this right.

**Dr KIEU** (South Eastern Metropolitan) (15:42): With great pleasure I rise and speak to and support the Workplace Safety Legislation and Other Matters Amendment Bill 2021. Working is an essential part of one's life and one's wellbeing, and all workers do have the right to work in a safe and protected environment. But incidents happen, workers can be injured and, in some tragic incidents, death can be the result. Our government knows how important it is to support injured workers and their families, and in the case of tragic incidents to support the family left behind.

This bill makes a few amendments to several workplace safety acts to add to our important work in providing support for families and workers. There are several elements. I will mention some of them, but particularly I have some very strong understanding of and emotions about silicosis. It is very much a problem in our community, particularly the Vietnamese community. The first thing is the government's silica action plan. We are delivering important aspects of it by improving compensation for workers with silicosis and other related or like diseases. We are also underscoring the seriousness of workplace incidents by including a broader range of matters to be notifiable incidents, including infectious diseases and illnesses as well as near misses. We are recognising how difficult a time it can be for families of loved ones who have been killed at work by improving compensation entitlements. Furthermore, the bill also makes changes to the Victims of Crime Assistance Act 1996 to remove barriers to victims applying for assistance from the Victims of Crime Assistance Tribunal, VOCAT. Also an important element of the bill is the extension of presumptive rights coverage to Fire Rescue Victoria and Country Fire Authority vehicle and equipment maintenance employees as well as United

Firefighters Union members—professional firefighters—as already enacted. Finally, the bill will also amend the Legal Profession Uniform Law Application Act 2014 to strengthen and maintain the integrity of the Victorian Legal Services Board.

First let me speak briefly about the disease compensation arrangements for silicosis and related lung and respiratory diseases. Silica-related illnesses have a debilitating impact on far too many workers in the stonemasonry industry. As I mentioned, there are a few people that I know of already who have suffered from that dreadful disease, and some have lost their lives. In May 2019 the Andrews Labor government unveiled our nation-leading and comprehensive silica action plan. As you may know, with some of the work done in our kitchens, on our floors and in our bathrooms, those people who are working with engineered stone face the risk of exposure to respirable crystalline silica dust, which can lead and has led to deadly lung and respiratory diseases, including the dreadful silicosis. Since the beginning of last year—already more than a year now—already four workers have died from silica-related illness and WorkSafe Victoria has accepted around 60 claims for silica-related diseases. The workers and their families affected by the debilitating effects of silicosis and similar occupational diseases will be supported by this bill, which will strengthen our occupational health and safety laws to provide more support.

The bill also makes amendments to the Accident Compensation Act 1985 and to the Workplace Injury Rehabilitation and Compensation Act 2013 to improve the compensation arrangements for workers with silicosis and similar occupational diseases. This is because those workers who are suffering from silicosis at the moment are not able to pursue common-law claims where they have developed further silica-related diseases after an initial award. The current claim process also poses difficulties for workers with progressive disease, including silicosis, in accessing impairment benefit compensation. Because of the nature of their disease, stabilisation normally cannot be demonstrated and they could be subject to rapid deterioration. The bill seeks to address the identified issues now by allowing workers with certain occupational diseases which deteriorate over time and can progress very quickly—in terms of months—to receive further compensation.

The changes in this bill provide for waiving of the current requirements to demonstrate that a disease has stabilised for a period of 12 months for workers with specific diseases in order for them to access impairment benefit compensation. I am proud that we are leading the nation in supporting Victorian workers affected by the terrible risks of crystalline silica.

The next element of the bill I would like to speak to is about the family support benefits. The bill will improve access for and deliver better support to families of deceased workers. It extends weekly pension payments for children from the age of 16 to the age of 25. At the moment under workers compensation legislation a child with a disability is not eligible to receive the child pension after the age of 16. This is very inconsistent, because if full-time students or apprentices are injured, they are eligible for the pension until they reach the age of 25. So the bill will fix that. It also will be partially retrospective in the sense that when the bill has passed and has become an act those people who are between the ages of 16 and 25 will also receive back payments for the period that they would have been entitled to.

The bill also continues household help service payments for a work-related injury for six months after a worker's death to help the family. The family support benefit changes also allow for the payment of overseas funeral costs following a work-related death. This is because many Victorian workers who are not born in Australia or in Victoria may be repatriated overseas following their death on the wishes of their family.

The bill also makes amendments to the Occupational Health and Safety Act 2004 to amend the threshold for the issuing of prohibition notices and directions by WorkSafe inspectors to better protect against and capture serious risk activities. These changes will allow WorkSafe inspectors to prohibit or issue directions related to certain activities which do not pose immediate risks, yet could still lead to serious health and safety consequences. These are ones considered to have cumulative risks, such

as those activities which can cause serious exposure to crystalline silica and can lead to serious lifelong illnesses and even death. The changes align with the thresholds that are included in model work health and safety laws in other jurisdictions in Australia. This will help to better protect Victorians from the full range of risks that do exist in the modern workplace and make sure that employers are accountable for their workers' health, safety and wellbeing.

The bill amends the Occupational Health and Safety Act 2004 to include a broader range of matters considered to be notifiable incidents. This will allow for a broader range of serious risks to be brought to WorkSafe's attention, including infectious diseases and illnesses as well as near misses.

In the last few minutes, another important element of the bill is about firefighter presumptive rights amendments. Those who maintain specialist vehicles and equipment for firefighters are an integral part of our fire services, including those on the fireground, where they are exposed to the same risks that career and volunteer firefighters are exposed to. That is why we are extending the compensation available under the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019. This will apply to employees employed by Fire Rescue Victoria and the Country Fire Authority who have duties involving the mechanical, auto-electrical and fitting and turning maintenance and repair of firefighting vehicles and firefighting equipment.

Another element of the bill is to maintain the integrity of the Victorian Legal Services Board. The board, together with the legal services commissioner, are responsible for regulating and recommending appointment for the legal profession in Victoria, but there is a real risk that lawyers who are subject to integrity concerns or to disciplinary action may be elected to the board, so the bill will strengthen the board's governance arrangements to ensure that lawyer members of the board are subject to the same robust probity checks as non-lawyer members and that they are not the subject of actual or potential disciplinary action. The board will have the capacity to remove members if they are subject to disciplinary action during their term of office. This is to preserve the legal profession's interest in VLSB appointees. The Law Institute of Victoria and the Victorian Bar will be asked to nominate candidates for appointment by the Attorney-General.

In the bill there are a few other elements, but I have run out of time. I would like to summarise by saying that the amendments proposed by the bill are designed to improve outcomes for injured workers and their families, to enhance scheme operations and to increase WorkSafe's ability to prevent and respond to workplace safety incidents. I commend the bill to the house.

**Sitting suspended 3.58 pm until 4.18 pm.**

**Ms MAXWELL** (Northern Victoria) (16:18): I rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. This bill is another omnibus bill. It makes changes to eight different acts, including extending compensation provisions to allow those with serious silicosis to make a subsequent claim and extending weekly pensions to dependent children of deceased workers until they are 25 years of age if they have a disability or are a full-time student or apprentice.

The bill extends the presumptive cancer rights for firefighters to vehicle and equipment maintenance employees. This is something that we consulted widely on and considered extremely carefully. We understand this will affect around 100 workers, predominantly diesel mechanics or district mechanical officers. I sought clarity on the circumstances in which vehicles are repaired on a fireground and the circumstances in which a worker may be exposed. There have been, and still are, situations where these workers were undoubtedly exposed to cancer-causing chemicals and particles. We recognise the quite unique exposure of firefighters to toxins that has elevated their risk of cancer and that these rights were long pursued and are very important to both career and volunteer firefighters. As I have mentioned before, I lost a dear friend before Christmas who was a longstanding member of the CFA and contracted cancer. He was very grateful for the presumptive rights that he was afforded.

There is some concern, particularly from the United Firefighters Union, that removing the term 'firefighter' and replacing it with 'person' broadens the scheme. They fear it will be diluted in the



process, and I respect that concern. But we have considered that while diesel mechanics may not be in a consistent, active firefighting role, in attending a fireground they may experience exposure to a range of deadly chemicals and toxins. In how the presumptive rights are crafted there are requirements to qualify and rebuttal provisions. While we recognise that there may be very few mechanics that attend firegrounds, if they are exposed to fire and develop cancer they should have presumptive rights to compensation. Let us hope they never have to use them.

Women firefighters have to date been too low in numbers for research to determine the risk of developing female-specific cancers from exposure to fire. However, I am continuing to pursue this with the government, as I strongly feel we should be taking a precautionary approach, a preventative approach, in the interests of fairness and equality and extend the schedule to include female-specific cancers. It would have been a very welcome announcement today, being International Women's Day. I have undertaken consultation with members of the fire services, unions, volunteers and academics, and there is broad support for this precautionary principle to apply, and it is something I will continue to push for.

I turn now to another important aspect of the bill, which is an amendment to the Victims of Crime Assistance Act 1996. This bill will prohibit the tribunal giving notice of the time and place of a hearing to a person who committed or is alleged to have committed an act of family violence or certain sexual offences. This is a welcome protection for victims, but we think it should go further, and I will be proposing amendments to extend this to offences of stalking, threats to kill and threats to inflict serious injury. I will be asking for those amendments to be circulated later as we head into the committee of the whole.

The serious offences of stalking or making threats to kill or threats to inflict serious injury can occur within the context of family violence, but they also exist outside of that context. The Victorian Law Reform Commission consultation paper on responses to stalking cited 13 872 offences recorded by police in Victoria, with stalking in the context of family violence reported at only a slightly higher rate than non-family violence stalking. It certainly shows the prevalence.

Similarly, in the eight years to 31 December 2019 more than 66 000 threat offences were recorded by police in Victoria. Nearly two-thirds of those threats were threats to kill, and more than half were associated with family violence. That leaves a substantial proportion that were unrelated to family violence, and we must provide protection and support for those victims in the same way that we protect victims of family violence. Threat offences cause immediate fear but also limit victims' freedom of choice. Someone who has a fixation on someone, perhaps without even knowing them personally, can wreak havoc on the life of their victim, and we are all very familiar with the death of Celeste Manno. An opportune offender can use the knowledge of a Victims of Crime Assistance Tribunal hearing to further offend, such as putting a tracking device on the victim. Simply being in the vicinity of the tribunal can be an act of intimidation. This alone could deter a victim from even making an application.

The new financial assistance scheme will not require tribunal hearings, which I think will be welcome for most victims, and will eliminate this issue. I will talk more about this amendment during the committee stage, but I hope that the chamber will support us in extending this provision a little further for very serious offences that are known to be markers for future violence and give important protection to victims. There are other changes to acts in this bill that I will not refer to now and will leave for other speakers to address. I look forward to asking a few questions in the committee stage. I thank the house.

**Ms TERPSTRA** (Eastern Metropolitan) (16:25): I rise to make a contribution on this very important bill, the Workplace Safety Legislation and Other Matters Amendment Bill 2021. The bill addresses several identified areas for improvement and enhancement across WorkSafe Victoria's insurance and occupational health and safety functions. It is an omnibus bill, and there are quite a range of different areas that amendments will be going to. I know previous contributors to this debate have touched on some of those areas that are being amended, and I will return to some of those shortly.

The bill will effect changes to disease compensation, changes that will address inadequacies identified during a WorkSafe review of compensation arrangements for workers diagnosed with certain occupational diseases in response to the Victorian government's silica action plan. It will also enact changes to the threshold for notification of incidents to WorkSafe and the grounds for issuing prohibition notices and directions by inspectors. This will allow for improved responsiveness to risks and hazards and further enhance WorkSafe's prevention mandates.

In terms of consultation for the bill, I can say that WorkSafe completed confidential discussions with a range of stakeholders to discuss all the proposed changes made by the bill. As I highlighted, this is an omnibus bill and there are a range of amendments going to various aspects. This is just an outline of some of the groups that were consulted. It includes the Australian Industry Group. Many may not know, if you are playing along at home, what the Australian Industry Group is, but it is a rather large employer organisation representing employers in the manufacturing sector and beyond that. It includes the Australian Nursing & Midwifery Federation. As a former industrial officer for the ANMF's Victorian branch, I can say that I know the nurses are a formidable union and they would have had much interest in these changes in the bill. The Australian Manufacturing Workers Union was also consulted. I am proud to say that I also worked for that union representing workers in the manufacturing sector, and I know how critically important it is to have very strong protections for workers who work in manufacturing and who are exposed to a range of workplace safety issues in the work they do. It has been said before in this place, but every worker deserves to go to work and come home safe.

I will give an anecdote a bit later on and relate a story that one of my colleagues in the other place talked about, the experience of a worker who suffered silicosis and what it is like to be affected by silicosis not only on a physical level but also on a psychological level. This is what this bill will also do. It goes some way to assisting people dealing with the psychological issues around knowing that they have been diagnosed with silicosis, because it is not a very pleasant disease to suffer from. The outcomes are particularly poor. If you have worked in a job where you were a stonemason cutting stone benchtops and the like, those sorts of things, there was a group of workers that were affected and impacted early on by those things. It is not a pleasant thought to know what your final moments might be like, so it is good to make sure that workers are supported appropriately not only physically but also psychologically through the end stages of some of these diseases.

The Australian Workers Union, the CFMMEU, the Community and Public Sector Union, the Housing Industry Association, the Master Builders Association of Victoria, the Victorian Automotive Chamber of Commerce, the Victorian Chamber of Commerce and Industry, the Victorian Farmers Federation, the Victorian Trades Hall Council and a range of legal outfits, the Transport Accident Commission and other lawyers were also consulted. As you can see, there was a broad cross-section of organisations—employer groups, unions and lawyers—who were consulted in regard to the bill. Consultation has also taken place with the Workplace Incidents Consultative Committee on the family support changes, and their feedback has been included in the development of these amendments.

As I mentioned earlier, these changes are to improve and enhance responses to workplace health and safety. The proposed amendments will take effect regarding the disease compensation arrangements, and the family support benefits will commence on 1 July 2022. A delayed commencement allows sufficient time for systems to be updated and for implementation. Other amendments in the bill are intended to commence the day after the bill receives royal assent.

Just getting back to the issue of silicosis, changes to compensation arrangements for silicosis and prescribed progressive disease include that all costs related to these proposed compensation changes are based on information that was collected in 2019 and during the initial and further reviews into the silicosis compensation arrangements and were updated during the preparation of the bill. The estimated total annual cost of the disease compensation changes to the WorkCover scheme is approximately \$4.5 million to \$11.6 million per year. The implementation costs of these proposed changes will be negligible as the implementation will require updates to existing policies for agents

and WorkSafe staff and will not require the development of new systems or processes. So the total cost will consist of allowing injured workers with silica-related diseases to make one subsequent common-law application for damages if they develop subsequent silica-related disease and has an estimated cost impact of \$4.43 million to \$14.77 million for liability upon implementation and \$0.07 million to \$0.72 million for the premium to break even annually. Allowing for impairment benefit payments to be made to injured workers with progressive diseases that have not stabilised is expected to have a cost impact to the scheme as these workers are assumed to already be entitled to benefits. So as you can see there are some mechanisms that need to be put in place to ensure that people who may have been exposed to silicosis can be adequately catered for.

In terms of silicosis claims, in 2020 there were 110 silicosis claims received by WorkSafe agents, the largest number of silicosis-related claims received in a single year. Between 1985 and 2020 a total of 61 silica-related claims were lodged, and 21 of these were lodged in 2019. As at 15 March 2021, there have been 1080 workers registered for the health assessment program, and 709 of these, or 65 per cent, have completed the health screening in full and 520 required a secondary screening referral with a respiratory physician. There have been 132 known positive diagnoses of silicosis, and 80 per cent have had complete screenings. This means that one in every 5.3 workers who have completed the screening process has been diagnosed with silicosis and lodged a claim with WorkSafe. So I guess the thing is that whilst there was a demand for stone benchtops and the like years ago, you can see the trajectory that these things have as people have worked and been exposed to this type of dust. You can see the rate that people have been succumbing to diseases, and I just want to give this anecdote. The surge in demand for stone benchtops in Australian homes, offices and shops since the early 2000s has seen silicosis case numbers rise, and what is more the numbers are likely to push up even further. New evidence is also emerging of the high numbers of workers in non-stonemasonry industries like tunnelling, quarrying and manufacturing who have developed silicosis and other forms of silica disease. Silicosis can indeed take years to develop after the initial exposure time, which means workers only find out they have the disease long after breathing in the dust.

I will just give this anecdote of somebody who worked not directly in the industry but in an associated part of the industry. Joanna McNeill, a 34-year-old Australian mother of two, was diagnosed with silicosis last year after returning to her office job at a quarry. She had contracted the deadly disease dubbed ‘the new asbestosis’ while at her desk. She says not knowing how long she has to live is the hardest part of her battle ahead. Last year she said:

At the moment I am feeling healthy, but I don’t know if that will be the case in one year, let alone five or 10 years and as a mum of two young daughters that terrifies me.

So it is exactly for the reasons like Joanna’s story, to care for her and not only for her but for her family and her children, that these reforms are important, because as she goes on to say, she did not know that just by working in her office job at a quarry she would suffer that kind of exposure. As I said, she does not know how long she has to live, and that is quite a heavy burden for her to bear as somebody who was simply working in an office job.

These reforms are important. These reforms are among a number of reforms the Andrews Labor government has made commitments to working people in Victoria about—things like industrial manslaughter, things like our commitments around wage theft and even things like nurse-to-patient ratios to make sure that nurses and patients are protected. These changes to our workers compensation system will ensure that workers are protected and adequately catered for, because as I said before, workers who simply go to work deserve to come home safe and not to suffer some of these terrible diseases that can come from, as I said, something as simple as people wanting stone benchtops in their kitchen, where working with that type of stone has resulted in these sorts of things.

This is a terribly difficult topic, and I know there will be potentially a lot of workers watching this debate today. It is important. As I said, the legislation that will pass through this chamber today is an omnibus bill—it changes a number of different pieces of legislation—but there are some really

excellent things in here to assist workers. Workers compensation is a sadly necessary thing that we need to have as a scheme. As I said, people get injured at work, and it is something that needs to be there to adequately help and assist workers and their families.

I will leave my contribution there. I know there will be many more questions perhaps in the committee stage of the bill; there will be other speakers who may well give more detailed contributions in this debate today. What I will say is I would commend this bill to the house. Some crossbench members may have some amendments, but I think the bill in its current form should remain unamended. As I said, I will leave my contribution there and commend this bill to the house without amendment.

**Mr MELHEM** (Western Metropolitan) (16:37): I also rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021. I will try not to repeat some of the comments made by previous speakers detailing what sorts of changes we are making to the existing legislation, but it is quite an important area this bill is looking at: amending and fine-tuning the current legislation to make things much easier for injured workers to be able to access workers compensation and also enable WorkSafe Victoria inspectors—and there are some elements I will come to later on—to do their job to make sure workers are safe, to make sure workers, when they go to work, are able to go home in the same condition. I think that is very important.

WorkSafe inspectors can issue a provisional notice to cease work currently—for example, if there is an immediate danger to the health or safety of workers. The amendment talks about enabling a notice when there is the potential to lead to a safety risk or a health risk, so basically providing that extra layer or extra flexibility by providing for our health and safety reps and WorkSafe inspectors being able to do that. Sometimes there is a fine line, and I have witnessed that in my previous job; there is always an argument between employers, workers, unions and even WorkSafe inspectors in relation to what the level of danger or risk is in a particular workplace when there is an incident. That has created a lot of debate where health and safety representatives could issue a provisional notice to cease work, for example, and the employer's view is that there is no immediate risk.

But there is potential risk, and WorkSafe inspectors will have to adjudicate between the health and safety representatives and the employers in trying to find a solution. Some employers might turn around and say, 'There's no immediate risk, so therefore we don't need to stop work'. The risk is that if that argument is accepted in some instances accidents or incidents do occur and people get hurt. These changes I think give flexibility to WorkSafe inspectors so that if they are satisfied that there is a potential risk, they will make that judgement.

In my experience WorkSafe inspectors have over the years had really good judgement. They do not want to put businesses out of business and they do not want to put workers at risk either. They are always looking for the happy medium, mindful that business needs to continue to operate in a safe manner, because in the back of their mind they want to make sure workers are safe in the workplace. I want to use this opportunity to give them a shout-out and say they have been doing a great job in the last whatever period of time. I know there have been a lot of investments in recent times by the Andrews Labor government to increase the number of inspectors to make sure WorkSafe has enough resources to do its job. I want to pay tribute to the wonderful work that WorkSafe inspectors do on behalf of Victorians. I know in my previous life I did not always agree with some of their decisions, but most of the time they get it right. I also want to take this opportunity to pay tribute to the health and safety reps, who do voluntary work and do tremendous work in keeping workers safe.

The other part of the bill talks about giving access to workers in relation to silica. In May 2019 the Andrews Labor government unveiled a nation-leading and comprehensive silica action plan. Silica-related diseases have a huge impact on workers. Ms Terpstra was touching on that earlier. I know unions have been campaigning for many, many years to make sure that is covered through a number of things. We all have beautiful Caesarstone in our kitchens—these wonderful benchtops and so forth—but we forget one thing—

**Mr Ondarchie:** Is it named after you, Caesarstone?

**Mr MELHEM:** Apparently so, Mr Ondarchie. We forget one thing: a lot of workers have suffered a great deal in cutting these benches, because most of it is engineered stone, and they die from it. They develop a horrible disease and then they die from it. So I am pleased with the action plan we have put in place. We have banned some of that work and we have introduced some strict rules and regulations to make sure we are not further exposing workers to that horrible disease. I am pleased with the changes.

We also need to recognise that it is not just about preventing disease. In my view good health and safety legislation is designed to prevent injury and prevent diseases in workplaces. That should be our number one priority: prevention. We should not be focusing on saying, ‘You’ll be right. You’ll get yourself killed or lose an arm or develop a cancer or whatever from work, and then we’ll just pay you or pay your family’. That should not be the focus. Our number one priority should be about preventing these injuries and diseases to make sure we do not put workers in harm’s way. But we know we cannot have zero injuries and zero diseases. We would love to. A lot of companies in a lot of jurisdictions work towards zero harm. But from time to time unfortunately people get injured and people develop diseases. In that unfortunate situation we need to make sure that there is enough compensation in whatever scheme we have got in place to make sure we look after these injured workers or people who develop those injuries.

Also one of the areas the bill talks about is looking after the children who are dependent on the injured person. It is currently set at age 16, and that will be extended to 25. I think that is a welcome change as part of this legislation in relation to the family support benefit which as my colleague has spoken about is an anomaly now. I am pleased it has been fixed so we can look after the children of these injured workers or workers who actually develop these diseases. The bill also will continue the household help services payment already being received by a worker with an accepted claim where they die as a result of their work-related injury, for six months after their death—so we are basically looking after the people left behind. I think that is a welcome change.

I did speak earlier about the prohibition notices, so I will not go into those again. But incident notifications; that is another area. The bill will amend the Occupational Health and Safety Act 2004 to include a broader range of matters considered to be notifiable incidents. That again is another grey area. At the moment, if you have an incident, how severe is that incident? What is the threshold, the trigger, to notify WorkSafe? I mean, I would probably go too far in saying any near misses should be notifiable, but on the other hand people say, ‘Look, you don’t want to go and inundate WorkSafe for every near miss you might have’. But I think it is important to actually expand on the current list, and this bill will do that.

For example, infectious diseases and illnesses is an important one. There has been a lot of debate in the last two-and-a-bit years about COVID-19 and where WorkSafe responsibility comes in and where Department of Health responsibility comes in. Even in this chamber there have been a lot of questions by the opposition to government in relation to that: whose responsibility is it—is it the health minister’s, is it the WorkSafe minister’s—and which department is it? I think clarifying that—even in workplaces or companies where there is a bit of confusion about whether or not there are health directions and who administers them; so, what the employer’s responsibility is—is important.

But I go back to the near misses and increasing the definition of ‘near misses’, because you could have a near miss and an employer could think, sometimes with good intention—I do not think any employer, any human being, would wake up one morning and go to work when they are operating a business and say, ‘I’m going to hurt someone today; I’m going to cause the crane to collapse and kill someone’. No-one does that. You would have to be a psycho to do that—and unfortunately we have them from time to time. But the important thing is I think 99.99 per cent of employers and managers want to do the right thing. No-one would want to wake up one morning and say, ‘I’m going to go and

injure a worker'. But it is important not to downplay some of the near misses, so that will get fixed as part of this.

The other changes, which I will address in the last few minutes, are in relation to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019, which has caused a lot of angst amongst firefighters and amongst people in this state—and I know it is a very emotional issue. What I say in relation to this is: I want to congratulate all the firefighters who have fought hard for many, many years to actually get presumptive rights put in place. I am so proud to be a part of this government, the Andrews Labor government, who actually introduced that bill to this house. We made it legislation. And I remember my colleague on this side Colleen Hartland. We did not agree on a lot of things, but that is one thing I want to acknowledge: the good work she did in that space to make sure we got that.

But where I disagree with the United Firefighters Union is denying the 90-odd maintenance workers or mechanics access to that. Whilst I understand the emotion behind some of the arguments, I think this bill addresses the issue that there are 90 or so mechanics who should be able to access that. At the moment every firefighter is entitled to access that scheme, including volunteers, including forest firefighters. There are certain criteria you still have to meet to access the fund, so I am not sure about the argument that this could deplete that fund. I do not think the argument is there. I understand there is emotion about it—I respect that—but I think it is the right change and the right amendment to make sure we are not leaving these people behind. I come from a background where you do not leave workers behind, you do not leave any worker behind. It does not matter who won the benefit in the first place. I think these workers are entitled to access that. Hopefully no-one will access it. I go back to the point I made earlier: a scheme should not be designed around 'If something happens to you, well, don't worry. We'll just pay you or pay your family compensation'. It is about preventing it from happening in the first place. That is the best tool we can use and deploy to make sure no-one needs to access any compensation. But unfortunately I live in the real world, and people get injured from time to time or develop diseases because of their occupations, and when the need arises they should be compensated and looked after.

With these comments I commend the bill to the house. I want to commend Minister Stitt for the good work she has done in this space to make sure we have some fairness in the workplace.

**Mr GEPP** (Northern Victoria) (16:51): I too rise to speak on the Workplace Safety Legislation and Other Matters Amendment Bill 2021, and it is with great pride that I do so. Over the many pieces of legislation that we have dealt with in this place during my time, I can say that our focus, our attention on the rights of workers to go to work and, importantly, to go home at the end of their working day, however long that is, regardless of occupation, has been something that has been very prevalent in this government's reform agenda over the last few years, and it is a very proud record. What we have before us today with this omnibus bill continues that proud record.

It is no secret that a few of us on this side of the house have worked for unions. That is amongst other occupations we have had, but I know people like to focus on that. Certainly workplace safety, worker safety, is not the purview of the union movement, but I have got to say that the union movement do a lot of heavy lifting in this space. All of us who have worked in the union movement have seen the devastation of workplace injury on working people and their families, particularly when those injuries could have been avoided, when something could have been done to prevent that injury happening in the first place. We have all got those stories in our knapsack.

**Mr Ondarchie:** Be careful with the heavy lifting, that's all.

**Mr GEPP:** Yes. We have all got those stories in our knapsack, and they are not stories that you want to revisit too often in your mind because a lot of them are stories of tragedy. In my own time with my union, the CPSU, when I was the national divisional secretary for community services and employment we had Centrelink workers in my portfolio. The workplace abuse that Centrelink workers

used to confront and the complexities of the social security scheme that they had to administer and what that brought about for them in the workplace—you might think, ‘Well, what could possibly have gone wrong?’, but there were incidents with distraught people who were really trying to get ahead and just keep their noses above water but were running into obstacle after obstacle in terms of the Social Security Act 1991 and resorting to desperate measures in order to demonstrate their plight. The impact that that had on the workers that I was privileged to represent for a quarter of a century was extremely difficult. Customs workers, immigration workers, meat inspectors—all of those—are not occupations that you would necessarily normally associate with workplace injury, but nonetheless it was there.

It permeates throughout our state and our nation. Every worker at some point is confronted by either an injury to themselves or perhaps an injury to a colleague. It could be physical or it could be a mental health injury. It can take on many, many different forms. Any advance from my perspective, in terms of advancing the cause of workers to ensure that workers go to work and come home safely to their private lives, whatever that private life looks like, is very, very important.

I think a lot of people in this place would have grown up with a system that was designed to put obstacles in front of you. If you were injured in the workplace, not only did you have to confront whatever injury you had incurred in terms of carrying out your job but you then had all of the added obstacles put in place to make life even more difficult for you. As I said, I am very, very proud that our government has been focused completely differently on this issue of workplace safety. We have been about prevention and support.

I think it was Ms Terpstra who in her contribution said that even if it is things like nurse-to-patient ratios, these things have an enormous impact on the health and wellbeing of nurses. So it can be an omnibus bill like this or it can be other measures that we put in place—laws that are put in place where employers who do the wrong thing are held to account. As I said, for too long in the workplace safety system it was the worker who was presumed to be the guilty one, and when they were injured they had to try and navigate a system that was particularly difficult. This bill again continues our very proud area of reform by advancing some of those issues.

Many of the matters covered by the bill have been talked about by others, but there are a couple that I just want to touch on. Silica—who knew, as Mr Melhem said, what the outcome of kitchen stone would lead to? It is a devastation that we now know exists in the injury and the horrible, horrible, horrible disease, silicosis, that results, and the impact on the workers who contract this horrible disease and their families as well—their children, their partners, their parents, their brothers and their sisters who have to stand by and just watch their loved one suffer. I am proud that the Andrews Labor government unveiled in 2019 our nation-leading comprehensive silica action plan.

Tragically, as has been mentioned already, four people have died from silica-related illnesses since the beginning of last year, and WorkSafe Victoria, I think, has something in the order of 60 claims for silica-related diseases.

We have got to do better. We have to do better in this space; we have got to do better. We cannot say that for our kitchens to look better, it is okay for workers to die and suffer terrible health problems—all in the name of aesthetically pleasing kitchens. We have got to do much better. And we have got to support—and this bill will support—our OH&S laws to provide more support to those workers affected by silicosis and other similar occupational diseases.

We of course know that the bill will also make amendments to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 to improve compensation arrangements for workers with silicosis and, as I said, similar diseases, and these amendments will also allow injured workers with silica-related diseases to make a common-law application for damages where they suffer a subsequent silica-related disease. I would find it difficult to think that anybody in this place could possibly object to or oppose that.

I am very pleased that in the last 20 years part of the conversation that has gone on, not only in this place but across the nation, when it has come to workplace safety has been on the impact on families. It is so important that we are able to support families with benefits where they have had a loved one that has died because of a workplace injury or incident. I am pleased that this bill does that. Mr Melhem touched on the prohibition notices and directions, so I will not go into those.

Very briefly on the firefighter presumptive rights amendments, I was the senior adviser to government when that work was done. I commended at the time the firefighters union and the firefighters who had campaigned for many a long day to be recognised for the risks that they face in their everyday work. That was the focus of the work that we did back then, but it was also apparent to everybody when that bill was introduced that there are other workers in the firefighting system who are also exposed to the risk of particular types of cancers in carrying out their duties. It was clear I think and inevitable that at some point there would be more of a deep dive into the potential impacts on those workers.

As has been said, there are about 90 in addition to the firefighters. This is not a diminution of rights for firefighters—far from it. There is no loss of benefit, no loss of right, no loss of entitlement for firefighters, and nor should there be. We absolutely stand firm and committed with our firefighters to ensure that their workplaces are as safe as we can make them, bearing in mind the difficult work that they do. So there is no reduction in entitlement for our firefighters at all. And indeed, even with the extension of this legislation to the other 90 workers that this would cover, they still have to make a claim under the act, as does a firefighter. And let us not forget that for them to make a claim they have to have been diagnosed with cancer, and if a medico points to their duties as being the presumptive cause of their cancer, then we should be looking after them.

I will conclude my remarks there. As I said, I am very proud of the bill. I am very proud, and I commend the minister for her work on this bill, and I commend the government more broadly in terms of its focus—our focus—on the rights of workers to go home every day after their work is completed to their loved ones. I commend the bill to the house.

**Ms TAYLOR** (Southern Metropolitan) (17:05): I am also very happy along with my colleagues to speak on these very important amendments, and like Mr Gepp, I also represented workers. I represented them with pride. But I also understand the incredible—but measured—risks that are associated with the work they do and the importance of making sure that we mitigate the risks that they are exposed to in their workplaces. I also understand the human side, as I would hope everyone in the chamber would, of people who are doing the hard work on our behalf every day of the week, including if they are at risk of things such as silicosis, which is obviously a devastating disease that can have extraordinary—and not in a good way—ramifications for the worker and of course their family, because when we are thinking about workers we are not just thinking about them. We are thinking about their colleagues, we are thinking about the people that they work with, because a workplace is as good as the people that you connect with in that space, that you rely on every day, and usually you share much more than just the work that you do. You also give each other advice and support on so many matters in your life. There is a socialisation aspect to it as well, and there is pride in your place of work and making sure that you really do deliver. I know that the workers that I used to represent took tremendous pride in being able to acquit the various KPIs that they had as part of the very important work that they did as well.

From that point of view, I guess with the place I am coming from there are probably two key points that I would say. It is, one, understanding the tremendous responsibility that workers bear every day in their workplaces; but, two, also having that compassion and understanding for the impact that a workplace can have. It can be very positive, but of course there are risks, and when things do not go as planned then it comes back to all of us as a community at the end of the day. So that is why it is so important to drive these kinds of transformative changes to make sure that we really are looking after fellow Victorians at the end of the day.



I was a little bit concerned about a question about integrity. Why would we risk integrity in terms of being able to deliver appropriate outcomes for workers? I was a little bit taken aback by some of that commentary, because I know my colleagues, at least those that I can speak for in this chamber, take tremendous pride in doing everything we can to appropriately represent Victorian workers in their workplaces, so it would go against our DNA fundamentally to put any of that at risk. That is just not who we are as a Labor Party and as the Andrews Labor government, I can assure you. That is why there has been, of course, due diligence in the preparation of this legislation—the consultation in the lead-up to these reforms that we are bringing through today. So I just want to put that to the chamber. I know I have put it in a very simplistic manner, but I think that fundamentally if you look at our record for legislative change and reform when it comes to protecting workers, it is not just words, it is actual and recorded changes that we have made to mitigate the risks of workers being injured but also to make sure that they are appropriately supported in the event that something happens in their workplace that is not to their betterment—workplace manslaughter, for instance. We are the party that brought the legislative changes through this chamber. We are very proud of that, and we are very proud of the many unions who have advocated on behalf of their workers and helped to support those incredible changes, sharing stories of workers unfortunately who have endured things that they should not have had to endure along the way. Nevertheless, they are part of this important story, and it does not stop today. We are building constantly on these reforms.

I think Mr Gepp was talking about the premise of the firefighters presumptive legislation per se: we were all in this chamber, and I think it was a very emotional moment when we brought about those changes. The legislative reform was evolving before I came to Parliament, so I am not claiming the glory of it, but it was very—‘nice’ is probably not the correct word—rewarding to be part of that moment in this chamber when those reforms were initially being brought through. Of course they have to be brought through progressively as we examine the various mechanisms that are required in order to make sure workers get the entitlements that they deserve.

I was talking earlier about, and I think a number of my colleagues have mentioned it, the mechanical side of it. I am going to go a little bit out of my comfort zone here, because I am obviously not the most practical person in my working experiences. But I understand, for instance, when mechanics are having to repair fire trucks they not infrequently have to do it in situ, and therefore they can be very much at risk of exposure in a similar vein to firefighters who are on site. Also I understand that with the firefighters’ foam that is used to put out fires, which obviously has risks itself, they can be exposed to that in quite a concentrated format. I will walk into some areas where I am not an expert, having not done it myself, but I think broadly speaking you can understand that the point that I am trying to convey, however inarticulately, is that I respect and appreciate the risks that workers can face. I have tremendous respect for the fact that they are having to do things that are required in the sense, for instance, that a fire truck, when you are addressing a very dangerous situation, has to keep working, so you cannot simply say, ‘Oh, well, we’ll repair it tomorrow. We’ll repair it next week’, because that might mean the end of being able to address that very acute situation. I have absolute respect for those who put their lives at risk for all our safety and benefit at the end of the day.

Just to emphasise, with these reforms there is no loss of entitlement. It comes back to there should be no question mark about integrity, and I am repeating that because it did really land very heavily. But I do want to reiterate and to reassure that we are very much and continue to be committed to the safety of workers and in this context to those who are relevant to this legislation that we are bringing through the Parliament today.

Just to summarise what this bill will achieve, the bill will make amendments to the Workplace Injury Rehabilitation and Compensation Act 2013, the Accident Compensation Act 1985, the Occupational Health and Safety Act 2004, the Dangerous Goods Act 1985 and the Equipment (Public Safety) Act 1994 to deliver tailored compensation arrangements for workers with silicosis and similar occupational diseases and deliver on aspects of the government’s silica action plan; amend the requirements relating to the issuing of prohibition notices and directions to better respond to serious

risk activities; and improve entitlements for the families of deceased workers. This comes back to what I was saying before: it is never just about the worker, it is also about all those that that worker is connected with and all those lives that can be changed for the better or for the worse depending on the nature of the injury that that particular worker suffers, and indeed in the case of a deceased worker that would be the worst outcome of all. The bill will also include a broader range of matters to be considered notifiable incidents, clarify funding arrangements for infringement notices and make technical and procedural amendments to the WIRC act.

I should emphasise: I do not want anything to be taken away from the fact—and I think there is risk of that with a little bit of the discussion that has been in the chamber—that these amendments are designed to improve outcomes for injured workers, let there be no mistake about that, enhance scheme operations and increase WorkSafe Victoria's ability to prevent and respond to workplace safety incidents. It is an inherent net positive. Obviously reform is a continuum; it is not a static state, so let me put that little caveat. But in some of the interaction I have heard here there has been some querying about what this will deliver. Well, let it be known it is designed to improve outcomes for injured workers. I do not think anything in any way should resile from that outcome with the delivery of these reforms here today.

The bill will also amend the Victims of Crime Assistance Act 1996 in relation to the conducting of hearings by the Victims of Crime Assistance Tribunal to prohibit alleged offenders from being notified of or attending hearings in matters of family violence or sexual offending.

Just to round off so that I am being thorough, the bill also amends the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019. It extends presumptive rights coverage to Fire Rescue Victoria and the Country Fire Authority vehicle and equipment maintenance employees, changes the method for calculating eligibility qualifying periods to count a part year of service as a full year of service and allows periods of service as an FRV, CFA or forest firefighter or as a vehicle and equipment maintenance employee to be combined. The bill also amends the Forests Act 1958 to allow periods of service as vehicle and equipment maintenance employee to be combined with the qualifying period of forest firefighters.

So it is incredibly comprehensive. I do not think I am saying anything that anyone in this chamber is not aware of, but suffice to say I think that you can see from what has been transacted already in the chamber that we are very much in earnest here. We are absolutely on the side of workers, and to suggest otherwise in any way really is incorrect and inappropriate. I commend this bill to the house.

**Mr ERDOGAN** (Southern Metropolitan) (17:17): I rise to speak in favour of this very, very important omnibus bill before us. It touches on a number of areas of law that many in this chamber are very passionate about. I thank some of the previous speakers for their contributions that I have had the pleasure of listening to: Ms Taylor, Mr Gepp, Ms Terpstra and many others that have contributed to the debate already. It is a bill which focuses on a number of areas, probably the most prominent being issues around workplace safety and entitlement to compensation but also other integrity measures in place at the moment as well that probably have not been discussed at length and which I might start off with and touch upon, such as strengthening the integrity of the Victorian Legal Services Board. This is a matter that is obviously very close to me as a lawyer and as someone who has practised.

For people that may not be aware, the Victorian Legal Services Board and the Victorian legal services commissioner together are responsible for regulating the Victorian legal profession in accordance with the Legal Profession Uniform Law Application Act 2014. The board has powers and responsibility for many vital functions under the uniform law, including licensing, compliance audits of trust moneys and trust accounts, interventions into failing law practices, applying for injunctions and civil penalty orders, filing criminal charges to enforce the uniform law and managing the Public Purpose Fund. It is the peak body that regulates the legal profession.

What these amendments will do is replace the current process of electing the lawyer members to the board with a Governor in Council appointment process similar to the one used to appoint non-lawyer members to the board and extend the Governor in Council's power to remove board members to establish a direct link with a lawyer member's legal practice. The amendments will not alter the appointment process for the chairperson or the non-lawyer members.

What is the current process for appointing members to the board? It is important to understand what we have and what we will be moving towards. The board consists of seven members, including one chairperson appointed by the Governor in Council on the Attorney-General's recommendation, three non-lawyer members appointed by the Governor in Council on the Attorney-General's recommendation, and three lawyer members elected by the legal profession. The appointed non-lawyer members and chairperson are subject to robust probity checks in line with the Department of Premier and Cabinet's appointment and remuneration guidelines. These amendments change the composition of the board. The number of board members remains the same, being one chairperson, three non-lawyers and three lawyer members. The amendments do not change the appointment process for the chairperson or the non-lawyer members in that they are appointed by the Governor in Council, so there is no change for them.

For the lawyers that are on this board there is an important change. These amendments improve the governance arrangements by making sure that they are subject to the same robust probity checks as non-lawyer members of the board. That is very important.

What kind of probity and integrity checks are we talking about? We are talking about common concepts that we would be familiar with—issues such as conflict of interest, issues of disciplinary proceedings and other matters that may be of concern and may bring the board into disrepute. We are making sure that they are subject to the same robust probity checks, that they are not the subject of actual or potential disciplinary action at the time of their appointment and that they can be removed from the board by the Governor in Council if they are subject to disciplinary action during their term of office. Disciplinary action is taken against a lawyer by the commissioner at the Victorian Civil and Administrative Tribunal following a finding of unsatisfactory professional conduct or professional misconduct. That is very important because right now the mechanisms and the legal process in place may not be clear. This is making sure there is a clear process for removal if someone is in that position.

Why can't improved governance be achieved through introducing integrity requirements into the election process? That is important to understand. Adopting an appointment process will provide consistency with the appointment process for other members of the board. I think it is important that everyone on the board has gone through the same rigid process. The appointment process will ensure that all members of the board have the appropriate skills and experience to perform the board's important statutory functions. It also provides an opportunity for the Attorney-General to improve the diversity of the board. I think that is an important thing, being International Women's Day, but also diversity encompasses different abilities, people from culturally and linguistically diverse backgrounds—a range of factors. As a government we are proud of our record in addressing issues of equality across the board, and I think this is another avenue for us to implement that in practice.

Will the legal profession still have a say in the composition of the board? Of course they will. The amendments provide that the Law Institute of Victoria will nominate six candidates, the Victorian Bar will nominate three and the Attorney-General will recommend two solicitors and one barrister from these nominations for appointment by the Governor in Council. So effectively the LIV, being the peak body for lawyers in this state, and the Victorian Bar, the peak body for barristers, will put forward nine candidates, and then the Attorney-General will pick out three from those nine, so it will still be reflective of the peak bodies' wishes because in the end if they were not happy they would not be putting forward those candidates. It is intended that the Attorney-General will develop appointment criteria for the LIV and the bar to use publicly to call for nominations from amongst their members. This will provide the legal profession with access to the nomination process.

It is important to ask the question: will the amendments change the eligibility requirements for lawyers to sit on the board? No, they will not. The existing requirements are that you must be a lawyer, be based in Victoria, have held a licence for five years, hold a current practising certificate and have a minimum of five years experience. That will remain the same. As an appointed member you will just be subjected to the additional probity checks regarding conflicts of interest and other considerations regarding any disciplinary matters on foot.

Why does the Governor in Council require further powers to remove board members? Currently the Governor in Council can remove any board member if they are of the opinion that the member is guilty of improper conduct in carrying out the duties of his or her office. This would not allow the Governor in Council to remove a lawyer member if there is improper conduct in their legal practice. The amendments will extend the Governor in Council's power to remove a lawyer member or the chairperson if they are also a lawyer if they are subject to disciplinary action during their term of office. That is very important.

In introducing these reforms and incorporating them into this omnibus bill these amendments have been developed in consultation with the board and the commissioner, and we have also consulted the LIV and the Victorian Bar. This is an important reform. It is another integrity measure that this government is introducing, and I felt that this needed to be touched upon and reflected upon in this debate.

Obviously a significant part of this reform is about workplace safety, and I see Minister Stitt in front of me. She is doing amazing work in workplace safety, and there have been a number of bills that I have already had the opportunity to contribute on in terms of debate in this chamber before. We have had changes to the arbitration system. Anyone that understands the WIRC act—the Workplace Injury Rehabilitation and Compensation Act 2013—will know it is an important forum. Before people go to the court system when they have a dispute regarding their entitlement to weekly payments or medical and like expenses, they go to the ACCS—the Accident Compensation Conciliation Service. That is where these disputes are held. The previous process was that when a dispute was not resolved it would end up either at a medical panel or, in some cases, in the Magistrates Court. We understand the challenges of the court system, the time and costs of that process and the stress with any form of litigation. To prevent that our government introduced an arbitration model, and that model was quite popular with many of the stakeholders and has been implemented.

But that is not the only reform that has already been implemented by this government. Also we had reforms to allow provisional payments—so, early access to treatment for workers with mental injury claims; that was another great reform—but also industrial reforms, such as wage theft and workplace manslaughter laws, which were key parts of our platform about workplace safety, about workers rights. And I think this bill is part of that. It is an extension of that. It is our commitment to workplace safety, to extending those rights to other workers who have been greatly affected. Obviously I am talking about the firefighters presumptive rights compensation and fire services legislation. It extends coverage to Fire Rescue Victoria and Country Fire Authority vehicle and equipment maintenance employees. It is common sense, if people are working in similar circumstances and are exposed to similar hazards, that they be protected from I guess any disease that is subsequent to that exposure. I think there are a number of my colleagues who have touched on the technical elements of that bill. Suffice to say I wish to express my strong support also because it is not about taking away any rights, it is about extending rights to other workers in the same circumstances.

That is what we want to see. We want to see safer workplaces but also more accessible compensation. You need to understand that for many workers who suffer from these kinds of diseases we are not talking about sums of money that will return them to health, but actually it provides to a certain extent a level of safety net for their loved ones, because the conditions they are suffering from in most cases will be terminal or quite serious, and so their quality of life will be greatly affected regardless of the amount of compensation they receive. This compensation will provide some surety to their loved ones,

to their dependants that rely on them. So I think that is why it is so crucial that we do not wait and that we move ahead with this reform as soon as possible.

It is great to hear that many of the speakers are in support of this bill, because it is so important to those workers that will be affected. The minister in the past has stated that she does not believe it will be a large amount of people that are affected annually, but nonetheless it is important because of how serious these injuries and diseases can be. It makes a number of reforms, in effect making the presumption process more straightforward. I will not add to that discussion, because we have had a significant contribution from colleagues in this chamber.

There are a number of other elements to this bill that are important, such as victim support, building on the Victorian Law Reform Commission review. This government has committed to adopting all the recommendations and those reforms in relation to that. There are a number of other workplace safety and OH&S legislative changes also that are incorporated in this omnibus bill. On that note I just wish to express my support for the bill, and I commend it to the house.

**Ms SHING** (Eastern Victoria) (17:28): There has been a lot said in the course of the debate on this bill, but to me it has identified three key things. On the one hand we have the importance of prevention and of education as it relates to workplace health and safety. On the other hand we have response to the way in which injury occasioned in the course of work is addressed and the recourse which is available or indeed has not been available in certain tragic circumstances to victims of exposure. And finally, we have the issues that we grapple with here today—namely, government responsibility and accountability in the way in which such workplace health and safety considerations, risks and recourse are made available to victims of workplace injury.

There are a couple of other things in this bill which I will turn to when it comes to my contribution here today, but I note that they have been touched upon by other contributors in the course of this debate, most recently Mr Erdogan in what he has said around legal practice and the way in which appointments can occur.

I want to address the issue of silicosis first and foremost. Silicosis is a risk and indeed a disease that is occasioned through exposure to silica dust, most often in the course of construction and mining. What it does is work its way into a condition known as pulmonary fibrosis. This causes scar tissue on the lungs, which in and of itself is not able to be cured. The problems associated with silicosis are many and varied. It is an enormously distressing disease, and whilst impacts can be lessened with certain treatments such as lavage of the lungs, it is not ordinarily something which can be managed in the long term. Where exposure is frequent and prolonged, silicosis is terminal. When we look at construction and mining as being one of the five industries or sectors in which workplace deaths occur most frequently it stands to reason that we build upon the silicosis response plan by addressing the way in which prohibition notices can be issued and the way in which targeted work can be undertaken to improve the compensation arrangements for workers with silicosis and other like diseases.

I spoke on the importance of addressing silicosis as a workplace, industrial and, in many cases, domestic consideration relating to disease back in 2011, and we have come a long way since then. But WorkSafe Victoria needs the relevant tools in order to prevent serious injury—as I said, that permanent scarring on the lungs—by changing the threshold by which prohibition notices can be issued. It is also important that we recognise the seriousness of workplace incidents, including near misses which make up for a proportion of matters that contribute overall to a riskier workplace through a culture of recklessness, or indeed a failure to disclose near misses when and as they occur, that quite often does lead to, directly or indirectly, the consequence of injury and all too often serious injury.

The other theme that I touched upon as the second matter that I want to focus on in my contribution today relates to a response to work-related injury. This bill seeks to clarify and to streamline the response that is available to people who sustain a workplace injury such as that which I have described

and which also, as I will go to shortly, arises in the course of emergency response and that frontline service delivery in the course of exposure to toxic materials.

The changes that we are making in relation to silica and the action plan there recognise the longstanding history of exposure for workers in construction, including in the stonemason industry. It also identifies that we have got a long way to go in better supporting and assisting people, including within the DIY framework—people who actually work in their own homes with exposure to silicosis occasioned through frequently handling over a long period of time of granite and other aggregate materials. We all remember James Hardie and the work that it did consistently and at great cost to undermine the cases of people like Bernie Banton in seeking access to compensation. There were too many tragic circumstances involving people dying without access to compensation, and Mr Banton's work, his life's work, to establish that compensation fund is one of the reasons why we are so committed to continuing to address work-related risk as it stands and as it arises in the course of exposure to toxic materials.

We want to make sure also that when we strengthen our occupational health and safety laws we provide more support to workers and their families affected by the effects of silicosis and other occupational diseases. Changes to the Accident Compensation Act 1985 and the Workplace Injury Rehabilitation and Compensation Act 2013 are also designed to improve the compensation arrangements for workers with silicosis. We want to make sure that workers are not disadvantaged, in comparison to the current situation where they are barred from pursuing a common-law claim after they develop further silica-related diseases following an initial award. We are in a position to allow injured workers with those silica-related diseases to make that common-law application for damages if they develop a subsequent silica-related condition.

We also need to streamline the current claims process. Many other speakers have gone to this particular refinement and the amendments that passage of this bill will facilitate. Making sure that we are in a position to provide swift assistance and compensation to injured workers is a crucial part of these legislative reforms, and this is where the waiver for the current requirement to demonstrate that a disease has stabilised for a period of 12 months for workers with specific diseases to access impairment benefit compensation will play a key role. There will be greater support for Victorians, as others have noted, who receive a lung transplant due to work-related injury, and we will extend compensation for counselling services to families of workers who are diagnosed with an eligible disease.

We want to make sure in all that we do that we are addressing well, thoroughly and diligently the risks associated with crystalline silica. This is done through a combination of education and prevention, on the one hand, and response, on the other. Hopefully, as the former category of education and prevention is upscaled, as the prohibition notice framework continues to evolve and to grow over time, we will see fewer cases of crystalline silicosis arising, fewer instances of people with that lung scar tissue for which there is no cure.

Families of deceased workers, as others have noted, will also be able to access better support, with weekly pension payments for children with disability to be extended from the age of 16 to the age of 25. This is a relatively common theme now in the context of improving access to entitlements for young people who age out of a certain category. To that end, we are really proud to have worked for a really long time on increasing the age from 16 to 18, to 21 and to 25 across a range of different government initiatives. This initiative is no different. We want to make sure that there are improved compensation entitlements to families of deceased workers, and the partial retrospective operation of these changes means that eligible dependants who are between the ages of 16 and 25, upon commencement of this act, will receive back payments for the period for which they would otherwise have been entitled under operation of this legislation as amended.

Household help service payments will be continued for a worker with an accepted claim where they die as a result of their work-related injury for six months after their death. Again this is in stark contrast to the work that was done by so many advocates and their families in response to the James Hardie

asbestos exposure matters, which went between various jurisdictions—which went through the courts at great cost and great anguish and trauma for those involved—before finally reaching unsatisfactory conclusions, in many instances, that resulted in partial or full revocation of compensation payments well after the fact.

Prohibition notices and directions I have dealt with in the course of my earlier contribution on this bill, so I do not wish to dwell on that particular component of the bill or indeed on incident notification, which in essence requires a disclosure to WorkSafe, which in essence then extends WorkSafe's awareness and capacity to act to a greater number of circumstances.

We want to in the course of this bill also amend access to presumptive rights. This is an issue which has attracted an enormous amount of attention, and there are a few things that I want to put on the record with the time that I have available today. I, like so many others in this place and in Parliaments that have preceded us here, have fought as long and as hard as I can—as we can—for a recognition of the inherent danger of firefighting and of frontline response. I have been part, as others have in this place, of numerous inquiries into the risks attendant in fire and emergency response and in relation to systemic reform and overall structural change of fire services and fire safety in Victoria.

Through the course of those inquiries it has been persistently clear to me that no worker should be left out when it comes to recognition of the inherent risk associated with firefighting activities where there is an exposure to toxic chemicals or substances which leads to a diagnosis of one of a specifically listed number of cancers. We enacted the presumptive rights legislation framework as part of our overall commitment to an improved, safer, stronger and more adaptive fire services and fire rescue system across Victoria. The amendments that are being proposed by this bill include vehicle and equipment maintenance employees who suffer from those specified cancers and allow them to rely upon a presumption that it was indeed their work that caused the cancer in the absence of evidence to the contrary.

I note the concerns raised by stakeholders in a range of different forums. Particularly I note the concerns raised by the United Firefighters Union (UFU), which indicate great concern about a potential erosion of the scheme should there be a change in government, which will adversely impact upon the rights of firefighters to access the presumptive rights scheme in the event that they are diagnosed with one of the specified cancers. I have tried very, very hard to understand the rationale for these objections. I have read every piece of material that has been provided to me, as others, at least on the government side, have done as well. We take at our core the issue of workplace health and safety incredibly seriously, and one of the things that I want to put on the record is that I would not for a second countenance any change to legislation that reduced or diminished access to workers compensation for people whose job it is to expose themselves to risk and danger. It is not why I stood to be elected. It is not why we are here in government reforming our compensation schemes and making the highest possible standard apply in ways which can then be extended to other jurisdictions.

I know that the secretary of the UFU is deeply unhappy and deeply concerned by these changes as foreshadowed to extend access for the presumptive rights scheme to these vehicle and equipment maintenance workers. It is my view, however, having read all of the material and considered the various positions put in relation to these amendments, that all boats will be lifted with the rising tide and that in fact vehicle and equipment maintenance employees who are in certain circumstances, such as being diagnosed with one of the specified cancers, such as being attendant on a fireground, such as meeting all of the preconditions that apply in order to access the scheme, ought to reasonably and fairly and appropriately be able to access that framework which I know the UFU and its members have fought so hard for over the years. I think it is incumbent upon us to do better by all workers, and I think that this bill achieves that end. I commend it to the house.

**Ms PULFORD** (Western Victoria—Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business, Minister for Resources) (17:44): I am very keen to add my voice to this debate and express my support for the Workplace Safety Legislation

and Other Matters Amendment Bill 2021, and I thank Minister Stitt for her important work on this reform and her commitment, which I know runs deep, to making sure that all Victorians have the safest possible workplace that they can have. Back in the day when I was a union official I spent about eight years working with people who had been injured at work—storemen who had hurt their backs, poultry processing workers who had worn out their wrists, people who had developed allergies to things like tea or latex and could no longer work with the products that they had worked with.

I worked alongside a couple of wonderful union officials—many—but Gail Burmeister is in my thoughts at this time because she was the other side of the coin. She was, and remains to this day, an extraordinary champion for safe workplaces. It was why she got out of bed every day, and I am sure people listening to this will know her and know of her exceptional determination but also her really thoughtful policy work. The other person I thought I would mention is Peter Kelly. Mr Kelly was the president of the Victorian branch of the National Union of Workers, and he was my mentor and guide in making sure that our members had the best possible support that they could have at work. We helped people in predominantly manual work to navigate the workers comp system.

This was a period from around 1996 until about 2002 or 2003, and during that period there were some phenomenal changes made to our workers compensation schemes. We have given it a red-hot go of late with the pandemic legislation, and I note Ms Symes's extraordinary efforts there, and the assisted dying debate, and I note Gavin Jennings's extraordinary efforts there in terms of stamina and staying through the night. But only efforts like that challenge the extraordinary debate that occurred when the Kennett government abolished common-law rights for injured workers. It was a threshold moment, and I have no doubt that it contributed to the defeat of the Kennett government at the end of their second term. Since the Cain government—we will soon be marking 40 years since their election—Victorian workers have had legal protections, since 1985, that provide for them to be safe at work and for them to receive adequate compensation should that not happen.

I am taking you all through this history lesson because stewardship of this system and this scheme, this no-fault compensation scheme, is so important to Labor MPs. I certainly credit the Kennett government's move on common-law rights and the statutory benefits that were cut as part of that same series of measures as the single most important factor that drove me to want to be a member of Parliament, because it is pretty tough talking to people who have been injured at work all day every day and describing to them the difference between what is fair on the one hand and what the law says. The law says, 'Too bad. You've been injured at work in the most horrific of circumstances, and that's bad luck. No support from the system for you', when of course everyone knows—I think all Victorians know—that what is fair and reasonable and what we are all honour bound to provide for people is that if they are injured in their workplace they are supported with their doctors bills, they are supported with some wage protection to help them get through and indeed they are supported to make a return to work as quickly and as fully as possible wherever it is practical to do so.

I often reflect when we are having debates on legislation and other policy debates around the place on the lot of injured workers, because I spent most of my 20s with people who had lost or had severely impaired their ability to earn their living. What that then does is it affects their family and their finances, and it affects their finances for the long term; it affects their earnings and therefore their superannuation, and it affects the dignity that they have in retirement. Indeed most of our members were blokes; about two-thirds of our members were guys, so most of the people I worked with were guys.

Here we are on International Women's Day, and times have changed a bit. But for a guy who is the breadwinner for his family, supporting some kids and maybe with his partner working less than full time or on a lower income, losing the ability to be a breadwinner is profoundly, profoundly confronting for so many of these men and their sense of identity and not only their role in their workplace but their role in their family and their role in the world. I share all this with you because I wanted to make the point about how incredibly important it is to have a strong and stable workers compensation system that provides support for people who have been injured at work. I know that the minister is absolutely



committed to that and absolutely determined that that be the experience of people who are injured at work. That brings me to some of the reforms in this bill.

Indeed some of the reforms in this bill make some modest adjustments to operational matters, but this bill goes to the very worst of workplace injuries, not the kinds of workplace injuries that require a handful of trips to the physio and some anti-inflammatories, a month of rest and then going back to work; or even going back to work with an ongoing impairment and some support and assistance; or not going back to work and having a reduced level of income for the rest of your working life—or just perhaps for a couple of years and then it stops. This is about the types of conditions that arise through the course of somebody's employment that can cost them their life. No-one should ever have to pay for their job and for the lack of safety in their job with their life, but we know that there are people who put themselves at quite extraordinary risk when they go to work, like our emergency services workers. Indeed through the pandemic we have had people knowingly entering into an environment that places them at risk of their own health and safety, and so these reforms that are before us today are incredibly important.

There was a time when we were in opposition, in the period between 2010 and 2014, when the Labor opposition—you cannot actually get anything done in opposition, which is maddening, to say the least, or not much anyway—worked with the crossbench to try to get the then coalition government to move on presumptive rights for firefighters who had been exposed to a particular list of chemicals so that they therefore had a presumptive right to the compensation scheme. What that means is that the repeated exposure to certain toxins and certain types of cancers should be accepted to have a relationship. Instead of somebody spending a year or so duking it out in tribunals and courts trying to establish this while not getting the support they need to treat their illness, in effect the reform reverses the onus.

There have been some great champions for this, and I do want to give Colleen Hartland a shout-out for her determined work on this. Colleen and I used to join in these debates in this place quite often during that period and try and nudge the dial. Colleen has been a determined campaigner for this reform. If I recall, in her valedictory speech when she left this place she reflected on that having been one of the parts of her work that she was most proud of. We had parliamentary committee inquiries which provided me with the opportunity to meet with a number of firefighters who had terminal cancer and who would be in precisely the sorts of circumstances where that compensation would exist. We are very proud of the reforms that we have made on presumptive rights for firefighters—incredibly proud. Similarly I also commend the work on the silica action plan and also the determination of my colleagues to ensure that people have the support they need with silicosis—a truly, truly awful condition.

I know that this has been a long debate, and I will probably start to draw my remarks to a conclusion. I am just so pleased to support this bill. It will expand to a very modest number of people that presumptive rights framework. These are people who have the same workplace, the same exposures and the same cancers as people who have that entitlement that has already been established, and I think that that is a very good thing.

If I could just finish by recognising the challenges faced by people who are injured at work, recognising the challenges faced by their loved ones who live with all that comes with that and I guess expressing my ongoing determination as a member of Parliament for Western Victoria to always stand up for the rights of injured workers, to always ensure that people have fair and adequate support should they be injured at work. And for people with small, quickly fixed injuries that is as true as for people whose work causes them a premature death. We reflect on their fight, reflect on the fight of people who have suffered and who have campaigned successfully for these reforms and thank them for doing so. I am very, very pleased to commend this bill to the house.

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (17:57): In summing up I would just like to thank all members for their contribution on the Workplace Safety Legislation and Other Matters Amendment Bill 2021, an important bill and important debate today. Today's amendments make some really vital changes to the support for injured workers and their families, and importantly, as touched on by a number of members, the bill contains important aspects of the Andrews Labor government's silica action plan, improving the compensation arrangements for workers with silicosis and other like diseases. I note as raised by Mr Ondarchie that these reforms are widely supported by a broad range of stakeholders across Victoria.

Workers suffering from silicosis are currently not able to pursue common-law claims where they develop further silica-related diseases after an initial award of damages. These amendments will allow injured workers with silica-related diseases to make a further common-law claim for damages if they develop a subsequent silica-related disease. We are also providing greater support to Victorians who have received a lung transplant due to a work-related injury and, importantly, extending compensation for counselling services to families of workers diagnosed with an eligible disease. These are compassionate changes that recognise the debilitating nature of this terrible disease.

In relation to one in the broad range of points made in this debate, I just want to touch on the use of prohibition notices. I think it is important to note that WorkSafe Victoria inspectors take their enforcement activities extremely seriously and will use their expert discretion in all cases. The immediacy requirement in the Occupational Health and Safety Act 2004 limits WorkSafe's ability to address serious risks that do not have immediate health and safety consequences. In such cases a prohibition notice cannot currently be issued, as the risk is not immediate. Amending the grounds for issuing prohibition notices and directions under the OH&S act will address the apparent gap in enforcement powers for the outright prohibition of an activity which causes non-immediate but very serious health and safety risks. These changes will also enable WorkSafe to better enforce its prevention mandate through ensuring activities that pose serious risks are prohibited until WorkSafe is satisfied that the risk has been remedied and the workplace made safe. The proposed amendments align the Victorian enforcement regime more closely with the model work health and safety laws.

In terms of the impact on businesses I will just make a couple of points. I know that Mr Ondarchie was particularly interested in this point. Firstly, when WorkSafe inspectors are visiting any Victorian business, whether that is a small business, medium business or large business, they will always focus on working collaboratively and educating where necessary, but of course they will take action if they need to when there is a serious or immediate risk to the health and safety of workers. Secondly, prohibition notices are only issued in relation to a particular activity. They do not act to shut down an entire workplace where the risk is confined to a particular activity. In limited circumstances where a single activity comprises the entire business—for example, if the business is one piece of machinery—then a prohibition notice may require all activity in that workplace to cease, but that is extremely rare.

The decision as to whether to issue a prohibition notice as opposed to an improvement notice will be subject to different considerations depending on the situation and the associated level of risk to health and safety that the inspector encounters. The proposed amendments to the grounds for issuing a prohibition notice will not cause significant disruption to most businesses and will serve only to prevent dangerous activities from continuing in workplaces.

I will touch briefly on some of the changes to incident notification provisions. The current requirement limits the type of incidents WorkSafe is notified of to those which involve an immediate risk to a person. These changes will mean incidents which pose a serious risk to a person's health and safety but which occurred without a person present are now notifiable, recognising that they are no less dangerous for occurring.

Additionally, the COVID-19 pandemic highlighted the need to regulate a range of serious transmissible illnesses which WorkSafe should be notified of where there may be risks associated with transmission at the workplace, which is why these changes are so important. As always, I will just

make the point that with the making of any regulations WorkSafe ensure they consult widely with key stakeholders in their development.

I also want to take this opportunity to thank the Parliamentary Secretary for Workplace Safety, Bronwyn Halfpenny, for her work with the Workplace Incidents Consultative Committee, a committee of people who have experienced the trauma of significant workplace incidents and fatalities, who were instrumental in the development of the changes to the family support benefits. These are compassionate and sensible changes to workers compensation arrangements, and these health and safety measures ensure that WorkSafe inspectors are equipped to deal with not only immediate risk but also serious risk to workers' health and safety. I commend the bill to the house.

**Motion agreed to.**

**Read second time.**

*Referral to committee*

**Dr RATNAM** (Northern Metropolitan) (18:03): I move:

That this house requires the Legal and Social Issues Committee to inquire into, consider and report, by Tuesday, 5 April 2022, on part 5 of the Workplace Safety Legislation and Other Matters Amendment Bill 2021, including but not limited to:

- (1) the potential impact of part 5 on the existing firefighters presumptive rights scheme;
- (2) the evidentiary and scientific basis for the proposal to extend firefighters presumptive rights to a cohort other than firefighters; and
- (3) the most appropriate mechanism to provide presumptive rights to vehicle and equipment maintenance employees or other employees of Fire Rescue Victoria and the Country Fire Authority.

As I indicated in my second-reading contribution on this bill, I am moving this motion to refer part 5 of the bill, which provides for the changes to the firefighters presumptive cancer scheme, to a short committee inquiry. The government is trying to rush through changes that I believe require greater scrutiny. I will not repeat all the arguments I made previously except to say there are genuine questions to be resolved with the government's proposed changes to the firefighters presumptive cancer scheme and a short inquiry is the best mechanism to do this.

The terms of reference in the motion are simple: firstly, to consider the impacts of the proposed changes to the firefighters presumptive cancer scheme; secondly, to consider the evidence base for the proposed extension of the scheme to other workers; and, finally, to consider the most appropriate mechanism to provide fire service workers other than firefighters with access to presumptive laws. The proposed inquiry is short—less than one month—with a reporting date of 5 April, leaving time for the bill to progress in this session of Parliament and with the ability to address any issues arising from the inquiry.

We have a duty to get this right. I think we all support other fire service workers having access to presumptive rights, but we should not be rushing these changes if there is a chance they could undermine the integrity of the scheme firefighters fought so long and so hard to achieve.

**Ms PATTEN** (Northern Metropolitan) (18:05): I would like to speak in favour of this motion for a short and sharp inquiry into a very specific part of this omnibus bill, being the extension of presumptive rights to mechanics and those that work in workshops. I do not think any of us oppose the notion of workers having presumptive rights. We want to protect all workers, and to a large extent this bill goes to so many of those protections and expanding those protections, as we have heard this evening. I would like to just take this quick opportunity to thank all of those people who have worked to protect us for so long.

But the path to the presumptive legislation that we have now was a really long and arduous one. It took decades of firefighters fighting for this, collecting the evidence and presenting to numerous parliaments around not only this country but internationally. Firefighters watched their colleagues die

of brain cancer, they watched their colleagues die of other forms of cancer and they kept trying to fight for presumptive rights. They were knocked back, knocked back and knocked back, and finally the evidence was enough and they were able to prove that without doubt they deserved presumptive rights for a range of cancers. This was a really difficult, difficult campaign, but the science won and the evidence won, and now we have presumptive rights legislation.

I think it is reasonable to consider this quite sudden move to extend the firefighters presumptive rights to mechanics and workshop personnel. We are not asking for anything long, but we are asking for a short inquiry, as Dr Ratnam says, to look at the impact that this may have on the existing presumptive rights. I know—I look around this chamber—many of us spent many hours, days, in this chamber debating presumptive rights and the right for firefighters to have them because the evidence proved beyond reasonable doubt that they deserved them. Right now I have not seen any evidence, but that is not to say that we cannot offer a scheme for other workers that do come across the same carcinogenic chemicals that our firefighters do. But I want to see an inquiry to ensure that this does not impact on the existing scheme and to ensure that this is the most appropriate mechanism to protect those other workers who put themselves at risk and who do come into contact with asbestos and with other dangerous chemicals.

I think this is a very reasonable thing to do in this case. Considering how long it took us to get presumptive rights for firefighters, I do not think another few weeks to consider the impact of this bill on those existing rights is unreasonable, and I would urge people to support this motion.

**Mr ONDARCHIE** (Northern Metropolitan) (18:09): I find it somewhat ironic that the Greens and Ms Patten when asked at a previous time to hold an inquiry into the pandemic legislation before it went through said, ‘No, we’ve got to get on with it’, and now we are talking about presumptive rights for workers here they say, ‘No, let’s hold on this and have another inquiry’. The state opposition will not be supporting this motion.

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (18:10): The government will not be supporting the Greens motion as it would unnecessarily delay the progress of the important reforms contained in this bill and it seeks to inquire into matters that have already been answered in significant detail.

#### **House divided on motion:**

##### *Ayes, 7*

Barton, Mr  
Cumming, Dr  
Limbrick, Mr

Meddick, Mr  
Patten, Ms

Quilty, Mr  
Ratnam, Dr

##### *Noes, 29*

Atkinson, Mr  
Bach, Dr  
Bath, Ms  
Bourman, Mr  
Burnett-Wake, Ms  
Davis, Mr  
Elasmar, Mr  
Erdogan, Mr  
Finn, Mr  
Gepp, Mr

Grimley, Mr  
Hayes, Mr  
Kieu, Dr  
Leane, Mr  
Lovell, Ms  
Maxwell, Ms  
McArthur, Mrs  
Melhem, Mr  
Ondarchie, Mr  
Pulford, Ms

Rich-Phillips, Mr  
Shing, Ms  
Stitt, Ms  
Symes, Ms  
Tarlamis, Mr  
Taylor, Ms  
Terpstra, Ms  
Tierney, Ms  
Watt, Ms

**Motion negatived.**

**Committed.**

*Committee*

**Ms MAXWELL:** I ask that my amendments be circulated.

**Ms SYMES:** With the house's indulgence, I seek leave to join the minister at the table. As the Minister for Emergency Services I am well placed to deal with questions in relation to the presumptive rights for the mechanics.

**Leave granted.**

**Clause 1 (18:20)**

**Mr ONDARCHIE:** I want to thank the minister at the table for responding to my questions in her summing-up. The opposition will have no questions in the committee stage.

**The DEPUTY PRESIDENT:** Are there any further questions on clause 1? Ms Maxwell, I will get you to talk to your amendments when we get to the actual clauses.

**Ms MAXWELL:** I am just wondering whether the minister can enlighten the house on what consultation has been undertaken about this reform, specifically in regard to the presumptive rights legislation.

**Ms SYMES:** Thank you, Ms Maxwell. While the development of this reform predates when I took over as the Minister for Emergency Services some six months ago, I can confirm that, prior to my becoming minister and since, we have consulted broadly. The government consulted closely with our fire agencies, FRV, CFA and indeed the Department of Environment, Land, Water and Planning. We have also worked closely with the Department of Justice and Community Safety and WorkSafe Victoria in the development and design of this reform. And of course we have consulted with impacted workers and their representatives and unions, including the United Firefighters Union (UFU), the ASU, the AMWU and Volunteer Fire Brigades Victoria, as well as a range of other stakeholders, I am advised, early on.

Overwhelmingly stakeholders have strongly supported these reforms, and where concerns have been raised we have sought to consider, address and respond to all the concerns throughout the development of the work. I would say that the single goal with this reform is to strengthen the support we provide to our firefighters and fire agency workers, who, as you would recognise, put their lives and safety at risk to keep the community safe in responding to fire events.

**Ms MAXWELL:** Thank you, Attorney. Just one more quick one. How many district mechanical officers did you actually consult with, and are you convinced that this is a necessary part of the bill, to include these DMOs in this presumptive legislation?

**Ms SYMES:** Thank you, Ms Maxwell. There are less than 90 vehicle and equipment maintenance (VEM) personnel employed across FRV and CFA who will be captured by this legislation, by the opportunity to be afforded protection with presumptive rights. The ASU represent the DMOs in the CFA predominantly, although some of those DMOs are also members of the UFU by choice, and the AMWU, who represent the FRV vehicle maintenance employees, are the representatives for that cohort. There is also a group of employees that have spoken to us as individuals, including some delegates, but they are mainly represented by their key unions.

**Clause agreed to; clauses 2 to 20 agreed to.**

**Clause 21 (18:24)**

**Mr MEDDICK:** Minister, how does the government distinguish between FRV and CFA workshop personnel—that is, those working within workshops in a corporate capacity—and those working in an operational capacity?

**Ms SYMES:** Mr Meddick, for the purposes of the presumptive rights this is to apply to the vehicle equipment maintenance personnel and not extend to the professional administrative staff. So as I outlined to Ms Maxwell, there are approximately less than 90 of these employees across FRV and the CFA. We are proposing that the presumptive right to compensation be specifically designed to apply to vehicle and equipment maintenance workers who are operational. To this end, in addition to serving the requisite qualifying period, vehicle and equipment maintenance workers will also need to demonstrate that they have attended fires to the extent reasonably necessary to meet the requirements of the presumptive legislation.

The legislation is proposing a strategic advisory committee established under the act to provide advice to WorkSafe to help establish whether vehicle and equipment maintenance workers have attended a reasonable number of fires, and it is a similar approach to the volunteer firefighters scheme, so it is well versed in that regard. But it is not to extend to employees who perform administrative functions only.

**Mr MEDDICK:** Thank you, Attorney, for your answer. By the breadth of your answer there it does sound like that will cover off a number of other questions that I have, so forgive me if I ask them anyway so that the answer goes on the record. The second matter: it is a matter of organisational knowledge that incident safety plans are implemented at fires and those plans require firefighters to enter structure fires. Firefighters are within what is known as the hot zone. All other persons, including Ambulance Victoria, vehicle and equipment maintenance employees et cetera must be away from the hot zone. Has the fact that vehicle and equipment maintenance employees are not permitted to be within the hot zone and therefore do not have the exposure to the carcinogens been considered when providing this cohort with presumptive rights?

**Ms SYMES:** I thank Mr Meddick for his question, and I guess it would be a good opportunity for me to talk about the personal experiences of DMOs that I have spoken to in relation to their attendance at fire events. It is fair to say that they work side by side with professional firefighters, with—particularly in relation to structure fires—our hardworking FRV personnel, who indeed enter the hot zone. But from a DMO's perspective, they are responsible for ensuring that any issues with the vehicle can be maintained, so there are occasions that they will have to attend a fireground and be very close to the structure fire itself. What I am told by the DMOs is that firefighters appropriately enter the structure equipped with protective equipment, including breathing apparatuses, and although the DMOs are not entering the building, they are in the vicinity—they are right there next door in the event that they are required to deal with a vehicle and the like. Therefore—and they do not have breathing apparatuses, for example—they are acutely aware that they may indeed be subjected to carcinogenics, smoke and other damaging fumes in that regard.

There is also a little bit of evidence that I think you might be familiar with. Alex Forrest is an eminent expert in this space. He talked about when he provided information to the Senate inquiry that looked at these things some time ago. I have got some information that he provided in relation to this exact issue. I will just find his quote, Mr Meddick, because it goes to this point, and having an expert provide this type of information is of course something that is important. In his evidence at the 2011 Senate inquiry into presumptive rights he said that:

... mechanics ... are on duty and will go to fire scenes and work within the smoke to ensure the machines are working, especially in winter firefighting, so they would be exposed to carcinogens as well, even though they are not fighting the fire.

**Mr MEDDICK:** Thank you, Attorney. That goes to answer my next question, which was: what does attendance at fires mean for VEM employees? But if attendance at fires is the basis upon which VEM employees are to be covered for presumptive rights, does the government have any intentions to extend the legislation to other groups that happen to attend fires?

**Business interrupted pursuant to sessional orders.**

**Ms TAYLOR:** I move:

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

**Motion agreed to.**

**Ms SYMES:** Mr Meddick, in relation to this particular reform, obviously it is an amendment to the Firefighters' Presumptive Rights Compensation and Fire Services Legislation Amendment (Reform) Act 2019. The reason that this act is relevant for this cohort is that they are employees of fire services. It is not envisaged that you would extend any of these rights to people who do not attend fires, and it would not be appropriate to expand them to workers who are not employed by fire agencies. To be provided with presumptive rights under this act you have to be an employee of a fire service. So as we explored in your earlier questioning, there is no intention to provide rights to people who do not attend fires, and in relation to the cohort of people we are talking about, now that we have got volunteers, career firefighters and the vehicle maintenance people, that is the extent of this reform.

**Clause agreed to; clause 22 agreed to.**

**Clause 23 (18:32)**

**Mr MEDDICK:** Attorney, in 2017 the Andrews government issued a media release promoting its promise to deliver firefighter cancer compensation. The government was able to finally deliver on that promise on 20 July 2019 when I, among others, voted with the government to introduce much-needed fire service reform and the presumptive rights for Victorian firefighters. Firefighters presumptive rights were based on the policy position of the government, which was backed by scientific evidence known and understood. Quotes attributable to the Premier at the time include:

Firefighters risk their lives to keep us safe and they deserve our total support—making these important changes will enshrine that in law.

And further:

No longer will firefighters have to prove the clear medical link between cancer and firefighting.

Now, unlike with firefighters, there is no clear medical link to support the inclusion of any group other than firefighters in firefighter presumptive rights. So my question is: is there any underpinning scientific evidence to include a non-firefighter cohort in the presumptive rights scheme?

**Ms SYMES:** Thank you, Mr Meddick. Look, there is a significant body of evidence indicating that because of the work they do on the fireground, firefighters are more susceptible to a range of cancers. This, alongside a deliberate commitment to working people and the wellbeing of injured workers, is the basis on which we delivered the presumptive rights, as you have indicated you supported. We have also recently passed the forest firefighters presumptive rights compensation scheme, again to pick up a cohort of people who are protecting Victoria and exposing themselves to smoke and other dangers related to concerns for their health and safety in this work, and they still go out and do it. There is strong evidence to suggest that anybody who works in this field should be provided with this right.

There has been a detailed review of the work of the vehicle and equipment maintenance workers. It is clear that they regularly spend time alongside firefighters in the very places where there are increased risks of cancers associated, so on that basis it is sound policy to extend the right to these workers. There is obviously a strong evidentiary foundation, and the Firefighters' Presumptive Rights Compensation and Fire Service Legislation Amendment (Reform) Act 2019 established this. We believe that it is reasonable that these types of workers—the vehicle and equipment maintenance workers employed by FRV and CFA who attend fires in the course of their employment to maintain and repair firefighting vehicles and equipment—may be exposed to the hazards of a fire scene and therefore deserve the protection. So in one sense, Mr Meddick, there is very little distinction between the volunteer firefighters and the forest firefighters in relation to this cohort of workers and their attendance at fire events.

**Mr MEDDICK:** I thank the Attorney for that answer. It goes a certain amount of the way to answering what was my next question; it kind of half answers it. If there is scientific evidence that has been provided to the government on that, can that information be provided to the house for its consideration? I am happy for you to provide that on notice if that is the case. Scientific information that went into the drafting to move this cohort into there—is that a possibility?

**Ms SYMES:** Mr Meddick, what I might draw to the attention of the house is, again, evidence coming out of Canada. Mr Alex Forrest, who is the foremost global expert on firefighter cancer, is obviously well known and regarded in this field. In evidence he has indicated that the scheme in Canada covers employees of a relevant fire department rather than specifically defining firefighters. He indicated that employees must show they attended fires to the extent necessary to attract the presumption, which is, as you would appreciate, similar to how our scheme applies to volunteers and is intended, subject to this bill, to apply to vehicle and equipment maintenance employees. He also discussed non-firefighter cohorts that are exposed to the same risks as firefighters, which, as you would recall, we have gone through in previous answers. Effectively, even though they are not fighting the fire, this is a cohort of workers who are in effect next to the fire.

I would point to the Australian Services Union in their support of this reform. They have brought to my attention the experience of a particular member, who was one of at least 28 vehicle and equipment maintenance workers at the Hazelwood mine fire, as an example of the exposure that can be faced by district mechanical officers. The DMOs spent 11 weeks at Hazelwood working in the pit beside firefighters, getting trucks going because it was an extreme event and they could not afford to be pulled offline. This has meant years of working with raw concentrate, concentrate firefighting foams like Tridol, 3M AFFF and other firefighting foams containing PFOS and a range of substances—PFAS, chemicals. They have been exposed to heavy diesel exhaust gases in confined spaces, for example, and other chemicals in the course of their work.

I take the opportunity, Mr Meddick, to reflect that I know how important this right is for firefighters. Of course I do. I was involved very closely with the development of the legislation and indeed the challenge to get it through the house. I was in the opposition rooms when we could not convince the government of the day that firefighters deserved presumptive rights. I know the trauma that many firefighters have gone through. They have seen their mates contract cancer. They have passed away. There are people in this room that have had experiences such as that. There is nothing in this legislation that seeks to undermine that hard fight that many people went through to secure that presumption. This is a cohort that in my mind were left out at the time. They are there, side by side, with those firefighters, and I think it is time that we added them.

**Ms MAXWELL:** Just to go on from Mr Meddick's line of questioning, Attorney, you said that this is a cohort that is being incorporated into this presumptive legislation that may not fight the fires but may just be on the fireground. But is it not true that a lot of those employees, whether they be DMOs or people working in those workshops, are actually firefighters at some stage?

**Ms SYMES:** It is a good point, Ms Maxwell. As I have indicated, there are less than 90 vehicle and equipment maintenance personnel that will be picked up by this, and a lot of them have crossover work with either having been a career firefighter or indeed being current volunteers. So in terms of the actual core number of people that would be added by virtue of this addition, it would be less than 90 because some people would already be covered.

**Mr MEDDICK:** Attorney, I will just carry on from Ms Maxwell's question there, which was leading into one of the other questions. To the point you made, a very relevant point, about the gentleman you spoke about that was at the Hazelwood mine, for instance, if they are already firefighters—and usually the crossover is there—aren't they as such already covered under the compensation scheme as it stands because they are already firefighters, and therefore there is no need for them to be included in this particular section?



**Ms SYMES:** Mr Meddick, many may be already eligible, but as the bill makes clear, you can join together your service as well, which would be a relevant consideration for the panel in determining your attendance at a reasonable number of fires, for example. But, yes indeed, it is fair to say that many of them would already be eligible if they were employed as firefighters or volunteers. But having this catch-up will make sure that if they are no longer employed there is still continuity for the purposes of being able to access the scheme.

**Mr MEDDICK:** Thank you, Attorney, for that. The Senate inquiry into the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 provisions in 2011 examined at length whether presumptive legislation should be introduced to firefighters. In examining this and the science that supported their inclusion, the inquiry also turned its mind to whether other occupations had the same exposure and should be included, and it was found in that inquiry that other occupations should not be included. The federal legislation passed the Australian Senate in November 2011, and the Victorian legislation, which passed this house on 20 June 2019, is modelled on that federal legislation, albeit with the inclusion of CFA volunteers. So my question is: has this particular drafting of legislation, this amendment, taking into account the findings of that Senate inquiry into that amendment bill?

**Ms SYMES:** I guess the answer would be yes, because I have been quoting from the Senate inquiry in relation to some of the evidence that was brought by Mr Forrest. So there is a range of supporting evidence to include people such as the vehicle and equipment maintenance personnel due to, as we have discussed, their exposure to fire events. This is something that we are committed to achieving for this cohort of people. Let us be frank: I hope that none of them ever make a claim, because you do not get to make a claim unless you contract cancer, so I hope that there are very few that are in this position. The Senate inquiry mainly considered firefighters as that bill only dealt with firefighters, so I have brought to your attention some complementary evidence. But it is fair to say that that Senate inquiry did not go in detail to the issues that you have asked. I have just drawn out evidence from Mr Forrest that indicates a positive—his view that vehicle maintenance workers and mechanics and the like who are on the fireground do have a risk that they are exposed to.

**Clause agreed to; clauses 24 and 25 agreed to.**

**Clause 26 (18:45)**

**Mr MEDDICK:** Attorney, to provide confidence to the presumptive legislation scheme a rebuttal presumption is provided for in the current legislation. There is no science that supports the inclusion of non-firefighters in presumptive legislation. Given the operation of the rebuttal presumption, is the government of the view that the WorkCover insurer will still reject each VEM employee's claim on the basis of that lack of scientific evidence linking their exposure at work to the development of cancer? Is there a risk there that this might happen with WorkCover insurers?

**Ms SYMES:** Mr Meddick, the presumption can only be rebutted by WorkSafe where it can prove the cancer was not caused by an eligible worker's employment or service. The legal test is where their proof is to the contrary. There is a very high burden of proof—higher than in other jurisdictions with presumptive rights schemes. The reforms do not change the legal basis for rebuttal at all and will have no impact, as we have discussed, on firefighter claims.

In relation to some of the issues that you are going to, the rebuttal considerations that the panel would consider are not in relation to scientific basis; they are based on whether you meet the eligibility of having attended a reasonable amount of fires. It is not open to the panel, if this bill is successful, to make a determination about whether someone should be entitled to it or not. They just have to be confident that the person has met the eligibility criteria as set out in the legislation.

**Mr MEDDICK:** Thank you, Attorney, for your answer. Just following on, I guess, in that regard, the bill before the house stipulates that VEM employees must seek an expert opinion for the advisory committee. That committee was previously established to review select firefighter presumptive claims.

Is the government aware that the advisory claim for each VEM employee's claim could be potentially rejected or could even be likely based upon that?

**Ms SYMES:** Mr Meddick, I believe that that was covered off broadly in the previous answer. But in relation to the role of the strategic advisory committee, it will provide expert advice to WorkSafe on two issues: whether a vehicle and equipment maintenance employee has attended fires to the extent reasonably necessary to fulfil the purpose of their role as a vehicle and equipment maintenance employee and whether a vehicle and equipment maintenance employee has attended an exceptional exposure event. So the issues that you have been canvassing in your last two questions are not what the strategic advisory committee has regard to. What they can look at is the nature of the event, injuries regarding an event, relevant records or data in relation to proving attendance and other matters prescribed by the firefighters' presumptive rights compensation regulation. It is not a line of inquiry to question the basis for the presumption.

**Mr MEDDICK:** Thank you, Attorney, for that. It is much, much clearer in that regard. But has the government given any thought to the scenario of litigation between the VEM employee and their employee's workers compensation insurer perhaps becoming an increased likelihood in the context of that rebuttal presumption?

**Ms SYMES:** Mr Meddick, no, there is no evidence of that, but I will ask my colleague the minister who is responsible for the WorkSafe scheme to give some additional information to you.

**Ms STITT:** Thank you, Mr Meddick. Under the WorkSafe scheme where a vehicle and equipment maintenance employee disputes a decision made in relation to their claim, including a decision to reject the claim, they may request conciliation of the dispute, just like any other worker who makes a workers compensation claim, by the Accident Compensation Conciliation Service. The ACCS is an independent body which will help to facilitate the resolution of the dispute. If further medical information is required to resolve the dispute at conciliation, again, just like any other workers compensation claim, the ACCS may refer a medical question to the medical panel for a conclusive medical opinion, and again like any other claim, if the dispute cannot be resolved via conciliation, the worker may commence proceedings for judicial review of the decision in the Magistrates Court or the County Court, or when the alternative arbitration function commences they could also choose to go down that path.

**Mr MEDDICK:** Thank you, Minister, for that clarification. I just want to come to a point that the Attorney made about the qualifying period. With respect to that, I understand the bill seeks to provide for a mechanism to combine any of the following periods:

- (i) any period during which the worker was employed as a career firefighter—

that is five years—

- (ii) any period during which the worker served as a volunteer firefighter;
- (iii) any period during which the worker was employed as a vehicle and equipment maintenance employee;
- (iv) any period during which the worker was employed as an occupational ... firefighter;
- (v) any period during which the worker served as a surge forest firefighter.

To understand the intent of the government, if you are a career firefighter with four years service and are diagnosed with brain cancer, that has a qualifying period of service of five years, so it is not automatically presumed that this cancer is a result of your exposure to entering burning buildings, for instance. However, and I am happy to be contradicted here on my reading of the legislation, then, a person who has served as a surge forest firefighter twice, a volunteer for one year, an occupational forest firefighter for two years and a VEM employee for two years will automatically have their brain cancer claim accepted, whereas the other will not. Is that the intent? Is that disparity an oversight or is it something that might have been missed, or am I completely reading that wrong?

**Ms SYMES:** Mr Meddick, there was a lot in that question. It was a little difficult to follow, sorry. I guess what I would say at the outset, and you may want to follow up with a supplementary question of course, is that the intention of the legislation is to allow for a combination of periods of service that are captured by this bill or indeed the forest firefighters presumptive rights as well. It is to enable people to move around but, if they are still exposed to the same risks, not to have their eligibility reset effectively from the start of each period of service, regardless of which agency they may be working for. This is particularly relevant for volunteers who might be in and out and then cross over into the career workforce as well. But in relation to how you have added up those things, I might have to take that on notice, because there was a lot.

**Mr MEDDICK:** Thank you, Attorney. Yes, I apologise. It was a bit confusing in the way that it was framed. But I guess for clarity, then, what it appears to be is that a worker who has worked in various settings and has a combination of years service will qualify automatically but a person who has been a career firefighter for under five years, who might have been exposed and have that particular type of cancer as a result of their exposure, does not automatically qualify under the presumptive rights. There is a disparity that appears to happen there, because they do not qualify for the five-year period; they have a little less than that. But they might have attracted that cancer as a direct result of exposure. But I am happy for you to provide that on notice.

**Ms SYMES:** I am happy to take it on notice and provide you with some specific advice in relation to the combination of service, but just by illustration, similar to how you have outlined it, the intention is to be consistent with the forest firefighters presumptive rights compensation scheme. For example, if a person has served as a forest firefighter for five years and then subsequently serves as a career firefighter for 10 years, they would have a combined service period of 15 years, and this is relevant as all specific cancers have a qualifying service period of between five and 25 years. The bill therefore actually increases access to the scheme for more career firefighters by enabling the combination of those periods of service. But you did give me a specific example about somebody with different service. I would prefer to have a look at that in writing, if that is okay, and respond in detail.

**Mr MEDDICK:** Thank you, Attorney. I will endeavour to get an example of that for you, and then we can move on.

**Clause agreed to; clauses 27 to 86 agreed to.**

**Clause 87 (18:57)**

**Ms MAXWELL:** I move:

1. Clause 87, before line 11 insert—

“(aa) an offence against section 20, 21 or 21A of the **Crimes Act 1958** or any corresponding previous enactment; or”.

We agree that alleged offenders of family violence or sexual offences should not be notified of or attend tribunal hearings relating to their victims. While there may be some loose argument that an offender may have some reputational interest in a victim’s assistance claim, it is an affront to the very notion of victim’s assistance that an offender is given the opportunity to be aware of a claim, let alone attend, listen or, even more strongly, participate. The Victorian Law Reform Commission review into the Victims of Crime Assistance Act 1996 recommends that alleged offenders should not be notified of a victim’s hearing or be allowed to attend. It is our expectation that the new scheme will deliver on this. In the meantime the bill closes part of the loophole but still leaves a serious gap.

I know in the circumstances of Di McDonald the offender was notified of her interim claim and attended the court. Ms McDonald would refute that the offending was in the context of family violence. The offender wanted a relationship, but she did not. What could be described as some malicious mischief resulted in the magistrate denying her interim support and suggesting that she come

back when she had a case. Ultimately the offences against Ms McDonald were proven beyond reasonable doubt and her offender received a substantial jail term, so her victim status is very clear.

Many threat and stalking offences do occur in the context of family violence, but around one-third of them do not. The devastating case of Celeste Manno is very clearly in my mind when thinking of the serious indicator that threat offences and stalking will lead to future violence. The reoffending rate for threat offences is double the rate for all offenders in Victoria, and there is no substantial difference in the reoffending rates between family violence and non-family violence offenders. One-third of victims of these serious offences will not be protected by this prohibition unless this amendment passes. It demonstrates the need for the new system to be expedited, but in the meantime we need to make the changes we can to improve safety and support for victims. On that basis I commend these amendments.

**Mr ONDARCHIE:** The state Liberal-Nationals coalition will be supporting these amendments of Ms Maxwell today. Can I thank Ms Maxwell and Karen Rourke from her office for the very comprehensive amendment explainer that brought them to us. This is in some sense, with respect to Ms Maxwell's explanation, a bit of a no-brainer. This amendment should carry forward as an improvement to this bill, and as a result we will be supporting it.

**Ms STITT:** The government has introduced changes to the Victims of Crime Assistance Act 1996 (VOCA act) to remove barriers for victim-survivors of family violence and sexual assault applying for financial assistance at the Victims of Crime Assistance Tribunal. They align with findings and recommendations from the Royal Commission into Family Violence and the Victorian Law Reform Commission (VLRC). VOCAT provides financial assistance to victims of violent crime under the Victims of Crime Assistance Act. Currently VOCAT can notify alleged offenders and allow them to appear at hearings where they have a legitimate interest or substantial interest in the victim's application for assistance.

In 2018 the Victorian Law Reform Commission reported on its review into the VOCA act. The government has committed to significantly progress the recommendations of the report in this term of government. The review recommends that the new scheme will place victims at the centre, and therefore the alleged perpetrator of an offence would not be notified of the victim's hearing and should not be able to attend that hearing under the new financial assistance scheme. Recommendation 21(a) states:

The proposed Act should provide that the objectives of the Act are to:

- (a) recognise, on behalf of the state, victims and the impacts of a criminal act on a victim, through the provision of a respectful forum for victims to be heard and to have their experiences properly acknowledged by the state

In doing so, the VLRC found that:

... removing perpetrator notification reflects a trauma-informed approach that prioritises victims' safety and wellbeing.

Regardless of model, or other technical and procedural reforms implemented, the Commission considers this to be a significant step in prioritising victims' safety and wellbeing needs and placing victims' needs at the centre of the state-funded financial assistance process.

Removing perpetrator notification and attendance at hearings reflects a trauma-informed approach to responding to victims of crime. The Royal Commission into Family Violence made a similar finding: that notifying perpetrators and allowing them to attend a VOCAT hearing can traumatise victims.

Exactly which offences and prohibitions should apply within the current VOCAT legal framework was a complicated decision. The Attorney-General and the Minister for Victim Support considered this in detail with regard to the VLRC's finding that notifications had a chilling effect for survivors of sexual assault or family violence.

The original amendments made by the government were confined to family violence and sexual offences to balance VOCAT's needs to gather evidence and determine facts whilst removing barriers and improving victims' safety in matters where it was identified as most problematic. Offenders' notifications will not be included as part of the new administrative financial assistance scheme.

The government thanks Ms Maxwell for raising the experiences of victims of stalking and other offences listed in this additional amendment to extend the notification and attendance prohibition to further offences of stalking, threats to kill and commit serious injury. This is supported by the government.

We need to make it clear that there is a balance to be reached between modifications to the current scheme and the work to implement the new scheme. Whilst we reached a position in the bill following the request of stakeholders, we also understand the trauma and negative impacts for many of the victim-survivors who Ms Maxwell has mentioned today and at other times in this place, and this is why we are happy to accept these sensible suggestions.

The government is committed to delivering a new administrative scheme to deliver financial assistance for victims of crime in Victoria. The financial assistance scheme will replace VOCAT, and this is an administrative scheme. No hearings will be required, and therefore there will be no place for alleged offenders. The government amendments included in this bill go beyond the VLRC recommendations to deliver immediate positive outcomes for survivors of family violence and sexual assault prior to the commencement of the FAS.

We need to balance the need to ensure family violence and sexual assault survivors can seek assistance at VOCAT without fear of their abuser being notified of their VOCAT application with the need for VOCAT to appropriately consider an application outside of family violence and sexual offences where illegal activity may have taken place. The Andrews Labor government is committed to implementing the recommendations of the Royal Commission into Family Violence and building a new financial assistance scheme for victim-survivors.

**Mr ONDARCHIE:** So that is a yes?

**Ms STITT:** It is.

**Ms MAXWELL:** I would just like to thank the minister for her words and particularly thank the members of the government who I have collaborated with in regard to these amendments. I thank them for their time and for their support.

**Amendment agreed to; amended clause agreed to.**

**Clause 88 (19:06)**

**Ms MAXWELL:** I move:

2. Clause 88, page 58, before line 1 insert—

“(aa) an offence against section 20, 21 or 21A of the **Crimes Act 1958** or any corresponding previous enactment; or”.

**Mr ONDARCHIE:** Consistent with the amendment to clause 87, the state Liberal-Nationals coalition will be supporting this amendment and thank Ms Maxwell for bringing it to the house.

**Ms STITT:** Similar to our position on clause 87, the government will be supporting Ms Maxwell's amendment to clause 88.

**Amendment agreed to; amended clause agreed to; clause 89 agreed to.**

**Reported to house with amendments.**

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (19:08): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Ms STITT** (Western Metropolitan—Minister for Workplace Safety, Minister for Early Childhood) (19:08): I move:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

**The DEPUTY PRESIDENT:** Pursuant to standing order 14.27, the bill will be returned to the Assembly with a message informing them that the Council have agreed to the bill with amendments.

**VICTORIA POLICE AMENDMENT BILL 2022**

*Introduction and first reading*

**The DEPUTY PRESIDENT** (19:09): I have a message from the Assembly:

The Legislative Assembly presents for the agreement of the Legislative Council 'A Bill for an Act to amend the **Victoria Police Act 2013** to address defects in relation to the appointment of police officers to act as Assistant Commissioners and for other purposes'.

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:09): I move:

That the bill be now read a first time.

**Motion agreed to.**

**Read first time.**

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:10): I move:

That the bill be treated as an urgent bill.

**Motion agreed to.**

*Statement of compatibility*

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:10): I lay on the table a statement of compatibility with the Charter of Human Rights and Responsibilities Act 2006:

**Opening paragraphs**

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Victoria Police Amendment Bill 2022.

In my opinion, the Victoria Police Amendment Bill 2022, as introduced to the Legislative Council, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The purpose of the Bill is to amend the *Victoria Police Act 2013* (the Act) to address defects in relation to the appointment of police officers to act as Assistant Commissioners and validate acts done, or omitted to be done, which may be invalid or unlawful by reason of certain defects in the appointment of those officers.

**Human Rights Issues**

The Bill engages the following human rights under the Charter:

- Property rights (section 20)
- The right to a fair trial (section 24)
- The right to no retrospective criminal laws (section 27).

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

***Retrospective validation of instruments of appointment of police officers to act as Assistant Commissioners and any actions or omissions by police officers purportedly appointed as Assistant Commissioners in the course of acting as an Assistant Commissioner pursuant to that instrument***

Clause 3 of the Bill inserts new section 276B(1) into the *Victoria Police Act 2013*, which retrospectively validates:

- purported appointments of police officers to act as Assistant Commissioners (the applicable officers) during the period beginning on 1 July 2014 and ending on 31 August 2021 (the relevant period) so that they are taken to have, and always to have had, the same force and effect as if they were made by the Chief Commissioner;
- acts and things done or omitted to be done during the relevant period by an applicable officer in the course of purportedly acting as an Assistant Commissioner pursuant to a purported appointment by a Deputy Commissioner; and
- acts and omissions that relied on evidence obtained, directly or indirectly, as a result of things done or omitted to be done by an applicable officers regardless of the acts and omissions relying on such evidence were done or omitted to be done under a power conferred under an enactment or otherwise and whether they occurred on or before the commencement of the Bill.

The purported appointments of applicable officers by Deputy Commissioners were unlawful because that power of appointment was only vested in the Chief Commissioner. That power of appointment was not properly delegated to Deputy Commissioners. The actions and authorisations of applicable officers included administering the oath or affirmation of office to police officers and protective services officers when they took the oath before commencing duty.

New section 276B(2) deems the purported appointments made by the Deputy Commissioners to applicable officers to be taken to have, and always to have had, the same force and effect as if they had been made by the Chief Commissioner. New section 276B(3) ensures that any act or thing done or omitted to be done by an applicable officer, is not invalid by reason only that but, for section 276B(2), the applicable officer was not validly and lawfully appointed to act as an Assistant Commissioner. New section 276B(4) ensures that any act or thing done:

- in reliance on evidence obtained, directly or indirectly, as a result of evidence obtained by an applicable officer; or
- whether done or omitted to be done under a power conferred under an enactment or otherwise

on or before the commencement of this Bill is not invalid by reason only that but, for section 276B(2), an applicable officer was not validly and lawfully appointed to act as an Assistant Commissioner. New section 276B(5) provides non-exclusive examples of acts or things done that will not be invalid by reason only of the applicable officer not being a validly appointed as Assistant Commissioner.

New section 276B(6) ensures that in determining the evidence to be admitted in a criminal or civil proceeding, the fact that an Assistant Commissioner was invalidly or unlawfully appointed is to be disregarded but, under new section 276B(7), the discretion of the court to exclude evidence or stay a proceeding is otherwise unaffected. New section 276B(8) provides that a tribunal in determining whether to consider anything obtained directly or indirectly as the result of an applicable act or omission must disregard the invalid or unlawful appointment of the Assistant Commissioner. New Section 276B(9) clarifies that section 276B affects the rights of parties in civil or criminal proceedings before a court or proceedings before a tribunal. Section 276B(10) provides that section 276B does not apply to nominated cases where a court has found that an Assistant Commissioner was invalidly appointed and excluded evidence for that reason. Similarly, any

other proceedings where a court has ruled on the validity of a purported appointment of an Assistant Commissioner are also excluded from the operation of section 276B.

*Property rights (s 20), a fair trial (s 24), and no retrospective criminal laws (s 27)*

The retrospective validation of appointments of applicable officers and acts or omissions consequent on the invalid and unlawful appointments extends to the exercise of powers under various legislation, and the administration and taking of the oath by police officers and protective officers. The provisions extend, therefore, to validating the administration of the oath or affirmation of office to police officers and protective services and the exercise of powers by those officers.

This validation in and of itself does not limit human rights. It does, however, have the result that interferences with human rights that may have otherwise been unlawful (due to being based on exercises of power not lawfully authorised) are now lawful in retrospect. The exercise of powers by police officers and protective services officers who were invalidly administered the oath or affirmation and are being validated potentially engages numerous Charter rights.

For example, the execution of a search warrant by a police officer may engage the rights to privacy and property, and the execution of an arrest warrant by an officer will engage the right to liberty. However, interferences with these rights only require justification in circumstances where the relevant interference is ‘unlawful’ or ‘other than in accordance with law’. The Charter rights are not prescriptive as to the content of the laws governing the administration of the oath or affirmation to those officers. However, the execution of a warrant that was based on a defective appointment is unlawful or invalid. The effect of the Bill is to remedy this situation by deeming the administration of the oath or affirmation effective and the resultant exercises of power valid so that no unlawfulness arises.

It should be emphasised that in rendering procedurally defective appointments and consequential exercises of power valid, it is not the intention of the Bill to extinguish any criminal offence or civil liability arising from the conduct of an applicable officer in the exercise of their powers. For example, the Bill will not extinguish any potential claim for false imprisonment or other tortious wrong that a person may have against a police officer that the officer may have carried out in reliance on powers resulting from their appointment or administration of the oath or affirmation of office.

The potential interferences with Charter rights include:

- property rights (s. 20) to the extent that the validation of the acts or omissions of applicable officers, police officers or protective services officers could affect an accrued right to bring legal action against unlawful acts by those officers,
- no retrospective criminal laws (s. 27) by validating any act or omission done or omitted to be done in a criminal proceeding, or in the evidence related to a criminal proceeding.

Section 20 of the charter provides that a person must not be deprived of his or her property other than in accordance with law. This right is not limited where there is a law which authorises a deprivation of property, and that law is adequately accessible, clear and certain, and sufficiently precise to enable a person to regulate their conduct.

To the extent that this Bill may deprive a person of their property—that is, to the extent that a right to some cause of action against a police officer arising from their invalid appointment or the invalid administration of the oath or affirmation to them, during the relevant period may constitute property—that deprivation would be authorised by, and in accordance with, the amended legislation. The Bill therefore does not limit the property right protected by section 20 of the Charter.

Section 27 applies to changes in the law that create an offence for acts done before the legislation comes into force, or broadens an existing offence by altering the activities to which it applies or amends criminal procedure in a way that affects the fairness of trial procedures.

The extent to which this Bill operates retrospectively is to validate the appointment of applicable officers, the administration of the oath or affirmation to police officers and protective services officers and the actions they have taken pursuant to an applicable purported appointment or his or her duty. The Bill does not amend the criminal law or procedure in a way that limits the rights protected by section 27 of the Charter.

The Bill does not alter the nature or severity of any interferences with Charter rights that are provided by existing legislation. Instead, the Bill only affects a precondition for conducting these interferences with rights, which is that powers are exercised by a validly and lawfully appointed Assistant Commissioner and by validly appointed police officers and protective services officers.

In my opinion, clause 3 has a nominal effect on human rights. This is because the retrospective validation does not significantly affect the circumstances in which the powers of invalidly and unlawfully appointed Assistant Commissioners, and police officers and protective services officers who were invalidly



administered the oath or affirmation, were exercised or the outcome of the exercise of those powers. Despite the invalid appointment of Assistant Commissioners, and the invalid administration of the oath or affirmation to police officers and protective services officers, these officers who possessed the requisite training and skills to carry out the powers and functions vested in them, and they acted in good faith that they were properly appointed and properly 'sworn in'. The Bill merely addresses the invalidity of the appointment of police officers to act as Assistant Commissioners and in turn the invalidity of the administration of the oath or affirmation to police officers and protective services officers. The Bill validates acts or omissions of these officers only to the extent of the invalidity created by the invalid appointment of police officers to act as Assistant Commissioners but not otherwise.

Even if the Bill was considered to limit human rights, I am of the view that such a limit will be reasonably and demonstrably justified under s 7(2) of the Charter. The Bill remedies an error of an administrative nature. However, despite the technical nature of the error, it has resulted in evidence being obtained unlawfully and act or omissions carried out by police officers and protective services officers in good faith in the course of their duties also being unlawful. There is a potential for a significant number of enforcement actions by police officers and protective services officers being compromised. This will have adverse resource implications for prosecutorial bodies and the court system as affected accused seek to mount legal challenges. I am satisfied that the limit is reasonable given the nominal interference with rights it constitutes balanced against the adverse consequences that may occur if this remedial legislation is not introduced.

#### *Directions concerning admissibility of evidence*

Clause 3 inserts new subsection 276B(6) into the Act, which provides that for the prosecution of an offence, the fact that an applicable officer was not validly and lawfully appointed to act as an Assistant Commissioner is to be disregarded in determining whether evidence obtained by the applicable officer is to be admitted into evidence.

#### *Right to fair trial (s 24)*

It is arguable that this clause deprives an accused of the ability to argue that evidence obtained as a result of an impropriety should not be admitted at trial, leading to a limit on the accused's right to a fair hearing under s 24 of the charter. However, I am of the opinion that the clause is not inconsistent with the right to a fair hearing. In *Rich v. R* (2014) 312 ALR 429, the Court of Appeal held that similar retrospective validation provision concerning unsworn affidavits were consistent with the right to a fair hearing. In that decision, the Court found that an applicant's inability to contest the admissibility of subject evidence is incapable of depriving the applicant of a fair trial, unless the admission of the subject evidence itself was productive of an unfair trial.

This Bill, while requiring a court to disregard the fact that an appointment of an applicable officer would have been invalid or unlawful but for this Bill, explicitly preserves the Court's discretion to exclude evidence in criminal proceedings or stay criminal proceedings in the interests of justice. The Bill will also not affect the rights of parties in any proceeding where a court has ruled on a matter of validity of the appointment of an applicable officer (or the swearing in of a police officer or protective services officer by an applicable officer) before the enactment of this Bill (new subsection 276B(9)).

In my view, the admission of the evidence obtained in reliance of actions conducted pursuant to invalid appointments is not productive of an unfair trial and will not lead to any unfairness to an accused.

Accordingly, I am satisfied that the Bill is consistent with the right to fair hearing in s 24 of the Charter.

**The Hon Gayle Tierney MP**

#### *Second reading*

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:10): I move:

That the second-reading speech be incorporated into *Hansard*.

#### **Motion agreed to.**

**Ms TIERNEY:** I move:

That the bill be now read a second time.

#### **Incorporated speech as follows:**

The Bill before the House introduces urgent amendments into the *Victoria Police Act 2013* (VPA) to address an administrative error with the appointment of Acting Assistant Commissioners (AACs).

Section 26 of the VPA authorises the Chief Commissioner to appoint a police officer to the role of AAC. Section 19 of the VPA allows the Chief Commissioner to delegate this power of appointment to Deputy Commissioners. Once appointed, AACs are authorised to exercise all powers of Assistant Commissioners.

The VPA commenced on 1 July 2014. Prior to its commencement, the *Police Regulation Act 1958* governed the operations of Victoria Police. Section 6(1) of that Act authorised Deputy Commissioners to exercise all powers of the Chief Commissioner, including appointment powers.

Between 1 July 2014 and August 2021, Deputy Commissioners appointed a number of police officers to the role of AACs, in an acting capacity, under the assumption that they had the power to do so based on the operation of the former Act. They were not aware that the Chief Commissioner was required to delegate his power of appointment to them under the new Act, or that the instrument of delegation had not been signed.

In August 2021, it was identified that the purported appointments of AACs by Deputy Commissioners were invalid. The Chief Commissioner then signed an instrument of delegation to effectively delegate the power to appoint AACs to Deputy Commissioners from August 2021.

As the appointments of AACs by Deputy Commissioners before September 2021 are not considered to be valid, all exercises of power by AACs during that time are considered invalid. This includes powers exercised relating to criminal matters which have the potential to affect the admissibility of evidence. Retrospective validating legislation is necessary to ensure that otherwise successful prosecutions will not be impacted by an administrative error.

Subsequent auditing by Victoria Police identified another power exercised by AACs between July 2014 and August 2021 is the power to 'swear in' new police officers and protective services officers (PSOs). Section 50 of the VPA provides that before a police officer or PSO performs any duties or exercises any powers that they have as a police officer or PSO, they must take an oath or make an affirmation and subscribe to it. Section 50 provides that the oath or affirmation is to be administered by a Magistrate, the Chief Commissioner, a Deputy Commissioner or an Assistant Commissioner. Once a police officer or PSO has taken and subscribed to the oath or affirmation under section 50 of the VPA, they receive the duties and powers of a police officer or PSO under section 51 of the VPA.

In mid-February Victoria Police identified that AACs whom had been invalidly appointed had administered the oath for a significant number of new sworn members. As a consequence, 1213 police officers and PSOs are not considered to have been validly sworn in as required by the VPA, and do not have the powers and duties of a police officer or PSO. There were also 29 police custody officers who were not sworn in.

Victoria Police has since taken urgent action to re-swear affected sworn officers at the commencement of their next shift. This action has ensured these officers are validly sworn and can continue to use their police powers to keep Victorians safe.

Victoria Police also wrote directly to each of the affected police officers and PSOs to assure them that it is recognised that they have acted in good faith in undertaking their duties in the belief they had been validly sworn. The Victorian Government has also given affected officers the assurance that all protections that are normally afforded to sworn members including entitlements like superannuation, will not be diminished by this issue.

The Bill will retrospectively validate the appointments of AACs by Deputy Commissioners from 1 July 2014 to 31 August 2021, and any acts or omissions performed by AACs during that time, pursuant to their invalid appointments. This includes the power to swear in police officers and PSOs and will have the retrospective effect of validating all appointments of police officers and PSOs sworn in by AACs during this time, and all police/PSO powers they have exercised to date. It also includes the power for AACs to authorise a person to act as a police custody officer.

The Bill will not limit judicial independence, including in relation to pending litigation, as the provision will retrospectively alter the substantive law and will not interfere with the judicial process. The new provisions will apply to pending litigation, so that any exercises of power or decisions made in reliance on evidence obtained as a result of an exercise of power by an AAC, before the Act commences, will not be invalid due to their invalid appointment.

For the purposes of the prosecution of an alleged offence, the fact that the appointment was invalid is to be disregarded in determining whether evidenced obtained as a result of an exercise of power by an invalidly appointed AAC should be admitted. The provisions will not cure other forms of invalidity and will ensure the discretion of a court to exclude evidence in a criminal proceeding or stay a criminal proceeding in the interests of justice is retained.

The provisions will not apply to any proceedings that were already final before the commencement of the Act, where a court has made a ruling on the validity of an invalid appointment of an AAC.

The Bill will ensure the work of AACs and any police officers/PSOs sworn in by AACs during this time will not be affected by this administrative error.

I commend the Bill to the House.

**Mr Ondarchie:** On a point of order, Deputy President, we have only just got the second-reading speech. While the bill went through another place today, we have not had a chance to absorb it. Can we just have a moment to read this before we commence our second-reading speeches, please?

Thank you, Deputy President. We have had time to read it now, and we wish to proceed.

**Dr BACH** (Eastern Metropolitan) (19:12): It is good to rise to make a contribution on the Victoria Police Amendment Bill 2022. This is an important bill. It is a bill that the opposition has been pushing for. Quite frankly it is a bill that I think we could have debated, if it was prepared, last sitting week. But nonetheless we were contacted very recently by the government asking for our support to have this bill debated and to suspend standing orders in the other place in order to have this bill debated just today. Of course we gave our consent to that, and it is good that the bill has been able to move into this chamber as quickly as this.

I want to flag at the outset that the opposition will be supporting this bill because it fixes a significant administrative error. In opposition we recognise of course that one of our most significant focuses here in this place must be the protection of the community, and in doing so the role of Victoria Police is paramount. I do not intend to speak for long this evening because I have no desire to hold up this bill on this side of the house, and I know it is the same on the other side of the house. We have no desire to hold up this bill. We would like it dealt with as expeditiously as possible because, as I say, the government has become aware and the community has become aware of an administrative error, and the government has sought to fix it through this bill. We wholeheartedly support that endeavour, as we wholeheartedly support the outstanding men and women of Victoria Police.

I might just make one or two points that relate to my portfolios regarding the incredibly complex work of Victoria Police. Across the fraught spaces of child protection and youth justice our men and women of Victoria Police do such extraordinary work in very complex circumstances. I know that members of the other place have spoken about other areas where members of Victoria Police do really complex and difficult work. The work they do in seeking to prevent, and then deal with once it has occurred, family violence has been mentioned, and I think that is apt.

For me, however, I have a particular focus on seeking to prevent the abuse and neglect of children and then also seeking to support young people who oftentimes have experienced trauma and disadvantage and then been drawn into our youth justice system. In these areas the work of Victoria Police is so important and yet so complex, so I was gratified by the debate in the other place and the contributions of members across the chamber, the support in that place that was shown for our police forces and also the deep level of understanding across the chamber about the extent to which the membership of Victoria Police seeks to engage with the community in a really productive and proactive manner wherever that is possible. Now, sometimes it is not of course; indeed oftentimes it is not. Oftentimes the members of Victoria Police are called to matters that are grave and dreadful and seek to mop up, if you like, following the commission of dreadful crimes. But I like to focus instead—and I know that the membership of Victoria Police like to focus instead, the leadership of the Police Association Victoria like to focus instead—on community policing, and in doing that work I think that in actual fact we do the most beneficial work in seeking to prevent crime and therefore in seeking to ensure that the community is kept safe.

Our members of Victoria Police go out every day and put themselves into harm's way. This is something that has been rammed home to certainly all members of this house, all members of the Victorian community, over the very recent period. So they deserve not only the respect of the community but also the swift action of this place whenever issues arise, as issues have arisen in this instance, that impinge upon the ability of members of Victoria Police to do the important work they do to keep the community safe.

The principal change that will be enacted through this legislation will protect liability and ensure that the members of Victoria Police can continue to go about their jobs and can continue to do the important work they do every day on behalf of the rest of us to keep the rest of us safe. Ultimately of course it is the government's responsibility to ensure that members of Victoria Police are protected, but right across this chamber we also have a responsibility. That is why it is really important, I think, that this bill has certainly bipartisan support, and my expectation is that it will also receive support from the crossbench.

As I said at the outset, I do not wish to take up any more time than is necessary. This is an important bill. I welcome both the bill and the fact that we are able to have a discussion—my hope is a brief discussion—this evening in order to then seek to ensure that this measure is enacted as swiftly as possible.

**Ms TAYLOR** (Southern Metropolitan) (19:18): I too will speak briefly on this bill, owing to the fact that we have unity on these matters being addressed expediently for the betterment of Victoria. Really, fundamentally it is about providing clarity and certainty for affected police officers and the broader justice sector—that is what it is about. What the bill does is introduce a new provision into the Victoria Police Act 2013 to retrospectively validate the appointment of police members invalidly appointed to the role of acting assistant commissioner by deputy commissioners between July 2014 and August 2021 and validate all exercises of power by police members invalidly appointed to the role of acting assistant commissioner between July 2014 and August 2021, including the power to swear in police officer and protective services officer recruits. This will cure the period of time between July 2014 and August 2021 and mean that actions and conduct by affected police and PSOs, approximately 1200, who acted in good faith will be considered lawful and authorised, and it will provide certainty and clarity for the affected members and for the justice sector more broadly, which is what I said from the outset. Ms Tierney will speak to the actual purpose behind why the bill is needed, so I am not going to double up on those aspects of our discussion today.

The only thing that I would like to say further to round off my presentation—but in the interests of expediency I will not protract it—is just that one of the keys to our community safety strategy has been police resourcing. We have funded 3135 new police officers. This has included general duty police officers working in local communities, but also specialist officers, including hundreds of family violence police officers—because I know there was a little mention about family violence and managing that, in the chamber—more PSOs for mobile patrols and new stations for our growing force. We worked closely with force command on developing this recruitment pipeline. This includes the development of the staffing allocation model, a sophisticated allocation and forecasting model that accounts for population growth, geography, police activity and crime trends. This model was developed by Victoria Police in consultation with the Police Association Victoria and endorsed by government.

What really is important about this is that this approach has seen the end of the boom-and-bust cycle of police resourcing. It has seen police resourcing determined by experts and by need rather than on election cycles, and we can all agree that that is a really important development. It has also changed the Victoria Police Academy from a ghost town into the busy centre of excellence that it is today. This strategy is also delivering results.

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:21): I thank Ms Taylor for her introduction in terms of the government's position in respect of this. The introduction of the new Victoria Police Act 2013 changed the powers of deputy commissioners to appoint acting assistant commissioners. However, in practice Victoria Police continued this practice. Legal advice sought by Victoria Police identified this as a potential issue in late 2020, but they believed it to be limited to a small number of powers used by the acting assistant commissioners. Further auditing and legal advice sought by Victoria Police and finalised in February 2022 identified the issue as it related to the swearing in of sworn officers by acting assistant commissioners, and at that point the government was made aware. From the audit we know that

1076 police officers and 157 protective services officers were sworn in by invalidly appointed acting assistant commissioners. Twenty-nine police custody officers were also affected.

Actions taken by Victoria Police have corrected this issue prospectively, with the vast majority of affected officers re-sworn. This bill will fix the issue retrospectively by making valid all of the lawful conduct and use of their powers by these officers for the period between 1 July 2014 and August 2021. Retrospective action is required to ensure that evidence gathered and enforcement outcomes from this period are not compromised by technical administrative error. All sworn officers affected by this matter are well-trained officers who have exercised their powers in good faith. There is no suggestion that they have done anything but serve their communities to the best of their abilities. This bill will provide certainty and clarity for all of the affected officers and for the broader justice sector.

The Police Association Victoria has been engaged very much on this matter. They support the actions of the government to provide certainty and clarity for all of their members caught up in this matter. The government and Victoria Police have worked very closely with the police association to assure members that their legal, industrial and superannuation protections and entitlements are not diminished by this administrative error.

When this matter was brought to the attention of the Victorian government we acted to resolve it. The impacted officers have always considered themselves to be sworn. They are well trained. They have kept the community safe. This is an administrative issue that is no fault of the officers impacted. We have moved quickly to resolve this issue. Victoria Police moved to re-swear the vast bulk of the 1200 sworn officers so that they could continue their work. The government and Victoria Police have worked closely to draft the bill and correct the matter retrospectively as well. This administrative error should not have occurred, but it has to be dealt with. We cannot speak for the breakdown that occurred in 2013 when the change in legislation created this issue, but we can tonight fix this, which is what this bill does.

Can I say that I did have the opportunity to listen in on the debate in the Assembly during the course of the afternoon, and what also struck me was the breadth of knowledge that members of Parliament have in respect to the work that the police do in this state. I was incredibly impressed by that and of course by examples time and time again of the close connections and working relationships that members of Parliament have with their local police.

I take this opportunity also to record my appreciation for the work of Victoria Police right across this state. It is a vocation. I think we are all thankful for all of the efforts that they undertake day in and day out. We thank them so much for it. I do commend this bill to the house.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:26): I move, by leave:

That the bill be now read a third time.

**Motion agreed to.**

**Read third time.**

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

### Adjournment

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (19:26): I move:

That the house do now adjourn.

### FIREWOOD COLLECTION

**Ms LOVELL** (Northern Victoria) (19:26): (1783) My adjournment matter is directed to the Minister for Energy, Environment and Climate Change. The action that I seek is for the minister to immediately reverse planned changes to firewood collection rules that would prevent Moira shire residents from collecting firewood from some of the designated firewood collection areas in selected Victorian state forests.

The Andrews Labor government's ban on firewood collection in the Barmah National Park last year severely impacted residents of the Moira local government area. Many residents throughout the Barmah region do not have access to a natural gas supply and have historically relied on wood collection as an energy source to heat their homes and cook their meals. The ban forced Barmah locals to travel to the closest firewood collection point at Alfs Dam, south of Rushworth, a round trip of just under 3 hours to obtain wood. My office was inundated with complaints from Moira shire residents regarding the ban, and I raised my concerns with the minister in March, seeking that a firewood collection area be established in the Barmah area. Unfortunately the minister failed to act.

As if the minister's decision last year to implement this ban was not bad enough, the new firewood collection rules that came into force on 1 March are disgraceful, and they will make this bad situation even worse. As of 1 March only residents from specific local government areas will be able to collect firewood from the collection points in state forests within central Victoria. The collection of firewood from these points is restricted to residents from the shires of Buloke, Campaspe, Central Goldfields, Gannawarra, Greater Bendigo, Greater Shepparton, Hepburn, Loddon, Macedon Ranges, Mitchell, Mt Alexander, Northern Grampians, Pyrenees and Strathbogie. Inexplicably Moira shire has been omitted from the authorised LGAs, meaning residents from towns such as Barmah will be unable to collect firewood from their closest point at Alfs Dam. This omission simply does not make any sense and is blatantly unfair considering the lack of access to conventional energy sources such as natural gas throughout the Moira shire. The updated fire collection map published on 1 March shows that the closest firewood collection point for Moira shire residents is at Swanpool, a nearly 3½-hour round trip from the Barmah township. This is completely unacceptable.

### GREY-HEADED FLYING FOXES

**Mr MEDDICK** (Western Victoria) (19:29): (1784) My adjournment matter for this evening is for the Treasurer, and the action I seek is for him to fund a sprinkler and monitoring system in this year's state budget to protect Geelong's grey-headed flying fox colony.

Flying foxes are a vital pollinating species, playing an important role in the health of our environment. There are many groups advocating for their protection and safety, one of those being Friends of Bats and Bushcare, Geelong. Based in Geelong and caring for the grey-headed flying fox camps in Geelong, Lara and Werribee, Friends of Bats and Bushcare is a small group of dedicated volunteers who work closely with the City of Greater Geelong staff during extreme heat stress events to provide life-saving support for the threatened colony, which currently resides in Geelong's Eastern Park.

Grey-headed flying foxes are subject to heat stress mortality during high-temperature events. These are all the more frequent due to the current climate emergency, and Victorian flying fox colonies experience heat stress events most summers. The nationally accepted emergency response protocol throughout Australia consists of trained wildlife rescuers and carers mobilising to prevent flying fox deaths by spraying worst affected animals with water to cool their core temperatures and aid in

rehydration. If they do not receive this care, flying foxes have been known to die in huge numbers during heat stress events, literally falling from the trees to perish.

Friends of Bats and Bushcare have worked with me to write a budget bid for the Treasurer to fund the installation of a permanent sprinkler system and monitoring system in Eastern Park to ensure this colony get the care and protection they need, and I hope the Treasurer can fund the request.

### WEST GATE TUNNEL

**Dr BACH** (Eastern Metropolitan) (19:31): (1785) My adjournment matter tonight concerns the chaos we saw unfolding last Thursday morning on the West Gate Freeway as a result of the West Gate Tunnel Project works going awry, and the action I seek is for the Minister for Transport Infrastructure to apologise to commuters who were stuck on the freeway for hours as a result of yet more mismanagement on this botched Labor megaproject. It is as if the West Gate Tunnel Project has been doomed ever since the Labor government was forced to come up with an alternative answer to Melbourne's traffic woes after ditching the still much needed east-west link. Now, I am old enough to remember their first alternative program, the West Gate distributor, which they promised in 2013 at the humble cost of only \$500 million. What a bargain. After coming to government they replaced this with the West Gate Tunnel, a \$5.5 billion program that largely replicates the second half of the east-west link which they so vehemently railed against at that election. What we have seen over the last seven years has been nothing short of farcical. This project was supposed to be finished this year—that is what the hoarding said before they took it down. Instead we will be waiting until 2025 or later.

These enormous delays have been the result of a government out of its depth. The government simply cannot manage major projects. Whether it is the endless legal battles with the unions or the total paralysis on managing contaminated soil which Mr Finn has been speaking about just today, this government's series of failures have turned what was supposed to be a \$5.5 billion project into a \$10 billion project. And that is just the current prediction. It is no wonder why our credit rating was downgraded and why Victoria has developed a reputation as the worst state in the country in which to do business. This government is addicted to debt and will borrow and borrow until it wins every single vote in the state. And what we have seen most recently is the CFMEU getting up to more mischief on the building site, leaving 20 kilometres—20 kilometres!—of traffic backed up during the morning peak and motorists stuck in their cars for hours. Now, the CFMEU claims that crucial lanes on the West Gate could not be opened due to safety concerns, but that is despite WorkSafe Victoria attending earlier that day and giving the all clear.

The Premier says that he deeply regrets that this occurred, and yet he also says that when it comes to megaprojects, well, they cost what they cost and they are very much like doing a kitchen renovation. I note that the silence from the Minister for Transport Infrastructure has been deafening. Again I call on her to reach out to the motorists and commuters of Victoria and to do what she should have done last Thursday—that is, apologise.

### WOMEN IN POLITICS

**Mrs McARTHUR** (Western Victoria) (19:34): (1786) My adjournment matter is for the Minister for Women and concerns Labor's accuracy and honesty in reporting the true history of women in politics in Australia. After hearing Anika Wells, the federal Labor member for Lilley, on this International Women's Day claim this morning that Ros Kelly was Australia's first female minister when it was actually Dame Enid Lyons in the Menzies government, I had to dig out my list of non-Labor firsts. Now, Ros Kelly was the first Labor female minister, because while Menzies had women in his cabinet, Whitlam had none in his.

Perhaps I can advise the Parliament of some non-Labor firsts in Australia's political history: the first female federal cabinet minister without portfolio, the Honourable Dame Enid Lyons in 1951; the first female federal minister with portfolio, the Honourable Dame Annabelle Rankin; the first female in any Parliament, Edith Cowan OBE from Western Australia; the first female in Queensland Parliament,

Irene Longman in 1929; the first female in the Victorian Parliament, Lady Millie Peacock; the first female federal MP, the Honourable Dame Enid Lyons; the first female senator from Queensland, the Honourable Dame Annabelle Rankin; the first female cabinet minister in Australia—Western Australia this was—the Honourable Dame Florence Cardell-Oliver; the first female mayor in Queensland, Nell Robinson OBE, mayor of Toowoomba; the first federal female cabinet minister with portfolio, the Honourable Dame Margaret Guilfoyle AC, DBE; the first female Lord Mayor of Brisbane, Sallyanne Atkinson AO; the first female Lord Mayor of Sydney, Lucy Turnbull AO; the first female party leader in South Australia, Isobel Redmond; the first female Speaker of the Tasmanian House of Assembly, the Honourable Elise Archer; and the first popularly elected female Premier of New South Wales, the Honourable Gladys Berejiklian. The action I seek of the minister is to ensure that there is historical accuracy in the acknowledgement of all women leaders and not just those who may represent the ALP.

### SUNBURY TRAIN STATION CAR PARKING

**Mr FINN** (Western Metropolitan) (19:37): (1787) I wish to raise a matter for the attention of the Minister for Public Transport, I think—it could be the Minister for Transport Infrastructure. We will work that out at some point, I am sure. It concerns a major issue in the Sunbury township that has been gnawing at people—more than gnawing at people, consuming people—for a very, very long period of time, and that is the lack of parking. I have to say, driving around Sunbury yesterday looking for a park, it was rather frustrating to say the very least, but we finally got there.

The government before the last election promised that it was going to give us more parking at the railway station. It was going to double the size of the car park. It was just going to be the most marvellous thing in the history of the world. We are still waiting for the increase in parking at the railway station. But what has happened in the meantime is that they are working on the rail line and all the trucks have taken all the parking, so we have got a situation where the car park that is on the corner of Station Street has been completely consumed by the workers and their trucks. I tell you what: I wish I had invested in stop signs and I wish I had invested in speed signs, because they are everywhere. They are absolutely everywhere.

**Ms Patten:** It's not too late.

**Mr FINN:** Well, I think it is, because that horse has bolted, I have got to tell you. But these things are just all over the place, and as a result the parking problem that Sunbury has long complained about has blown out like—

**Dr Bach:** The West Gate Tunnel.

**Mr FINN:** Nothing has blown out like the West Gate Tunnel, Dr Bach, but let me assure you it has become a major problem and it is driving us all to distraction. What I would like the minister to do—either or both; I am not particularly caring at this point in time—is to tell us where the parking has gone. The parking that was promised before the last election to the good people of Sunbury: I want to know where it is. Has it gone the same way as the 4000 ICU beds? I do not know. But I tell you what: the promise that was made before the last election has not been fulfilled, and there are hundreds if not thousands of people in Sunbury driving around and around, watching their fuel gauge fall—at \$1.99 a litre, thank you very much. It is just appalling, and I ask the minister to explain to us why the government has not kept its promise.

### WESTERN METROPOLITAN REGION TRUCK CURFEWS

**Dr CUMMING** (Western Metropolitan) (19:40): (1788) My adjournment matter is for the Minister for Roads and Road Safety in the other place, and the action I seek is the provision of electronic monitoring on residential streets in the inner west to enforce curfews on trucks travelling without valid permits. A recent post by MTAG, which is the Maribyrnong Truck Action Group, on



their Facebook page shows a number of B-doubles and A-doubles—monsters, 32-metre-long road trains—on Somerville Road. Let me read you the rest of their post:

These trucks are not allowed on Somerville Rd but have been occurring in huge numbers lately, particularly since the start of the school year.

The system is clearly broken. When the community is reporting these trucks and screaming for enforcement, the NHVR turn up for a few days and then disappear again. It should not be up to the community to self-police the curfews!

The inner west desperately needs modern electronic monitoring. We know this technology exists, it was used on Hyde St when a section of Whitehall St was closed for 12 months for West Gate Tunnel sewer works. These cameras should be on Francis St, Somerville Rd, Williamstown Rd, Buckley St and Moore St—to monitor both the curfews and A-Doubles traveling without a valid permit.

The Andrew's government sold off the lease for the Port of Melbourne for \$9.7 billion and we are asking that a very small portion of that money gets spent here now to give us cameras that will provide effective monitoring of the thousands of port trucks using our residential streets.

It's not too much to expect a safe community where the government takes responsibility for its policies and enforces the curfews in a modern and effective way.

Will it take an A-Double—

or a B-double—

to plough through a school crossing before something is done? Right now we are feeling abandoned by government.

Minister, it is time to step up, take responsibility for your policies and ensure that they are enforced. Step up, keep the community of my inner west safe, and let us hope that you do this before the next state election.

### DOCKLANDS SMALL BUSINESSES

**Mr ONDARCHIE** (Northern Metropolitan) (19:42): (1789) My adjournment matter tonight is for the Minister for Small Business. Small businesses in hospitality and retail are doing it very tough in Docklands. There are many shopfronts for lease, many businesses are still struggling after the COVID lockdowns and the fences around the unsightly attraction of the government's Central Pier closure are just unacceptable. Recently I invited Docklands locals to complete my community survey about making Docklands an even better place to live, and I thank those residents who returned the survey and responded because they care so much about their community.

The residents have reported to me their concerns for the local economy, the need for more green spaces and the effect of the Central Pier closure on the local hospitality industry in Docklands. They are worried about their jobs, Minister. According to SGS Economics and Planning, the closure of Docklands Central Pier will cost central Melbourne's economy up to \$865 million and 1500 jobs by 2024. The Docklands Chamber of Commerce president, Daniel Hibberd, was reported in the *Age* in 2021 as saying that the loss of the pier, which he described as Melbourne's 'events showpiece', had an immediate impact on local business conditions.

Minister, the government must in the upcoming budget not just talk about small business but actually help the retail and hospitality small businesses in Docklands. The action I seek is that the government urgently offer financial support to small businesses in Docklands—urgently, not just in the state budget.

### HYDROMORPHONE TRIAL

**Ms PATTEN** (Northern Metropolitan) (19:44): (1790) My adjournment matter is for the Treasurer. The action I am seeking is funding for a hydromorphone trial as part of the upcoming May budget. Hydromorphone is an intervention that breaks the nexus between heroin addiction and crime and refocuses chaotic lifestyles away from trying to score drugs and onto things like finding work and reconnecting with family. At the same time it can reduce the demand for heroin, meaning less local drug trafficking. Hydromorphone is a TGA-approved medication. When used as an injectable opioid

replacement therapy, a 2018 Canadian study found hydromorphone reduced mortality, increased quality of life and saved the health system nearly 140 000 Canadian dollars per individual, and this was when it was compared to methadone or other opioid replacement therapies. It breaks the link between addiction and crime for some of our most chronic users who have unsuccessfully tried all other treatments.

Now, many of you know in here that the Reason Party was key in the establishment of a medically supervised injecting centre in North Richmond, which has proven very successful and now manages thousands of overdoses. But what makes more sense is that a certain cohort of users at that centre be prescribed this medication for use at the centre so they are not buying on the street something that is illegal and cut with goodness knows what but rather using a safer prescription medication. It is good for the individual, it is good for the community and it is time to trial hydromorphone in Victoria, so that is why the action I seek is that the Treasurer provide the necessary funding in the upcoming budget.

### DOMAIN PRECINCT DEVELOPMENT

**Mr DAVIS** (Southern Metropolitan—Leader of the Opposition) (19:46): (1791) My matter is for the attention of the Minister for Planning, and it concerns the Domain precinct development plan. I have had communication from the Baldey family and indeed many others. There are around 700 permanent residents in the three buildings, City Condos, Promenade and the Princeton, all of whom rely on kerbside parking to a greater or lesser extent. The state government, through the actions of Minister Wynne, is removing that kerbside parking, and that will cause, as they say, ‘unnecessary inconvenience to not only the residents but also the businesses in this area’.

The sad response that has been received from Minister Wynne shows that this is not something that is really the focus that it should be. The Baldey family are residents of 416 St Kilda Road, Melbourne, and it is clear that they are incredibly disappointed with the responses they have received from the minister. They are aware of the challenges for Australia Post, they are aware of the challenges for taxis and they are aware of the challenges for those who are trying to set down passengers at almost any hour of the day, with the proposals that are put forward. There are issues with the tram service that is proposed along Domain Road. That is to be reinstated, and the third platform at stop 22 is still required for trams coming from South Yarra. ‘Are you aware’, they say, ‘that trams coming from South Yarra do not use the third platform at stop 22?’, with the route along Domain Road. They tell me reinstated trams coming from South Yarra will not travel through stop 22 at all. It is important to note that with the removal of all this parking the overall width of the St Kilda Road carriageway has not changed. Actually, if anything it is slightly increased in width due to a reduction in the median strip.

I think that there are a number of key points here. The community locally has tried to post alternative solutions. They have put these up on websites, and these are things that should be examined. It seems that the planners are obsessed, as they say, with a ‘Copenhagen-style’ solution, and the truth is, as they say quite correctly in this correspondence, Melbourne in 2022 is not Copenhagen. ‘Segregated cycle lanes have been progressively developed in Copenhagen’, they say, ‘since the early 1960s and done in a coordinated and inclusive manner’. This is not the case here, and we are certainly seeing in other parts of the city, particularly the City of Melbourne, an excessive focus on cycle lanes at the expense of local businesses and certainly motorists. But in this case I want to draw the attention of the chamber and the Minister for Planning to the decisions that have been made and ask him to act to reverse some of these changes.

### REGIONAL YOUTH MENTAL HEALTH SERVICES

**Ms MAXWELL** (Northern Victoria) (19:49): (1792) My adjournment is to the Minister for Mental Health, and the action I seek is urgent provision for high-risk mental health beds for young people aged 12 to 15 in regional areas. I have a sad story to share with you tonight of a young person under the age of 16 who has had suicidal ideation, has made suicide attempts and seems to be falling through the cracks—firstly not serious enough to get help, then too serious for agencies to accept.

When this family saw the warning signs emerge they tried to get help locally. They got four sessions at Headspace and then were closed off because they were told his risk was low and the family was caring and supportive. In the meantime this young person isolated himself from friends, was not eating, would not participate in things, started self-harming and went into a spiral. The family wanted him to see a psychiatrist, but they were told no. The family reached out to CAMHS, which is Child and Adolescent Mental Health Services; they were told no. They were told that the system is overrun and there are no workers available. That is quite a rejection.

They eventually jumped the queue on a private waiting list and got to see a psychiatrist. After their child's first suicide attempt the family were told they needed to reconnect with CAMHS. They got a new caseworker, who told the family that they were overrun and had children in more desperate circumstances than his and that they were a priority. The next suicide attempt ended with an admission to Box Hill Hospital, and they were told regular contact was needed. They still had not seen a psychiatrist through CAMHS. Once they were discharged from the private system they could not get back in, because the child's situation was now so pronounced they would not take him, and private adolescent hospitals will not take people under 16 years of age.

Meanwhile, they seem to meet a roadblock time and time again from the public system. The 10-bed youth prevention and recovery care facility announced for Shepparton is a much-needed service for this region, and this announcement was welcomed last December. However, it will be next year before this service is operational, and it will cater for people aged over 16. So the gap continues for children aged 12 to 15.

For this child the opportunity was lost back in October 2020, when they first reached out for help. By the time they hit crisis the therapeutic opportunity had gone. This child has been admitted to Box Hill Hospital six times for critical care but has received little therapeutic care because his admission was over a weekend. I met with the mother of this child before Christmas, and I cannot tell you how heartbreaking this was. She is exhausted. Her resilience and determination to do everything she can for her child are incredible, but the impact of this is unmistakable. She cannot work, she cannot sleep and she is constantly alert and stressed.

An expansion of local service provision in our regions is desperately needed, and I would welcome a chance to discuss this further with the minister and find ways to increase services in our regions while the full reforms from the royal commission are rolled out.

#### ANGLISS HOSPITAL MATERNITY WARD LIFT

**Ms BURNETT-WAKE** (Eastern Victoria) (19:52): (1793) My adjournment request is directed to the Minister for Health, and the action that I seek is for the lift servicing the maternity ward at the Angliss Hospital in Upper Ferntree Gully to be replaced as an immediate priority. Eastern Health announced late last Thursday evening via Facebook that all maternity services at the Angliss would cease, effective immediately. This Facebook post was the first time expectant mothers who were booked into the Angliss were informed they would now need to travel and give birth at Box Hill. The reason given? A faulty lift in the hospital. Access to the maternity services at the Angliss requires a lift to be in operation to allow expectant mothers to receive appropriate care. I am advised that the lift is the quickest way to get patients into theatre from the maternity ward when an emergency C-section and other time-sensitive procedures are required.

An article published today by Melissa Meehan for the *Australian Associated Press* says women in labour have recently been carried down flights of stairs at the Angliss for emergency caesareans due to a broken lift. What is most concerning, however, is a line that says:

... staff at Angliss hospital ... have been practising lifting and sliding a stretcher using a system of ropes to get to an operating theatre.

There are also confirmed reports of pregnant women being winched down to the lower level. This lift has been unreliable for quite some time, which is appalling for a health service in 2022. Expectant

mothers who were booked into the Angliss to give birth within days found out that they would now be travelling to Box Hill, through this Facebook announcement. The comments were filled with expectant mothers concerned about the time it would take to get to Box Hill whilst in the throes of labour and not making it in time. Other mothers commented about times they had found themselves stuck in this lift with a newborn.

I am not here to criticise the staff at Eastern Health. They are doing the best they can with the resources they have. However, I do believe the extra stress these women are now facing is a direct result of underfunding of the hospital system by the Andrews Labor government. Why was the lift not repaired when it first became unreliable? This situation could have been prevented if action was taken earlier. If staff have been practising roping women down the stairs, there has surely been enough time to have the lift repaired. For these women the trip to Box Hill might be up to an hour—instead of 10 minutes to the local Angliss—depending on where they live. The Angliss is the closest hospital to the majority of towns in the wider Dandenongs and foothills area.

There has been no indication of how long maternity services will be cancelled other than ‘It will take some time’. I cannot help but worry that women will be jam-packed into beds wherever they can find them at Box Hill and not in a purpose-built maternity ward. Expecting the Box Hill campus to somehow cater for another hospital’s entire maternity ward is absurd. There will be compromises to care somewhere along the line. Birth is a stressful time for expectant mothers and their families. They deserve a level of care that is currently not being met by the Labor government. I call on the minister to have the lift in the maternity ward at the Angliss fixed as a matter of urgency and priority.

### COVID-19 VACCINATION

**Mr QUILTY** (Northern Victoria) (19:56): (1794) My adjournment matter is for the Minister for Local Government. Minister, since the segregation of Victorians by vaccination status, many of my constituents in Northern Victoria have found themselves barred from entering facilities provided by local councils—indeed, people have all over the state. They are barred because they do not have the right papers and barred because they made a medical choice that does not line up with this government’s mandates. The local swimming pool became out of bounds. There was no cooling off on a hot day with the kids when temperatures soared and tempers frayed, no quiet times in the local library, no quiet space to study, no right to attend storytelling sessions for the little ones or a community group get-together for the elderly, no attendance at council meetings, no going to council offices to conduct your business and no entry to the pound or to child care.

During the course of the COVID-19 pandemic so many things were taken away from all Victorians. Over and over regional Victoria took a hit when we were lumped with metropolitan Melbourne and their lockdowns. So many times those on the border were disadvantaged by border closures when there was not a case within cooee of our regional towns. ‘Papers, please’ became a daily occurrence to cross the border for daily life. Now that the borders are open we are being asked for another set of papers—proof of vaccination—before entry will be granted to council owned and run facilities. These are facilities and services that are provided for and paid for by all ratepayers—not just the vaccinated. The action I seek is for unvaccinated ratepayers to receive a refund on their council rates, as they are being excluded from using local council assets—council assets that they pay for.

### LATROBE VALLEY DRUG COURT

**Ms BATH** (Eastern Victoria) (19:57): (1795) My adjournment matter this evening is for the Attorney-General, and it relates to drug and alcohol treatment orders for people with related dependencies who have committed associated criminal offences. The action I seek from the minister is to consult with key stakeholders and establish a drug and alcohol treatment court in the Latrobe Valley. Victoria’s first Drug Court was in Dandenong in 2002, and later there was one in the Melbourne Magistrates Court in 2017, with the purpose of imposing drug and alcohol treatment orders—DATOs. An order consists of a custodial sentence, not exceeding two years, to be served in the community to allow the participant to receive drug and/or alcohol treatment. Treatment supervision

is aimed at addressing the participant's drug or alcohol dependency. Supervision of the participant is the responsibility of the Drug Court magistrate, with the support of various caseworkers, clinical advisers, counsellors, the police and the defence counsel, which can include Victoria Legal Aid. These supports are essential to help participants achieve their treatment, recover, come clean and establish a new life and to reduce those reoffending cases that would cancel a DATO. The main aim of a DATO of course is to reduce recidivism and to provide significant health benefits to the participants and forward savings through the diversion of imprisonment and related crime.

In the Latrobe Valley—and these are not good statistics; these are sad statistics, but they are true statistics—from 2014 to last year, 2021, drug-related criminal incidents within the Latrobe Valley area had increased by 38 per cent. Drug use and possession in the Latrobe Valley had also risen by 45 per cent. Now, we see that there has been an expansion to the Deputy President's region, to Shepparton, of the Drug Court and to Ballarat and a pilot place in the County Court in Melbourne.

The Attorney has said and gone on record stating that the community needs to establish a reason and prosecute the case and also they need to consult with key stakeholders. Well, I say these statistics are actually a clear indication that it is needed in Central Gippsland, that the Latrobe Valley needs that support. People, communities, in this area need to have this support. So my action is to ask the minister to make sure that the government consults with key stakeholders to make sure that this is right, make sure the parameters are right and establish a Drug Court in the Latrobe Valley so that we can get people back on the road to great health with good intervention.

#### TIMBER INDUSTRY

**Mr RICH-PHILLIPS** (South Eastern Metropolitan) (20:01): (1796) I wish to raise a matter for the attention of the Minister for Energy, Environment and Climate Change, and it relates to reports of illegal timber cutting in the Central Highlands. This has been identified by forestry workers in the Snobs Creek area. As members of the house know, the forestry community is very committed to operating in a way which is sustainable and indeed to operating in a way which is inside the law, notwithstanding that they are continually the subject of harassment by activists and indeed the subject of neglect by this government in the way it deals with vexatious protests and vexatious legal action.

The particular matter I refer to, as I said, occurred in the region of Snobs Creek in an area identified as both a Leadbeater's possum special protection zone and a rainforest site of significance. The illegal timber felling was undertaken by anti-forestry activists to create or to build a tree sit. This was recognised by timber workers. There are photographs that demonstrate this illegal timber cutting by activists took place and they built this tree sit in the vicinity of this area of Snobs Creek.

Whether inappropriate timber cutting takes place by accident by forestry workers or whether it is undertaken by activists, it should be followed up. We have seen time and time again the Office of the Conservation Regulator take action and investigate the activities of timber workers where allegations are made that they have cut timber that they should not have. Likewise this matter should be followed up by the Office of the Conservation Regulator. A report was made to the Office of the Conservation Regulator in relation to this illegal timber felling, only for the OCR to say, 'It's a matter for the police'. Well, it is not a matter for the police, it is a matter for the OCR, and I ask that the Minister for Energy, Environment and Climate Change ensure that this illegal timber cutting by anti-logging activists is followed up and is prosecuted as any other illegal timber cutting would be.

#### RESPONSES

**Ms TIERNEY** (Western Victoria—Minister for Training and Skills, Minister for Higher Education) (20:03): There were 14 adjournment matters this evening, and all of those will be referred to the relevant ministers.

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

**House adjourned 8.03 pm.**