

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**WEDNESDAY, 9 MARCH 2022**

[hansard.parliament.vic.gov.au](https://hansard.parliament.vic.gov.au)

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## **The Governor**

The Honourable LINDA DESSAU AC

## **The Lieutenant-Governor**

The Honourable JAMES ANGUS AO

## **The ministry**

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

**OFFICE-HOLDERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

**Speaker**

The Hon. JM EDWARDS

**Deputy Speaker**

Ms N SULEYMAN

**Acting Speakers**

Mr Blackwood, Mr J Bull, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Edbrooke, Ms Halfpenny, Mr McCurdy, Mr McGuire, Mr Morris, Ms Richards, Mr Richardson, Mr Taylor and Ms Ward

**Leader of the Parliamentary Labor Party and Premier**

The Hon. DM ANDREWS

**Deputy Leader of the Parliamentary Labor Party and Deputy Premier**

The Hon. JM ALLAN

**Leader of the Parliamentary Liberal Party and Leader of the Opposition**

The Hon. MJ GUY

**Deputy Leader of the Parliamentary Liberal Party**

Mr DJ SOUTHWICK

**Leader of The Nationals and Deputy Leader of the Opposition**

The Hon. PL WALSH

**Deputy Leader of The Nationals**

Ms E KEALY

**Leader of the House**

Ms EA BLANDTHORN

**Manager of Opposition Business**

Ms LE STALEY

**Heads of parliamentary departments**

*Assembly:* Clerk of the Legislative Assembly: Ms B Noonan

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

*Parliamentary Services:* Secretary: Ms T Burrows

**MEMBERS OF THE LEGISLATIVE ASSEMBLY**  
**FIFTY-NINTH PARLIAMENT—FIRST SESSION**

<b>Member</b>	<b>District</b>	<b>Party</b>	<b>Member</b>	<b>District</b>	<b>Party</b>
Addison, Ms Juliana	Wendouree	ALP	Maas, Mr Gary	Narre Warren South	ALP
Allan, Ms Jacinta Marie	Bendigo East	ALP	McCurdy, Mr Timothy Logan	Ovens Valley	Nats
Andrews, Mr Daniel Michael	Mulgrave	ALP	McGhie, Mr Stephen John	Melton	ALP
Angus, Mr Neil Andrew Warwick	Forest Hill	LP	McGuire, Mr Frank	Broadmeadows	ALP
Battin, Mr Bradley William	Gembrook	LP	McLeish, Ms Lucinda Gaye	Eildon	LP
Blackwood, Mr Gary John	Narracan	LP	Merlino, Mr James Anthony	Monbulk	ALP
Blandthorn, Ms Elizabeth Anne	Pascoe Vale	ALP	Morris, Mr David Charles	Mornington	LP
Brayne, Mr Chris	Nepean	ALP	Neville, Ms Lisa Mary	Bellarine	ALP
Britnell, Ms Roma	South-West Coast	LP	Newbury, Mr James	Brighton	LP
Brooks, Mr Colin William	Bundoora	ALP	Northe, Mr Russell John	Morwell	Ind
Bull, Mr Joshua Michael	Sunbury	ALP	O'Brien, Mr Daniel David	Gippsland South	Nats
Bull, Mr Timothy Owen	Gippsland East	Nats	O'Brien, Mr Michael Anthony	Malvern	LP
Burgess, Mr Neale Ronald	Hastings	LP	Pakula, Mr Martin Philip	Keysborough	ALP
Carbines, Mr Anthony Richard	Ivanhoe	ALP	Pallas, Mr Timothy Hugh	Werribee	ALP
Carroll, Mr Benjamin Alan	Niddrie	ALP	Pearson, Mr Daniel James	Essendon	ALP
Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
Connolly, Ms Sarah	Tarneit	ALP	Richards, Ms Pauline	Cranbourne	ALP
Couzens, Ms Christine Anne	Geelong	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Crugnale, Ms Jordan Alessandra	Bass	ALP	Riordan, Mr Richard Vincent	Polwarth	LP
Cupper, Ms Ali	Mildura	Ind	Rowswell, Mr Brad	Sandringham	LP
D'Ambrosio, Ms Liliana	Mill Park	ALP	Ryan, Stephanie Maureen	Euroa	Nats
Dimopoulos, Mr Stephen	Oakleigh	ALP	Sandell, Ms Ellen	Melbourne	Greens
Donnellan, Mr Luke Anthony	Narre Warren North	ALP	Scott, Mr Robin David	Preston	ALP
Edbrooke, Mr Paul Andrew	Frankston	ALP	Settle, Ms Michaela	Buninyong	ALP
Edwards, Ms Janice Maree	Bendigo West	ALP	Sheed, Ms Suzanna	Shepparton	Ind
Eren, Mr John Hamdi	Lara	ALP	Smith, Mr Ryan	Warrandyte	LP
Foley, Mr Martin Peter	Albert Park	ALP	Smith, Mr Timothy Colin	Kew	LP
Fowles, Mr Will	Burwood	ALP	Southwick, Mr David James	Caulfield	LP
Fregon, Mr Matt	Mount Waverley	ALP	Spence, Ms Rosalind Louise	Yuroke	ALP
Green, Ms Danielle Louise	Yan Yean	ALP	Staikos, Mr Nicholas	Bentleigh	ALP
Guy, Mr Matthew Jason	Bulleen	LP	Staley, Ms Louise Eileen	Ripon	LP
Halfpenny, Ms Bronwyn	Thomastown	ALP	Suleyman, Ms Natalie	St Albans	ALP
Hall, Ms Katie	Footscray	ALP	Tak, Mr Meng Heang	Clarinda	ALP
Halse, Mr Dustin	Ringwood	ALP	Taylor, Mr Jackson	Bayswater	ALP
Hamer, Mr Paul	Box Hill	ALP	Theophanous, Ms Katerina	Northcote	ALP
Hennessy, Ms Jill	Altona	ALP	Thomas, Ms Mary-Anne	Macedon	ALP
Hibbins, Mr Samuel Peter	Prahran	Greens	Tilley, Mr William John	Benambra	LP
Hodgett, Mr David John	Croydon	LP	Vallence, Ms Bridget	Evelyn	LP
Horne, Ms Melissa Margaret	Williamstown	ALP	Wakeling, Mr Nicholas	Ferntree Gully	LP
Hutchins, Ms Natalie Maree Sykes	Sydenham	ALP	Walsh, Mr Peter Lindsay	Murray Plains	Nats
Kairouz, Ms Marlene	Kororoit	ALP	Ward, Ms Vicki	Eltham	ALP
Kealy, Ms Emma Jayne	Lowan	Nats	Wells, Mr Kimberley Arthur	Rowville	LP
Kennedy, Mr John Ormond	Hawthorn	ALP	Williams, Ms Gabrielle	Dandenong	ALP
Kilkenny, Ms Sonya	Carrum	ALP	Wynne, Mr Richard William	Richmond	ALP

**PARTY ABBREVIATIONS**

ALP—Labor Party; Greens—The Greens;  
Ind—Independent; LP—Liberal Party; Nats—The Nationals.

## **Legislative Assembly committees**

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

Ms Addison, Mr Blackwood, Ms Couzens, Mr Eren, Ms Ryan, Ms Theophanous and Mr Wakeling.

### **Environment and Planning Standing Committee**

Ms Addison, Mr Fowles, Ms Green, Mr Hamer, Mr McCurdy, Ms McLeish and Mr Morris.

### **Legal and Social Issues Standing Committee**

Mr Angus, Mr Battin, Ms Couzens, Ms Kealy, Ms Settle, Ms Theophanous and Mr Tak.

### **Privileges Committee**

Ms Allan, Mr Carroll, Ms Hennessy, Mr McGuire, Mr Morris, Mr Pakula, Ms Ryan, Ms Staley and Mr Wells.

### **Standing Orders Committee**

The Speaker, Ms Blandthorn, Mr Fregon, Ms McLeish, Ms Settle, Ms Sheed, Ms Staley, Ms Suleyman and Mr Walsh.

## **Joint committees**

### **Dispute Resolution Committee**

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

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

### **Electoral Matters Committee**

*Assembly:* Ms Hall, Dr Read and Mr Rowsell.

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

### **House Committee**

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

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

### **Integrity and Oversight Committee**

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

*Council:* Mr Grimley.

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

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

*Council:* Ms Crozier and Mr Erdogan.

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

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

*Council:* Mrs McArthur and Ms Taylor.

### **Scrutiny of Acts and Regulations Committee**

*Assembly:* Mr Burgess, Ms Connolly and Mr Morris.

*Council:* Ms Patten and Ms Watt.

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**Wednesday, 9 March 2022**

**The SPEAKER (Hon. Colin Brooks) took the chair at 9.32 am and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

**The SPEAKER (09:32):** We acknowledge the traditional Aboriginal owners of the land on which we are meeting. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

**PHOTOGRAPHY IN CHAMBER**

**The SPEAKER (09:33):** I wish to advise the house that I have given approval for a photographer to take photos during the period from 2.00 pm to 4.00 pm today. Photographs will be used by the Parliament for promotional and community engagement purposes.

**Petitions**

**Following petition presented to house by Clerk:**

**ELDORADO DREDGE HISTORIC RESERVE**

The Petition of certain residents of Victoria draws to the attention of the House that improvements need to be made in the Eldorado Dredge Historic Reserve at Eldorado, including all abilities access to walking tracks, rebuild of walking bridge, weed control and signage. The Reserve is unique in its proximity to the township of Eldorado, rich in history, birdlife and habitat. The area is beneficial to the wellbeing of residents and local tourism. The petitioners therefore request the Victorian Government provide the required funding to undertake these necessary works.

**By Mr McCURDY (Ovens Valley) (82 signatures).**

**Tabled.**

**Ordered that petition be considered next day on motion of Mr McCURDY (Ovens Valley).**

**Documents**

**DOCUMENTS**

**Incorporated list as follows:**

**DOCUMENT TABLED UNDER AN ACT OF PARLIAMENT**—The Clerk tabled the following document under an Act of Parliament:

*Planning and Environment Act 1987*—Notice of approval of an amendment to the Victoria Planning Provisions—VC209.

**Bills**

**VICTORIA POLICE AMENDMENT BILL 2022**

*Council's agreement*

**The SPEAKER (09:34):** I wish to advise the house I have received a message from the Legislative Council agreeing to the Victoria Police Amendment Bill 2022 without amendment.

## WORKPLACE SAFETY LEGISLATION AND OTHER MATTERS AMENDMENT BILL 2021

### *Council's amendments*

**The SPEAKER** (09:34): I have also received a message from the Legislative Council agreeing to the Workplace Safety Legislation and Other Matters Amendment Bill 2021 with amendments.

**Ordered that amendments be taken into consideration immediately.**

**Message from Council relating to following amendments considered:**

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”.
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”.

**Ms ALLAN** (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (09:36): I move:

That the amendments be agreed to.

**Motion agreed to.**

**The SPEAKER:** A message will now be sent to the Legislative Council informing them of the house's decision.

### **Members statements**

#### **MACCABI FOOTBALL CLUB**

**Mr SOUTHWICK** (Caulfield) (09:37): Connecting people is such an important thing to do, particularly at these times, and there is no better way than through sport. I wanted to recognise Maccabi's great work, particularly last night's fifth hall of fame dinner—Maccabi has some 40 000 supporters and 7000 members—with Dylan Alcott as the guest speaker, Cathy Freeman and a list of legends and hall of famers.

I particularly want to recognise Daryl Cohen, Sam Parasol and Ben Sternfield, who have been inducted as legends, along with hall of famers Dr Peter Braun, Peter Kagan, Sasha Kiroi-Bogatyrev, Melissa Maizels, Barak Mizrahi, Jemima Montag, Marco Papo, Ruben Sackville, Dr Gary Zimmerman and David Zuker. These people were inducted last night into the hall of fame and as legends. Maccabi do a fantastic job in the community. They do absolutely build bridges, as we heard from Dylan Alcott last night, particularly what they do in terms of connecting people and the social element of sport. We know Maccabi has a fantastic all-abilities group as well, and they were well represented last night. It was great to actually get out and about at Leonda and see many in the community that had not been able to get out and about for so long—to be present, to be active, to celebrate success, to celebrate those people that have given so much to community support and community sport and to ensure those people are supported in our broader community.

#### **CASTLEMAINE GOODS SHED**

**Ms EDWARDS** (Bendigo West) (09:38): Last week was a big week in Bendigo West. Last Monday it was great to be at the Castlemaine Goods Shed to announce that renowned architects Cumulus Studio have been appointed to design the next stage of the \$6 million redevelopment. Works will create flexible spaces for creative activities, and it is expected to be finished in late 2023. This project further strengthens Castlemaine's reputation as one of Victoria's creative hubs and ensures events like our brilliant Castlemaine State Festival can continue to thrive.

**UNITE THE NORTH CAMPAIGN**

**Ms EDWARDS:** On Tuesday I joined with user groups from the North Bendigo Recreation Reserve to launch the Unite the North campaign to raise funds and awareness of the need for upgraded facilities. These clubs are an integral part of our community, and I support their campaign.

**MALDON STREETSCAPE REVITALISATION**

**Ms EDWARDS:** In Maldon on Wednesday I inspected progress on our \$4.5 million Maldon streetscape revitalisation project. New lighting has been installed, overhead power cables have already been converted to underground connections and upgrades to footpaths, crossings and seating are on track. This is already bringing so many benefits to Maldon.

**CASTLEMAINE BOTANICAL GARDENS**

**Ms EDWARDS:** In Castlemaine I opened the new lighting at our beautiful historic botanical gardens, thanks to our community crime prevention program.

**BENDIGO HEALTH**

**Ms EDWARDS:** And finally, on Monday, with the Minister for Health, I inspected progress on Bendigo's new \$59.5 million day rehabilitation facility at the old hospital site. As works ramp up on this project, Bendigo Health has also just appointed its 5000th staff member as part of its committed and hardworking local team. The Andrews Labor government is building a world-class healthcare precinct in our region and is delivering for all in Bendigo West.

**AMBULANCE SERVICES**

**Mr McCURDY** (Ovens Valley) (09:40): I wish to raise a concern on behalf of Heather Mann of Wangaratta, who recently was declined an ambulance when she dialled 000. I met with Heather last week and she explained to me that she was told by a 000 operator that no-one from Ambulance Victoria would answer the call and she had better find her way to hospital at 2 in the morning. Luckily a friend came to her rescue. The ambulance operator did call her back to say there was not an ambulance coming and that she should catch a taxi to hospital. Now, what sort of Third World environment do we live in where ambulance services can (a) refuse to answer a call or (b) call back and refuse to pick up a patient? Ms Mann is not a frequent caller to the 000 hotline; she just needed help. The Minister for Ambulance Services needs to be up-front and tell Victorians on what grounds an ambulance can be refused to a caller. Is it just Wangaratta? Is it the time of day? Give us the truth and tell us what a caller should do if they are refused an ambulance. Who decides if an ESTA operator tells a patient they will not be coming and says, 'Take a taxi if you need to get to Northeast Health Wangaratta'? Heather said to me, and I quote, 'Somebody will die if this continues', and sadly she is correct. Other MPs have similar stories to tell, but I do wonder why the Labor MPs are too scared to speak out. People are dying in Victoria waiting for an ambulance that is either late or refuses to turn up. The Andrews government must stop blaming COVID for everything and fix this mess. Stop the spin. We want to know: if you call an ambulance, will an ambulance come?

**INTERNATIONAL WOMEN'S DAY**

**Ms ADDISON** (Wendouree) (09:41): I am proud to be a member of the Andrews Labor government representing the electorate of Wendouree and its strong women past and present. Ballarat has a rich history of strong women, beginning with the Wathaurong women who have lived in the region for tens of thousands of years, caring for country. Their traditions, stories and culture live on with the current generations. The women of the goldfields of the 1850s, some of the first European women to come to Ballarat, battled the harshest conditions, living in tents, raising their families and working on the diggings, and the women involved in the political struggle of the Eureka uprising and those who created the iconic Eureka flag fought against corruption and injustice. During the war years the mothers, the sisters, the wives and the loved ones grieved the soldiers who were lost or changed forever in faraway conflicts. The Lucas girls made sure that these brave men were never forgotten,

spearheading the construction of the Arch of Victory and the Avenue of Honour. Jessie Scott, who was elected mayor of Ballarat in 1976, was the first woman to hold the role after 120 years of male mayors. There are the former members of this place who represented the electorate before me, Karen Overington and Sharon Knight, and Catherine King, who was our first woman to represent the federal seat of Ballarat and continues as the longest serving member in the history of the seat. In Ballarat we have such a proud tradition of strong women who have shaped our communities. To the daughters of Wendouree: may you inherit their strength and the bravery of those who came before you. Together we will break the bias.

### VICTORIAN ATHLETES

**Ms McLEISH** (Eildon) (09:42): The last weeks have been devastating for the sporting sector, with the loss of many wonderful athletes. John Landy famously lived a great, honourable and long life, passing away at the age of 92. Champion cyclist Dean Woods from Wangaratta lost his battle with cancer at too young an age. An Olympic gold medallist in the 4000-metre team pursuit in the 1984 Olympics in LA aged 18, he medalled again in individual and team events in Seoul and Atlanta. Dean was passionate and driven. He was also a three-time world champion and competed on road and track. Cricket has suffered twice. Following the death of Rod Marsh, Shane Warne's death has been felt strongly worldwide. His record speaks for itself: 708 test wickets, an excellent slip fielder and handy with the bat, knocking up some 3000 runs, including a 99. A remarkable talent, the king of spin will be remembered fondly for his talent and zest for life.

### GRAEME ROBB

**Ms McLEISH**: Some people work tirelessly to serve their community and do so with little fuss and fanfare. Graeme Robb was one of those. A fourth-generation farmer, for 50 years Graeme has supported his community through his voluntary role as an ambulance community officer. Graeme commenced his service with the Alexandra district ambulance service in 1971. The conditions and demands have changed much over the years, but the traumas and challenges are still raw. Graeme consistently devoted time to attending training courses to ensure he could deliver the best possible emergency services to the communities of Alexandra, Eildon and Marysville and the visitors to those areas when they were most in need. Graeme is an inspiration and an exceptional volunteer, and his work deserves to be heralded.

### 100 STORY BUILDING

**Ms HALL** (Footscray) (09:44): I rise to recognise one of the most creative and fun organisations in all of Melbourne's west. 100 Story Building, which I am happy to say is based in my electorate of Footscray, is a magical place. It is located 99 levels below a trapdoor filled with strange creatures, mysterious machines and some oversized, slightly aggressive cats. 100 Story Building has worked with more than 3600 students in my Footscray electorate alone across 21 schools. An annual highlight is the Early Harvest program, now in its 10th year. This is Australia's only creative project that supports primary school students to write, edit and illustrate a professional, published book which you can buy in the shops. This year Footscray Primary School and St Monica's Primary School are participating, and I cannot wait to see what they come up with.

100 Story Building's creative writing and story-making workshops foster imagination and inclusion as well as teaching creativity and problem-solving skills. These are lifelong attributes which will be central to the jobs of the future. I visited 100 Story Building recently and they had an extra-special present for me. It was a jar full of words, and my homework was to pick out one and use it in my contribution in Parliament. I will be using them from time to time, so keep an ear out. You never know when I will be making references to 'kibble-flavoured' things in the Parliament. I am looking forward to discussing their work with the Minister for Education.

**MAROONA TO PORTLAND FREIGHT LINE**

**Ms BRITNELL** (South-West Coast) (09:45): The freight rail line between Maroona and Portland is currently on a fast track to nowhere. Leased by the Victorian government to the Australian Rail Track Corporation, a lack of investment in track upgrades has led to the speed limit being lowered from 80 kilometres per hour to 40 kilometres per hour. As a vital link to the port of Portland and at a time when Victoria needs to recover and rebuild, we again have another perfect example of the Victorian government treating regional Victoria with contempt. The port of Portland, being a deepwater port, is more efficient for producers because ships can be filled to greater capacity. This in turn negates the need to stop at other ports to top up loads.

It is estimated an upgrade to the Maroona to Portland line would remove almost 70 000 truck trips per year, and that is just for grain. That is 70 000 additional truck trips on our rural and regional roads, which as anyone who has driven on them would know are in many places crumbling and dangerous. We are also seeing growing export markets for mineral sands, with a project near Horsham expected to bring 1 million tonnes to Portland each year, but much like our rural roads, the government is ignoring the importance of vital infrastructure in regional Victoria to instead focus on the billions it is spending on tunnels in Melbourne. I urge the Victorian government to stop talking about the great job it is doing in regional Victoria and actually step up and fund some of these vital infrastructure projects that will give Victorian producers a competitive advantage. Funding projects such as the Maroona to Portland freight line would be a good start.

**TRIPLE HELIX: MY DONOR-CONCEIVED STORY**

**Mr CARBINES** (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (09:47): I was at Readings bookstore in St Kilda last week for the launch of *Triple Helix: My Donor-Conceived Story* by Lauren Burns, who was interviewed by Ramona Koval. I just want to quote from the dust jacket:

When Lauren Burns learns she is donor conceived she begins a turbulent journey to discover the identity of her biological father. Battling outdated legislation and a medical culture of silence, she enters a political campaign to pass world-first laws overturning decades of donor anonymity. She must also grapple with the radical rewriting of her history and sense of identity when she finally finds her biological father and discovers she's part of a well-known Australian family.

Lauren's extraordinary story traverses the many moral and legislative dilemmas of assisted reproductive technology: the rights of the child and the donor, and the strange terrain to be navigated if and when the two parties ever meet.

I was pleased to be invited to the launch and join a former colleague, the member for Prahran as he was then and former chair of the Law Reform Committee, Clem Newton-Brown, and of course former Governor David de Kretser.

There are many donor-conceived people for whom, thanks to changes in the law—retrospective changes by our Parliament flowing from Lauren's advocacy and the work of this Parliament—there are opportunities for access to medical records, for transparency and for connections to be made between donor-conceived Victorians and their biological families. Everyone has a fundamental human right to know where they came from, their genetic history, and have access to medical records that affect them. It is some of the most significant work that our Parliament has done, and I am very grateful to Lauren for her advocacy and her work to put it in the book. I commend it to the house.

**CLIMATE CHANGE**

**Dr READ** (Brunswick) (09:48): It seems as though we are hearing about the effects of climate change every day now. Obviously the floods in south-east Queensland and in New South Wales have been terrible and are ongoing, and people are still being evacuated while others are battling with mould in their houses or insurance claims. It is truly frightening what has been happening up there, but today we heard from Farmers for Climate Action that climate change is affecting our food prices, making our

food more expensive. We have heard from researchers that the spread of Japanese encephalitis through the eastern states of Australia, leading to the first death in Victoria, is also climate change related.

This week the UN Secretary-General called on G20 countries to hurry up and close down our coal-fired power stations. He said fossil fuels are a 'dead end'. When we urge this government to hurry up and phase out fossil fuels and tell us the timetable for phasing out fossil fuels we are met with rhetoric claiming that Victoria is a leader in generating renewable energy. Indeed it is true that we have had an encouraging increase in the development of renewable energy recently. We generate about a third of our electricity from renewables, but South Australia is two thirds, Western Australia is a whisker ahead of us and the ACT is at 100 per cent, so it is time to stop the silence and end the use of fossil fuels.

### CITY OF PORT PHILLIP CHILDCARE CENTRES

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (09:50): The UN Convention on the Rights of the Child states that the best interests of the child shall be a primary consideration on how governments go about their actions. Well, it is a pity that the Liberal Party-controlled council at the City of Port Phillip seem to have forgotten this as they continue their efforts to sell off three much-loved early childhood centres. They do so in the face of widespread community action led by the three centres—namely, The Avenue Children's Centre and Kindergarten, the Elwood Children's Centre and the Eildon Road Childcare and Kindergarten.

Despite the outcry from thousands who have supported the campaign, the council continue in their rush to sell off these centres and reduce the number of quality childcare and early learning places in our community. Most remarkably of all, they do this whilst aware of the offer of constructive engagement from the Andrews Labor government via the Minister for Early Childhood. The council voted again to continue this sell-off process.

This is a state where people at all levels and at most levels of local government recognise that our investment in early childhood development delivers community wellbeing at so many levels. This is when we consider the best interests of the child when we are pursuing a better future for us all. This is an issue that should unite us all. Sadly, the City of Port Phillip continue to divide us. Councillors, it is time to admit you are wrong. Stop the sell-off, secure the leases and the future of these sites, commit to being part of the community childhood learning future for the long haul and sit down with the Andrews Labor government and secure the future of these centres.

### SHANE WARNE

**Mr NEWBURY** (Brighton) (09:52): Shane Warne was one of the greatest cricketers that ever lived. When he bowled he delivered magic, and he was an icon whose story and achievements will live through the ages—but that was not the Shane Warne we saw in Brighton. You did not have to talk to Shane for long before feeling the love he had for his kids, Brooke, Jackson and Summer. As he said, 'being a decent dad is the biggest achievement, it's what life is all about'. In Brighton that is the Shane we saw, but we also saw his support for kids far beyond his front fence. During its operation the Shane Warne charitable foundation donated over \$4 million to six young people. Its last donation of \$340 000 went to Will Murray, a young bayside boy who became a quadriplegic after a tragic accident.

Bayside's local sporting clubs saw that side of Shane too. He would often get out and train with local clubs, helping young kids learn sport. The other things you could see in Shane in spades were his unwillingness to conform, his big laugh and his permanent smile. Put simply, as only Aussies would say, Shane was a top bloke who had no tickets on himself. Brighton is broken-hearted to have lost Shane so young. He and his family are loved in my community. As Shane once said, Brighton was his patch. On behalf of my community, he was part of our patch and we will miss him. Rest in peace, legend.

**GRAHAM PROCTOR AND DIRK SAUER**

**Mr McGHIE** (Melton) (09:53): I rise to highlight some quiet achievers in our community. Over our lives we occasionally need to call on someone to sight and verify an important document or to help us through a prickly situation. Usually we seek the services of a local justice of the peace or bail justice, and in Melton, among a few, there are two such individuals I wish to highlight, both of whom have retired from their respective roles for their own personal reasons.

Mr Graham Proctor has been a JP for some 30 years. As his health fails him, he has now found the task a little too much for him to manage, and after many years of service to others it is now time for him to take some time for himself. I want to take a moment to personally acknowledge and thank Graham for his service to the community of the Melton district.

Mr Dirk Sauer is another of our longstanding community members whose ill health has required him to step away. Dirk has provided many years of honorary service as a bail justice and justice of the peace. It would not be unusual for Dirk to be called out in the wee hours of the night to support and counsel individuals during some of their darkest times and to deal with people in distress. He would be away from home for many hours at a time while family at home worried for him.

We sometimes forget that a justice of the peace has an honorary role, with each providing a valuable community service and each expected to uphold the highest of standards at all times. They give of their time freely and enthusiastically. To both Graham and Dirk, I wish you both well with your personal health battles. I particularly commend these two local Melton community members but want to thank every person who is currently undertaking roles as an important service to our community.

**TREATY ADVANCEMENT**

**Ms SHEED** (Shepparton) (09:54): The first Treaty Day Out concert was held recently on Yorta Yorta country at the Rumbalara Football Netball Club, with a great line-up of performers, including Archie Roach. The event was held to coincide with the start of voting for the First People's Assembly of Victoria by-elections, in which First Nations people will choose who will represent the north-east region in the treaty process.

**SHEPPARTON FIRE BRIGADE LADIES AUXILIARY**

**Ms SHEED**: I was delighted to attend a special dinner to thank the Shepparton fire brigade's ladies auxiliary for their amazing work to celebrate its 60th anniversary of service to our community. Our firefighters do a wonderful job, and they can do so because of the incredible support they receive from women who provide a huge amount of support—often in the background, but that help certainly is not taken for granted.

**CORELLA CONTROL**

**Ms SHEED**: I was visiting Numurkah earlier this week to see the damage that the little corellas have been doing to the golf course, ovals and trees in the town. These birds are in plague proportions in a number of our towns, but they are protected and can only be shot when special licences are approved. Action does need to be taken to control them, and I call on the government to urgently release the corella strategy that was commenced almost two years ago. Failing to act on this issue does have serious consequences. There are financial losses being incurred. The local caravan park says that people are coming into their office at 8 o'clock in the morning and saying, 'We're not staying any longer because we can't stand the noise'. The local golf club greens are being ripped up each morning, and people are cancelling their tours to that golf club. The environmental damage to trees in the area is really massive.

**INTERNATIONAL WOMEN'S DAY**

**Mr FOWLES** (Burwood) (09:56): Yesterday of course was International Women's Day, and I stand to pay tribute to an exceptional women's organisation in Burwood. But first I want to acknowledge all women, because often on International Women's Day in this house we talk about the exceptional women in our communities, those who have made significant contributions, achieved great things or made grave sacrifices, but we also must acknowledge the daily unheralded sacrifices made by so many women. We should consider what could be possible if the barriers that women faced were removed. We recognise that there are many exceptional women in our community who could have achieved more had it not been for the opportunities foregone, the credit not given, the salary not paid.

**KNITTED KNOCKERS AUSTRALIA**

**Mr FOWLES:** Today I also pay tribute to a local women's organisation based in Burwood, Knitted Knockers, and its founder, Cheryl Webster. Knitted Knockers is a not-for-profit organisation that supports breast cancer survivors who have had a mastectomy by providing an alternative to conventional prostheses. Their product is a 100 per cent cotton prosthesis that is soft, light, breathable and washable. They are free for those who are unable to pay, but at \$20 the standard retail price is considerably more affordable than traditional silicon prostheses.

Knitted Knockers started as an idea shared at a local Country Women's Association meeting and has since grown into a national organisation that supplies survivors and hospital oncology units from Waverley Private all the way up to Port Moresby General. By coordinating the efforts of 20 branches of women and men in knitting these prostheses, they directly support women all over the world, and I commend them.

**MORNINGTON PENINSULA PLANNING SCHEME**

**Mr MORRIS** (Mornington) (09:57): Last night the member for Nepean during the adjournment debate repeated an assertion that he has made on a number of occasions that according the Mornington Peninsula regional status would somehow negate the green wedge controls.

**Mr Brayne:** Correct.

**Mr MORRIS:** Correct?

**Mr Brayne:** Absolutely.

**Mr MORRIS:** The member knows, and if he does not he damn well should, that the green wedge controls are incorporated in the Mornington Peninsula planning scheme. If there is any daylight between according the Mornington Peninsula regional status and the green wedge controls, it can be dealt with by the stroke of a pen, by a ministerial amendment. The member knows that the Minister for Planning is the person entirely responsible for the Mornington Peninsula planning scheme, and if there is any daylight—I do not accept that there is, but if there is—it can be dealt with immediately by a planning scheme amendment.

Now, the fact is that for the last two years I have been seeking to get amendment C270, which will actually protect the green wedge, up—crickets from the Minister for Planning for two years. Finally, he has done it now. Ten months out from an election he has agreed to it. Do not come in here and tell this Parliament that the Labor Party's position on protecting the green wedge is superior. And if the member for Nepean—

*Members interjecting.*

**The SPEAKER:** Without interjections.

**Mr MORRIS:** If the member for Nepean needs to resort to scare tactics to get elected at the end of the year, then he needs to reflect on how little he has done since he has been here.



**MELBOURNE AIRPORT JOBS**

**Mr McGuire** (Broadmeadows) (09:59): 'More local jobs for local people' is my strategy for the expansion of one of Victoria's major economic drivers, Melbourne Airport. I have proposed an 'on just terms' strategy for economic and social development in talks with airport officials planning the third runway. Melbourne Airport is the biggest single-site employer outside the CBD, and I established the Melbourne Airport Joblink to provide local jobs for local people, originally with former airport CEO Chris Woodruff and Hume City Council.

This strategy is good for business, communities and people. I have invited Melbourne Airport officials to present their expansion plans at the next meeting of the Broadmeadows Revitalisation Board 4.0 so we can coordinate with local providers, featuring Kangan Institute, to match training, skills and qualifications to emerging jobs. This enlightened self-interest strategy with business has paid dividends for decades and has provided social benefits and jobs where they are needed most in Broadmeadows. Proof of this value is that Melbourne Airport draws 70 per cent of its employees from neighbouring municipalities. Melbourne Airport is Australia's only international curfew-free airport. This is of huge significance and value to the state of Victoria and nationally, and how we address the 'on just terms' issues with local communities and families is vital for our economic and social development and delivering jobs where they are needed most.

**INTERNATIONAL WOMEN'S DAY**

**Mr Tak** (Clarinda) (10:01): This year more than ever we should be recognising the diverse contributions of women. International Women's Day on 8 March is a celebration of all women and a time to look to the social, economic, cultural and political achievements of women right across the world. I was honoured to join some amazing leaders of women workers online on Monday night for a chat about women's rights, activism and union campaigns in both Australia and Cambodia. Thank you to Union Aid Abroad-APHEDA for hosting the online conversation, and most importantly thank you to Lisa Zanatta from the CFMEU and Tep Phallin Ou from the Cambodian Food and Service Workers Federation for sharing their time and experience. Phallin is a vocal and passionate leader campaigning for women's and workers' rights. She is currently supporting striking workers and union leaders jailed for protesting mass lay-offs by NagaCorp, who run Cambodia's NagaWorld casino, with more than 1300 workers sacked, mostly women, and more than 60 days in prison for some of the arrested workers and union leaders. So I join the long list of international voices condemning the actions of the company and the Cambodian government, and I echo calls to the Australian foreign minister to maintain close engagement on this issue and to raise the arrests and charges at the highest levels of government.

**MCKELLAR CENTRE**

**Mr Eren** (Lara) (10:02): I am so proud that the Andrews Labor government is building the mental health system the Geelong community needs. With construction nearing completion on the new acute mental health service at Barwon Health's McKellar Centre, last week along with the Minister for Mental Health and my colleagues the member for Geelong and the member for South Barwon I toured the site of the new 16-bed facility. This is on track to be completed in May this year and delivers on key recommendations from the Royal Commission into Victoria's Mental Health System just a year after the final report was handed down. The McKellar Centre facility will support an extra 355 Victorians to get the acute care they need each year. The beds have been designed in consultation with people who have lived experience of the mental health system, including consumers, carers and staff, to deliver a safe, welcoming treatment environment for Victorians experiencing acute mental health concerns. This new facility will reduce pressure on University Hospital Geelong's emergency department, delivering inpatient and acute mental health services and of course community-based care in a contemporary, safe and high-quality hospital setting. Throughout the royal commission we heard too many stories of people in our community who did not get the care they needed. We are delivering on the mental health support at every level so no Victorian falls through the cracks.

**SUNBURY UNITED FOOTBALL CLUB**

**Mr J BULL** (Sunbury) (10:03): I was delighted to join players, coaches, supporters and volunteers last Friday evening in Sunbury to launch the season of the Sunbury United soccer club. It was a terrific group of people who are absolutely thrilled that community sport is back in town. I would like to thank all of those there for having me along and wish everybody all the best for the season ahead.

**SUNBURY COMMUNITY HOSPITAL**

**Mr J BULL**: It was also terrific last week to join members of the Sunbury Community Hospital committee. Members received a project update from the team at the Victorian Health Building Authority and participated in a design workshop alongside project architects. There was good discussion about the entry, about landscaping, about outdoor areas, about internal shared spaces and about functions that the new upgraded facility will provide to the local community. Moving forward, the architects will now consider the committee's feedback and, where possible, integrate this feedback into design. I particularly want to thank community members Erin, Colin, Billie and Megan from Sunbury and Cobaw Community Health for their terrific contributions and their great feedback. This is a terrific facility, and we are very proud to be getting it done. So whether it is the community hospital, Sunbury level crossing upgrade, Sunbury Road upgrade and planning for upgrades at the Calder Freeway and Bulla bypass or whether it is investments in local schools and a number of sports clubs throughout the electorate, we will continue to make these investments for the local community and continue to get things done.

**DON LYELL**

**Mr DIMOPOULOS** (Oakleigh) (10:05): It is with deep sadness that I pay tribute to Don Lyell, an ALP member, a long-time supporter and a very dear friend. Don was one of those people that never seemed to lose his spark in life, even when things got difficult. He was an intellectual. He relished discussion and debate and was never short of an opinion. Don had an ability to captivate a room, built on his years as an economics lecturer, and he possessed a photographic memory of political history. He was a generous listener, turning his ear towards you so that he did not miss a thing. He was also a talker, and he was always—always—interesting to listen to. I once mentioned to Don that I wanted to buy shares for my young nephews. He gave me a four- or five-page document guiding me through what I could consider investing in for them. He was smart, accomplished, warm and genuine.

Don was also incredibly grounded. He would speak fondly of his roots, both his family's Scottish background and his memories growing up in regional Victoria. He was a committed and active ALP member. He served for many years as secretary of the Hughesdale branch. Aside from the ALP he was an active member of the U3A Moorleigh and the Holy Nativity Anglican Church in Hughesdale and was a true believer of the St Kilda Football Club. Above all else, Don was a dear friend. He was kind, generous and thoughtful. Anytime I needed support, Don and his wife, Jan, were there every step of the way, from physical work for the campaigns to moral support to opening their home for me to meet the community. When they loved you and supported you they showed it and they made it count. I will never forget that. To Jan, to Don and Jan's daughter, Georgina, and their son, Simon, and to his siblings, his beautiful family and all those who loved him, my deepest sympathies on the passing of a husband, a father, a brother, a friend and a very decent and good man. I will miss you, Don. Vale, Don Lyell.

**FOO FIGHTERS**

**Ms COUZENS** (Geelong) (10:06): The Foo Fighters in Geelong—absolutely awesome. Thanks to the minister for organising it. *(Time expired)*

**Statements on parliamentary committee reports****ELECTORAL MATTERS COMMITTEE***Inquiry into the Impact of Social Media on Victorian Elections and Victoria's Electoral Administration*

**Ms CONNOLLY** (Tarnait) (10:07): With 2022 being an election year, I am taking the opportunity—well, I took the opportunity—to look at the inquiry into the impact of social media on Victorian elections and Victoria's electoral administration. As a newly minted candidate at the 2018 election—which now feels like quite a long time ago—I learned very quickly the importance of social media to go ahead and communicate with my electorate. Having never really used social media platforms before, this was all very new to me. Whether it was for our great government announcements in the 2018 election or addressing local issues, just reaching out to local residents or even celebrating the positives that were actually taking place in our community—so identifying not just the challenges but also the incredible opportunities for our community—it was a really steep learning curve in being able to navigate those social media platforms.

As members of Parliament quite often we feel we have to learn all the different apps—and I have to say I am not across all of them yet, whether it is Facebook or Instagram or Twitter and more—to engage with people across Victoria and indeed our electorates. All of this naturally plays into how information is distributed during elections, especially in election years, like this one. We have this incredible sensation of having not just one but indeed two elections here in Victoria this year. I remember the last election being filled with so much misinformation and deceptive conduct about party policies as well as how to vote. I think it was pretty obvious to this side of the house. We knew who was doing that, and we know that indeed they will be doing it again, whether it is for the federal election or indeed the state election at the end of this year. In the wake of COVID I have no doubt that we will see social media being weaponised and manipulated by conspiracy theorists and anti-vaxxers, and make no mistake, they will be spending big bucks to distort the truth come election time. It has therefore never been more important for an inquiry like the one that has just taken place to provide a framework to guard against attempts to weaponise social media to distort and undermine faith in our electoral processes. We all got a really horrific glimpse of what it actually looks like when myths and lies about the way elections turn out are given room to fester. We only have to look to our friends over in the United States when we talk about that.

Now, when I think about the findings in this report, particularly about the way that women and minorities have been treated online, it does not surprise me one bit. When I think about some of the people, or sometimes we call them trolls, that I have encountered on Facebook—and I am sure there are many of us here in this place that can point to many, many people—whether they are fake profiles or real people in the community that have felt the need to comment incredibly negatively across our social media platforms, you tend to see quite a pattern of it. I have rarely resorted to blocking them. They are entitled to their views, of course, but there comes a point when you notice a certain level of fixation that is not actually healthy when being exposed to it on a daily basis.

Now, I know change in this space is really tricky, which is why the report makes no specific recommendation to alter the regulation of online conduct in respect to elections. It does, however, make some key recommendations that are really important and actually achievable, which include that the Victorian Electoral Commission take a more active role online in providing accurate information about voting and how to vote and dispelling misinformation about voting practices. We have seen the federal election commission do this, frankly and fiercely dispelling election myths, and I have to say whoever runs their Twitter account probably deserves a pay rise given the amount of misleading statements made in respect to voting. But in all seriousness, ultimately there is no snap-finger solution to counter the torrent of misinformation that exists in the public discourse during election times. It is up to all of us—the Parliament, social media platforms, the VEC and ordinary individuals—to go ahead and work together to safeguard democratic processes and the right to a free and fair election

against sometimes outright vile misinformation and online abuse. This is a really important report, and with the recommendations being handed down I would encourage everyone to take time to look at it.

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

### *Report on the 2021–22 Budget Estimates*

**Ms VALLENCE** (Evelyn) (10:12): I rise today to speak on the *Report on the 2021–2022 Budget Estimates*, handed down in October 2021. First I would just like to refer to page xxi of the report, in particular the section titled ‘Department of Treasury and Finance’. I would like to specifically bring the attention of the house to the net debt. Of course we know that the Andrews Labor government, with their ‘tax and spend, tax and spend’ agenda, are generating a huge debt for the state of Victoria, which is only going to be bad for our children and our grandchildren to have to pay back. We will note here that the net debt estimate was \$156.3 billion by 2024–25, which was an enormous record debt at the time of this report. We now know with the 2021–22 budget update that that net debt figure has blown out to \$162.7 billion by 2024–25. That is a whopping increase of \$6.4 billion.

Now, we know that the cost of living for Victorians is critical and crucial, but with a state government that has no way of managing its money and a massive net debt, they have to find a way to service that debt—and all this government wants to do is tax Victorians more. We have seen that despite Premier Andrews promising no new taxes he has introduced not one, not five, but 40 new or increased taxes in his eight long years in power. That is a shocking situation for Victorians, because all that taxing does across the spectrum is make the cost of living for Victorians more.

The Andrews Labor government will have you believe that this has been due to COVID—that the ballooning debt and the ballooning problems in terms of that government debt are because of the COVID response and the extra money that they have had to put. And no doubt we have had a pandemic. We have had a pandemic, and there have been additional costs associated with that. But let us not forget that this Andrews Labor government was in a technical recession before the COVID pandemic and before the 2019–20 bushfires.

So they were in a poor situation financially, which is exactly why now, when we have a pandemic, when we have an emergency situation and a challenging situation for our state, the debt has only got worse. They cannot blame it only on the COVID-19 pandemic response, because we know that their Big Build infrastructure program is suffering immense problems: blowout after blowout after blowout on all of these major projects. I mean, the West Gate Tunnel Project is an example: more than two years after that project was given the go-ahead they had not even started tunnelling. It is a tunnel! That is because of the toxic waste, the toxic tunnel mess. They have nowhere to put the toxic soil. They want to dump it on outer suburban communities in Victoria, which I think is outrageous.

So these government projects have been racking up huge amounts of cost blowouts. This government has no idea how to actually budget any infrastructure project. Every single infrastructure project that they do goes over. I recall when I was a member of the Public Accounts and Estimates Committee that we asked the Minister for Transport Infrastructure to name just one project that had not blown out and the transport infrastructure minister could not—could not name one project that had not gone over budget. We know from the figures that have been provided that these major infrastructure projects have gone at least \$24 billion over budget as an aggregate. That budget blowout is just waste and mismanagement. That is just down the toilet. We know that that \$24 billion, if it had not been wasted, could have funded 120 000 ambulances or 280 000 teachers or nurses.

We know that the report that I am talking on today, the report on the 2021–22 budget estimates, at I think page 37 refers to the ambulance response times. Now, if— (*Time expired*)

## PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

*Report on the 2020–21 Budget Estimates*

**Mr McGuire** (Broadmeadows) (10:17): I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates 2020–21 and the contribution from the Treasurer as the Minister for Economic Development on how Victoria is trying to strengthen economic performance with a range of mechanisms. I want to concentrate in this contribution on the vision, the plans and the partnerships that are being developed for economic and social development and the benefit that this will have Victoria-wide and for the national economy and, most importantly, for a regional and local perspective.

I want to look at how we get more local jobs for local people. This is the strategy for the expansion of one of Victoria's major economic drivers, Melbourne Airport. Melbourne Airport has been Victoria's gateway to the world for more than 50 years. In 1939 the commonwealth Minister for Defence identified the need for a new airport site for Melbourne. The Tullamarine site was chosen because it offered ample opportunity for long-term growth. So this has been a really significant piece of infrastructure for trade, for tourism and for driving economic advancement. Just to put it into perspective, the economic contribution of Melbourne Airport is \$18.2 billion in international freight moved through the airport. It also has 37.4 million passengers per year. This is the jewel in our economic crown. How we keep it curfew free is a critical aspect of doing this, and then how we address the concerns of residents, of people, as well as of high significance and a key balancing issue.

So I have proposed the 'on just terms' strategy for economic and social development in talks with the airport officials planning the third runway, and this is because Melbourne Airport is the biggest single-site employer outside the CBD. And I established the Melbourne Airport jobs link to provide local jobs for local people, originally with the former airport CEO, Chris Woodruff, and Hume City Council. So this is established. It has been developed. It is a strategy that is good for business, good for communities, good for people, and it also has major economic benefits for the state and the nation. To further this strategy, I have invited Melbourne Airport officials to present their expansion plans at the next meeting of the Broadmeadows Revitalisation Board 4.0 so we can coordinate with local providers.

These feature Kangan Institute to match training, skills and qualifications to the emerging jobs, and I was able to get a wonderful achievement with the Victorian government's investment of \$60 million in the last state budget for Kangan Institute. That is really important—to have the right skills and make sure that as the airport outlines its schedule of works we have the right qualifications and therefore deliver the local jobs for the local people.

Just to give you the proof of the value of this concept, Melbourne Airport draws 70 per cent of its employees from neighbouring municipalities. This is what I have always called the enlightened self-interest model for business—that you have your business but you are part of a community. If you draw your employees from that community, they are going to be loyal, they are going to deliver extra benefits and it will fit the 20-minute city argument that we have that you live and you work within 20 minutes. So people can be in the north, use this wonderful employment site and have the extra benefits that that provides.

Melbourne Airport's key proposition, as I say, and one of its highest values is that it is curfew free and an international airport. We know that in New South Wales they are pursuing how they can match us on this. So this is an incredibly important time to deliver these issues. The master plan is out and being assessed. It looks at development objectives, future land use, environmental issues and their management, and also flight paths and noise impacts. The strategy is 'Let's address these issues in an enlightened way and make sure that we can manage these for everybody throughout the community on just terms'—a phrase that is from *The Castle*, and of course that was set in Coolaroo in the state district of Broadmeadows.

**PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE***Inquiry into the Victorian Government's Response to the COVID-19 Pandemic*

**Ms KEALY** (Lowan) (10:22): Today I would like to speak to the inquiry into the Victorian government's response to the COVID-19 pandemic. Firstly I would like to pay recognition to my female colleagues, the member for Euroa and Melina Bath, as yesterday was International Women's Day and I did not have an opportunity to speak yesterday. So I would like to thank my dear colleagues in the National Party for their enormous support and encouragement. They are always there for me when I need it, and they are very strong women and fierce advocates for their local area. I am very, very proud that they are colleagues of mine in the National Party.

In regard to women, they have certainly carried more than their fair share over the pandemic. This is emphasised within the committee report regarding the government's response to the COVID-19 pandemic. In fact we have seen a devastating impact on women, whether it is about losing hours, losing their job or picking up an additional burden at home, particularly around homeschooling responsibilities. It is certainly women who have carried a heavy, heavy load, and we need to make sure that as much as possible is done to ensure these women can recover and rebuild as soon as possible.

**The DEPUTY SPEAKER:** Can I ask members to be a little bit quieter in the chamber while the member for Lowan is on her feet.

**Ms KEALY:** Thank you, Deputy Speaker. I note that over the pandemic we saw a lot of the restrictions that were brought on by the government have a significant and greater impact on women than they did on men. For example, the gender pay gap actually increased over the duration of the pandemic. From 9.6 per cent back in 2019 it rose to 12.2 per cent in May 2021. At the same time that Victoria saw an increase in the gender pay gap, other states saw a reduction in the gender pay gap. In South Australia, for example, they reduced their gender pay gap by 1.5 per cent down to 7 per cent. So at this current stage we have got South Australia with a gender pay gap of 7 per cent and Victoria with 12.2 per cent. The restrictions cut very, very deep when it comes to breaking down some of those established norms that we have got in the community and show that we are really not that far away from going back to the bad old days when women were paid so much less than men and were not paid an appropriate amount of money for the work that they did. They were not recognised for that.

The government's restrictions and lockdowns unfairly discriminated against women more often than they did against men. We also saw that women carried the worst of the pandemic's mental, social and economic impacts. For example, we know that women lost their jobs at nearly five times the rate of men over the pandemic, and nearly a third of Victorian women relied on federal government support during the lockdown. By comparison, a fifth of men found themselves in the same situation. More women than men had their working hours drastically reduced, shifted from full-time to work-at-home arrangements or just lost their shifts altogether—lost their hours. That is because we have an increased number of women who work in industries that were heavily affected by the lockdowns and restrictions, whether it is working in hospitality or the hairdressers and beauty parlours and other shops that were significantly impacted by the lockdowns. Now, these are businesses that employ more women. They are also more often owned and operated by women, and they are the ones that had those additional burdens put on them. They were closed more often over the pandemic, they had additional requirements when it came to being vaccinated themselves, and some of those barriers like wearing a mask in those circumstances was a deterrent for people to come and support these women-dominated businesses. We also know that women took on the lion's share of caregiving and that was particularly seen around the supervision of young students over remote-schooling periods.

So we know that in the pandemic we have seen so much impact put on women. We have seen that gender pay gap increase. We have seen women lose their jobs and lose hours of work, we have seen them take on additional responsibilities at home and we have also seen them seek out help for mental health support more often than men. It takes months now to see a psychologist or a counsellor to get support. What we need to see in Victoria is to get away from these decisions and restrictions and

lockdowns that are putting so much pressure on women. We need to make sure that we have got a policy framework that actually helps women to recover and rebuild their lives, not just for themselves but also for their family. The Liberals and Nationals have a plan to do that, and The Nationals will deliver that when elected this November.

### LEGAL AND SOCIAL ISSUES COMMITTEE

#### *Inquiry into Responses to Historical Forced Adoption in Victoria*

**Ms COUZENS** (Geelong) (10:27): I am pleased to rise again to speak on the Legal and Social Issues Committee inquiry into responses to historical forced adoption in Victoria. I want to again acknowledge and pay my respects to all the courageous women—the mothers—who experienced forced adoption, and importantly to those who gave evidence during the hearings in Melbourne and regional Victoria. The committee heard of the trauma experienced by mothers and the lifelong impacts on all aspects of their lives. The grief, sadness, shame and guilt have stayed with them forever. It was clear to the committee that the need for acknowledgement and recognition for the horrific experience of what the mothers had been through is a key issue for this inquiry.

In my previous contribution I spoke pretty much on the impact of forced adoption on those mothers that gave evidence, so in this contribution I want to focus a bit on the recommendations. There were 56 recommendations, and obviously I do not have time to go through all of those, but in summary I will touch on a few of the key elements. The committee made recommendations to improve the process for assessing hospital records for mothers, including that a specific application form be developed, fees waived and that applicants be informed as to why their records cannot be located, and additionally that the Victorian government encourage all organisations involved to identify all records in their possession and make these more readily available. One of the traumas for many of the women who gave evidence was the difficulty they had in accessing their records. Often it was met with hostility, so I think these are important recommendations in relation to access to records.

In relation to the acknowledgement and recognition of historical forced adoptions, several recommendations were made to increase community awareness of historical wrongdoings and what mothers endured under the policies and practices. The committee recommends that the Victorian government establish a redress scheme comprising financial compensation, counselling support and a direct personal response from responsible organisations such as mothers homes, hospitals and adoption agencies. The committee heard that it is difficult to assess psychiatric impairments for historical forced adoption due to the passage of time.

Therefore the committee recommends that the Victorian government investigate removing the requirement to prove a significant injury has been suffered as a result of forced adoptions under the Wrongs Act 1958. The committee believes that people should have the choice of obtaining a birth certificate that recognises their parents and adoptive parents. We have recommended integrated certificates upon request for adopted people.

Family reunification is complex and challenging. The committee recommends that the Victorian government offer specialist adoption-informed counsellors to support people through this time and then on an ongoing basis. Counselling has been really difficult for a lot of those women to access; it was more around appropriate access to counselling. A number of those women expressed their concern that the counsellors that they were dealing with did not understand the issues that they had faced and were still facing, so counselling was a huge issue, and getting that appropriate counselling for those women was a big deal for them. So that is a really important aspect to the recommendations of this report.

The extensive inquiry laid bare the shocking treatment of those women and of course their babies. So the fact is that these women were able to step up and tell their story in excruciating detail but also had to deal with the consequences of that, and I was really proud that our committee and our secretariat were able to put resources in place for those women to access counselling right there in the inquiry room or outside the inquiry room. These were really difficult and challenging inquiries that we did

across Victoria, but I am really proud of what we have done. I am really looking forward to the government response, which is coming soon.

### LEGAL AND SOCIAL ISSUES COMMITTEE

#### *Inquiry into Anti-Vilification Protections*

**Mr SOUTHWICK** (Caulfield) (10:32): I rise to make some comments on the inquiry into anti-vilification protections, which was an inquiry that took place in March 2020. In that committee there were a number of very, very important recommendations that were developed, one of which was recommendation 24:

That the Victorian Government establish a criminal offence that prohibits the display of symbols of Nazi ideology, including the Nazi swastika, with considered exceptions to the prohibition.

Recommendation 24 also looks at the display of other symbols. This was very much a groundbreaking report, and that recommendation was certainly the first of its kind that we had seen anywhere in this country. It follows a policy that the Liberal-Nationals took a year before that, in February 2020, which said that should we be elected the Liberal-Nationals would actually ban that hateful symbol. So it is very, very pleasing that a committee inquiry followed that, that a lot of really good work was done and that the government then took on in September 2021 the public acceptance of that recommendation to say we would get on and actually do this. A number of months have now followed, and we have not seen the legislation before the chamber.

Absolutely we stand to work in a bipartisan manner to make this happen, because it is very important for all of us. There is no place for hate in this state, no place at all, and we know that hateful symbol and that hurtful symbol is used against so many communities, not just the Jewish community which I proudly represent but a number of other communities as well. In the last couple of weeks we have seen the symbol emerge in a terrible way. Firstly, my federal colleague Josh Burns, who is running for the seat of Macnamara—now, Josh and I obviously do not agree on a lot of things, but on his political signage around the electorate on a number of telephone boxes a swastika was painted on his face, across the sign, in a horrific manner. There is no place for that. Following that, in the last couple of days, we saw a sign in someone's front yard in Snowdon Avenue in Caulfield. I am not talking a swastika the size of a page. I am talking a swastika the size of this table that was put out for all and sundry to view. The council had to effectively use bluff and bluster to get that taken down and effectively said that because the people had left the premises and there was no one there, it was rubbish that they could remove.

Now, we know if there was a tenant that really dug their heels in there would be nothing that we could do. In the time that that symbol was there, there were a number of people—again, Holocaust survivors and families of Holocaust survivors—that had to experience that. So I do plead with the government to get their skates on. Let us get the legislation before the house, and let us get this symbol banned. Let us show a very, very important focus to the broader community, to everybody, that there is no place for this kind of thing at all. This state has championed multiculturalism, inclusiveness and support for all, and I think that this ban is certainly a very, very important step for all of us.

I might add that there was a lot of publicity that Victoria was going to be the very first state in Australia that would actually do this. Surprisingly, there were reports last week to say that New South Wales will be beating us to the punch, and there is legislation now that they are developing before the Parliament to get the ban happening. So if New South Wales can actually do this, even though we have been talking about this for a number of years, it is disappointing that we have not got things done earlier.

This is not a political statement; this is a statement for us to work together. Let us get that symbol banned. Let us do whatever it takes. I stand ready to work with the Attorney-General in any possible way to see the legislation before the house. I can tell you it will be a celebration for all of us to finally see that we have the protections in place that we all deserve. As I have said on many occasions, there



is no place at all for this. Let us unite. Let us get the Nazi swastika banned so that we do not have people using it as a hurtful symbol.

### Business of the house

### NOTICES OF MOTION

**Mr CARBINES** (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (10:37): I advise that the government does not wish to proceed with the notice of motion today and ask that it remain on the notice paper.

### Bills

### JUSTICE LEGISLATION AMENDMENT (FINES REFORM AND OTHER MATTERS) BILL 2022

#### *Statement of compatibility*

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:38): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022.

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 Justice Legislation Amendment (Fines Reform and Other Matters) Bill 2022 (the Bill).

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

#### **Overview**

Relevantly, the Bill:

1. implements recommendation 12.1 of the Fines Reform Advisory Board (the Board) for a harmonised time served scheme for prisoners
2. implements recommendation 20 of the Board by allowing toll companies to request that toll fines be withdrawn once issued
3. enhances the information-gathering powers of the Director, Fines Victoria (the Director) and the sheriff, and
4. creates a legislative framework for the electronic service of documents under the *Infringements Act 2006* and the *Fines Reform Act 2014*.

#### **Human Rights Issues**

##### Human rights protected by the Charter that are relevant to the Bill

##### *Recognition and equality before the law*

Section 8 of the Charter relevantly provides that every person is equal before the law.

The changes to implement recommendations 12.1 and 20 of the Board promote the right in section 8.

The changes to implement recommendation 12.1 will ensure that all prisoners eligible to participate in the 'time served' scheme for prisoners—a scheme that allows prisoners to convert their unpaid fines to time in custody—can do so on an equal basis (clauses 32B-32M, 33(2) and 50B). Currently, the rules relating to prisoners with unpaid court fines are different from those applicable to prisoners with unpaid infringement fines. The scheme for infringement fines is broader and more flexible. The changes will bring the two schemes together and ensure that there are consistent rules for prisoners with unpaid fines who wish to convert those fines to prison time.

The changes to allow toll companies to request Victoria Police to withdraw a tolling infringement notice—made in response to recommendation 20 of the Fines Reform Advisory Board—will create a more flexible toll fine enforcement regime that is more responsive to the needs of vulnerable and disadvantaged fine recipients (clauses 61–64). The change will allow toll companies to request that fines be withdrawn if they consider that the fine should not be enforced, having regard to the fine recipient's circumstances.

Collectively, the changes will enhance the extent to which fine recipients are treated fairly and equally by the fines enforcement framework.

*Right not to have one's privacy and reputation unlawfully or arbitrarily interfered with*

Section 13(a) of the Charter provides that a person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference will be lawful if it is authorised by law. An interference will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the purpose of the interference.

#### **Powers to obtain additional information for the purpose of fines enforcement**

The Bill amends section 177 of the *Fines Reform Act 2014* to expressly authorise credit reporting bodies to disclose to the Director or the sheriff additional information about fine defaulters (clause 37). A 'fine defaulter' is a person who has been issued a fine and has not paid that fine after service of a penalty reminder notice, registration of the fine with the Director for enforcement under the *Fines Reform Act 2014* and the issue of a notice of final demand.

Currently, the Director and the sheriff can only obtain 'identification information' from credit reporting bodies (called 'relevant information'). This information is very limited in scope: it includes only a person's full name, date of birth, sex, current or last known address, two previous addresses, last employer and driver licence number.

The Bill will expressly authorise (but not compel) credit reporting bodies to disclose to the Director and the sheriff the following additional information about a fine defaulter:

- telephone number and email address
- credit worthiness information, and
- details of any accounts held by the person with any bank or other deposit-taking institution.

Credit worthiness information is defined to mean information concerning an individual's eligibility to be provided with consumer credit, history in relation to consumer credit or capacity to repay an amount of credit that relates to consumer credit.

Consistent with the current drafting of section 177, the request will need to be made in writing and for the purpose of enabling the Director or the sheriff to take enforcement action under the *Fines Reform Act 2014* against a fine defaulter.

The Bill also amends section 178 of the *Fines Reform Act 2014* to expressly allow third-party entities that collate publicly available information to disclose to the Director or the sheriff any information that may be of use in the enforcement of registered fines, collection and enforcement orders, directions and warrants under the *Fines Reform Act 2014* (clause 38).

Currently, although section 178 provides that the Director or the sheriff (and any contractor or sub-contractor supporting the functions of the Director or sheriff) can request information for enforcement purposes from any person or body, it is only 'specified enforcement information agencies' that are expressly authorised to disclose such information.

Specified enforcement information agencies are defined as agencies that hold information that may be of use in the enforcement of unpaid fines, collection and enforcement orders, directions and warrants under the *Fines Reform Act 2014*, and that are prescribed in the Fines Reform Regulations 2017. Prescribed agencies include municipal councils, government departments such as the Department of Jobs, Precincts and Regions and various State agencies such as the Victorian Fisheries Authority and the Game Management Authority.

The Bill clarifies that where a request is made under section 178 to another person or body (as distinct from a request under section 178 to a specified enforcement information agency), that person or body is expressly authorised to disclose that information. There is already an express authorisation for specified enforcement information agencies to disclose information to the Director or the sheriff.

Finally, the Bill amends the *Taxation Administration Act 1997* to add the Director and the sheriff as authorised recipients in respect of whom a tax officer may disclose information obtained under or in relation to the administration of a taxation law under section 92(1)(e) of the *Taxation Administration Act 1997* (clause 97). The amendment will enable the Director or the sheriff to obtain additional information for the purpose of enforcing an unpaid fine or registered collection and enforcement order.

Other authorised recipients of taxation information under section 92(1)(e) of the *Taxation Administration Act 1997* include police, the Country Fire Authority, the Director of Consumer Affairs Victoria, the Registrar of Titles and the Secretary to the Department of Transport for the purpose of administering the *Road Safety Act 1986* and regulations made under that Act.

Information able to be disclosed will include information relating to duties, land tax and payroll tax.

### **Compatibility with the right in section 13**

The amendments to expand the powers of the Director and the sheriff to request information from a range of persons engage but do not limit the right to privacy because they will not result in a person's privacy being unlawfully or arbitrarily interfered with.

Enforcing unpaid fines, collection and enforcement orders made by a court, and directions and warrants is a legitimate and important public function. Credit reporting bodies will not be compelled to provide any information (including the additional information the subject of the amendments), the scope of information that may be supplied to the Director or sheriff remains very limited and what information is disclosed may only be used for the purpose of taking enforcement action under the *Fines Reform Act 2014* against a fine defaulter.

The amendment to section 178 of the *Fines Reform Act 2014* will not alter the scope of the information-gathering power contained in section 178, which remains limited to sourcing information that may assist in enforcing unpaid fines, directions or warrants. Any information sourced can only be used for that purpose.

Disclosure of information under the *Taxation Administration Act 1997* is subject to constraints, including that disclosure may not occur unless it is to enable the recipient to exercise a function conferred by law for the purpose of enforcing a law or protecting public revenue. This means the Director or sheriff will need to be able to demonstrate that the information is needed to assist in enforcing unpaid fines or collection and enforcement orders.

The Director and the sheriff will also continue to be constrained by the requirements in the *Privacy and Data Protection Act 2014* that apply to all public entities relating to obtaining, using and disclosing personal information. Their enforcement related activities are appropriately regulated under relevant legislation, including the *Fines Reform Act 2014* and the *Sheriff Act 2009*.

For these reasons, I consider that these amendments are compatible with the right to privacy contained in section 13(a) of the Charter.

### ***Right to a fair hearing and rights in criminal proceedings***

Relevantly, section 24(1) of the Charter provides that a person charged with a criminal offence has the right to have the charge or proceeding decided by a competent, independent, and impartial court or tribunal after a fair and public hearing. The right generally encompasses the established common-law right of each individual to unimpeded access to the courts and may be limited if a person faces a procedural barrier to bringing his or her case before a court.

Section 25(2)(a) of the Charter provides that a person charged with a criminal offence is entitled without discrimination to be informed promptly and in detail of the nature and reason for the charge.

### **Electronic service of documents**

The Bill engages the right to a fair hearing by amending the *Fines Reform Act 2014* and the *Infringements Act 2006* to establish a legislative framework for electronic service (by email or mobile phone) of a range of fines related notices (clauses 39, 41(b), 46 and 48). These changes are aimed at bringing Victoria into line with several other jurisdictions, including Queensland and NSW, which have expressly provided for the electronic service of infringement notices and other fines related documents.

The Bill makes amendments to allow the electronic service of any document under either the *Infringements Act* or the *Fines Reform Act* if the recipient is of or over the age of 16 years and:

- a. has provided their express consent (whether orally or in writing) to receiving notices by electronic communication and has provided an electronic address for that purpose, or
- b. their electronic address is sourced from a prescribed electronic address database.

Where these requirements are satisfied, service will be deemed to have occurred at the time the document was sent or, if sent after 4pm, on the next day.

Noting that there is no existing database of electronic addresses, this aspect of the proposal will only be used where such a database is developed and becomes a reliable source of accurate electronic addresses.

The Bill will also amend the *Infringements Act 2006* and the *Fines Reform Act 2014* to allow alternative means of serving fine related notices to be prescribed.

### **Compatibility with the rights in sections 24 and 25**

The amendments do not directly engage the rights, because an infringement offence (or a court fine) is not a formal criminal charge. To the extent that they may be regarded as being relevant to those rights, there are adequate safeguards in place to ensure that electronic service does not adversely affect a person's ability to deal with their fine, including:

- the person will be required to expressly consent to electronic service and have provided an electronic address for service, or the person's address must have been sourced from a prescribed database, and
- the person must be aged 16 or over.

The department will develop appropriate policies to guide the implementation of electronic service. Under those policies, it is anticipated that electronic service would not be relied on where objective evidence indicated that the notice sent electronically had not been received.

For these reasons, I consider that the amendments are compatible with the rights to a fair hearing and the rights in criminal proceedings contained, respectively, in sections 24(1) and 25(2)(a) of the Charter.

**THE HON. NATALIE HUTCHINS MP**

**Minister for Crime Prevention**

**Minister for Corrections**

**Minister for Youth Justice**

**Minister for Victim Support**

*Second reading*

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (10:38): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

The government is committed to ensuring Victorians have access to a fair and effective fines system. This bill continues the important work of implementing recommendations to improve the fines system made by the independent Fines Reform Advisory Board ('Board'). It also makes other important changes to improve the fines system.

*Continuing to implement the Fines Reform Advisory Board's recommendations*

The Board was established in late 2019 to provide advice to government on the operation of the fines system and opportunities for improvements after the commencement of the *Fines Reform Act 2014*, on 31 December 2017. The Fines Reform Act introduced a suite of important changes—known as 'fines reform'—to make the fines system fairer and more effective, including by centralising the collection of court fines and infringement fines in a new office of the Director, Fines Victoria (Director) and establishing new and extending existing social justice initiatives for vulnerable and disadvantaged fine recipients.

In its 2020 final report, the Board made 24 recommendations to establish a more accessible, effective, efficient and fair fines system. In December 2020, the government responded to the Board's report, supporting seven recommendations in full (recommendations 1, 5, 8, 10, 14, 15 and 18) and six recommendations in-principle (recommendations 2, 3, 7, 16, 20 and 21). Eleven recommendations were to be considered further (recommendations 4, 6, 9, 11–13, 17, 19 and 22–24).

Twelve of the Board's recommendations require legislative change. Of these, recommendations 7 and 13 have already passed, and the Bill will result in full implementation of recommendations 1, 5, 12, 18 and 20.

Recommendation 1: clarifying the aims of fines reform

In recommendation 1, the Board called for the Fines Reform Act to be amended to clearly state the objectives of fines reform, as identified by the Board. The Board identified four key objectives of fines reform: the centralised collection and enforcement of infringement and court fines; strengthened enforcement mechanisms to better deter fine avoiders; support for vulnerable people to deal with their fines; and enhanced review and oversight processes.

The government agrees that a clear statement of the aims of fines reform is important to provide clarity to stakeholders and the wider public on the purposes of a complex statutory framework for the collection and enforcement of fines.

The Bill will amend the Fines Reform Act to enshrine these key objectives in the legislation.

Recommendation 5: clarifying reporting requirements

In recommendation 5, the Board also called for legislative change to require that the Attorney-General prepare and publish an annual report on the infringements system. While an annual report is routinely prepared by my department, there is no statutory obligation to publish this report.

The government agrees that preparing and publishing information on the functioning of the fines system is important for transparency and accountability purposes. The Bill will amend the *Infringements Act 2006* to require the preparation and publication of an annual report. To consolidate reporting requirements under fines legislation, the annual report will also encompass general information about the exercise of the internal review oversight function of the Director.

Recommendations 12.1 and 12.3: a more accessible time served scheme for prisoners

The time served scheme for prisoners supports prisoner rehabilitation and reintegration into the community by minimising the extent to which prisoners are burdened by unpaid fines on their eventual release. The time served scheme allows prisoners to expiate their unpaid fines through time spent within prison.

Currently, there are two separate legislative schemes: one in the Fines Reform Act for prisoners with unpaid infringement fines and one in the *Sentencing Act 1991* for prisoners with unpaid court fines. Different rules apply to these two schemes and the infringement fine scheme is broader and more flexible than that applicable to court fines.

The Board recommended that the same rules apply to both categories of fines, and that any costs and fees added to a fine be removed for the purposes of calculating how much ‘time in lieu’ a prisoner will need to serve in place of paying their unpaid fines.

The government agrees these changes will make the time served scheme for prisoners fairer and more effective. The Bill will amend the Sentencing Act and the Fines Reform Act to bring the two schemes for prisoners together, with one set of consistent rules for all fines, and fees and costs will be waived where these have been added to an unpaid fine amount.

Recommendation 18: more time for enforcement review applicants to obtain evidence

Enforcement review is one of the safeguards in the fines system. It allows fine recipients to apply to the Director for a review of their fine after it has been registered under the Fines Reform Act for enforcement. There are established statutory grounds on which review can occur, including that the fine recipient was affected by special circumstances or the conduct for which the fine was issued should be excused having regard to exceptional circumstances.

There is also a process by which the Director can request additional information from enforcement review applicants in support of their application. If the Director requests additional information, that information must be provided within 14 days or, if the Director agrees to provide more time, a maximum of three months.

In recommendation 18, the Board called for change to allow applicants to request more time to obtain additional evidence for applications on the grounds of special or exceptional circumstances. Due to the nature of these applications, which can require evidence from medical or other professionals, for example, greater flexibility is needed to ensure that applicants are given enough time to obtain this additional supporting material and make it available to the Director.

The Bill will make this change and will also allow the Director a discretion to give applicants more time to provide additional evidence where the Director has requested that information. The changes will create a more flexible and responsive enforcement review process.

Recommendation 20: new powers for toll operators to request tolling fines be withdrawn

Unpaid debts for the use of Melbourne’s toll roads may be referred to Victoria Police for the issue of tolling infringement fines. These fines are then enforced in the same way as any other infringement fine. The tolling company has no further involvement in collecting or enforcing the fine.

In recommendation 20, the Board recommended change to allow tolling companies to withdraw toll infringement fines if they consider it appropriate having regard to the fine recipient’s individual circumstances. The Board recognised that through their interactions with customers, toll companies can learn that a person is suffering from financial hardship or vulnerability such that enforcing a fine against them may be counter-productive and unfair. Enforcing fines that should not or cannot be paid is not in the interests of the toll companies, Victoria Police or the wider community.

The Bill responds to recommendation 20 by creating a power for toll companies to request that Victoria Police withdraw a toll infringement fine if they think the fine recipient’s circumstances mean that the fine should not be enforced. Consistent with its role in enforcing toll fines, Victoria Police will retain a discretion as to whether to withdraw a fine in response to a request.

The changes are consistent with recent legislative amendments by this government to limit the number of tolling offences for which a person can be prosecuted in any seven-day period and give toll companies more time to seek payment of toll debts before the issue of an infringement notice.

*Other changes to improve the fines system*

The Bill will make other important changes to improve the fines system. These include:

Ensuring fines can be enforced

The Bill will ensure that the Director has the information needed to enforce fines when they are registered under the Fines Reform Act for enforcement. Currently, there are no minimum requirements for providing information about a fine when registering it for enforcement and the Bill will address this by allowing minimum requirements to be prescribed in regulations.

Ensuring internal reviews are carried out by enforcement agencies

The Bill responds to a 2020 recommendation by the Victorian Ombudsman for legislative change to clarify who can conduct internal reviews of parking infringements. The Bill will amend the *Infringements Act 2006* to clarify that internal reviews of infringement fines cannot be ‘outsourced’ by local councils or any other enforcement agencies.

Creating a legislative framework for electronic services of fines related notices

The Bill creates a framework for the electronic service of infringement fines and related notices—by email or mobile phone, for example—where a person has consented to electronic service or their address has been obtained from a prescribed database. The amendments will bring Victoria into line with other jurisdictions that have similar provisions enabling electronic service, including NSW and Queensland.

Implementing electronic service will require extensive IT changes and consultation with enforcement agencies and other stakeholders. The changes create a structure for electronic service to be used where this method is fair to fine recipients and effective for enforcement purposes, while recognising that this method of service has considerable potential to increase the efficiency of the fines system while also making it more convenient for fine recipients.

Strengthening information-gathering powers to enforce fines

The Fines Reform Act contains a range of provisions enabling the Director and the sheriff to seek information that may assist them in enforcing unpaid fines. There are inconsistencies and gaps in these powers. The Bill will make amendments to clarify and strengthen these information-gathering powers, subject to appropriate constraints.

In particular, the Bill will:

- allow the Director and the sheriff to source additional information from credit reporting bodies
- amend the *Taxation Administration Act 1997* to add the Director and the sheriff as authorised recipients of taxation information

Important safeguards remain in place. Credit reporting bodies will not be compelled to provide information to the Director or the sheriff, and any information that is supplied can only be used for the purpose of enforcing unpaid fines. The same limitation on use will be in place in respect of any taxation information sourced under the provisions of the *Taxation Administration Act 1997*.

The amendments will also clarify that where the Director or sheriff requests information from a third-party that may assist in enforcing unpaid fines under existing provisions in the Fines Reform Act, that entity is authorised to disclose that information. These changes will strengthen the Director or sheriff’s ability to recover unpaid fines from fine recipients.

Making minor and technical amendments

The Bill will also make a range of minor and technical type amendments to clarify various matters.

I commend the Bill to the house.

**Ms STALEY (Ripon) (10:38):** I move:

That the debate be now adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 23 March.**

**GAMBLING AND LIQUOR LEGISLATION AMENDMENT BILL 2022***Statement of compatibility*

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (10:39): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Gambling and Liquor Legislation Amendment Bill 2022.

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 Gambling and Liquor Legislation Amendment Bill 2022.

In my opinion, the Gambling and Liquor Legislation Amendment Bill 2022 as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

**Overview**

The Bill amends the *Casino Control Act 1991*, the *Gambling Regulation Act 2003* and the *Liquor Control Reform Act 1998* to remove obsolete sections and references and make other miscellaneous amendments. It introduces a prohibition on online community and charitable gaming, extends the time to claim unpaid winnings from 6 to 12 months, and expands existing state of emergency provisions to capture the new pandemic declaration.

**Human Rights Issues**

The human rights protected by the Charter that are relevant to the Bill are:

Property rights (section 20)

Rights in criminal proceedings (section 25)

*Section 20—Property rights*

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 will be engaged by amendments that affect someone’s ability to access funds or to generate revenue from particular activities.

Clauses 133–135 promote the right to property by giving gamblers up to 12 months to claim their prizes directly from the licensee. Previously people had only 6 months to claim refunds, dividends and winnings from the licensee before the money was transferred to the Treasurer to be treated as unclaimed money.

Clauses 137 and 138 limit this right by prohibiting the sale of lucky envelopes online and the conduct of online bingo thus restricting the ability of a person to generate revenue via these products. These limits are lawful, being consistent with other prohibitions under the *Gambling Regulation Act 2003* (GRA). The amendments are necessary to address the higher risk of harm associated with online gambling activities.

Clauses 13 and 140 also limit the right to property by requiring gaming venue or casino patrons, as the case may be, to wait 24 hours before being given access to winnings via electronic funds transfer. This limit is justifiable because it constitutes an important harm minimisation measure aimed at preventing people from immediately gambling away their winnings.

*Section 25—Rights in criminal proceedings*

Section 25(1) of the Charter provides a right to be presumed innocent until found guilty while section 25(2) requires that a person charged with a criminal offence be entitled to certain guarantees.

Clauses 137 and 138 of the Bill engage this Charter right by introducing several new offences to the Act. New section 8.4.2AA of the GRA prohibits the sale of lucky envelopes online while new section 8.4.7B prohibits the running of bingo and the sale of bingo tickets online. I do not consider that these offences limit rights in criminal proceedings because they are strict liability offences, and the burden of proof sits with the prosecution. Even if these offences were to engage the right, they would be justifiable on the basis that they address the considerable risk of harm associated with these activities being conducted online.

**Hon Melissa Horne MP**

**Minister for Consumer Affairs, Gaming and Liquor Regulation**

*Second reading*

**Ms HORNE** (Williamstown—Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, Minister for Fishing and Boating) (10:40): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

This government is proud to lead Australia in efforts to address gambling-related harm.

The government has provided the Victorian Responsible Gambling Foundation with \$153 million over four years to deliver on its mandate to reduce the prevalence and severity of gambling-related harm. This represents the nation's largest commitment to address problem gambling.

The government has also introduced other reforms to lead the way on reducing gambling-related harm, including:

- introducing Australia's first state-wide pre-commitment system, YourPlay, which is available on every gaming machine in Victoria
- prohibiting ATMs in gaming venues and imposing \$200 transaction and \$500 daily EFTPOS withdrawal limits. Victoria is the only Australian mainland jurisdiction without ATMs in gaming venues; and
- capping the total number of gaming machines in the State until 2042 and setting regional caps and municipal limits on gaming machine entitlements. The caps and limits help to ensure that Victoria remains the Australian jurisdiction with the lowest density of gaming machines, except for Western Australia (which does not permit gaming machines outside the casino).

We have also established a stronger, more focused regulator through the Victorian Gambling and Casino Control Commission. The new regulator will have oversight of all gambling and gaming activities within Victoria—from gaming machine through to the casino.

This Bill builds on the work of the government by introducing further harm minimisation measures and improving the regulatory framework for gambling in Victoria.

I now turn to the provisions of the Bill before the House.

The Bill makes amendments to the *Casino Control Act 1991* to enable the casino operator to pay gaming machine winning by electronic funds transfer. The provisions replicate provisions applying to clubs and hotels.

The makes a number of amendments to the *Gambling Regulation Act 2003* (GRA).

The Bill amends the requirements for the term of a wagering and betting licence to replace the current fixed term of 12 years with provisions that enable the licence term to be specified in the licence. This will enable the government to determine the most appropriate licence term at a point in time, having regard to best available evidence and an understanding of the value to the State.

The Bill also makes changes to the cross-ownership restrictions applying to the monitoring licensee to reinstate the ability for the monitoring licensee to provide technical services for gaming machines and player account equipment for venue operators. The ability to provide technical services was inadvertently prohibited in 2011 by changes to the structure of the Roll of Manufacturers, Suppliers and Testers. However, the cross-ownership provisions as originally enacted in 2009 permitted the monitoring licensee to provide technical services for gaming machines and player account equipment to venue operators.

The Bill also makes changes to the requirements for unpaid jackpot funds held by venue operators. These are amounts that are remaining in a jackpot special prize pool after all prizes won on a linked jackpot arrangement have been paid. These are player funds and must be returned to players as part of the return to player rate.

When a venue operator retires a linked jackpot in the future, the Bill will require that any unpaid jackpot funds are allocated to another linked jackpot arrangement operating in that approved venue. The Bill will also permit unpaid jackpot funds to be transferred between venue operators when an approved venue is transferred.

When unpaid jackpot funds are not allocated to another linked jackpot in the approved venue, they will be required to be paid into the Responsible Gambling Fund established under the *Victorian Responsible Gambling Foundation Act 2011* and will be used by the Foundation to provide programs and services to reduce gambling-related harm.

A review by the Victorian Gambling and Casino Control Commission has revealed that there are some venue operators holding unpaid jackpot funds from jackpots retired in the past. To ensure these funds are returned



to players, the Bill includes provisions requiring venue operators to transfer such funds to other linked jackpots operating in their venue within 12 months of the provisions commencing. Where these funds are not allocated to other linked jackpots, they must be paid into the Responsible Gambling Fund.

The Bill will repeal Chapter 7 of the Gambling Regulation Act which deals with interactive gaming. Since 2001, interactive gaming has been regulated by the Commonwealth through the *Interactive Gambling Act 2001*. Chapter 7 of the Gambling Regulation Act is being repealed to avoid uncertainty and inconsistency with the Commonwealth regulation of interactive gaming.

The Bill will also make changes to community and charitable gambling. The Bill increases the threshold for raffles that require a minor gaming permit. Raffles with prizes not exceeding \$20,000 in value will no longer be required to obtain a minor gaming permit and the threshold amount will be indexed each year from 1 July 2023. Currently, raffles with prizes exceeding \$5,000 require a minor gaming permit. This amendment will reduce the regulatory burden on community and charitable organisations and recognises that raffles are not associated with a high risk of gambling-related harm.

The Bill will prohibit provision of online community and charitable gambling to minimise the risk of gambling-related harm.

Chapter 8 of the Gambling Regulation Act provides for minor gambling activities conducted for charitable purposes and establishes a regulatory framework to minimise the burden on charitable organisations. The minor gaming nature of these activities would be altered if they were permitted to be provided online. If such activities were provided online, there would be an increased risk of gambling-related harm that would require appropriate standards and requirements that would impose a significant burden on charitable organisations.

To address this, bingo, fundraising events and lucky envelopes will be expressly prohibited from being conducted or sold online.

The Bill makes other changes to improve the operation of the Gambling Regulation Act. It includes amendments to clarify the process for payment of gaming machine winnings by electronic funds transfer and increases the period of time that unclaimed prizes are held by the wagering and betting, keno and public lottery licensees before being paid to the Treasurer from 6 months to 12 months.

The Bill also repeals obsolete provisions related to the former gaming machine industry structure. Following the changes in 2012, provisions relating to a gaming operator's licence, a gaming licence and a wagering licence are obsolete as these licences can no longer be granted under the Gambling Regulation Act. The Bill will remove references to these obsolete licence types from the Gambling Regulation Act, the Casino Control Act and the *Liquor Control Reform Act 1998*.

The Bill also makes other amendments to the Liquor Control Reform Act.

The *Liquor Control Reform Amendment Act 2021* (Liquor Amendment Act) amended the Liquor Control Reform Act to expressly regulate the supply of liquor via orders placed on the internet. These amendments included:

- creating a new licence category of online-only vendor packaged liquor licence,
- allowing certain licences to supply liquor online without an additional licence,
- applying standard conditions to online orders,
- obligations and offences relating to online supply.

The Bill will amend the Liquor Control Reform Act to expand this regulation to not only apply to online but other forms of remote ordering, including telephone, mail order, facsimile and other forms of electronic communication. This recognises that there are other forms of remote ordering that were not captured by the original amendments and will ensure that the regulation of all forms of remote ordering is consistent.

The Bill will rename the "online-only vendor packaged liquor licence" to a "remote seller's packaged liquor licence" so it applies to all licensees who supply liquor for delivery but do not have a physical retail outlet for customers.

The Liquor Amendment Act introduced measures that were designed to assist licensees while a state of emergency was in place, within the meaning of the *Public Health and Wellbeing Act 2008* (PHWA). The recently amended PHWA now provides that a state of emergency ceases to be in force following the making of a pandemic declaration. The Bill will extend the measures introduced by the Liquor Amendment Act relating to a state of emergency to the new pandemic declaration, therefore allowing licensees to continue to benefit from these measures despite the changes to the PHWA.

The Liquor Amendment Act repealed the requirement for a licensee to give the regulator a plan of the licensed premises when requested. The Bill will make a technical amendment to the Liquor Control Reform Act to

replace a redundant reference to this requirement with an obligation for the licensee retain a plan provided to the regulator in accordance with that Act.

I commend the Bill to the house.

**Ms McLEISH** (Eildon) (10:40): I move:

That the debate be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday, 23 March.**

## PUFFING BILLY RAILWAY BILL 2022

### *Statement of compatibility*

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:41): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Puffing Billy Railway Bill 2022.

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 Puffing Billy Railway Bill 2022 (the Bill).

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

### **Overview**

The Bill is an important part of the government's efforts to improve and modernise the governance framework of the Puffing Billy Railway. The Bill:

- a) Repeals the ETR Act and establishes the Puffing Billy Railway Act 2022 as a new principal Act.
- b) Introduces a framework that supports the Bill's principal objective to provide for the ongoing management and sustainability of the iconic Railway.
- c) Changes the name of the ETRB to the Puffing Billy Railway Board (PBRB).
- d) Introduces contemporary corporate governance reporting mechanisms that align with modern standards and are appropriate for operating the Railway in a contemporary tourism environment.
- e) Updates the functions of the PBRB and outlines clear objectives relevant to the operation of the Railway as a state significant tourism attraction.
- f) Provides that the persons appointed to the PBRB are directors rather than members, to remove any ambiguity with members of the Society.
- g) Transitions the PBRB with an emphasis on a skills-based directorship, conferring the power to appoint directors to the Governor in Council on the recommendation of the Minister.
- h) Permits the making of regulations with respect to a broad range of matters relating to the day-to-day operation and management of the Railway.

### **Human Rights Issues**

The Bill engages the right to recognition and equality before the law (section 8).

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 the factors in section 7(2) of the Charter.

### **Temporary limitations on eligibility for appointment to the Puffing Billy Railway Board**

The Bill limits eligibility for appointment to the Puffing Billy Railway Board to exclude those who in the previous 12 months were elected to any position in the Puffing Billy Preservation Society (the Society). While this is a very minor limitation (as persons within the affected cohort become eligible after 12 months of ending their involvement with the Society) it is arguable that this infringes that cohort's rights to equality before the law.

To the extent this infringes the right of that cohort to equality before the law, I consider this limitation to be reasonable and justified because:

- i. The limitation is temporary. People subject to the limitation become eligible after 12 months regardless of previous affiliation with the Society;

- ii. The Bill's object of a new, modern governance framework is advanced by the clear separation between the new framework and its predecessor.

**THE HON MARTIN PAKULA MP**

**Minister for Tourism, Sport and Major Events**

*Second reading*

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:41): I move:

That this bill be now read a second time.

I ask that my second-reading speech be incorporated into *Hansard*.

**Incorporated speech as follows:**

The Puffing Billy Railway is Australia's premier preserved steam railway that operates between Belgrave and Gembrook in Victoria's Dandenong Ranges. The Railway opened for heritage operations in 1962 and has evolved from a small regional tourist railway into a state significant tourism attraction, with a strong international profile.

In 1977, the Victorian Government established the Emerald Tourist Railway Board as a statutory authority under the *Emerald Tourist Railway Act 1977*. Under this Act, the ETRB is responsible for the preservation, development, promotion, operation and maintenance of the Railway and carrying out other related operations which are consistent with the operation of the Railway as a major tourist attraction.

The ETRB and the governance structure established under the *Emerald Tourist Railway Act 1977* have come under scrutiny in recent years. In June 2018, the Victorian Ombudsman released her report 'Investigation into child sex offender Robert Whitehead's involvement with Puffing Billy and other railway bodies'. The report identified significant failings in the governance of the ETRB, a poor legislative framework under the *Emerald Tourist Railway Act* with respect to managing conflicts of interest and inappropriate board and management composition, which had enabled the Executive Committee of the Puffing Billy Preservation Society to control the ETRB. The Ombudsman concluded that governance failings of the ETRB, which included the Society's position of control, had facilitated Robert Whitehead's offending.

The Society was established in 1955, with the key objective to preserve the Railway and its historical assets for future generations. The Society continues to operate today, with over 1,000 current members. Many of these members volunteer on the Railway and their contribution is critical to the sustained operations of the Railway by driving locomotives, preserving trains and track maintenance.

Among several recommendations, the Ombudsman recommended review of the current structure and composition of the ETRB, and the governance issues associated with its relationship with the Society. The findings and recommendations from this review have informed many provisions in this Bill.

The *Emerald Tourist Railway Act* is not a suitable framework to provide for the contemporary operations of the Railway. A replacement Act with modernised provisions has been developed, which more effectively supports the contemporary operations of the Railway in the context of a state significant tourism attraction.

The Bill supports the future growth and sustainability of the Railway, which it weighs with the need to recognise the heritage significance of the Railway, the significance of its volunteers and its importance to local communities. These purposes are important for the Railway to remain a significant demand driver for the state and retain its status as a heritage attraction that supports local communities.

The Bill changes the name of the ETRB to the Puffing Billy Railway Board to align with the more commonly known name of the Railway. The current name presents unnecessary confusion to consumers who use the Railway.

The Bill introduces modern corporate governance reporting mechanisms that support the ongoing management and sustainability of the Railway in a contemporary tourism environment. Key provisions of the Bill include to enshrine the requirement to develop strategic plans and business plans, enhance the circumstances with which the PBRB reports to the Minister and empower the Minister to make written directions and request particular information. These reforms deliver an improved corporate government framework that overcomes the reporting deficiencies present in the *Emerald Tourist Railway Act*. They also support the Victorian Government to achieve the findings from the Ombudsman's report.

The Bill introduces a comprehensively altered board management framework that aligns with modern standards and further supports the Victorian Government's commitment to implement the findings from the

Ombudsman's report. The Puffing Billy Railway Board will transition to a skills-based directorship, with the skills reflective of the contemporary needs of the Railway. All appointments will be made by the Governor in Council on the recommendation of the Minister. This approach removes the Society's capacity to make nominations.

The Bill also introduces restrictions on the Society with respect to holding directorship on the PBRB, including prohibiting a person who holds or held an elected position at the Society within the preceding 12 months from holding directorship and limiting the number of non-elected Society members who can hold directorship to two current or former members who concluded their membership within the preceding 12 months. These restrictions are intended to improve separation between the PBRB and the Society and future proof the Puffing Billy Railway Board from being controlled by the Society. However, the Bill allows limited representation from non-elected Society members in recognition that they are not associated with the Society's decision-making branch and could provide valuable skills and expertise to the Puffing Billy Railway Board given their involvement with heritage and tourist railways.

The Bill introduces a more comprehensive list of functions and objectives that recognise the broader and more diverse operations of the Railway as it has evolved into a state significant tourism attraction. The *Emerald Tourist Railway Act* provides a relatively outdated list, which is no longer sustainable to support the current operations of the Railway.

I commend the Bill to the house.

**Ms McLEISH** (Eildon) (10:42): I move:

That the debate be adjourned.

**Motion agreed to and debate adjourned.**

**Mr PAKULA** (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (10:42): I move:

That debate be adjourned for 13 days.

**Ms McLEISH** (Eildon) (10:42): I wish to advise that the opposition will be opposing this adjournment of 13 days. There are a couple of reasons why we will be opposing this, and of course this will be of no surprise to the government. Last week when they tried to pull a swiftie—I guess it was not the same sort of swiftie this week; we did have some forewarning—we had to put considerable effort into the debate about why we should be given 14 days and not 13 days. We had a look. It was pretty easy to work out. This week has a pretty skinny business program. There are only two bills up there, and if it was not for yesterday having the Victoria Police Amendment Bill 2022 I think the government would have been in a little bit of strife, trying to work out how to fill their time, because they have clearly not put the effort and the planning into what is required to have a good, solid business program for the parliamentary week.

Now, we have the forms of the house, which are 14 days adjournment for all of these bills, and as I have said, we also have the other issue of the government not getting their act together in time. So there are forms, traditions and customs, and there are reasons for those forms. Fourteen days allows the opposition time to do the appropriate amount of scrutiny. We have to, once we receive a bill, go out to the stakeholders and get their opinion. First of all, doing that—getting a list of stakeholders and then expecting them to be able to come back with a review of the legislation in a couple of days—is just not on. They cannot do it. Often they have to convene meetings, they have to bring people together, and most importantly they have to understand what the issues are in the bill. They need to work out what gremlins there are and how it may impact their sector or their organisation.

In this case we have had today one bill out of three that is for 13 days, and that limits particularly the time that I have as a shadow minister to seek feedback. It is not unusual, when we go to seek feedback and request it for the middle of the next week, for them to come back and say, 'Listen, we actually haven't been able to do that just yet; we need a few more days'. We can come to Parliament and know that perhaps we will have to have a different position in the upper house, which is when we will get all of the information available. It is not just us that needs the time, it is the communities that are impacted and affected by the legislation that is on the table.

I think the minister who has put this forward knows too well the reasons why we need 14 days. He knows that he has broken the traditions and the customs and the history of Parliament by putting us and the Parliament in this position. Just because they are not organised does not mean that they should show such disrespect to the opposition and to the people and to those that have an interest in the Puffing Billy Railway. Let me tell you—and I know the minister knows this—there are lots of people and lots of divided opinions on the Puffing Billy Railway, and there will be people that are very keen to make sure that I understand all the issues. I myself need to make sure that I understand all the issues. The bill is a little bit thicker than I expected. So it is going to take me that little bit longer to actually scrutinise it, but I know that the government also are not keen on scrutiny. They do not like the appropriate levels of scrutiny to be put into place or to occur.

We can see they have got form on this. We had the pandemic management legislation that was introduced. We barely had the bill before we were supposed to have a position on it, let alone to have even read it. There were bill briefings immediately, and then we were expected to vote on it. We did not have the time to do that legislation or to give it the due diligence that it required. That is unlike yesterday, when we had the Victoria Police Amendment Bill 2022. We would have liked to have had that a little bit quicker than the night before. But we were engaged and spoken to, and we understood why that bill needed to have a fast passage through Parliament. We were given the explanations. Clearly it was out there in the public domain, but we knew why it needed to be pretty well debated forthwith and moved through the Parliament to fix an anomaly. We know, and we are cooperative when it matters. But when we have got a 13-day adjournment because the government just simply has not got their act together, it is a blight on the government and laziness, and it goes to their inability to take things as seriously as they should.

**Mr CARBINES** (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (10:47): I am pleased to make a contribution on the procedural debate and the significance and importance of the bill before the house and in particular the opportunity to proceed with this bill within the time that has been put down as suggested by the government. I want to also commend the former Minister for Tourism and Major Events, the member for Lara, for work that he has led and overseen—this has in large part brought these matters to the house for its attention—and the Victorian Ombudsman and their investigation of an iconic organisation that provides great tourist value and great importance historically to our Victorian community.

We all have our memories and our experiences of the Puffing Billy Railway, and other generations in our families that we have taken to have that experience, but sadly there is also a dark history to the oversight and the obligations of those who were entrusted to manage that organisation—and sadly that has led to much of the corporate governance and the other matters that are outlined in the bill and put to the house and that we feel need urgent attention and action.

To see that those matters are being delayed—or are being sought to be delayed—and held up by those opposite is a disappointment. We will deal with that, but they are not, as previous speakers have said, somehow being done to avoid scrutiny or being done in a swift or slapdash way. We are here in the Parliament before the people seeking to take action in response to the dark history and the elements that require greater accountability, protection and support. As Minister for Child Protection and Family Services, I certainly have a very clear understanding of the importance of making sure that those entrusted to run organisations that involve volunteers and young people need to meet a very high standard. That standard was failed by those in the preservation society and the work that was outlined by the Victorian Ombudsman's report in relation to Puffing Billy and what went on there in the past.

That aside, there has obviously been a lot of very important history—something to be protected, to be preserved—but it requires blowing a few of the cobwebs and dust off and saying, 'Well, there's a greater expectation in the 21st century about the way in which these organisations are managed and run'. That is the substance of the bill. It is important that these matters are dealt with swiftly—and these matters have been well canvassed in the community. These are not matters that have come to this house without a very significant and long period of public debate, also with integrity bodies having

given great weight and consideration to the investigation of these matters. That is what has brought the legislation before the house. That is why it is important that the legislation is debated and has the opportunity to be given effect in law to provide greater protections, obligations and transparency in the way in which a very significant, iconic and historic tourist railway and facility is operated in our state and also to give greater comfort, support and protections to those who will be either users or volunteers or engaged in the way in which that service is run. So there is a great opportunity for these matters to be canvassed. The sooner we can get on with doing that the better it will be for all Victorians, and the sooner we give effect to many of the very significant recommendations by the integrity bodies in relation to the running of the Puffing Billy Railway and its associated entities the better.

Can I say further that much has been made about conventions in this place, and the government will not be lectured to about the conventions and forms in this house or in this Parliament by those opposite. I remind those opposite that when it comes to conventions in particular we will take just one example of those in the other place—Mr Ondarchie and Mr Finn—who, having given a commitment around pairing, chose to go back on those commitments and those arrangements. That those conventions were broken, smashed to smithereens, in the other place, reflects very poorly on those opposite when it comes to the conventions and forms of the Parliament. So we will not be lectured to about the way in which conventions operated in this place by those opposite, who have failed to uphold those conventions in the past. We will not be lectured to by them on the way in which the forms of this house operate. I commend— (*Time expired*)

**Mr D O'BRIEN** (Gippsland South) (10:52): It is important that the house upholds the conventions and forms that it is used to operating under, and I find it somewhat perplexing that the minister who has just completed his answer has said that we did not uphold those in the other place so we do not have the opportunity to lecture, when the government is doing exactly the same and abusing the forms and conventions of the house. These forms, conventions, traditions, customs that we would normally have 14 days to consider any piece of legislation are not just there for tradition. We do not just do it because we think it is a nice idea and has been done for 150 years. We do it for very good reasons. We give the Parliament the opportunity to fully understand, to interrogate and to research any piece of legislation that comes forward—and not just the Parliament, as the member for Eildon said, but the community as well. It is critically important with any piece of legislation that we actually are given the appropriate amount of time, and over the years that has been settled as 14 days to give the Parliament and the people of Victoria the opportunity to really understand what any piece of legislation is about.

I think it is an important matter of respect for the Parliament. As I consider this motion, I think of a number of words: respect, inclusiveness, consultation. These are things that the government talks a lot about—it talks a lot about them in the broader scheme of things in our society, but when it comes to actually delivering them in the chamber we do not see that. I am very happy to acknowledge that whether we get 13 days or 14 days is not the biggest thing in the world. It is not the thing that is going to change many Victorians' lives. But the problem is that if we give an inch on this, we know the government will take a mile, and we need to ensure that the traditions and conventions are upheld, because they are there for that good reason that I talked about earlier.

We have seen the government do this on a number of occasions. When it has something that it wants to be dealt with quickly it will abuse the conventions, forms and respect of the house. The member for Eildon also mentioned the pandemic legislation. It was in and done in literally three days through this chamber, and we did not have any time to consider it properly. Now, that was nothing like the Puffing Billy Railway legislation. It was far more significant and affected every single Victorian, and yet the government rammed it through. I remember sitting here listening to the Leader of the House comment that that bill had undergone 'extensive consultation'. What she meant was that she had spoken to three members of the upper house, and they thought that they had the deal done. It was rushed through here so it could then be rushed through to the other place, and then all of a sudden the disrespect that the government had given to the Parliament came back to bite them when they realised that those three

votes were not enough and indeed they did have to go back to undertake further consultation. So it is treating the Parliament with contempt, and it is an important part of our system.

The government, the executive, has significant power. It can pretty much do what it wants in this chamber, by definition. It has the numbers. That is why it is the government. But it is also the role of the opposition to ensure that it holds the government to account. Some might say, 'Oh, it's one day; what does it matter?'. Well, it actually does matter. It matters in making sure that the government does not just bully its way around using its numbers, and it is important that the community has that time to have its say.

I note on this bill in particular—I do not know a lot about the bill, obviously; we have only just seen it—this is a railway, an activity, that involves a lot of volunteers. This is not some sort of taxation legislation where those in the community who are interested in it will be well-resourced corporations, well-resourced industry associations, unions and the like, who have people to go through this. We are actually dealing with a whole lot of volunteers. I note further, briefly having had a look at the second-reading speech, this is in response to an Ombudsman's report from 2018. It is four years since that Ombudsman's report was handed down, and either the government has delayed and it can wait one extra day or it has botched this and wants to now rush it through. It does not stack up. So I do oppose the adjournment of this bill for only 13 days. It should be 14. The government knows our position on this, we have been very consistent with it and it does need to stop treating the Parliament with disrespect.

**Mr CHEESEMAM** (South Barwon) (10:57): I rise to speak very briefly on this particular matter. I think it is fair to say that this Parliament and this government have had a huge number of challenges on their plate responding to those global challenges of COVID-19, and we have been busy putting in place the appropriate mechanisms and arrangements to help protect the livelihoods and indeed the health and safety of every single Victorian. Puffing Billy, this particular railway, has already been canvassed—a well-loved, significant piece of tourism infrastructure of this state—and many of us have real, lived experiences with respect to Puffing Billy. Of course it has been a loved organisation that has been an important driver for Victoria's tourism economy.

But also we know that Puffing Billy has been subject over the years to some pretty dark history. That dark history has been exposed through various government processes, and the issues associated with that have been very well ventilated and have been well known for a significant period of time. We now have the freedom and the opportunity to move to putting in place the appropriate governance arrangements around Puffing Billy to deal with those issues that were so well ventilated back in 2018 and even prior to that. So in doing that I very much wish to see this particular bill move its way through this chamber in a speedy way to ensure that we do put in place those appropriate arrangements going forward.

I commend the hard work of the Minister for Tourism, Sport and Major Events with respect to this. We do see the Victorian economy opening up again. We see those tourism opportunities again before our community. It is important that Puffing Billy can play a significant role in our tourism economy going forward, and that is why it is important that we put this bill through. Issues have been well and truly canvassed over the last few years. I commend the speedy passage of this, and that is why I would like to see this dealt with in the next sitting week. I commend this to the house.

**Ms STALEY** (Ripon) (11:00): Thank you, Acting Speaker McCurdy. It is great to see you in the chair. I rise to speak on the procedural motion to adjourn the Puffing Billy Railway Bill 2022 for 13 days instead of 14 days. The government speakers on this motion have been erratic and confused. The Minister for Disability, Ageing and Carers attempted to make a case for urgency based on the fact that there were serious issues and it was time to do it, but then the member for South Barwon got up and said these issues have been very well ventilated. In other words his argument was, 'Well, we can go early because there's nothing new to see here, because of course the original report was 2018'. So it has taken the government four years to bring this legislation to the Parliament, and then when it does it wants to once again crash through the convention of 14 days and only give the Bill 13 days.

The only reason we are here doing a 13-day, not 14-day, debate is that the government's legislative agenda has collapsed and they cannot manage their parliamentary program. We saw this in the government business program debate, where we only had two bills on the government business program because the bill that they wanted to bring on, which is the taxation bill, their latest new tax, has been shelved for the time being. So now we have got nothing in reserve again. This is a government flying by the seat of its pants as it hobbles towards the election. I think I have mixed my metaphors there. They have got no legislative agenda of any note, and they cannot get their act together to give the normal 14 days on their legislative agenda.

This particular bill really needs the 14 days because of the scope of the stakeholders. Puffing Billy is a much-loved Victorian institution. It does have volunteer stakeholders, it has the businesses along the line—it has a lot of stakeholders that need to have their voices heard on this specific response to the Ombudsman's report. It is all very well to say that the issues have been well ventilated over four years, but this bill has not been well ventilated for four years. All of these people for whom Puffing Billy is so iconic and so important—and in many cases so economically important to the region—have not seen this bill. They have not had an opportunity to have a look and say, 'Well, is it actually doing the things that it says it's going to do? Is it responding properly to the concerns raised in the Ombudsman's report?'. These are serious questions.

You would think after four years the government would not be giving 13 days; it would be giving several weeks or several months. They would not even need to do the two-week adjournment, they could go further, because either they are getting a response right to what was a terrible failure of governance or they are not getting it right. The fact that they are trying to slam it through in 13 days instead of 14 days suggests to me that they might have some concerns about their response and they do not want the issues raised in here to be fully ventilated. The member for South Barwon does say that they have been well ventilated, but the government's response has not been, because this bill is now only going to be exhibited for 13 days, breaking the conventions of the house again.

I also note that early on in this debate the member for South Barwon interjected—and I appreciate that it is disorderly to take up the interjection even minutes after it was made; however, I will not resist—and asked us to table *Hansard*, because we of course had this debate last sitting week. Now, the fact that we had this debate last sitting week should suggest to the government that every time they attempt to mess with this convention we will debate it out and we will divide on it, because it is no good. They just cannot continue this ridiculous idea that the parliamentary history and traditions do not matter. Once again, I agree with the member for Gippsland South; this is not the biggest issue for Victorians. But the constant erosion of parliamentary traditions and democracy is.

**Mr TAYLOR** (Bayswater) (11:05): I often get asked by constituents and family and friends what the life of a—

**The ACTING SPEAKER (Mr McCurdy)**: Sorry, Member for Bayswater, you need to seek leave.

**Leave refused.**

**Ms SHEED** (Shepparton) (11:05): (*By leave*) I have to say it is with some disappointment that I rise today to speak on this motion to adjourn for 13 days, and while it does seem somewhat trivial and is perhaps not the crux of the issue, I suppose to some extent we are here to lecture the government, and that is because a lecture is needed. We had to do it two weeks ago, and we are here again today having to do it. It is not about the issue of the 13 days; it is about the erosion of many of the aspects of the way that this house operates, and I think it is very important that we preserve a lot of the mores of this house.

It is a reasonable time to expect there to be 14 days for a bill to be given to the house and for members to be able to take the opportunity to go back to their constituents in relation to it. I have spoken before on many of these issues. Every Tuesday I rise to seek leave to move a motion to debate the issue of



reintroducing a non-government business program. If we had a non-government business program in this house, we would not have the government struggling to find issues to put before this house, to find bills to put before this house in what is the last year before the election. We on this side have plenty of issues that we want to put before the house. We have private members bills that we would like to bring before this house. We have motions that we would like to have debated before this house, but we cannot do it because we have no non-government business program.

This erosion I am talking about comes down to things like consideration in detail of bills. This house, this Legislative Assembly, has had so many of its roles stripped away over time. I daresay there are many members in this house who would not know how consideration in detail operates. They have no idea. The last time a significant consideration in detail took place was on the assisted dying legislation in the previous Parliament, and that was an outstanding example of this house becoming involved in an extremely important issue that they had plenty of time to take back to their constituents to get feedback on, to ask the minister about who sat at that table. The Minister for Health at that time sat at that table day and night continuously while that debate continued, and ultimately the bill was done. It was an outstanding example of leadership from a minister who did the job that needed to be done. We do not see that happening in this house, and yet the ministers are here in this house—very few in the other place, and yet that is where consideration in detail takes place. That is where amendments get moved. We have turned this Legislative Assembly into the only Legislative Assembly in this country that does not have a non-government business program, that does not follow the traditions that have been with us for over 150 years—and that is leading to greater and greater denigration and, quite frankly, affecting the culture of this place.

I think it is fair to say that there has been a change in culture over time, and it is partly as a result of this chipping away at what really matters. I only have a little bit of time left, and I want to say that it is time that we reviewed the whole operation of this house. It is not good enough that we continue in this way. Everyone in this house on both sides needs to fully represent their communities and have the opportunity to do so. It is important, and I think it is on the government to do something about creating a committee. We have not had a meeting of the Standing Orders Committee that has been meaningful—maybe two during this Parliament. It is an important committee. I do not think it is the one to do it. We need a committee that will look at how this house is operating—like New Zealand did, like Scotland has—and start thinking about how important it is. We are facing some of the most challenging times, and they are yet to come, and we need a house that operates well, where there is respect for both sides, where business is done in the proper manner and where the people of Victoria can have some confidence that we are doing the job we are meant to do and that every member gets the opportunity to play their part in it.

#### House divided on motion:

*Ayes, 43*

Addison, Ms  
Allan, Ms  
Blandthorn, Ms  
Brayne, Mr  
Bull, Mr J  
Carbines, Mr  
Cheeseman, Mr  
Connolly, Ms  
Couzens, Ms  
Crugnale, Ms  
D'Ambrosio, Ms  
Dimopoulos, Mr  
Donnellan, Mr  
Edwards, Ms  
Eren, Mr

Foley, Mr  
Fowles, Mr  
Fregon, Mr  
Green, Ms  
Halfpenny, Ms  
Hall, Ms  
Hamer, Mr  
Horne, Ms  
Hutchins, Ms  
Kennedy, Mr  
Kilkenny, Ms  
Maas, Mr  
McGhie, Mr  
McGuire, Mr

Pakula, Mr  
Pallas, Mr  
Pearson, Mr  
Richards, Ms  
Scott, Mr  
Settle, Ms  
Spence, Ms  
Staikos, Mr  
Suleyman, Ms  
Tak, Mr  
Taylor, Mr  
Theophanous, Ms  
Ward, Ms  
Wynne, Mr

*Noes, 24*

Battin, Mr  
Blackwood, Mr  
Britnell, Ms  
Bull, Mr T  
Cupper, Ms  
Hibbins, Mr  
Hodgett, Mr  
McCurdy, Mr

McLeish, Ms  
Morris, Mr  
Newbury, Mr  
Northe, Mr  
O'Brien, Mr D  
Read, Dr  
Riordan, Mr  
Rowswell, Mr

Ryan, Ms  
Sandell, Ms  
Sheed, Ms  
Staley, Ms  
Vallence, Ms  
Wakeling, Mr  
Walsh, Mr  
Wells, Mr

**Motion agreed to.**

### **Business of the house**

### **ORDERS OF THE DAY**

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (11:17): I move:

That order of the day 4 be postponed until later this day.

**Motion agreed to.**

### **Bills**

### **JUSTICE LEGISLATION AMENDMENT (TRIAL BY JUDGE ALONE AND OTHER MATTERS) BILL 2022**

*Second reading*

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

That this bill be now read a second time.

**Mr M O'BRIEN** (Malvern) (11:18): It is a pleasure to rise to speak on the Justice Legislation Amendment (Trial by Judge Alone and Other Matters) Bill 2022. This bill has a number of purposes, the primary one of which is to extend by 12 months or while a pandemic order is in place the capacity for an indictable offence to be tried by a judge alone and for special hearings relating to mental impairment to be heard by a judge alone.

Now, the decision to not have trial by jury when it comes to indictable offences—that is, serious offences—is obviously one which tends to go against the grain. We have always been a society in which serious criminal matters should be determined by a jury of one's peers, not by a judge alone. It has only been in the most exceptional circumstances that we have contemplated the idea that we should dispense with a jury when it comes to a matter of a serious criminal trial. This is something that the Parliament decided was necessary due to the onset of the COVID-19 pandemic and the consequences of that for the jury system operating. We do know that it was difficult for juries to operate when you had many jurors potentially not being able to assemble in the one place, and it did interfere with the administration of justice. So this Parliament decided to provide on a temporary basis, while a pandemic order was in place, the option for an indictable offence to be heard by a judge alone without a jury. That is something which I think has operated to some effect. It has not dealt with the massive backlog that we have in our court system here in Victoria, and I will return to that in due course.

I think one of the very important safeguards that this trial contains is the fact that, number one, no defendant can be required to have a trial by judge alone. So this option is only available where the defendant either requests it or the defendant consents to it, and that is very important. We should not be trying anybody without a jury on a serious criminal matter if they do not want that to occur. That is an important safeguard, and I am pleased that that safeguard is continued in this bill.

Another very important safeguard is the fact that it is ultimately up to a judge to determine whether it is in the interests of justice for a serious criminal matter to be tried in the absence of a jury. It is always

important, I believe, that judges have the discretion to ensure that actions that take place in their courtrooms are in the interests of justice, and that is maintained here.

In terms of the way in which this has operated in the past, we had a very useful briefing from the Attorney-General's office. I am indebted to her office and to the Department of Justice and Community Safety staff who attended that. According to my notes from that briefing, under the trial of this judge-alone option so far we have seen I think 60 applications in the County Court for a judge-alone trial, of which 51 had been granted. So a simple process of deduction and mathematics would tell you that there were nine applications for a judge-alone trial which were not granted, and that was because of the objection of one of the parties or because of a decision by the judge that in fact it was not in the interests of justice for that matter to be tried without a jury. I do not have that information, but certainly it indicates that courts are being judicious, I suppose, as you would expect—pardon the pun—in deciding whether or not to grant an application for a judge-alone trial in these matters. Of the 51 applications which were granted in the County Court, 32 have concluded and two remain on foot.

In the Supreme Court of Victoria, where obviously the most serious charges are tried, notably charges such as murder and other similar charges like that, we have only seen six applications made. I believe we were informed at the briefing that four matters have been resolved prior to trial, so whether charges were withdrawn or there was some sort of plea agreement made which changed the plea from a not-guilty plea to a guilty plea—we are not privy to that information. But that does indicate that there have been very few uses of this judge-alone option in the Supreme Court.

We do not object, the Liberals and The Nationals, to the continuation of this trial for a further 12 months—but while a pandemic order is in place. I do note that while this legislation provides for and extends the option for a trial for a further 12 months, it is also tied to pandemic orders, a pandemic declaration, being in place. I think that is very important. I do not think we want to go down a path—I do not want to go down a path—where a judge-alone trial for serious criminal matters becomes the norm. This is an extraordinary circumstance that we have endured over the last two years. It has had a significant effect on our court system, it has had a significant effect on the jury system and it has had a significant effect on all of us, and this should be seen as a temporary measure in place to deal with the effects of this pandemic. This should not be seen as a green light by this Parliament for doing away with juries, because that would be a very retrograde step—and it is one that I and the Liberals and The Nationals would oppose. It is a foundational part of our criminal justice system that serious criminal matters should, in usual circumstances, be tried by a jury, and we would not want to see that principle whittled away over time. The fact is this is a 12-month extension and the fact is this is tied to the continuation of pandemic orders, and we all hope that those pandemic orders will end sooner rather than later. We all hope that we will not be dealing with a 12-month extension of this, because we do hope that we can see an end to those pandemic orders before the 12 months are up. But in terms of the principles of those matters in this legislation, the Liberals and The Nationals do not oppose it.

Can I say: there is a very good reason why we do need to get our criminal justice system moving again, and that is because Victoria has, on just about any measure you care to examine, the worst criminal case backlog in the nation—and not by a little but by a long, long way. I refer to the *Report on Government Services 2022*, produced by the Productivity Commission and released just a couple of months ago. If you look at which state has the worst Magistrates Court criminal case backlog in the nation for cases waiting more than six months, it is Victoria. If you extend that to cases waiting more than 12 months in the Magistrates Court, it is Victoria again. If you look at the backlog of cases waiting longer than six months in the Children's Court, Victoria is the worst in the nation. If you extend that to cases waiting more than 12 months in the Children's Court, Victoria is the worst in the nation. If you look at County Court criminal cases waiting longer than 12 months, Victoria is the worst in the nation, and if you extend that to 24 months, Victoria is the worst in the nation.

Let me just give you a couple of comparative figures. These are all referenced in the *Report on Government Services* published by the Productivity Commission. In County Court criminal cases waiting longer than 24 months Victoria has a backlog of 11.3 per cent. New South Wales is at 5 per

cent—11.3 per cent in Victoria, 5 per cent in New South Wales. The second-worst state in the country is Queensland at 5.5 per cent. We are more than twice as bad as the second-worst state in the country when it comes to criminal case backlogs in the County Court or District Court of more than 24 months. When it comes to 12-month criminal case backlogs in the Magistrates Court, Victoria is at 28.3 per cent. Think about that: nearly three in 10 defendants in a criminal case matter in Victoria's Magistrates Court cannot get on and have their matter heard within a year. To have a year of a criminal charge hanging over your head is not justice. There is a well-known saying—and it is well known for a reason, because it is true—that justice delayed is justice denied. Well, Victoria is a state in which justice is denied because justice is continuously delayed. The comparison on those figures is just extraordinary. In Victoria, as I say, the Magistrates Court criminal case backlog of longer than 12 months is 28.3 per cent; New South Wales, 4.7 per cent. I look forward to government members explaining to the Parliament and explaining to the people of Victoria why the criminal case backlog in the Magistrates Court is 4.7 per cent in New South Wales for cases longer than 12 months and 28.3 per cent in Victoria.

Then you have got the Children's Court. Now, we are talking about some of our most vulnerable citizens. Matters generally do not get to the Children's Court unless a serious offence is alleged because, appropriately, there are a whole lot of other diversionary avenues that are available for dealing with young offenders. So by the time we get to the stage where a young Victorian has been charged and is awaiting a trial in the Children's Court we are talking about a serious matter and we are talking about, because of their age, very vulnerable people. In Victoria the criminal case backlog in the Children's Court for cases waiting longer than 12 months is 19.6 per cent, so one in five kids have got a criminal charge hanging over their heads for a year or more in Victoria. In New South Wales the comparative figure is 4.5 per cent. 19.6 per cent in Victoria, 4.5 per cent in New South Wales—it is inexcusable. It is inexcusable to have a clogged-up, delayed justice system that is putting victims through hell not being able to have their matters finalised, that is putting defendants through hell not being able to have their day in court—and of course we do act under the presumption of innocence, so we have to presume that these people are innocent unless and until they are proven guilty. They have all this emotional anguish, and people who have been charged with serious offences sometimes lose jobs and sometimes find it hard to find new jobs. To think that those people are now in positions where they are waiting not just days and weeks but months and years to have their day in court tells us that this government has dropped the ball badly when it comes to courts, particularly on the criminal side, and the administration of justice is something which is paid lip-service to in this state rather than an actuality.

As I say, those are very troubling reports coming from the Productivity Commission. Nobody doubts their authenticity. It is based on information provided by the courts and state governments themselves. So what is the government's plan to actually fix this? Well, of this bill they would say, 'Well, we're extending by 12 months the options for judge-alone criminal trials'. That is not the fix. It may be a very, very small part of the puzzle, but it is not the fix. We are yet to hear from this government any sort of agenda, any sort of policy initiatives, that actual deal with the backlog.

I have not even got onto VCAT yet. I am sure that members here would have had contact from people in their electorates—I know I have—whether they be small business people trying to deal with landlord issues, renters trying to deal with landlord issues, landlords trying to deal with tenants. To get into VCAT and have your matter heard is very difficult—almost impossible. And of course we are not talking about rich corporations that can afford to carry losses for days, weeks, months and years; often we are talking about little people, self-funded retirees for whom maybe their only source of income apart from the pension is, you know, one small investment property and they have got a tenant who maybe does not pay rent but will not leave. They need an order from VCAT to have this resolved, and they cannot get into VCAT. They simply cannot have their day in court or in the tribunal, and this government does not have a proposal, a policy, an approach to deal with this.

VCAT is still using fax technology. It is like the old contact tracing. You know, we sort of laughed, horrified, at the fact that fax machines were being used for contact tracing. Well, they are still using handwritten notes and folders with spikes in them in VCAT. We have got to get it fixed. We have got

to free up the system, because people are being denied justice in this state because the government has not run the courts and tribunal system the way they should. This government can find a lot of money for cost blowouts on big projects, but when it comes to actually delivering justice to Victorians, Victorians seem to be left behind.

There are other aspects of this bill which I will turn to. In addition to the extension of the 12 months for the capacity for judge-alone trials, there is also a 12-month extension for special hearings relating to mental impairments to be heard by a judge alone. For the same reasons that the opposition does not oppose those aspects of the bill in relation to trials, it takes the same approach when it comes to special hearings relating to mental impairment. I am indebted to a number of peak legal bodies, including the Victorian Bar, the Law Institute of Victoria, the Criminal Bar Association of Victoria and others who I have consulted with in my new role as Shadow Attorney-General, and in relation to these matters at least those peak bodies were supportive of the measures contained in the bill.

The government is also proposing to delay the commencement of its de novo appeal reforms from 1 January 2023 to 5 July 2025. This was trumpeted by the government when they brought them in as being something to ensure that there would be better justice in Victoria. For those who are not aware of what those reforms entailed, essentially when a criminal matter was determined in the Magistrates Court, if the defendant was convicted or sentenced and wanted to appeal it, when it went to the County Court on appeal it would be effectively a whole new ball game. So what had gone on in the Magistrates Court, the evidence that had been given and heard in the Magistrates Court and the witness statements, would effectively be put to one side and it would be an entirely new hearing. The government decided to change that and to say, 'Well, if you want to appeal a conviction or sentence in the Magistrates Court and you want to take that appeal to the County Court, we're actually going to do it on the basis of the material that was led, the evidence that was given, in the Magistrates Court'. The idea was that this would help speed up the process, it may lead to fewer appeals and it would put all parties on notice that they needed to lead their best case in the Magistrates Court, because there was no guarantee you would be able to adduce any new evidence on an appeal under these reforms. The government said these reforms were about delivering better justice, delivering quicker justice and better use of resources in the court system. So the government has decided to then kick this can down the road until the middle of 2025.

So the question is: if this reform is about delivering better justice, faster justice, a better use of resources, why is the government putting it off by a further 18 months? There does not seem to be a lot of logic in that. I asked in the briefing why this was the case, and the answer that I was given was, 'Well, the courts need more resources to be able to gear up for these reforms'. My question is: why haven't the courts had these resources? The government introduced these reforms a number of years ago. The government has known exactly what was required to make these reforms happen. Why has the government been so slack? I cannot think of another word for it. Why has the government been so slack that it has not provided the Magistrates Court and the County Court with the resources that they need to implement this reform? If the goal of this reform is to speed up justice—better justice, faster justice and better use of the precious resources in our justice system—why have the courts not been resourced to make that happen? I will wait to hear the answer from the government on that.

The bill also extends by 12 months powers that allow for the use of audio and audiovisual links to satisfy attendance and reporting requirements for young people under the Children, Youth and Families Act 2005. Again, this would seem to be something that does make some sense. There are still issues with young people being required to attend in person, whether it is for parole matters or other forms of reporting. The ability to do this through audio or AV at the discretion of the Secretary of the Department of Families, Fairness and Housing is something which does seem to make some sense, and we do support that extension for a further 12 months.

Similarly, this bill extends by 12 months the default requirement that an adult—I do specify adult—in custody will attend a Magistrates Court contested hearing or a committal by audiovisual link rather than in person. This is perhaps a little bit more contentious, because particularly a committal hearing

is a very serious part of the criminal justice process. Committal hearings take place—not in every case, but in many instances—prior to a decision to elevate a charge to the Supreme Court. For something such as murder or other serious matters, parties go through committal hearings. Generally a committal proceeding is heard in person, and if you are charged with an offence and it has been sent for a committal hearing you turn up in person in the Magistrates Court and you have your day. You may or may not give evidence, but you can certainly witness everyone who does. Again, part of our criminal justice system is that you are entitled to be there in person for your own matters. This does take that away. It does say that the default is that if you are currently in custody then you have to do it by AV, audiovisual link.

Now, the idea is that will save time in terms of transporting prisoners from prison to the Magistrates Court for criminal proceedings and for contested hearings. We will not oppose this aspect of the bill but it is one that we have to be careful of, because I think it is a fundamental principle of justice that you should be allowed to be present in the courtroom when your future—your liberty, potentially—is being determined. Now, obviously Parliament has made exemptions to that principle in a number of cases. For example, in relation to certain sex offence matters, and particularly sex offence matters involving young people, we do have vulnerable witnesses, we do have vulnerable complainants, and there are provisions for those people to be able to give evidence outside courtrooms. But we are not talking about those situations here. Here we are talking about somebody who is currently in prison. They have been charged with presumably a serious offence, serious enough to warrant a committal hearing, and they are not allowed to be present physically for that hearing. They can do it by AV. AV is better than nothing, but it is not perfect. It is not the same as being there in person. I do think this is one we have to be very careful of, and we do need to look at whether this is something which does derogate from an individual's rights more than is warranted. But as I say, given it is for 12 months, given it is only while the pandemic orders are in place, the opposition is not opposing this part of the bill.

This brings me to the final aspect of the bill. It is not a justice matter. It has sort of been thrown in there almost as an afterthought, but this is a real concern. I will give notice now that the opposition will be seeking to remove this aspect of the bill in the other place, because we do not think that it is right. What this aspect of the bill does is extend by six months the provision in the Occupational Health and Safety Act 2004 which deems a breach—any breach—of a pandemic order or a COVID-related public health direction to be an immediate risk to health and safety. Now, what that means is that the most minor breach of a COVID-related public health direction—the most minor breach of a pandemic order—is automatically deemed to be an immediate risk to health and safety. Why do those words matter? Those words matter because once something is an immediate risk to health and safety WorkSafe inspectors have got extraordinary powers under the Occupational Health and Safety Act. An inspector is able to use section 112 of the OH&S act to issue a prohibition notice and effectively shut down a workplace or shut down a business. A workplace inspector can use a direction under section 120 to very similar effect.

What I am concerned about with this aspect of the bill is that it is fairly lazy legislating. The government could have said, 'Certain breaches of pandemic orders are really serious, and we are going to deem those types of breaches as immediate risks to health and safety'. But instead the government said, 'Any breach at all of any COVID-related pandemic order or public health direction'—any breach at all, no matter how minor—'is automatically deemed to be an immediate risk to health and safety'. The government says, 'Don't worry about it, because WorkSafe inspectors can be trusted. They won't abuse that power'. That is not good enough. People should not be relying on the discretion of workplace inspectors to know what is a minor and what is a major breach. It is the government's job to get the legislation right. The government should be saying, 'These are serious breaches, and these sorts of breaches will be automatically deemed to be immediate risks to health and safety'.

For goodness sake, if I walk into my local cafe and the waiter or the waitress has forgotten to put their mask on or has got it under their nose, the business should not be at risk of a prohibition notice. The business should not be at risk of a direction that could shut them down or the significant penalties that

arise from that. But that is what the effect of this measure is. It extends for six months what is essentially a draconian power, because it says, 'No matter how minor the breach, no matter how effectively irrelevant it is to health and safety, we're going to deem it to be an immediate risk to health and safety'. We have been consulting with different organisations in relation to this matter, and can I say the Housing Industry Association has come back to us and has said—and I am directly quoting:

In the absence of evidence that further extension is necessary, there is no case for this section to be extended for another six months and clause 10 should be removed from the Bill.

Similarly, we have had feedback from the Master Grocers Association, and the MGA says:

MGA is not in favour of any form of extension to point 2 that may be deemed necessary if the government is seeking to implement more pandemic orders once the current ones expire.

We have had feedback from a number of organisations that are concerned because these are extraordinary powers and they are being extended in a way which provides enormous discretion to workplace health and safety inspectors. Now, I have great respect for the work they do; I always have had. Victoria has had some of the best workplace safety records, under successive governments, and that is something that we should be proud of as a state. Everybody who goes to work should have the right to come home safely; nobody disagrees with that. But where I think people of good conscience can disagree is where we have legislation which deems any insignificant or minor breach of a public health direction to automatically be an immediate risk to health and safety. And it is the government's obligation to explain why it wants to do that. Why can't it say, 'Actually, there are different types. There are certain types of breaches which we say would be an immediate risk to health and safety and others that wouldn't be'. But instead, I say this is lazy legislating. This is the government saying, 'Look, let's just sweep them all up—any breach. It doesn't matter how minor, how finicky, how irrelevant or how non-compromising to public health and safety they are, we're just going to deem them all to be breaches, and we'll let the inspectors sort it out'. Well, with respect, that is not the best way to legislate. That is just adding to an environment of uncertainty. A lot of our small businesses are already suffering a lot of uncertainty as it is. They do not need more of this, but that is what we are seeing in this bill.

There are aspects of this bill which we are comfortable with, as I say, on a limited basis, on a temporary basis, in relation to the extension of the option for judge-alone trials and keeping those safeguards in place so that no defendant can be required to have a judge-alone trial if they do not consent and that courts retain overall discretion to ensure that any such trial would be in the interests of justice. We do not have any particular concerns about the 12-month extension to the powers to allow for audio or audiovisual links to be used to satisfy attendance and reporting requirements in the youth justice system. We think that actually does make sense. We are slightly more concerned about extending by 12 months the default requirement that an adult in custody attends a Magistrates Court contested hearing or committal by AV link rather than in person, because we think that does infringe more on that individual's right to be present when their liberty is on the line.

In the circumstances of this pandemic it is something that we will not die in a ditch over, but we do believe the government has got it wrong when it comes to that six-month extension on the provisions of the Occupational Health and Safety Act, which deems any breach of a pandemic order or a COVID-related public health direction to be an immediate risk to health and safety. There is a better way the government could go about giving inspectors the powers they need. There is a way they could do that without this sort of blanket approach that could lead to absurd outcomes and frankly just puts less confidence into particularly small business than they have at the moment.

What we are looking for—what is not in this bill—is any government proposals to deal with the appalling criminal case backlog we have in this state. So when you have a Magistrates Court backlog of 28.3 per cent of cases being delayed more than 12 months compared to 4.7 per cent in New South Wales, when you have 19.6 per cent backlog of more than 12 months in the Children's Court with some of our most vulnerable Victorians compared to 4.5 per cent in New South Wales, you have got

to say this government has not got it right. They have got it wrong, but there is no plan to fix it, and if we are going to recover, if we are going to rebuild, if we are going to return justice to this state and treat vulnerable Victorians appropriately, we need a lot more from this government to fix the problems in our criminal justice system.

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (11:48): I move:

That debate be adjourned.

**Motion agreed to and debate adjourned.**

**Ordered that debate be adjourned until later this day.**

## CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022

### *Second reading*

**Debate resumed on motion of Ms D'AMBROSIO:**

That this bill be now read a second time.

**Mr NEWBURY** (Brighton) (11:49): It is a pleasure to rise on my first bill as Shadow Minister for Environment and Climate Change on the Conservation, Forests and Lands Amendment Bill 2022, but I rise on this particular bill with a heavy heart—with a very heavy heart—because I look around the chamber and I see colleagues who have spoken to me about the impacts of this government's decisions in this industry, the policy decisions this government has taken and the impacts those decisions are having on industry, on businesses, on flow-on businesses and on their families, and it breaks your heart. It breaks your heart to know what the government promised, how they broke their promises and the impacts that is having on some of the townships and families around Victoria—the real impacts.

In my mind the Minister for Energy, Environment and Climate Change is killing the harvesting industry by stealth. The Premier stood up and set out a policy agenda with a 2030 date attached to it and committed to the community that current levels of harvesting would be maintained to 2024. That is not what is happening, that is not what the minister is doing and that is not what this bill will allow the minister to do and what industry knows the minister will do with those powers, because today industry is 50 per cent down—50 per cent down. We are at the start of 2022, and it is 50 per cent down. By the end of the year it will be 75 per cent down. So while the Premier stood up and gave a commitment for 2024, we know today in fact industry is 50 per cent down and by the end of the year will be 75 per cent down. There will not be an industry next year, in 2023. That is the result of this minister's actions by stealth. Her behaviour has been cruel to industry towns and their families.

When this bill was first introduced the one word that stuck out and the one word that the government has repeated—and we will hear it all day from government speakers—was certainty: 'The purpose of this bill has been to provide certainty'. I am sure it is in the top line of every government speaker's talking points. Well, we heard that word last year, didn't we, when there was an overhaul of the timber code. What did the government say? What did the government say was the reason behind that? Certainty. What is the reason for this bill? Certainty. What is the reasoning behind the review of the code currently underway? I will let you guess. Does anyone want to have a guess? Certainty. So three times in 12 months the government has said to the community, 'We are doing things in this space to provide certainty'. Well, at the absolute least this minister is incompetent—at the absolute least. How can you possibly take action three times in the same space in 12 months and come back again and again to provide certainty? There is no certainty. You do not have to go very far and you do not have to talk to much of the community or industry in this sector before you will hear the word 'uncertainty'. We know that we cannot trust the government to provide certainty, because they have not, over and over and over again.

So we know that there is currently a 50 per cent reduction. We also know that supply is 50 per cent down. We also know that the remaining supply is partly propped up by other states. Other states are



propping up our supply. We know that roughly 75 per cent of the approved coupes on the timber release plan are subject to court injunction. Can you imagine that, 75 per cent? Can you imagine if any industry had three-quarters of their activity shut down effectively by injunction?

We know that that is the government behaving by stealth because they have not fixed it—they have not done anything about it. We also know that there are 10 contractors currently out of work as a result of a court injunction, affecting up to 80 jobs. These are families—each one of those jobs is part of a family—so an effect on 80 people is an effect on hundreds. There are two sawmills that are currently standing down employees or reducing staff, and by May there will be three more. Australian Paper has 1000 employees. How will they be by August—those 1000 employees—when they have no supply? By August, will they be able to operate? All of these numbers, all of these facts, should all go back to reminding us that we are talking about people, we are talking about jobs, we are talking about businesses, and all of these people were promised a continuance to 2024 with a 2030 end date. Well, the facts say otherwise.

I will turn to this bill specifically. The government will tell you that the purpose of the bill is to expand their head of power to make certain guidance around the code, and the expanded head of power will enable the incorporation of documents:

... to confer a discretionary authority on the Minister ... and leave any matter or thing to be from time to time, approved, determined, dispensed with or regulated by the Minister or the Secretary.

I will get to what that actually means a little later.

There is no doubt that we all care about the 7.8 million hectares of public native forests. I am sure every person in this place does. I know I do. 95.5 per cent of it is locked up, and another 5 per cent is on an 80-year rotation for harvesting. What has happened over time is that environmentalists have used a grey area of law to shut down the industry, to shut down harvesting. It is not a claim that I make on my own; it is a statement that the government has recognised. Numerous ministers have acknowledged that that is what is happening—a grey area of the law is being used as an environmental tactic. Those are not my words; those are the government's words.

Knowing that we face a grey area of law that is being used in a particular way, instead of doing something about it, instead of providing industry and communities with certainty to live up to the commitment they made, the government has done nothing, and now they introduce a bill and powers that nobody trusts them with—enormous powers. In a private briefing late last year—limited because this bill has had limited consultation or industry debate—the government described these new powers as enabling the:

... development of Compliance Standards that specifically set out how the timber industry can meet its obligations ...

and the establishment of:

... a legal presumption that operations complying with the guidance outlined in a Compliance Standard will have met the requirements of the Precautionary Principle.

And I will define that a little bit later.

So in short the standards will give, in the government's interpretation, industry guidance on what measures can be taken that will comply with the precautionary principle, that is:

The timber harvester can either comply with the standard, or it can apply alternative measures to meet the requirements of the precautionary principle, as is currently the case.

If the timber harvester acts in accordance with the compliance standard, it will be deemed to be compliant with the precautionary principle requirements of the Code.

If the timber harvester does not act in accordance with the compliance standard, the question of whether the timber harvester has acted in accordance with the precautionary principle requirements of the Code can be investigated ...

For background, and I touched on it earlier, the precautionary principle is a grey area of law. It makes a contribution to sustainable use of natural resources by requiring their use to be, amongst other things, prudent, and that was the underlying definition in *Telstra v. Hornsby*. As the department has set out, the precautionary principle is a rule of environmental prudence that concerns the management of environmental risks where there is uncertainty in order that human actions are calculated or designed to prevent or avoid actual degradation to the environment associated with such risks. Precaution requires decisions, actions or conduct that may have adverse environmental consequences to be properly informed and subsequent responses to be properly calibrated to risk and what is and is not known. It is a grey area of law—a grey area of law that is being used tactically. I mentioned earlier *Telstra v. Hornsby*, and in application I will note a further judgement describing that the principle as a need to take precautionary measures is triggered by the satisfaction of two conditions, precedents or thresholds: a threat of serious or irreversible environmental damage and scientific uncertainty as to the environmental damage.

The reason I have set out the concept, apart from to give background to the grey, is to also make clear the balance between protection—which I am sure everybody in this place cares about, I am sure that industry cares about and I am sure that communities care about and the broader community cares about—and workability. Mark Poynter, who was an architect of the code, made clear what he meant when writing a code to take into account that balance, and if I can quote from him:

... the Code is designed to enable practical and economically workable timber production in a way that minimises its environmental impacts ... the Code is a workable compromise between the needs of conservation and the practicalities of cost-effectively producing timber.

He uses the word ‘compromise’, but I think we can say ‘balance’ is equally appropriate in that context. His view, if I can go further, is that now the code is being seen by some, including at a political level:

... as a potential vehicle for ending timber production rather than enabling it.

Well, that is what is happening; industry will not be operating next year. It is clear that the potential vehicle for ending timber production rather than enabling it is the case. It is what is happening. It is what is happening on the ground.

So what are the problems with the bill in general terms? Well, it is a short bill, because what it does is it gives the minister endless power. It is a very short bill that says, ‘The minister can have lots of power’. As environmental groups have described it, it is a God power. That was quite a neat little description—a God power. In short, there is no scope around the power, no scope at all. There is no scope around how the power is used. There is no scope around the power at all. That is concerning. That should concern every member in this place—that a minister has asked the Parliament for power with no scope—and we know that what the minister is asking for in receiving that power is that they can, as they have asked for, have the power to provide guidance to industry.

Well, what would you do if you were asking for power at that level, of that broadness, in that way? You would provide some certainty around how you will consult with the community, how you will consult with industry. Well, the minister has refused to do that. There is no guarantee and there is no assurance that consultation will take place, that engagement will occur. In fact effectively the minister has simply said, ‘Trust me’. Well, I do not think anyone does. I do not and, sadly, neither does industry. In fact industry has gone to the minister and said, ‘We need certainty, and we are willing to consider what you are asking for on the basis that you give us some assurance that when you are asking for this much power we will be included in future discussions, included in consultation, and that we will be part of a process’—things that Labor spent a lot of time pontificating on but in this case not delivering. And what has the minister said to industry: ‘I’m not going to do it. I’m not going to provide that to you. We’re putting a bill to this Parliament that is going to give me a lot of power, and you just have to trust us to provide that keyword we talked about earlier, certainty’—another measure seeking to provide certainty.

And further, not only has industry gone to the government seeking some guarantee of engagement, I think one other thing that strikes most people when looking at this bill is the lack of any check or balance. There is no check and balance. There are no in-built mechanisms for reviewing how the minister uses what the environmental groups describe as the God power. It is a short bill that gives the minister extraordinary power, guarantees no consultation in its use and application and has no check or balance after the use of that power. And throughout the last week, when the government briefed me as the incoming shadow on this bill, I said to their office, 'In good faith, these are the three issues that I immediately see. Would you mind raising those with the minister? These are the issues that are being raised with me'. It is not unreasonable to provide some certainty to an industry and a sector that is in so much pain—something; provide a couple of sentences. I put the offer to read those responses into *Hansard* for the minister. Now, that does not happen too often. I offered the opportunity to read those responses on those three issues into *Hansard*, and I would have read them word for word. Guess what? Nothing.

Those three issues have not been addressed. Those three issues that are being raised by industry with government privately are also not being addressed privately. Is there any wonder that the sector looks on and says, 'I don't trust. I don't trust'. If in private conversations the government is not willing to provide any scope around the use of power or any certainty around engagement while so many businesses are on their knees, is there any wonder that they have a lack of trust? It is only fair and reasonable that there is a lack of trust. And again I say on record: my offer to the government was genuine, and I would have provided those responses. I would have read them into *Hansard* in full. Disappointingly that offer was rebuffed.

I referred earlier to Mark Poynter, who was one of the designers or architects of the original code. If I can read in his concerns:

The obvious problem with the Bill is that it would give the Minister discretionary power to make changes to the Code ... potentially on a whim—perhaps politically motivated to appease forestry critics. This is a problem because the Code's ... provisions have been carefully determined based on a mix of science and decades of overseas and Australian field observations, the operational practicalities for workable timber production, and a recognition that forestry operations are restricted to a minor portion of the forest estate that is designated for that purpose and is therefore not meant to harbor pristine environmental values.

I think when you hear those words from Mr Poynter it is difficult not to go back to the point that I raised earlier—that of balance. The minister is asking for power that can be misused—it can be misused—at a time when industry is almost shut down. Seventy-five per cent of approved coupes on the release plan are subject to court injunction—75 per cent. Is it any wonder that industry is looking at what the government is proposing and saying, 'Well, do we really want a minister to have power to so disproportionately affect that balance?'.

In this place we will not oppose the bill on the basis that industry does need constraint on litigation. They are desperate for a constraint on litigation. They are desperate for certainty.

On that basis the coalition will not oppose this bill in this place, but I can assure you it is not because there is overwhelming trust in the minister and the minister's use of this short bill with lots of power. In fact it is because when you weigh up the uncertainty, when you weigh up the effect on industry, when you weigh up what people are going through—what families, local townships and people are going through—you need to weigh that up against the hope that something will go right for them, that the government will do the right thing. It is sad to say that when you talk to people in this sector what they say over and over again is, 'I don't think I have any hope left'. I have been struck by how many people have said that to me: 'I don't have hope'. They are hoping that the minister will do the right thing and not use this power in an ideological way. As I said, in this place we will not oppose the bill.

So I say to the minister, in summary, the three issues that have been raised over and over again are on scope of power, on use of power and on the unbridled, as environmental groups refer to, God power. They are a real concern, and it is only reasonable that the minister publicly address those concerns.

Providing a talking point I had not even raised when I raised my concerns about the three issues, the minister's advice was that one of the government backbenchers would respond to those issues. That is not worth anything, frankly. That is worth nothing. That is worth absolutely nothing. So I say to the government: the least the government could do is provide people with certainty. That is the least the government could do. They could take those little talking points that they are circulating to the backbench and put them on the record in the minister's own name to give a community and an industry and people who are doing it so tough the certainty they deserve. That is not too much to ask of this government.

**Ms GREEN** (Yan Yean) (12:18): I take great pleasure in joining the debate on the Conservation, Forests and Lands Amendment Bill 2022. I have got to say I am really not surprised that the opposition did not seem to allow the member for Brighton to go on ABC radio to articulate their policy yesterday—they instead rolled out Mr Davis from another place to stumble about—given he has just made a presentation to this house for 29 minutes and 20 seconds which I think he could have made in about 5 minutes. He sounded like he was on Mogadon he was so slow. If you do a word count, it was probably worth a speech of 4 or 5 minutes. And what I heard from the member for Brighton was that his final and concluding beef was that the minister's office would not write his speaking points for him. I mean, goodness me—I mean, seriously. He had a bash at having a crack at our backbench when he was having a sook-up that the minister's office would not write his speaking points for him. Well, we can tell that he is the new Shadow Minister for Environment and Climate Change, and I say with great confidence that he will never be the minister for environment if that was evidence of what he would be like. The reason why we are here is that we are fixing the mess. This is the Leader of The Nationals' code of practice, which was rushed through before the 2014 election, and it is riddled with errors. We have all these court cases occurring, and we are actually trying to fix it, and we are acting to fix it.

The member for Brighton verbalised the minister by saying she has not met with industry. In fact she met yesterday with the Victorian Forest Products Association and the CFMMEU, and the Australian Forest Contractors Association have also been briefed by the minister's office and the department. It was simply offensive for him also to say that this minister is killing this industry by stealth. That is simply offensive. We as a government—

**Mr Walsh** interjected.

**Ms GREEN:** You will get your turn. You had your turn as minister, Leader of The Nationals.

**The DEPUTY SPEAKER:** Order! The member for Yan Yean, through the Chair.

**Ms GREEN:** Thank you, Deputy Speaker. I expect that the Leader of The Nationals will speak later in this debate when he gets the call. We remain committed to delivering the *Victorian Forestry Plan*. We absolutely remain committed to that. There were a few things that I agreed with in the member for Brighton's contribution. It took him long enough to get to the point of saying that they were not opposing this bill, but we did not hear a whole lot of what he would do instead. He said he is not opposing it, but who would have known with that contribution? But one of the things he did say was that due to legal action VicForests contractors with contracts are stood down, but what he did not say is that all Victorian contractors with current contracts are paid while they are stood down.

We have brought this bill into the house so that we can actually reduce that uncertainty. The intent of this bill is to provide certainty to the forestry industry about how to comply with the precautionary principle in the Code of Practice for Timber Production. By definition the precautionary principle has an element of uncertainty about it. It is a broad requirement, and its application changes based on the circumstances. So the question before us is: what is the intention of the precautionary principle and who should define it and give definitive guidance on it to industry? At the moment the courts are being asked to do that, and that is a slow, expensive, uncertain process for all involved. We need to change that. The government has a clear intention for how the precautionary principle should be exercised, and we have sought to clarify it through a recent amendment to the code of practice which clearly

indicates that the historical legal interpretation, the so-called brown mountain standard, is the correct interpretation. We now seek to further clarify that view through detailed compliance standards that spell out in more operational terms how to correctly apply this important part of our environmental regulations, and it is right that we do that.

Where there is such significant uncertainty about a critical environmental regulation it makes sense that the government be the one to provide more detail, more guidance and more certainty, and this is what we will do, and it will simply reinforce the pre-existing standards and intentions but assist all parties to understand precisely how that operates in the real world. The member for Brighton in his contribution was saying that the precautionary principle is a God power. It is not a God power. It is constrained by the code, which will come after this bill, and the government cannot change the code without mandatory consultation, and it is also disallowable by Parliament, so that fear that he was speaking about is not a fear that has any validity.

Heads of power like the one in this bill are common in regulatory frameworks. They are not a God power. They are very common, and they are found in other acts including the Accident Towing Services Act 2007, the Bus Safety Act 2009, the Commercial Passenger Vehicle Industry Act 2017, the Dairy Act 2000, the Dangerous Goods Act 1985, the Essential Services Commission Act 2001, the Seafood Safety Act 2003, the Therapeutic Goods (Victoria) Act 2010, the Meat Industry Act 1993, and I could go on with many others. So this is a well-accepted and understood approach to legislation, but maybe the junior woodchuck, the new environment shadow minister, is not aware of this.

The code of practice will outline the circumstances for when these powers enabled by the bill can be used, and this head of power is required to create the compliance standards framework. Without it, government cannot provide certainty to the industry about how to comply with the precautionary principle. Should the bill pass, the government will make a code amendment to set up the compliance standards framework. This code amendment will be subject to all the usual public consultation, parliamentary tabling and, as I mentioned before, disallowance requirements of the Conservation, Forests and Lands Act 1987, which I would have thought the member for Brighton would be aware of.

The code amendments will determine the scope of the compliance standard. The standard can be amended from time to time to respond to changing environmental circumstances, but only within the bounds of the code amendment. Should government wish to change the scope of compliance standards in the future, the code would need to be amended and further mandatory public consultation and parliamentary scrutiny would be required. Similarly, the discretionary authority of the minister or the Secretary of the Department of Environment, Land, Water and Planning enabled by the bill will only apply to the extent authorised by the code. Amendments to the code are required to enable the discretionary authority, which again will be subject to public consultation and parliamentary scrutiny. This is substantial oversight by this place—as it should be—and it mandates consultation.

So I think what we have heard from the member for Brighton, the shadow minister for environment, again, as I said at the outset, really shows why the opposition would not let him speak on ABC radio yesterday morning. The biggest threat to our forests and to the industry being able to continue is the lack of a climate change policy by their federal counterparts, and as we have seen, they do not have one themselves. Mr Davis yesterday said to Ali Moore that if she wanted to reference their climate policy she should just look at their record in Parliament, their voting record—I mean, seriously. If for their voting record you have to refer to a 29-minute-and-20-second contribution that was really like a 90-second statement dragged out to almost half an hour, that is not how you should conduct yourself with public policy. I am proud that we have a minister at the table, the Minister for Energy, Environment and Climate Change, who has always been clear on government policy and about implementing government policy. We are about supporting this industry, as we have detailed, and I commend this bill to the house.

**Mr WALSH** (Murray Plains) (12:28): I rise to make a contribution on the Conservation, Forests and Lands Amendment Bill 2022. The word ‘certainty’ has been talked about a lot in the debate so far

on this legislation. I think the one certainty in the world is that I do not believe the Australian Labor Party would ever put the member for Yan Yean on radio, either, to explain anything to the people of Victoria.

*Members interjecting.*

**Mr WALSH:** Well, you give, you take. That is the way it works.

Can I place on the record the Liberal and National parties' support for the sustainable timber industry in Victoria and commend all the people that work in that industry for the fortitude they have shown in continuing to provide timber for this state despite a very hostile Andrews Labor government that is doing everything in its power to actually close this sector down earlier than the 2030 date that has been publicly announced. There is a crisis in timber supply in this state and in this nation, and we do not have to go back further to see it than the issues around at the start of the summer fruit and grape season. There were no pallets in this state because there was no native timber to actually make pallets. I went out to Dormit, one of the pallet manufacturers out in Dandenong, and they could not get timber to make pallets in this state. It nearly brought our supply chains to a halt because there was not enough timber to make pallets in this state. If we look at the issues in the housing industry, some say, 'Well, you don't use the native timber industry in building a house'. Well, you do. The frames may be made from softwood, but for the flooring, the window frames, the doorways, the stairways—our great native timber industry is used there to make the homes that we live in.

We are importing millions and millions and millions of dollars of timber into this state because we do not have a government that will set the framework to enable the timber that we need to be harvested. Australian Sustainable Hardwoods, ASH, a business that the Andrews government half own—they bought half this business a number of years ago—as I understand it have actually purchased a timber mill in Tasmania now and are bringing timber across Bass Strait to make sure they have enough product to manufacture here in Victoria as well as importing timber from South-East Asia and from the USA. It is alleged by those in the industry that the Andrews government actually loaned additional money to ASH to go and buy a timber mill in Tasmania because on one hand they are flat out trying to close down the industry here but they are supporting one of the businesses here that they half own to go and get timber out of another state to supply here into the future.

One of the great things about our native timber industry is that it is actually one of the excellent carbon stores into the future. If we are talking about climate change, how we need to store carbon better into the future, it is the native timber industry that can be a significant carbon store into the future. When trees reach a maturity where they are not storing much more carbon they can be harvested, and that carbon is locked up in the products that are produced, then new trees are planted and more carbon is stored. For every tree that is cut down in Victoria or harvested in Victoria a new tree is planted; there is no net loss of timber through harvesting here in Victoria.

One of the things that was talked about a lot, as I said, was certainty for the industry. What the industry needs is certainty against protesters going into logging coupes—going into workplaces and disrupting those workplaces—and causing a significant OH&S issue. They are workplaces. They need to be protected as workplaces so that protesters do not put spikes into trees that then mean that someone can be seriously injured when they hit those spikes with a machine, so they do not damage the hundreds of thousands of dollars worth of machinery that are in a logging coupe, which they do when they go in there, and for the loss of income that happens to the logging crews because they have to be stood down, because it takes literally days for Department of Environment, Land, Water and Planning officers or for police to get there and move—

**A member** interjected.

**Mr WALSH:** It is true, it is true. There are authorised officers that should be doing that and protecting the workers there and protecting their livelihoods into the future. If someone in Melbourne had their business invaded and they had to stand down, there would be something done about it by this

government, but because it is the timber industry and the Andrews government want to make it as hard as possible for that industry and just hope they go away before the 2030 date, they are not protecting them when it comes to their workplaces.

In the second-reading speech the minister mentioned the issues around fire and the precautionary principle that if habitat is destroyed by fire, that puts more pressure on logging coupes to be kept to protect threatened species into the future. If the Andrews government were serious about that particular issue, they would honour the recommendations of the 2009 Victorian Bushfires Royal Commission. The government has walked away from the recommendations of the bushfires royal commission—the 2009 royal commission. If you go back to the Stretton 1939 royal commission, it had very similar recommendations as well, and that is actually about prescribed burns, precautionary burns, making sure the risk of fire is not as great into the future.

One of the things that our side of politics, the Liberal and National parties, is committed to doing is working with our Indigenous communities around the firestick program to make sure you actually work with the landscape when you do prescribed burns—to make sure you have white smoke instead of black smoke, as Uncle Dave Wandin would say when we met with Uncle Dave and talked about this. It is about how you work with the environment to reduce the fuel loads, not doing great big burns that actually cause more harm in the long term, because once those burns actually get into the canopy, they are counterproductive for what you want to achieve.

So we are committed to working with our Indigenous community and working within the environment to make sure we actually reduce the fuel loads into the future so we help reduce that risk of megafires, protect habitat and protect timber for harvesting into the future. If the minister was serious, that is something that they would do, rather than just putting their hands up and saying, ‘We’ve got to shut everything down because there’s been a bushfire’ into the future. It is actually going back to those Black Saturday royal commission recommendations and making sure those targets are met, rather than not doing it at all.

I suppose the last thing I want to touch on in my contribution is this issue of the fact that this bill effectively gives unfettered power to the minister or the secretary for what may be incorporated into the code in the future. If you go to the *Weekly Times* article of 9 February that talks about the stacking of the forestry policy and regulatory roles within the Department of Jobs, Precincts and Regions and the Department of Environment, Land, Water and Planning with Labor Party aligned people, particularly one role there that is still being fulfilled by someone who is now the Labor Party candidate for Preston, I think you will find that the industry is rather cynical when it comes to how this legislation has been drafted and what this legislation will be used for in the future. There are views in the industry that this legislation has been effectively designed by Labor Party members and operatives within the department, to be implemented by the same people, to put the industry at a disadvantage to make it harder for the industry to operate into the future so that it will actually do what the government really wants it to do, and that is just go away and not be there and not have to be closed down in 2030. If you go to that article, it talks about when IBAC released their report into corruption and integrity, which found an increased number of public servants were concerned about political interference, responding with comments such as:

‘Government appears to be making decisions that are not in the interest of the state, but rather their political careers.’

‘Bad or inconsistent decisions get made because of political pressure.’

I think if you look at this legislation, if you are a cynic—

**Ms Green** interjected.

**Mr WALSH:** There seems to be an echo in this place. But what the industry would say, with the way those positions in both the departments are filled by Labor Party operatives, is that this legislation was designed by those people to give the minister and to give the secretary unfettered power to make

it harder for the industry into the future, when the industry actually needs certainty, particularly certainty around protection from demonstrators, rather than political interference. I will finish off with a quote from Brett Robin, who is a timber operator:

I thought the Labor Party stood up for workers, but it's not so.

I end on that note that the Labor Party is not standing up for workers. If you look at what Michael O'Connor from the union movement says, this government is not actually supporting the industry at all and not supporting jobs in regional Victoria, and this legislation will just make it harder into the future.

**Mr MAAS** (Narre Warren South) (12:39): It gives me great pleasure to rise and to make a contribution to the Conservation, Forests and Lands Amendment Bill 2022, and please, National Party—please, please—do not talk to us about what we do for workers and what we do to protect—

**Mr Walsh** interjected.

**Mr MAAS**: No, absolutely we do, and don't you worry about Mr O'Connor.

**Mr Walsh** interjected.

**The DEPUTY SPEAKER**: Order! The Leader of The Nationals!

**Mr MAAS**: Listen to you. The member for Brighton could not even stand to be in the same chamber.

**The DEPUTY SPEAKER**: Order! Member for Narre Warren South, through the Chair.

**Mr MAAS**: This government protects workers, this government protects forests and this government does it so that it protects the standards and creates rights as well, and that is exactly what this legislation is about. It is not about creating a headline and then not being able to deliver because the Shadow Minister for Environment and Climate Change has not bothered to confer with the Leader of the National Party. It is certainly not about that.

What it is about is building on the tremendous achievements that the Andrews Labor government has done in this area. Quite frankly if the Minister for Energy, Environment and Climate Change was a rock star, I think she would be sitting pretty well up at the top of the charts, because she has been quite prolific over the time that she has been in that role over the last seven-and-a-bit years.

What has been delivered? Well, we have delivered major reform of the Environment Protection Authority Victoria through the Environment Protection Act 2017 and the Environment Protection Amendment Act 2018. We banned cattle grazing in the Alpine and River Red Gum national parks in 2015 and banned fracking in Victoria, securing agricultural productivity and a strong, healthy environment into the future.

**Mr Newbury** interjected.

**Mr MAAS**: Well, the member for Brighton did provide context. This is a debate, and I will provide context. We have also removed the power to grant 99-year leases over national and other parks under the National Parks Amendment (Prohibiting Cattle Grazing) Act 2015 and delivered the Climate Change Act 2017, a world-leading legislative foundation to manage climate change risks, maximise the opportunities that arise from decisive action and drive our transition to a climate-resilient community and economy with net zero emissions by 2050.

This government also added parts of the Anglesea Heath to the Great Otway National Park in 2017—internationally recognised heathland that supports a quarter of Victoria's plant species and provides habitat for 29 mammal species and over 100 native bird species. An additional part of Anglesea Heath was added to the Great Otway National Park by the Parks and Crown Land Legislation Amendment Bill 2019. You can only get those sorts of changes when you have a vision—a vision for Victoria that, as I said, creates rights-based avenues, puts those to a standard and makes things fairer for all Victorians.



Should this bill pass, the government will make a code amendment to set up the compliance standards framework. This code amendment will be subject to all the usual public consultation, parliamentary tabling and disallowance requirements of the Conservation, Forests and Lands Act 1987. The code amendment will determine the scope of the compliance standard. The standard can be amended from time to time to respond to changing environmental circumstances but only within the bounds of the code amendment. Should government wish to change the scope of compliance standards in the future, the code would need to be amended, and further mandatory public consultation and parliamentary scrutiny will be required. Similarly, the discretionary authority of the minister or the Secretary of the Department of Environment, Land, Water and Planning (DELWP) enabled by the bill will only apply to the extent authorised by the code. Amendments to the code are required to enable the discretionary authority, which again will be subject to public consultation and parliamentary scrutiny—this is a substantial oversight by this place—and mandatory consultation as well.

In terms of transparency, clause 3(3) inserts a requirement for notice of any amendment to a document incorporated by the code of practice to be published by the *Government Gazette* before it is taken to have been amended for the purpose of the code—that is, any amendment to an incorporated document is not taken to have effect until the required notice is published in the *Government Gazette*.

Clause 4 of the bill will insert additional publication requirements to section 38 of the act. New subsection (2) requires:

An amended document, standard, rule, specification or method ... that is applied, adopted or incorporated by a Code of Practice ...

to be:

published on the Internet site of the Department.

New subsection (3) requires an approval, determination, dispensation or regulation by the minister or the secretary under new section 31(4) of the principal act to be published:

... on the Internet site of the Department as soon as practicable after its making ...

Review of course is also important, and in terms of that DELWP will also be undertaking a comprehensive review of the code by the end of 2023 as required under the regional forest agreements. All stakeholders will be able to have their say on the code of practice, which will include the new elements of the code that will be created if this bill is passed. This includes the forestry industry.

In terms of consultation on the compliance standard, the conservation regulator already conducts a wide range of consultation with stakeholders, including the content of their guidance for the regulation of timber harvesting. The conservation regulator will ensure that appropriate consultation is undertaken for proposed amendments to compliance standards.

There are some nine forestry-related cases that are currently before the courts, and many relate to this precautionary principle commenced by environmental NGOs against VicForests. The legal action shows that there is a need to get the balance right—to get that clarity regarding the interpretation of the principle. The Conservation, Forests and Lands Amendment Bill 2022, should it pass, will ultimately enable the conservation regulator to create compliance standards and give guidance to VicForests on how to comply with that precautionary principle.

The reform will likely reduce third-party litigation by providing greater certainty on what constitutes compliance with the precautionary principle clauses within the Code of Practice for Timber Production 2014. The bill goes ahead and amends the power to make codes of practice under the Conservation, Forests and Lands Act 1987, and hopefully once the bill has passed the government will then consult on an amendment to the code of practice to enable the compliance standards framework. Once this amendment has been gazetted, government will consult on a compliance standard or standards to fully realise the reform. Compliance standards are expected to be in place by mid-2022. Compliance standards themselves will not change the precautionary principle or reduce any

environmental standards in the code of practice or related documents. The bill is directly relevant to electorates in eastern Victoria but will be of interest to other regional electorates as well.

So on that note, this bill is a good bill. It continues the great tradition that this government has of protecting our conservation forests and also of giving certainty to those third-party litigators. The bill will improve timber harvesting regulation in the state by enabling the regulator to clarify the intended operation of the code, giving greater certainty to the Victorian timber industry while also maintaining environmental standards. It is a clear and enforceable regulatory framework, and it is absolutely vital for our environment, for the industry and for forestry workers as well. I commend the bill to the house, and I wish it a speedy passage.

**Mr BLACKWOOD** (Narracan) (12:49): I was going to say it is with pleasure that I stand to speak on this bill, but it is with quite a bit of trepidation that I stand to speak on this bill, given the performance of the current Labor government to date and its lack of concern for the industry.

The government's previous speakers were the member for Narre Warren South and the member for Yan Yean. It concerns me greatly that they did not really go at any stage to the issue of what is really happening right now in the forests. Right now in sawmills, right now in supply chains down the line here in Melbourne, workers are being stood down and workers are having hours reduced because of a lack of supply, and this could have all been avoided. All of this could have been avoided if this had been acted on sooner. We knew this was coming. The Greens are never going to go away. They are going to keep making allegations and taking on litigation not based on facts but based on misinformation, which is going to tie the industry up in the courts, and that is what we are seeing.

The Labor government have had plenty of time to address this, heaps of time. The minister at the table, the Minister for Energy, Environment and Climate Change, has had heaps of time but done nothing—done nothing. This bill has basically been sold by the government as another attempt to solve the litigation issues that have been confronting the native forest timber industry now for many years. A review of the code of forest practice was conducted and completed last year by the minister, and the subsequent recommendations were supposed to stop third-party litigation by green activists back then. It failed, and now we are being told that this legislation will allow the minister or the Secretary of the Department of Land, Water and Planning to make unilateral decisions that will protect the rights of VicForests to undertake timber harvesting as long as it meets the requirements of the code of practice, including the precautionary principle—two actions or two controls that VicForests have been abiding by all of the time, two actions and two controls that are being complied with on the forest floor by the workers, the experienced workers in the bush. And yet this government continues to ignore this fact. The precautionary principle—I will speak more about that a little bit later, because that is very important in terms of this debate.

The Labor government have made a commitment to the Greens and indeed to all Victorians that they will transition out of native forests by 2030. I do not support that, and neither do the coalition. We will reverse that decision when we come to government in November this year. The Premier promised to maintain the industry at 2019 production levels until 2024–25, when a gradual reduction in harvesting would commence. The minister at the table and her department have done nothing but allow the Premier's commitment to industry to be undermined. Why haven't they provided immunity from third-party litigation for VicForests, the same as they apply to the Victorian EPA? I think I know why. The minister and her department continue to take advice from radical green activists. They refuse to go to genuine forest scientists for advice based on years of experience and backed by genuine and tangible outcomes in the forest.

The minister at the table even appointed Sarah Rees to the advisory committee of the Office of the Conservation Regulator. Sarah has a history of radical green activism and is a promoter of the great forest national park and a director of My Environment, which still owes the Victorian taxpayer \$1.25 million. No science, no background, no understanding of the way industry is actually regulated—she influences people with lies and misrepresentation and slanderous accusations about

VicForests and timber workers. The minister at the table is advised directly by Lindsay Rayner, a long-time Labor activist and adviser to Gavin Jennings, who promised the Greens prior to last election that he would shut the industry down in return for their preferences. The minister at the table and her department continue to take advice from David Lindenmayer, who publishes papers on forest science without peer review that contain misleading information that is deliberately engineered to support his own green activism. Is it any wonder the hardworking timber workers and their families feel completely betrayed by the Premier—a Premier who claims to be about jobs, jobs and more jobs? Perhaps he is just as big a fraud as Rees, Lindenmayer and Rayner.

For some time it has been in the public arena that the IPCC, the Intergovernmental Panel on Climate Change, supports sustainable native forest harvesting for its role in mitigating climate change. Why won't the Andrews government, its department and its minister accept genuine science? Because this is all about politics, not science. Hardworking timber families are expendable when this government is determined to hold power at whatever cost.

I go to Mark Poynter, and some of his comments have been touched on by previous speakers. Mark was one of the original architects of the code of forest practice. He outlines in this paper his concerns with this current bill. I wonder if the minister has spoken to Mark Poynter, one of the original architects of this code of forest practice, which the minister is now tampering with. But no, she would not. She would not go to Mark Poynter.

**Ms D'Ambrosio:** The one that has 3000 mistakes.

**Mr BLACKWOOD:** So you are saying the original code of forest practice had 3000 mistakes in it? That just shows you how dumb you are.

**The DEPUTY SPEAKER:** Member for Narracan, through the Chair.

**Mr BLACKWOOD:** Through the Chair. Okay.

So getting back to Mark Poynter on the precautionary principle, he said:

The speech's mention of the 'precautionary principle' clause in the Code is disingenuous because it neglects to mention that the Code applies only to a very minor portion of the state's 7.8 million hectares of public forest. Therefore timber production operations that are subject to the Code are of such a proportionally minor scale, that there is virtually no chance of them creating a threat of 'serious or irreversible environmental damage' that justifies invoking the precautionary principle. Similarly, the excuse that the 2019–20 bushfires have created 'scientific uncertainty about the ability of species to recover' is largely disingenuous. Forests have been recovering from similar major fire events since European settlement—indeed the ash regrowth forest which comprises the State's primary timber resource is the product of the huge 1939 bushfires. The distinguishing feature of the 2019–20 bushfires was its extent and, notwithstanding that parts of East Gippsland were intensively burnt, it has been noted by fire experts that the worst days experienced in that fire season were not as bad as in other most notable fire seasons.

So here is the man who was the architect of the original code of forest practice. He understands the precautionary principle and how it should be applied, and yet this government refuses to engage with him. He also said:

The original Code was written as a set of state-wide broad minimum standards of environmental protection during timber production. By necessity it retained a lot of flexibility in wording to account for the reality that, for example, particular requirements for wet forests in the Central Highlands may be far more onerous than what is necessary to protect environmental values in flat red gum forests and woodlands in northern Victoria. The detailed prescriptions needed to implement these standards were contained in associated regional documents that were more attuned to particular local forests.

So we had sets of prescriptions that applied to each region of our public native forest estate specifically designed to take into account the characteristics of each of those regions.

In terms of the discretionary power, and I will quote from Mark Poynter again:

The obvious problem with the Bill is that it would give the Minister discretionary power to make changes to the Code (now incorporating the—

management standards and procedures—

MSPs) potentially on a whim—perhaps politically motivated to appease forestry critics.

Surprise, surprise!

This is a problem because the Code's ... provisions have been carefully determined based on a mix of science and decades of overseas and Australian field observations, the operational practicalities for workable timber production, and a recognition that forestry operations are restricted to a minor portion of the forest estate that is designated for that purpose and is therefore not meant to harbour pristine environmental values.

In closing, I would like to remind the house that at this very time 95.5 per cent of our native forest estate is locked up in parks and reserves, never to be harvested. Most of this area is set aside to protect all the values that need to be protected. That leaves just 4.5 per cent of our native forest estate available for timber production and other uses. Timber is harvested on an 80-year rotation. Not one species of animal has become extinct because of timber harvesting. Timber harvesting and threatened species have coexisted for well over 100 years.

**Ms HALFPENNY** (Thomastown) (12:59): Obviously I will have only a very short time to make a few comments on the Conservation, Forests and Lands Amendment Bill 2022 prior to the lunchbreak. Needless to say, we on this side of the house completely repudiate many of the ridiculous arguments that have been put by the opposition and the member for Narracan. Of course as a Labor government, our beliefs and our responsibilities are that we need to protect the environment as well as being mindful of the impacts on jobs and the livelihoods of working people. Climate change, as we can see right at the moment, is having a devastating effect—

**Sitting suspended 1.00 pm until 2.02 pm.**

**Business interrupted under sessional orders.**

### Members

### MINISTER FOR PUBLIC TRANSPORT

### DEPUTY PREMIER

*Absence*

**Mr ANDREWS** (Mulgrave—Premier) (14:02): I rise to inform the house that the Minister for Transport Infrastructure will answer questions for the portfolios of public transport, roads and road safety; the Minister for Health will answer questions for the portfolio of mental health; and I will answer questions for the portfolio of education. The transport, road and road safety arrangements are just for today, but the mental health and education arrangements will be for today and tomorrow.

### Questions without notice and ministers statements

### ELECTIVE SURGERY

**Mr GUY** (Bulleen—Leader of the Opposition) (14:02): My question is to the Minister for Health. Josiah is 16 years old. He has a rare genetic disorder that causes muscle weakness and skeletal abnormalities. His scoliosis over the past few years has worsened, and he has been on the waitlist for nearly three years for spinal surgery. Due to lockdowns and cancellation of surgery his condition has deteriorated so significantly he now requires surgery on his upper back as well. He is in ongoing pain, and his family is desperate. They are being told the ongoing delays will result in him not being able to get out of his wheelchair. Minister, Josiah's mum and dad are today here in the gallery. It is heartbreaking for them to watch their son's condition deteriorate so quickly due to lack of surgery. Minister, what does the government have to say to this family?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:03): Can I thank the Leader of the Opposition for his question, and can I indicate to members that for anyone in Victoria whose families and family members are on the elective surgery waiting list—which is in many ways a misnomer, because of course all surgery is important—that the increases that we have seen in Victoria, in Australia and indeed around the world in surgery waiting lists as a result of the global pandemic are hugely regrettable and have caused significant discomfort and inconvenience and pain and suffering to many, many people. I am sure I join with all honourable members of Parliament to indicate to any family who is in that situation that every effort is being made to address those significant issues as quickly as we possibly can.

In regard to those measures that were formally in place during the course of particularly the omicron variant's huge impact on our public health system and indeed our private health system, it is important to note that those restrictions were acted on on the advice of our public health officials to keep our public hospitals and our private hospitals open as safely as they possibly could be to address the very large numbers—thousands—of people who were on clinical advice seeking that higher support, whether it be care for the omicron variant's impact on those families.

We thank all of those clinicians, particularly in the partnership between the public and private sectors in that regard, who came together to address those huge spikes in demand. As a result of all of that what we have seen now is the lifting of those public pandemic restrictions, which has seen a return to 100 per cent delivery of elective surgery right across the private sector and a return to delivery of public sector conditions in surgery as well. But of course there is a backlog, and what we are doing is working through all of those arrangements in partnership with the commonwealth. I want to thank the commonwealth for its 50-50 contribution when it comes to the public-private partnership payments that are in place. Can I use this opportunity to implore the commonwealth to continue that partnership beyond 30 June and perhaps to use this coming Friday's national cabinet decisions to cement those arrangements.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:06): Josiah has been remarkable in managing his condition. Like so many kids he has missed out on months of school over the past two years and the vital support of his friends as a result of lockdowns. Josiah was told last Monday by his surgeon that he cannot be provided a date for surgery. Minister, can you tell Josiah and his family what support is being provided to him and kids like him who have suffered so much over the past two years as a result of restrictions and surgery bans?

**Mr FOLEY** (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:07): Can I thank the Leader of the Opposition for his supplementary question. Whilst I am not privy to the particulars of individual clinical cases, I am sure that the clinical case and the support for every single Victorian who is facing these arrangements is at the forefront of both those families and their clinical providers' care. I want to thank all of our surgeons and all of our public and private hospital partners in this for how they go about looking at the changed clinical conditions, which sometimes sadly do deteriorate whilst people are on those waiting lists, and the support that they bring, whether it be for the scheduling of surgery or indeed the social, mental health and other supports that people need whilst they are on those lists. It would not be appropriate, nor would I think honourable members expect any of us, to have that advice other than 'follow clinical support'. It is critical.

#### MINISTERS STATEMENTS: ROYAL COMMISSION INTO VICTORIA'S MENTAL HEALTH SYSTEM

**Mr ANDREWS** (Mulgrave—Premier) (14:08): I last week joined both the Minister for Mental Health and the minister for child protection to mark the one-year anniversary since Australia's first and only royal commission into mental health handed down its final report. It was a very significant occasion where we not only commemorated or acknowledged the significant progress that we have made on each of the recommendations that were handed down in that final report—that 10-year blueprint to transform our mental health system, to acknowledge first of all that it is broken and then to build a new mental health system, one that works for clients and carers, one that is about health and

wellbeing, one that is comprehensive and has the dignity and human rights that all of us ought to be afforded—

*Members interjecting.*

**Mr ANDREWS:** Some do not support the process and the journey that we have been on, and they make that abundantly clear to Victorians through contributions like that. The key point is this—

*Members interjecting.*

**The SPEAKER:** Order! Members will come to order.

**Mr ANDREWS:** The key point is this: \$3.8 billion in additional investment, the biggest contribution to a new mental health system in our nation's history. In proportionate terms, well, you could add up pretty much all the new dollars across the country from every state and the commonwealth and they would not equal \$3.8 billion. Each and every recommendation will be delivered in full because every Victorian deserves access to the best possible mental health care. This is what the royal commission has told us. This is the journey we are on. We have made very significant progress in just the first 12 months. It is a great shame that some seem unwilling and unable to join us on this journey, but we will push on regardless because we are doing exactly what we said we would do: acknowledge the failures and build a new system for every Victorian.

#### ELECTIVE SURGERY WAITING LISTS

**Ms KEALY (Lowan) (14:10):** My question is to the Minister for Health. Can you confirm that Victoria's elective surgery waiting list has recently surpassed 100 000 people?

**Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:11):** Can I thank the member for Lowan for her question. It is not dissimilar to the questions that she raised at the recent pandemic oversight committee, making the issue that this government is a part of the most transparent, accountable system in the country, if not the world. This is a government that brings an open book of participation and accountability to these issues, and as I explained to the honourable number only last Friday—and I would refer her back to that record—these figures are released independently from government on a quarterly basis. The most recent quarterly report indicated, as we know, a figure of about 80 000 or 81 000—

**Mr Andrews:** What was it in New South Wales?

**Mr FOLEY:** In New South Wales in fact it was much closer to 100 000, about 95 000 or 97 000. So in regard to this timetabling for—

**Ms Kealy:** On a point of order, Speaker, on relevance, my question was specific: has the waitlist recently surpassed 100 000 people? It is a yes or no question. Would the minister please respond in that way? It is very straightforward.

*Members interjecting.*

**The SPEAKER:** Order! Rather than single members out for individual warnings I am going to warn all members in the chamber that if they continue to shout across the chamber they will be removed without further warning, particularly while I am trying to rule on matters. The minister is well known for giving fulsome answers, but I do ask the minister to come to answering the question.

**Mr FOLEY:** Thank you for that compliment, Speaker. I take it as it was meant, as a compliment, because as I was indicating, this is a government that is accountable and transparent. Contrast that to other governments that Victoria has had in recent times, where this material was kept in a locked safe in the former minister's office that he would not even share with his department. So I am not going to take lessons from this lot when it comes to accountability and transparency.

**Ms Kealy:** On a point of order, Speaker, I think the minister knows that question time is not an opportunity to attack the opposition. I ask you to bring him back to the question. Are there more than 100 000 Victorians on the elective surgery waiting list? He is the minister. This is information he should know. It is yes or no.

**The SPEAKER:** I understand the point of order. The minister was referring to the actions of a previous government, but he should come back to answering the question.

**Mr FOLEY:** Again thank you, Speaker, and I will make sure I follow your rulings. These measures, these quarterly published measures that are released by an independent agency, will be released by that agency. That agency is not the minister. That agency is not in the minister's office. When that data is collated by the 80-plus health services with that agency it will be released, as it is every quarter by this government, which delivers the most transparent, accountable system of reporting in health matters that we have seen. As we know, the most recent figures are on the public record, and when the next quarter's figures are released they too will be on the public record. I urge the honourable member to await those quarterly released figures, which will be rolling around in the not-too-distant future.

**Ms KEALY (Lowan) (14:14):** Last week health department secretary Euan Wallace gave the Pandemic Declaration Accountability and Oversight Committee an answer to the direct question: 'is there a plan to reduce the elective surgery waitlist?'. He said:

Not currently.

Can you confirm that you have no current plan or target to get 100 000 Victorians off the elective surgery waiting list?

**Mr FOLEY (Albert Park—Minister for Health, Minister for Ambulance Services, Minister for Equality) (14:15):** The honourable member's question falls at the first hurdle. In fact it is not factual—indicating that there is a waiting list of the figure that she asserts is totally a figment of the honourable member's imagination. It bears no relationship to the evidence and the fact that the most recent figure that has been released by the health agency is on the record. This government having, again on public health advice, now returned to 100 per cent surgery in categories 2 and 3 in the private sector and returned to full surgery in the public sector is—

**Ms Kealy:** On a point of order, Speaker, the minister is avoiding the question. The question was specific to the Secretary for the Department of Health giving evidence last sitting week to say there is no current plan or target to address Victoria's 100 000 people on the waiting list. I asked the minister to confirm that information as asked.

**The SPEAKER:** Order! Points of order are not an opportunity to repeat the question. The minister is being relevant to the question that was asked.

**Mr FOLEY:** Thank you, Speaker. So in partnership with the private sector and in partnership with our hardworking clinicians and public health sector employees we are determined to reduce these waiting lists, and we will.

#### MINISTERS STATEMENTS: DANNY FRAWLEY CENTRE

**Mr PAKULA (Keysborough—Minister for Industry Support and Recovery, Minister for Trade, Minister for Business Precincts, Minister for Tourism, Sport and Major Events, Minister for Racing) (14:17):** Last week I was honoured to attend the opening of the Danny Frawley Centre for health and wellbeing, made possible thanks to a \$7.3 million investment from the Victorian state government. I would like to acknowledge the Minister for Health, who was in attendance, the member for Bentleigh, the member for Rowville and indeed the member for Caulfield, who all attended that opening last week.

It is a wonderful facility. It includes AFLW grandstand seating, high-performance facilities, group program spaces, classrooms and consulting suites, and it is in addition to the \$13 million we provided

back in 2018 to redevelop the new grandstand to incorporate AFLW change rooms, administration, a hydrotherapy pool and a 25-metre pool. I would also like to acknowledge the commonwealth's \$8.5 million contribution towards stage 2C of the redevelopment. Importantly the centre facilities will be available to members of the local community, and mental health programs will be tailored for past and present players but also for sporting groups in the area.

Danny Frawley was a St Kilda champion. He played 240 games, 177 of them as captain. He was an all-Australian. He was a best and fairest winner. He was coach of Richmond. He was a trots icon, as my friend the member for Gippsland East knows. But beyond all of that he was one of the first players to open up about his mental health issues. He became a really strong advocate for mental health research, something that I know his wife, Anita, and his daughters, Danielle, Keeley and Chelsea, were very, very proud of. This centre will form a really important part of Danny Frawley's legacy. It will continue his vital work supporting research but also the work that he did inspiring others to speak out about their mental health and wellbeing. In doing that, Danny Frawley left the most important legacy of all.

#### MEMBER CONDUCT

**Ms KEALY** (Lowan) (14:19): My question is to the Premier. Former Labor MP Kaushaliya Vaghela has today stated on multiple occasions that the Premier brushed past her at events and embraced people whom she had made bullying complaints against and their friends, as if to reward and encourage their behaviour. Will the Premier unreservedly apologise to Ms Vaghela for the bullying that she endured from those in his government?

**The SPEAKER:** Order! I am sorry, this question does not relate to government business, so I rule it out of order.

**Mr Guy:** On a point of order, Speaker, to note on your ruling, this question has everything to do with government business and particularly in relation to the conduct of the government in this Parliament and the conduct of those within the Premier and his—

**The SPEAKER:** Order! I have ruled on this matter. Questions can be properly framed around government business. This one was not.

*Members interjecting.*

**The SPEAKER:** The member for Gembrook can leave the chamber for the period of 1 hour.

**Member for Gembrook withdrew from chamber.**

#### MINISTERS STATEMENT: STOLEN GENERATIONS REPARATIONS SCHEME

**Ms WILLIAMS** (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs) (14:20): I rise to update the house on this government's commitment to justice for members of the stolen generations here in Victoria. It is an uncomfortable truth but true nonetheless that Aboriginal children were forcibly removed from their families because of decisions made in this place—because of the racist and unjust laws, policies and practices of Victorian governments. We know these practices damaged or destroyed the connection between child, family, culture, community, country and language and that the impacts of these actions are still felt to this very day.

Although the damage caused can never be undone and saying sorry has never been enough, we must ensure that stolen generations members receive the recognition, respect and support that they deserve. This is why last week I joined the Premier, Attorney-General and Ian Hamm, chair of the First Nations Foundation, to launch the stolen generations reparations package. The package will deliver tangible supports for stolen generations members with financial reparations of \$100 000, an apology from the state and an opportunity to record and share their story. While no amount of money can ever make up for pulling families apart and taking children away, as Ian Hamm said, the best you can do is bring relief to the journey that is to come, and that is what the package is about.



This package was designed by and for Aboriginal people. The Stolen Generations Reparations Steering Committee, chaired by Ian Hamm, engaged with more than 400 members of Victoria's stolen generations and their families during the design process for the scheme. I acknowledge and thank the committee for their dedicated, heartfelt and often very difficult work and for sharing their own lived experiences. This package is long overdue, but it is part of the journey we are all on towards truth, treaty and justice, because by reconciling with our past and addressing injustices in our present, we can reach a fairer, more just future for all Victorians.

### COUNTRY FIRE AUTHORITY MORWELL BRIGADE

**Mr NORTHE** (Morwell) (14:22): My question is directed to the minister representing the Minister for Emergency Services, that being the Minister for Police. Minister, as you would be aware, the new Morwell fire station is near completion. However, whilst the station will house Fire Rescue Victoria (FRV) firefighters, Morwell's volunteer firefighters have made it clear for more than two years that co-location is not an option for them and subsequently they wish to remain at the current McDonald Street, Morwell, fire station site for the purposes of volunteer sustainability and emergency service coverage for the town. Minister, will the state government support the position of Morwell fire brigade volunteers in remaining at the McDonald Street station and will the government ensure these dedicated volunteers are provided with the appropriate appliances and equipment so they may continue to do the incredible job they do in serving and protecting our community?

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police) (14:23): Can I thank the member for Morwell for his question. I know of his very strong interest in these matters. He may also be aware that it has been over a year now since I have been the minister for emergency services, but I do recall his strong advocacy at the time, back in 2020, when I met with the Morwell CFA brigade, and we had very positive discussions at that particular time, including between FRV, CFA and the brigade, with accommodations being made to the new station in order to accommodate the volunteers. As I recall, prior to being unwell, there were differences of views amongst the Morwell volunteers about what was to happen. Some wanted to move in and some did not, but accommodation was made in the new building for them. That is as up to date as I am, and I will pass on his concerns and ask the current minister to respond to the member.

**Mr NORTHE** (Morwell) (14:24): Minister, could you also raise with the Minister for Emergency Services the fact that just 10 minutes up the road in Moe we have the situation where there are separate fire stations and separate appliances for FRV firefighters and for volunteer firefighters. The question I have for the minister is: why won't the government similarly support Morwell volunteers in their request to respond to local emergencies from their own fire station?

**Ms NEVILLE** (Bellarine—Minister for Water, Minister for Police) (14:24): Thank you again to the member for Morwell. Look, all I can really say at this point, having answered as I did with the knowledge I had at the time, is that both the Morwell fire brigade and the FRV team there do an incredible job supporting the community of Morwell, and I will make sure that the minister in the other place is aware of the issues that have been raised by the member.

### MINISTERS STATEMENTS: HAND BRAKE TURN

**Ms HUTCHINS** (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (14:25): I rise to update the house on a really fantastic project under the crime prevention portfolio, which is looking at finding vulnerable young people work opportunities, addressing the root causes of crime and avoiding these young people from coming into contact with the justice system. We are helping teens change gears into careers in the auto industry by giving them the opportunity to follow their dreams to become mechanics. Through a \$300 000 grant to Concern Australia we have expanded the Hand Brake Turn training program to young Victorians. It combines mentoring and training and builds programs of confidence and self-belief. These young people, who are sometimes on some pretty negative pathways, have an opportunity through this program to turn their lives around.

I was really pleased recently to visit the program and meet the managers, Michelle, Jon, Michael and the team, whose passion and expertise were absolutely on display. I met Kevin and AJ, two young teenagers who had both been in contact with the justice system, had dropped out of school and had been having a rough time. Thankfully the Hand Brake Turn project has helped them to turn their lives around. Both AJ and Kevin told me that they wanted to return to school after completing this program, both wanting to become mechanics, an industry where we have huge amounts of shortages across the country. By giving young people an interest in cars in a positive way to channel their passion the project helps reduce vehicle-related crime. This government knows that by giving young people somewhere to turn we can help them make right choices and keep our whole community safe at the same time. This is part of a \$1.2 million investment in partnership with Neighbourhood Watch and Crime Stoppers where we are taking steps to avoid more victims of vehicle crime across the state.

### MEMBER CONDUCT

**Ms KEALY** (Lowan) (14:27): My question is to the Premier. The Premier has said he is responsible for all actions that occur in his government. Former Labor MP Kaushaliya Vaghela has stated today on multiple times the Premier brushed past her at events and embraced people whom she had made bullying complaints against and their friends as if to reward and encourage their behaviour. What actions has the Premier taken to address the bullying that Ms Vaghela endured from those in his government?

**Mr ANDREWS** (Mulgrave—Premier) (14:28): I attend many, many functions, and whilst I do not want to make a difficult time more difficult for anybody—and to talk about these events can make it more difficult for people who are going through tough times—it is not my intention to make that worse in any way. But I will not let things that are completely and utterly wrong stand. I attend many, many functions. I do not behave in that way. I reject that assessment of my behaviour. As far as serious issues with a staff member, that matter was dealt with comprehensively. It resulted in that staff member's employment being terminated.

I would just make this final point: I would also think that it was quite obvious to those opposite, having written to WorkSafe, that they ought to be allowed to do their work. They after all wrote to WorkSafe. Now they apparently seem to have forgotten that they did that. In any event, it is not my intention to make a difficult time for anybody more difficult, but I will not sit here and have things that I think are quite wrong put forward as facts. They are not facts. They are not right; they are wrong. I do not, nor have I ever, nor would I ever, conduct myself in that way, and if anyone needs further evidence of that, have a look at the record of my time in this place and the record of our government.

**Ms KEALY** (Lowan) (14:29): Many in the government and many on the front bench have even today questioned the truth of Ms Vaghela's bullying claims. Why shouldn't she be believed?

**Mr ANDREWS** (Mulgrave—Premier) (14:30): I am asked about comments of apparently 'many' people, so no attribution, so I am not entirely sure what I am being asked. And then at the end of a question that is so poorly constructed I am asked for an opinion, which is not the job of any minister in this place, least of all at question time.

What I will again do, respectfully—the member is entitled to ask a question, but I am also entitled to point out when the question is very, very difficult to answer because of the way it has been formulated—is direct the member to my previous answer to her substantive question. I reject these claims, I reject these assertions and I think I have made my position and the position of the government abundantly clear.

### MINISTERS STATEMENTS: SOLAR HOMES PROGRAM

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (14:30): I am absolutely delighted to update the house on how our climate leadership is delivering lower emissions, more jobs and lower power prices for Victorians. Since 2014 we have

reduced emissions and created more clean energy jobs than any other state. Last year we increased our output of renewables more than any state ever. More renewable energy means lower prices, and in fact the average household's bills have fallen by nearly 10 per cent over the last 12 months and are the lowest in five years. On top of this families are reaping the benefits of renewable energy on their rooftops, with the Solar Homes program reaching nearly 190 000 installations across this state, saving households an average of \$1000 each and every year off their bills and creating 5500 jobs.

The contrast could not be sharper with what the alternative is on offer. Between 2010 and 2014 investment in renewable energy stalled, employment collapsed and power prices shot up by nearly 35 per cent. We have worked very hard to overturn that sorry record. They want everyone to believe that they have changed since 2018, but we know that that is absolutely not true. Yesterday morning they claimed that they had supported all of our bills through Parliament on climate change. *Hansard* proves that to be incorrect. Our record we very much stand by because it is true and it is factual. Yesterday afternoon we had the Leader of the Opposition claim there was nothing new about the commitment on net zero emissions by 2050, having mentioned it in passing on Joy FM. This is also not true. Our government is delivering real outcomes for Victorians. Those opposite could not be trusted in 2018 and they sure cannot be trusted now, today, in 2022.

### Constituency questions

#### GEMBROOK ELECTORATE

**Mr BATTIN** (Gembrook) (14:33): (6246) My constituency question is for the Minister for Transport Infrastructure. There are three roads in Victoria, all being widened with additional lanes. The alignments of each road are not changing. Land beside all roads was reserved for future upgrades. According to the Department of Transport none of these projects qualifies for sound barriers, but one of those projects, at the West Gate Tunnel site on Williamstown Road, has received sound barriers whilst two out in my electorate, on the Monash Freeway stage 2 and part of O'Shea Road, have been told it is too bad and they cannot get them. The residents of Woodlands Park retirement village and the residents along O'Shea Road between Clyde Road and the Monash Freeway are currently dealing with massive road projects that will bring more cars much closer to their front doors, yet despite pleas to the project managers, the Department of Transport and the minister herself these residents have been fobbed off or ignored. Their amenity will suffer. Minister, can you provide the evidence and advice to show why one project qualifies for sound barriers when the other two identical projects do not?

#### THOMASTOWN ELECTORATE

**Ms HALFPENNY** (Thomastown) (14:34): (6247) My constituency question is to the Minister for Energy, Environment and Climate Change, and the question I ask is: can the minister tell me about the Officers for the Protection of the Local Environment program running in the city of Whittlesea, an innovative government initiative including EPA and council to streamline activities for better environmental outcomes?

#### LOWAN ELECTORATE

**Ms KEALY** (Lowan) (14:34): (6248) My question is to the Minister for Regional Development. Why didn't the minister meet with Australian Plant Proteins and provide the associated funding support to enable expansion of this fabulous local manufacturing business and keep over 1000 jobs in Victoria? Recently APP, Australian Plant Proteins, announced they were going to undertake their expansion of facilities in South Australia—take it to Adelaide—rather than grow that, potentially, within my local electorate. This is research that was based in our local area and undertaken at Grains Innovation Park. It is something I have spoken about in Parliament on many occasions. It is extracting protein from legumes and pulses and utilising this in food products. It is a great product. It is a great opportunity to build jobs locally; however, the minister refused to meet with them. We missed out on this fabulous opportunity, and so I ask the minister: why wouldn't she meet them, and why wasn't the additional funding support provided to this important manufacturing facility?

### NARRE WARREN SOUTH ELECTORATE

**Mr MAAS** (Narre Warren South) (14:35): (6249) My question is for the Minister for Education and concerns the recently announced boost for music education in schools. Minister, could you please provide further details on how the music in schools program will benefit students in my electorate of Narre Warren South? Music education is important for the wellbeing of young people and creatives alike. Learning a musical instrument requires dedication, focus, dexterity and mental agility, not to mention it can be a lot of fun, especially playing in a group. Whether students take on an instrument for their own pleasure at home or with aims to one day become a world-famous artist, the Andrews Labor government recognises the significance of access to instruments, materials and quality education. I would appreciate any further information on how the music in schools program will benefit the students, staff and teachers in my electorate. I look forward to sharing the minister's response with my community.

### POLWARTH ELECTORATE

**Mr RIORDAN** (Polwarth) (14:36): (6250) My question this afternoon is for the Minister for Emergency Services, and the question I have for the minister is: what extra resources and support will she be funnelling to regional and rural SES and CFA brigades and branches that as of this Saturday are unable to have all their volunteers third jabbed and will be left unable to operate and provide much-needed emergency volunteer services—everything from road rescue and house fires to wind and storm damage? For example, Minister, if you have not yet been made aware, Lavers Hill Otway SES, which is one of the oldest SESs in the state, had 16 members. This Saturday they will only have two and will not be able to be called out. This SES, for example, covers road accidents, road run-offs, trees over and all sorts of SES-type services along the Great Ocean Road. It is an important service that as of this Saturday will no longer be available for visitors, tourists and locals alike.

### NORTHCOTE ELECTORATE

**Ms THEOPHANOUS** (Northcote) (14:37): (6251) My question is to the Minister for Energy, Environment and Climate Change. Last week our government announced a game-changing step toward achieving net zero emissions by 2050, with the release of our wind energy targets and our plan to deliver Australia's first offshore wind farms. My question to the minister is: what will this incredible announcement mean for my electorate of Northcote in terms of access to affordable, reliable renewable energy? When I entered this Parliament I vowed to be a strong voice for my community on our climate and to push for ambitious, tangible change that would reduce emissions, lower household costs and create jobs. We have made huge strides in both large-scale and rooftop solar. We are reducing our reliance on gas and driving opportunities for green hydrogen. Now with a target of 9 gigawatts of wind energy by 2040 we will dramatically kick up the pace on achieving a renewable future by leveraging one of our best and most abundant resources—all while creating new jobs. Friends of the Earth Melbourne have said that this is a game changer for climate and jobs. My community are keen to hear more.

### MELBOURNE ELECTORATE

**Ms SANDELL** (Melbourne) (14:38): (6252) My question is to the Minister for Transport Infrastructure. With the building of the West Gate toll road the government has committed to a new veloway bike trail from the western suburbs into the city. It crosses the Moonee Ponds Creek in my electorate. However, the original design for the crossing did not make a lot of sense. It was this looping, horseshoe-shaped design that would have severely impacted the creek, so residents, Bicycle Network and others asked for it to be redesigned and straightened. The new design would allow for more vegetation along the creek to be saved, improve biodiversity and amenity along the creek and preserve an old railway bridge, number 75, as a viewing platform over the creek. I understand that the contractors overseeing the project are happy for this alternative proposal and have submitted it to the government for approval, but now no-one can seem to find out what is going on or where it is up to. So my question is: has the minister made a decision about the final design of the veloway, and will the government support the straightening of the veloway?

### BROADMEADOWS ELECTORATE

**Mr McGuire** (Broadmeadows) (14:39): (6253) My question is to the Minister for Innovation, Medical Research and the Digital Economy. What opportunities do the Victorian government's landmark investments in medical research and manufacturing as well as the Breakthrough Victoria Fund offer for CSL Behring's manufacturing site in Broadmeadows? This is critical from a national perspective for independent supply chains and national sovereignty, as proven by vaccines in the time of a pandemic. We have also got the opportunity to extend, through vaccines nearby for influenza, and then we also need to look at what this means for vaccine diplomacy internationally as well as a lucrative export industry. This is a course that I first started to pursue way back in 2016 with *Creating Opportunity: Postcodes of Hope*, and it is now the time when we can leverage this. Victoria has even won the mRNA manufacturing deal for Australia. So how do we get the value out of it, how do we get the return to the community and how do we build stronger national sovereignty?

### BENAMBRA ELECTORATE

**Mr Tilley** (Benambra) (14:40): (6254) My question is for the Minister for Energy, Environment and Climate Change. The question is: what is the equivalent full-time number of Parks Victoria and Department of Environment, Land, Water and Planning staff who act as enforcement officers for Crown land camping reserves in the Benambra electorate? In the north-east we are blessed with some of the idyllic Crown land riverside camping reserves, but increasingly we see people set up camp for months on end. Some have been in the same spot for over two years, all to the detriment of other campers in the community. I understand the stays in these reserves are for six weeks. It appears this is rarely enforced and that long-term squatters are only too aware that they are unlikely to be evicted. So who is policing this? My suggestion is to address this issue before unleashing your hit squad to look at camping spots on our farmers' riverfront leases.

### BAYSWATER ELECTORATE

**Mr Taylor** (Bayswater) (14:41): (6255) My constituency question is to the Minister for Transport Infrastructure. I rise to ask: what is the latest on the benefits for users of the Eastern Freeway with the planned major overhaul of it as part of the North East Link Program? The North East Link is the biggest roads project in the state's history and, as someone told me recently, even without the tunnel aspect, which will finally complete the ring road, our commitment to completely overhaul the Eastern Freeway alone would still be one of the state's biggest roads projects ever. It is big. The Eastern Freeway is what connects us outer easties to the city and beyond, and from talking to locals they are excited at the prospect of getting to the city and across quicker than ever before, with travel times to be slashed as a result of a huge and critical project for the east. With thousands of new jobs created, trucks taken off local roads, Melbourne's first dedicated busway and much, much more, there is a lot to be excited about. The North East Link is a game changer for road users in the east. It is absolutely going to change the way we get around, and I thank the minister for her consideration of my question.

**Mr Cheeseman:** On a point of order, Speaker, during question time the member for Gembrook made a reflection on the Chair via social media, and I would just like to request that you review the Facebook post and have a look at Speaker Smith's decision that he made on reflections on the Chair made via social media—if you are able to review that and reflect on that.

**The Speaker:** I thank the member for raising it. I am not aware of the matter, but I will consider it and report back to the house.

## Bills

## CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022

*Second reading***Debate resumed.**

**Mr HAMER** (Box Hill) (14:43): It is a delight to rise to speak on the Conservation, Forests and Lands Amendment Bill 2022. I want to thank the Minister for Energy, Environment and Climate Change for bringing this short but important bill into the Parliament for debate this week. The overall proposal of the bill will enable a code of practice to apply, adopt or incorporate any matter contained in any document, standard, rule, specification or method as amended from time to time and enable a code to confer a discretionary authority on the minister or secretary and leave any matter or thing to be from time to time approved, determined, dispensed with or regulated by the minister or the secretary.

It is really important I guess in terms of understanding the context and the objectives of this bill being brought to the Parliament at this point in time to really look at quite a number of court cases that have arisen in relation to various community groups and various environment groups that have launched legal action against VicForests. I understand that there are about nine legal actions currently pending. In fact there was one that started this week, and I was actually, just prior to the lunchbreak, watching some of the proceedings and just trying to understand how some of this is actually translating into the real world.

It is creating a degree of uncertainty for the role that VicForests have and their remit to continue on their use of and management of Victorian forests. The changes in this bill, in allowing these codes of practice to be developed, will create a lot more certainty in that area. This will help reduce the third-party litigation that we are seeing at the moment. It is important to remember that the existence of the precautionary principle is already embedded within the code of practice and is a requirement that VicForests needs to follow. That appears to be where the primary bone of contention is in terms of how that is actually defined and how it is actually applied in terms of how VicForests run their business and manage their coupes and their forestry work. So the codes of practice will not change the precautionary principle or will not reduce any of the environmental standards, but they will provide guidance as to how the precautionary principle is to be interpreted and how VicForests are to comply with the precautionary principle.

I think it is important to see this in the overall context of the *Victorian Forestry Plan*. Clearly this has been a work that the Victorian government and particularly the minister have worked on for many, many years with a great many different stakeholders, and the stakeholders are very varied and do not always have mutual interests. It is terrific to acknowledge the work of the minister in being able to—I would not say bring the parties together—land a solution that really moves us forward. It really is a historic plan. When it was announced—I think it was back in 2019—it did extend some existing timber supply agreements until 2024, then step down the native timber supply, which would end in 2030. A key part of that forest plan that was announced in 2019 was about immediately ceasing the logging in remaining old-growth forests and also putting aside significant funding, \$120 million at that time, to support the industry and particularly support the timber workers in that industry.

It also built on an earlier budget commitment in the 2017–18 budget that invested \$110 million to establish timber plantations in the Latrobe Valley to support the long-term sustainability of Victoria's timber industry. In my previous role I did have the opportunity to travel particularly to the south-west of Victoria and to Gippsland, working very closely with the freight industry—and timber is a big part of that industry—just seeing also how much of that transition was already occurring and the investment that was going into plantation timber. I know that a big part of that is the transition for the Australian Paper mill, the owners of that and the workers there to ensure that they have a sustainable future that can continue to provide a livelihood and an industry down in the Latrobe Valley. There are many

similar industries that I know that are based in south-west Victoria that are dependent on and rely on a sustainable timber industry.

I do want to also just touch on a theme that was brought up by the member for Yan Yean. I am still talking in terms of the broader government's achievements in terms of environmental policy. They are really too numerous to mention, but I think the headline is about the net zero emissions by 2050 and putting in emission targets through till 2050. I did notice that, as the member for Yan Yean commented, there was some commentary this week about the opposition also adopting that policy and referencing their commitment to that policy through their voting record—not necessarily through the statements that they have made in the Parliament but just looking at their voting record. I did have the chance to look at some of the legislation that has passed through this Parliament, just even in my time, and I do want to draw the attention—

**Ms McLeish:** On a point of order, Acting Speaker, on relevance, the member on his feet seems to have drifted quite considerably from the bill. The bill is about, essentially, forestry, and he has moved quite from that.

**Ms Spence:** On the point of order, Acting Speaker, as the member has stated, he is reflecting on comments that have been made in the debate previously by other members. He is clearly well within the debate to continue as he has been.

**The ACTING SPEAKER (Ms Connolly):** If the member for Eildon could resume her seat. We have already spoken on the point of order. On the point of order, the member is being relevant to the bill at hand.

**Mr HAMER:** As I was saying, this issue has been canvassed in this particular debate in relation to where we stand on environmental matters and where each party stands. I did want to flag just even one example, which is the Renewable Energy (Jobs and Investment) Amendment Bill 2019, which was again talking about the environmental record of both parties. That was not voted down—it was passed in the Council—but it was not voted for by the opposition.

**Ms SANDELL (Melbourne) (14:53):** Today I am speaking of course on the Conservation, Forests and Lands Amendment Bill 2022. It is probably not going to be much of a surprise, what I have to say, to anyone in this chamber, but unfortunately despite some of the knots that particularly Labor MPs have tied themselves into trying to explain the intricacies of this bill, at the end of the day this bill is quite simple. It is unfortunately another move by this Victorian Labor government to make logging in Victoria's precious native forests easier. That is the fact at the end of the day, so it will be no surprise probably to anyone in this chamber that the Greens and I will not be supporting the bill.

Plain and simple, the bill is about changing the laws so that logging can take place in areas where it is currently illegal to log. That is why we have this bill before us. It is about making illegal logging legal. Of course that comes at the cost of our biodiversity, our wildlife, our water and our wellbeing. The purpose of the bill is to stop the many court cases that have been brought by dedicated community groups, which are currently halting logging in the habitat of threatened species, including the greater glider, the sooty owl and the Leadbeater's possum. Over recent years community groups have brought several cases to the courts to protect forests and to protect the creatures that call them home. These court cases have been based on something that exists in our current forest laws, and that is the precautionary principle. It is actually in the law. In fact it is at the core of environmental law.

Essentially what the precautionary principle does is it says that where an action could cause harm, if there is uncertainty, the best approach in that case is to proceed with caution. So, for example, where logging could adversely harm a threatened species, like the greater glider, the sooty owl or the smoky mouse that we have in Victoria, that is on the brink of extinction, where logging could reasonably be seen to adversely impact those threatened species, that logging should not occur. That is what the precautionary principle is. So you would think that a government would actually look at that and take on the precautionary principle and say, 'Yes, we need to protect our threatened species, and logging

shouldn't go ahead if it's going to threaten them further'. But instead of doing that, instead of taking on board the principle, instead of taking on board the advice that the courts have handed down, instead of protecting forests, what this Labor government has done in response to these court cases is decided to change the law to water down the precautionary principle and essentially overwrite it with a new law.

People have heard me. I am a bit like a broken record in this place when it comes to talking about how our logging affects our native forests and how it just does not make any sense, but I am here. We have got another bill before us, so I will do it again. There is extensive peer-reviewed evidence from our top scientists that says logging is bad for the climate, logging makes fires worse, logging in our native forests is driving extinction and in fact it costs Victorian taxpayers money every single year. Yet for some reason this government seems to continue on with the destruction regardless, largely due to the influence of vested interests.

The explanations that we have been provided on this bill are quite wordy and complex and, dare I say, probably designed to confuse, but essentially what the bill does at the end of the day is give new powers to the Department of Environment, Land, Water and Planning and the minister to decide what logging is legal. It does this by giving a power to create a new compliance standard for how duties like the precautionary principle apply. Now, the Labor government's rationale for creating this new power is that the application of the precautionary principle needs clarity. They are saying it is unclear, but actually the courts have already provided that clarity through quite a number of cases now. We have that. It is just that the logging industry and their mates in Labor do not like what the courts have decided, so instead of taking on that advice of the courts, Labor are giving themselves the power to write their own version of this clarity, a version which will allow a maximum amount of logging.

So essentially my understanding is what will be able to happen is that VicForests, our state-owned logging company, which loses money, writes up a plan for how they want to log and how they think they will meet the precautionary principle, then they get that plan signed off by the minister and that is that. It cannot then be challenged; it cannot go to court, even if the logging plan actually in practice does significant harm to our threatened species.

Forest conservationists, the Greens and community groups that I have spoken to are very worried that these plans will be written for VicForests in a way that lessens protection for threatened species and essentially overrules what the courts have said about the precautionary principle. I have to say there is really no other reason why the government would need to introduce this bill if not to weaken the precautionary principle and allow more logging in sensitive areas that are currently illegal to log in. Unfortunately it is just another action in a list of poor environmental decisions this government has taken recently, which is quite disappointing, because I think a lot of good has also been done by this government, but when it comes to the environment we are seeing quite a number of decisions that simply do not make any sense. For example, last week I was incredibly upset to see the Labor government again announce their support for another season of duck slaughter.

In 2017 Labor allowed duck shooting despite research showing duck numbers were in serious decline. In 2018–19 Labor allowed duck shooting despite prolonged drought and duck numbers still being in decline. In 2020 Labor allowed duck shooting despite catastrophic fires that killed and displaced 3 billion animals.

In 2021, last year, Labor allowed duck shooting even when the rest of the state was in lockdown. And this year, in 2022, Labor has just announced an extended duck-shooting season, the longest since 2018. This is a practice that is horrific and should have no place in Victoria. It is another example of how we are seeing threatened species, native animals, native ecosystems and habitats not being valued and in fact vested interests and industry taking precedence over the things that sustain us. I think that history will judge this period of time, when MPs knew the risks yet enabled more destruction of ecosystems and biodiversity right when we are facing ecological and climate collapse. I think history will judge this period of time and those decisions very poorly.



So again I would implore MPs in this place, no matter what side of politics they are on, to think very hard before they vote for this bill and to vote against it. If you care about our threatened species, if you care about our biodiversity, if you care about the ecosystems that sustain us, it is your vote that will make a difference. This is the critical time for our ecosystems, and I think it would be good to think about what side of history you would like to be on.

**Ms EDWARDS** (Bendigo West) (15:01): It is my pleasure to rise to make a contribution to this very important bill before us today, the Conservation, Forests and Lands Amendment Bill 2022. I note that, as per normal, the Greens political party would like to see an end to logging right now, and if we were in a perfect world, well, maybe that might happen. But they have never, ever given consideration to how we would transition without the logging industry. They have never given any consideration to how we would plan or how they would plan, and they have never given any indication of what support there would be for workers or communities, unlike the Labor government and the Andrews Labor government, who have in place a plan. That is of course the *Victorian Forestry Plan*, and it goes to the heart of what some of the members on the other side have been referring to in the debate today. We developed the *Victorian Forestry Plan* to ensure that there would be a long-term and sustainable future for Victoria's forestry industry and for the many workers who rely on it. This is a historic plan, and it involves Victorian forests extending existing timber supply agreements until 2024, after which native timber supply will be stepped down before ending in 2030.

We also said that logging in remaining old-growth forests would cease immediately. In 2019 \$120 million was set aside to ensure the industry was fully supported, backing long-term sustainable jobs and giving local workers confidence about their future. The plan includes the largest environmental protection policy in the state's history, with immediate protections for the iconic greater glider—a wonderful species that many of us know—native fauna and Victoria's remaining old-growth forests. Under the plan 90 000 hectares of Victoria's remaining rare and precious old-growth forest aged up to 600 years old would be protected immediately. In the 2017–18 state budget the Victorian government, the Andrews Labor government, invested a record \$110 million to establish timber plantations in the Latrobe Valley to support the long-term sustainability of Victoria's timber industry. It is about balance.

The Minister for Agriculture in 2021 announced new support for the timber industry, supporting workers and communities to adjust to the phase-out of native timber harvesting by 2030, and an additional \$100 million was announced for measures including increased redundancy payments, opt-out packages, relocation support and training programs. This boosted the government's support to more than \$200 million. The Minister for Energy, Environment and Climate Change announced a \$14 million environmental package that included funding to establish best practice procedures for the long-term management of regenerated timber harvesting coupes and their reintegration into the Department of Environment, Land, Water and Planning's broader active management of state forests. We also committed to strengthening the conservation regulator with new infringement powers for anyone breaching the code of practice, bringing its powers in line with other Victorian regulators.

Through this agreement the Andrews Labor government has modernised Victoria's regional forest agreements to support jobs and improve the long-term management of Victoria's forests. Of course due to the devastating 2019–20 bushfires this clause was triggered, and both the commonwealth and the Victorian government together established an independent panel to undertake a comprehensive assessment of the impacts of the fires and identify if future remedial actions needed to be taken. And this bill goes to specifics around codes of practice et cetera.

But I did want to just touch on the Black Summer fires, because I think at the heart of all of this is conservation, maintenance and future mitigation around climate change and how to prevent the destruction that was caused by those fires. In the Black Summer fires more than 24 million hectares were burned, directly causing 33 deaths and almost 450 more from smoke inhalation. They were unprecedented. There were some questions about whether the Black Summer fires were really worse than the conflagrations that we saw in the Black Friday fires of 1939, but research has clearly shown

that these fires were far from normal. A recent study found that the annual area burned by fires across Australia's forests has been increasing by about 48 000 hectares per year over the last three decades, and after five years that would be roughly the size of the entire Australian Capital Territory. The fire season is growing. It is moving out of spring and summer into autumn and into winter, and these trends are almost entirely due to Australia's increasing severe fire weather and are consistent with predicted human-induced climate change. It is only this government that has a zero net emissions target for 2050.

I just wanted to mention also some comments that were made by the Leader of The Nationals in his contribution. He mentioned that for every tree that was logged in our coupes a tree was replaced, and that may very well be, but the reality is that if we are facing climate change, we are seeing the destruction of our forests by huge bushfires, and those trees do not regenerate and do not regrow. We are losing thousands and thousands of trees through bushfire alone, not to mention flood, of course. It is frightening in its complexity, but it is also something that can be mitigated.

In relation to this bill, we know that there is a shortage of timber. We know that, and that is purely through the issues that we have in the Supreme Court. But we also know that the significance of this bill and why it has been brought to this house is to ultimately enable the conservation regulator to create compliance standards, and that will give guidance to VicForests on how to comply with the precautionary principle, which has been discussed by many members in this house, and I will not go into that detail. But this reform, this legislation, will reduce that third-party litigation and will provide greater certainty on what constitutes compliance with the precautionary principle, particularly the precautionary principle clauses within the Code of Practice for Timber Production 2014.

Compliance standards are expected to be in place by mid-2022, and they will not change the precautionary principle or reduce any environmental standards in the code of practice or related documents, despite what the Greens political party may say. And while this bill is directly relevant to electorates in eastern Victoria, it is also of interest to other regional areas of Victoria. Just in relation to my own electorate, in the short time I have left, I want to mention our Bendigo state forests, which are also at risk of significant bushfire, Bendigo being surrounded by forests.

We are indeed fortunate to be surrounded by ironbark forests and woodlands that boast a huge array of plants and animals as well as Indigenous and European cultural heritage sites. We as a city—Bendigo—and indeed other towns in my electorate, such as Castlemaine, were built off the back of the forests and they supplied so many resources to our local industries historically. They provided employment and helped many Bendigo residents, the City of Bendigo and surrounding districts to become thriving metropolitan cities, but many changes of course have occurred over the decades and evidence of the different uses can still be found throughout the forests surrounding Bendigo. But what is important to note is that it is not just about timber for use, it is also about conservation of our forests. Our forests are so important to the health and wellbeing of our communities and of individuals, and it is important that we ensure that they are maintained and that there is mitigation against climate change within those forests.

Bendigo state forests are home to the Dja Dja Wurrung people, the Jaara Jaara country, and they roamed the Bendigo region for thousands of years. I also note that the Leader of The Nationals mentioned fire mitigation strategies, and we are looking at that.

**Ms McLEISH (Eildon) (15:11):** I am actually pleased to have the opportunity to speak on the Conservation, Forests and Lands Amendment Bill 2022, and I would like to think that this is an area that I know quite a lot about. I certainly think that those in Labor have tied themselves in knots trying to explain this. They have no understanding about the importance of sustainable forest harvesting with climate change and that in fact after the bushfires trees do regrow. I think my electorate is one that is testimony to that. You can see how clearly and thickly the bush has regrown. It is very dense forest now, and you can see after 12 or 13 years that this is very much the case. The bill before us, I understand, is based on changes that have been suggested as a result of legal advice from the Victorian Government Solicitor, because there were some issues sitting there in the background.

I want to talk about forestry first of all. Forestry is a legitimate industry. It is an important industry and, as has been said, it is not just important to eastern Victoria, which I think is in the Labor Party handbook because a few people have said that. It is also important not just in my electorate or other regions but also in many areas in the city where there are downstream businesses that rely on forestry. People have stairs and floorboards and furniture that rely on forestry. We do not want to be importing everything and we do not want softwood for everything, so native hardwood forestry has a strong place in Victoria.

We have 7.8 million hectares, of which 3.1 million is within the scope of state forests on public land. Of that there are three trees in 10 000 that are harvested, or 0.03 per cent. As I have said, pine is not an alternative to hardwood—softwood is not an alternative. It can do certain things but not everything. This sector has been absolutely beaten and it is weary from the fights that they have had to have, not just the fights with protesters and activists but also fights they have had with the government about the lack of certainty. One of the things the bill does talk about—and speakers have mentioned it and the second-reading speech mentions it—is providing greater certainty for the industry, because at the moment this industry is being closed down by stealth. It is body blow after body blow. The industry really needs to be supported, and if this bill is able to support it, that is not a bad thing.

What I want to mention first of all is the IPCC's position on forestry. If you are not familiar with the IPCC, it is the Intergovernmental Panel on Climate Change, and that is the United Nations body for assessing the science related to climate change. Their special report *Climate Change and Land*, which is very readily available, in chapter 6 at page 191, clearly outlines the benefits of forestry to climate change—sustainable harvesting. We are not talking about deforestation, because as has been said with forests in Victoria, once they have been harvested they are replanted, and I have seen those successfully replanted coupes and I have seen those that have not been as successful, where contractors have gone in and replanted trees by hand.

With the deer problem, they have actually put guards around those trees to make sure that they have the best chance, so they are being replaced. But it is important for the chamber to understand that sustainable forestry has benefits for the environment in terms of carbon capture, as younger trees absorb more carbon than older trees. As I have said, reforestation is not deforestation, which sees forests chopped down and cleared for good. That is not what happens. They are replanted, and those younger trees as they grow absorb greater carbon. But also the IPCC's report says that using carbon in long-lived products such as wood for construction can store carbon for up to a century, so there is a big myth out there about climate change and how forestry is bad for climate. In fact sustainable harvesting, which is what we practice, is actually a good thing.

Now, about the bill: this gives powers that are unprecedented to the minister or the minister's agent. On this side of the house we are worried that those might not be used for good. The Greens are clearly worried that they are going to be used against the activists—and if that is the case, that is not a bad thing, and I feel some relief knowing that the forestry alliance, who contacted me, and I know many of those green activist groups, are concerned about this bill, and if they are concerned, well, maybe it is actually heading in the right direction.

The rationale here is that the increased powers will allow the minister or their agent to more clearly set out precautionary behaviours, which in theory should reduce legal disputes. The code of practice has been around since the 1980s, and the current one that we have been working on is from Minister Smith in 2014. The code of practice, which is referred to consistently throughout the bill—and in fact that is the core of the bill—is designed to enable practically and economically workable timber production in such a way that the environmental impacts are minimised. There is no doubt that harvesting is tough on the environment but, as I have said before, trees regrow and our forest coupes are revegetated. Also the bill has the ability to incorporate, and this is a direct quote:

... any matter contained in any document, standard, rule, specification or method as amended from time to time ...

So they are rolling a whole bunch of different things that can be rolled into the code of practice, and this can be updated in a timely manner and without public consultation, which is perhaps a little bit of a concern for me.

The precautionary principle is about taking precautions to protect the biodiversity while we have sustainable harvesting. Things that are important there are the selection of the coupes, the streams, carving out—this is not designed to prevent harvesting at all, which is what the activists think. It is designed to look after and work with the biodiversity to conserve those elements at the same time as undertaking harvesting activities. The code of practice includes that mandatory action to apply the precautionary principle to all timber harvesting activities.

Now, we have a lot of challenges in the sector. There is closure by stealth. There has been a lack of support. But it is really crunch time for the Premier here—and I think this is what has really jolted this minister and the bill into action here—because the Premier promised supply at 2019 levels, and that supply for 2024 is now in jeopardy. There are a bunch of reasons for that. We have activism. Now, this activism is on the ground and in the court. On the ground you might get your protesters holding up signs and things like that, but you also get them wearing dark clothing running in and out of coupes while people are trying to do their harvesting operations, and that is extremely dangerous for the harvester and for the protester and is extremely stressful. That behaviour is just unfair. We have also 75 per cent of coupes on the timber release plan subject to court action injunctions and this puts contractors out of work—10 contractors, 80 jobs. This is what is happening: the Greens, the activists, are consistently going to court to try and get an injunction to prevent harvesting from happening. Typically what happens is they do not win. In fact in the vast majority of cases they do not win, but they are not very good at paying their bills either, and so they are not acting honestly or with integrity.

The timber shortages at the moment are critical. Supply and production are down by 50 per cent. We have got sawmills standing down staff and more to follow. Australian Paper could run out of supply by August. And this is critical for so many downstream businesses. It is critical for the mills. It is critical for the wholesalers and for the retailers. And where is the evidence for this? Well, we know that there are empty shelves. You only have to go into Bunnings, any local hardware store. You can see that—

**A member** interjected.

**Ms McLEISH:** Mitre 10, absolutely. You know, small communities are often based around the smaller hardware stores such as Mitre 10—and Yenckens in my electorate. The cost of housing, the raw materials, has increased by 60 per cent. Included in this is timber. You can talk to the builders; they will tell you about this critical supply.

Now, I think one of the things that people have said is that this is a concern to those in eastern Victoria and perhaps the regions. Let me tell you: there are many, many businesses in inner-city suburbs. In the seats of Brunswick and Melbourne there are many, many businesses reliant on timber, as there are in Bayswater, Richmond, Geelong, Narre Warren North, Narre Warren South and Carrum. They have large numbers of businesses that rely on timber. Mordialloc is another one. And I am sure, Acting Speaker Blandthorn, that Pascoe Vale has businesses that rely on timber as well.

Now, we must balance conserving biodiversity and meeting the needs of the industry. This is a legitimate industry. It needs government support. Now, hope is not a strategy, but I do hope that this does provide greater clarity and support for the timber industry, both for the workers on the ground and in the mills and for the downstream businesses, because they need that support.

**Ms SULEYMAN** (St Albans) (15:21): I too rise to contribute and speak on the Conservation, Forests and Lands Amendment Bill 2022, and I echo the sentiments on this side of the house in relation to this bill. We are deeply passionate about the Victorian environment and also conserving it for the future generations to come. We know that it is only Labor governments that deliver meaningful outcomes and wins for local communities, in particular when it comes to the environment. Like no others in Victoria's history, our forests are deeply valued—sensitive ecosystems, some of which are

found nowhere else on this earth. They are a home for extraordinary biodiversity and wildlife and a refuge from climate change. They support important regional economic outcomes for tourism and are a resource for a timber.

It is absolutely essential and important that we get this right. There are always competing uses for our forests. This is a critical resource, and it effectively needs to be well managed. With the appropriate guidance provided to timber harvesters, we can get this right. The Andrews government is committed to delivering the *Victorian Forestry Plan*, and we have seen our commitment in the last few years when it comes to this space. So it is not just this bill; there has been an important and mammoth investment when it comes to this space. We are phasing out native timber harvesting by 2030, importantly delivering our plan to the timber workers and also caring for our environment—and the Conservation Regulator, which needs certainty.

Current cases, as we have heard, in the Victorian courts continue to be something that has created, unfortunately, a little bit of uncertainty about the application of the precautionary principle. The principle applies when there is any threat of serious or irreversible environmental damage. The application of the principle is mandatory and even more important after the Black Summer bushfires and recent events that we have seen.

The bill will enable a compliance standard to be created to give guidance to VicForests as to how to comply with these principles, giving certainty about when action is required. The compliance standards will be developed by the Conservation Regulator, who will undertake consultation with industry and of course stakeholders, including environmental NGOs.

Our government has always looked to reform forest management and procedures, and we have seen that in the last few years, as I said, not only with investment in this space but also by making a number of amendments and consulting on variations to the code and fixing up further previous errors in the agreements. We will undertake a comprehensive review of the code by December 2023.

As required under our modernised regional forest agreements it is our government that has committed over \$200 million to support workers and the industry to transition, and that has been absolutely critical for the local economy. It is our government that has introduced the Office of the Conservation Regulator, a dedicated oversight function to ensure that environmental projections are in step with law and of course community expectations. This bill builds on the strong track record on this side of the house of protecting Victoria's natural environment and, most importantly, supporting the industry.

Our government developed the *Victorian Forestry Plan* to ensure long-term sustainability for Victoria's forestry industry and the Victorian workers who rely on it and depend on it. The historic plan involved VicForests extending existing timber supply agreements until 2024, after which our native timber supply will be stepped down before ending in 2030. Logging in remaining old-growth forests ceased immediately, and in 2019, \$120 million was set aside to ensure the industry was fully supported, backing long-term sustainable jobs and giving local workers confidence about the future. The plan includes the largest environmental protection policy in the state's history, with immediate protections for the iconic greater glider species, native fauna and Victoria's remaining old-growth forest. Under the plan 90 000 hectares of Victoria's remaining rare and precious old forest, aged up to 600 years old, was protected immediately.

In the 2017–18 state budget the Victorian government invested another record \$110 million to establish timber plantations in the Latrobe Valley to support the long-term sustainability of Victoria's timber industry. The Victorian Environmental Assessment Council is currently undertaking a scientific assessment of immediate protection areas in Mirboo North and the Strathbogie Ranges, and later in 2022 the VEAC will commence its assessment of the Central Highlands and East Gippsland IPAs—and that is really important.

We have continued to strengthen the *Victorian Forestry Plan*, and as I said, in December 2021 we made important announcements, with our minister announcing new support for the timber industry,

supporting workers and communities to transition and to phase out of native timber harvesting by our goal of 2030. In addition to that, \$100 million of measures were announced, including increased redundancy packages, opt-out packages, relocation support and training programs—and that is really important: training so that workers can transition to other sectors, and that has been really successful. This commitment and the continued commitment boosted government support to more than \$200 million alone, and further our minister announced a \$14 million environmental package that included funding to establish best practice procedures for long-term management of the timber harvesting sector and of course reintegration of this important sector. So we have made it very clear that this government is committed to strengthening and, most importantly, making sure that our incredible forests and conservation areas continue to be the pride of state, and this bill is about providing guidance and certainty to the industry.

The Andrews Labor government will always put the right measures in place to support the environment, support workers and support local communities. That is also part of us making sure that our beautiful forests are protected areas that are here for many, many more decades to come, keeping them vibrant, safe and alive for future generations of our community in this state to enjoy. I commend the bill to the house.

**Ms VALLENCE** (Evelyn) (15:30): I rise today to speak on the Conservation, Forests and Lands Amendment Bill 2022. It is such an odd thing to hear the contributions from the Labor members of the house who, in relation to this bill, talk about protecting the environment and supporting workers, yet this Labor government, the Andrews Labor government, has done nothing but try to cut down workers in the timber industry. That is all they have been doing, that is what they are determined to do and it is wrong.

At the outset I want to again put on record my support for the timber harvesting industry, the sustainable native timber industry, an industry that produces products from locally grown timber, the jobs and the careers that this industry creates and of course the communities that this industry sustains. Now, the Liberals and Nationals coalition is the only party in this Parliament that supports the timber industry. Particularly I want to talk as well about the public service workers who work through VicForests, who are facing a very uncertain future because of the actions of this Andrews Labor government, which does not care about the workers in this industry, these public service workers. I want to refer to the forest industry contractors, who do a tremendous job to support this sustainable industry but are also there in times of emergency. When we have bushfires or severe storms it is these contractors that use their equipment and volunteer their time and their services to support communities at their most vulnerable moments with their equipment. Of course all are small family businesses, typically, through the supply chain that supports this vital, sustainable industry.

This industry faces an increasingly hostile Andrews Labor government that has done nothing to support these workers and support this industry, time and time again wanting to cut down these workers and cut down these country towns whose very survival depends on this industry. The Labor government have such contempt for this industry and these timber workers that they do not even have the decency to consult with the industry, to consult with the sector, on this bill that has been brought for debate—

**Ms Green** interjected.

**Ms VALLENCE**: I will refer to the member for Yan Yean in a moment, who made a contribution earlier. They have done nothing to consult on this particular bill. We heard from the member for Yan Yean in her contribution earlier. She actually confirmed that fact. In her contribution she said that it was only yesterday that the Victorian Forest Products Association and the forestry division of the CFMEU were met with on this bill—just yesterday. We are debating this bill today. This bill has been introduced into this Parliament already. So that consultation did not occur before this bill came to the Parliament, and it just goes to show how this Andrews Labor government rides roughshod over these people—over these workers and over these communities. It is disgraceful.

With the introduction of this bill, yet another bill that seems to tinker at the edges, tinker with bits and pieces to do with the forest industry and the potential future of the forest industry in Victoria, the industry is rightly concerned. They are rightly concerned that this Labor government, the Minister for Energy, Environment and Climate Change—obviously the timber industry hating minister for the environment—and the Labor-stacked department, as reported in the *Weekly Times*, would rather see the death of a sustainable industry in Victoria.

This very narrow bill gives significantly more power to the minister and the Secretary of the Department of Environment, Land, Water and Planning, gives them essentially unfettered power to potentially make changes to where timber harvesting can occur and potentially deviate from the provisions within the broadly consulted on Code of Practice for Timber Production 2014. That is why I speak on this bill with much trepidation. The Victorian Liberal-Nationals may seek to revisit this and seek to make some amendments in the upper house potentially, but to have a Code of Practice for Timber Production that has been broadly consulted on—there have been submissions made by the public, by the industry, by people from the sector to get to that point—and for the Labor government to say, ‘Oh, but they were just syntax errors’; 3000 changes is not just a few spelling errors amended. They made some changes that were designed to provide certainty to the industry, but what this bill does is give more and unfettered power to the minister and the secretary in a Labor-stacked department to provide less certainty for this industry. That does nothing for jobs and nothing for workers.

I also want to say that the Labor members of Parliament will try to pull the wool over Victorians’ eyes in relation to how this bill and what they are doing with regard to the timber industry is good for the environment. What the Labor government fail to tell you, of course, is that once they have killed off this vital and sustainable local industry, people will still need timber. Victorians will still need timber in construction, including in government social housing, for example, in level crossing removal infrastructure works. Victorians will still need timber. If this government is so determined to kill off the timber industry in Victoria, we will still need to get it from somewhere, and what the Labor government is failing to tell Victorians and to be candid with Victorians about is where that is going to come from. It is going to be imported. It is going to be imported from other forests in other countries. We have the most sustainable industry here in Victoria, but this government will be importing that and allowing Victorians to import that from less sustainable, not environmentally friendly forests, such as in Borneo. This I do not think is a good outcome, but this is the outcome and the legacy that this Andrews Labor government will leave.

The Labor government would rather kill off this industry and import from overseas. They talk about protecting the environment, but our timber industry is so crucial and critical to the emissions reduction targets and our collective agreement, our collective approach, to climate change and reducing our emissions. The timber industry is so vitally important to that. Of course we know that the IPCC supports native timber industries as a key pillar for tackling climate change, so it just beggars belief that the Andrews Labor government wants to kill off our own industry, because it is so crucial.

I have met people in the forest sector—from VicForests and forest contractors—and they actually care a lot about the environment. They are environmentalists. They care about it. I was up in a coupe in the Toolangi forest, neighbouring my electorate, just recently, and you would not know that there is logging. It does not seem like there is logging. There is certainly not wholesale logging. They do this very strategically in small parts of the area. They are very careful about which trees they harvest, and they are very, very concerned about the protection of native flora and fauna as they do that. These people are actually caring for and managing these forests sustainably. They are doing that together and hand in hand with First Nations people, who know that if these forests are not managed, this will become sick country. The Andrews Labor government likes to talk large about including Indigenous people, including First Nations people, but it is the First Nations people, particularly in my community, who want to see these forests managed well. They like the work of VicForests and the forest contracting industry because they know that if that does not happen, if it is let go, this country will become sick. That again will be another devastating legacy of this Andrews Labor government—who

say they care about the environment, but I think they do not. It makes absolutely no sense that they want to degrade and kill off this really important industry.

I also want to refer to the VicForests annual report 2020–21 and one of the concerns, obviously, that this extremely important industry that employs lots of Victorians and contributes very well to the Victorian economy—again my mind boggles as to why this government wants to kill off that industry and hurt these workers and put them out of work. They have had a tough time because they have had a tough time with significant legal proceedings. VicForests in their report say that they have had unprecedented volume of third-party litigation, and that is in terms of a supposed breach of the code of conduct. But we know that all they need is certainty and support, and the Liberals and Nationals will support them.

**Ms WARD (Eltham) (15:41):** That was an interesting contribution by the member in that I am understanding that the opposition are not opposing this bill yet there seem to be so many challenges that that member has got with the bill. I do not know whether we are finding ourselves in another communication challenge within the opposition where they are just not quite sure what their policies are, just like we have seen with climate change. I am not sure whether this is a challenge that they are having, but it is very difficult to follow the line of argument when it is really not consistent.

**Mr Fregon** interjected.

**Ms WARD:** No. No conviction at all, member for Mount Waverley. What I find incredibly interesting about the opposition's contribution is that there is this ongoing trope—

**Ms Kealy:** On a point of order, Acting Speaker, the member is using her opportunity to debate this very important bill to attack—

*Members interjecting.*

**The ACTING SPEAKER (Ms Blandthorn):** Order! Sorry, I cannot hear the member for Lowan.

**Ms Kealy:** The member for Eltham is using this opportunity to debate this very important bill, the Conservation, Forests and Lands Amendment Bill 2022, to attack the opposition. Now, I know it has been a broad-ranging debate, but I ask that she actually stick to the bill and, rather than try to attack the opposition, focus on what is in front of us today.

**Mr Fregon:** On the point of order, Acting Speaker, I think the member was reflecting on the previous member's contribution and that is relevant.

**The ACTING SPEAKER (Ms Blandthorn):** Thank you, member for Mount Waverley. Yes, I believe the member was reflecting on the previous contribution. It was directly relevant to the debate at hand, but I ask the member to keep her contribution on the bill. Thank you.

**Ms WARD:** In the previous member's contribution, there was a strong focus around trying to divide people and talk about division within the industry, and this is a similar trope that comes from the opposition, which is to continue to divide communities, continue to divide opinion, and not actually discuss the policies at hand or in fact even indeed come up with their own policies. It is just about sowing dissent and constructing narratives that often do not have a lot of basis in reality or fact.

**Ms Vallence:** On a point of order, Acting Speaker, if we are talking about policies, the Liberals and Nationals are the only parties that have a policy to support the native timber industry.

**The ACTING SPEAKER (Ms Blandthorn):** Member for Evelyn, you are out of order. There is no point of order.

**Ms WARD:** Thank you, and we do see from those opposite that whenever anybody on this side of the house, particularly my colleague and good friend the member for Yan Yean, gets up to actually debate what has been said in this chamber around legislation, there are endless points of order that



have no basis in the rules of this house but are just there to waste time and to interrupt speakers. It is quite a juvenile way of engaging in debate in this chamber.

**Ms Kealy:** On a point of order, Acting Speaker, the member for Eltham is complaining about the number of points of order and that she is being unfairly prejudiced. Rather than talking about those matters I suggest that she reverts back to the bill and speaks—

*Members interjecting.*

**The ACTING SPEAKER (Ms Blandthorn):** Order! I cannot hear the member for Lowan.

**Ms Kealy:** I ask you to direct the member for Eltham to return to the bill. It is very narrow. It is only seven pages, the bill. I am sure there is enough that she can talk to in the content of the bill rather than debating whether there should be points of order or not raised by the opposition.

**The ACTING SPEAKER (Ms Blandthorn):** Thank you, I have heard enough on the point of order. I would ask that the member keep her comments to the bill at hand.

**Ms WARD:** Thank you, Acting Speaker, and as you have just heard, often the points of order that do come from those opposite are actually not points of order—however.

The bill allows for the Code of Practice for Timber Production 2014 to establish a compliance standards framework. I would have thought that within the industry there would be huge support from those opposite to actually want a code of conduct, to have some really clear distinctive parameters within which to work, so that we can continue to have a discussion and work through policy that is directly relevant to the timber industry and the preservation of jobs within that industry.

Through recent legal action that we have seen in this state we can see that there is a need for clarity regarding the interpretation of the Code of Practice for Timber Production. This is not something that has just magically appeared. This is not a vanity project. This is something that the government has been working on, and I applaud the Minister for Energy, Environment and Climate Change for the leadership that she has shown across her portfolio and her willingness to engage in ways to help this industry continue to be sustainable in terms of employment as well as their logging practices. If we did have a rational conversation with those opposite about this issue, we would be able indeed to explore this further, but we do not have that rational discussion from those opposite. There is no real discussion around how we can have sustainable logging and how we can have sustainable jobs within the industry. Instead it is just around scare tactics and trying to divide communities and fester anger, because we know and we have seen time and time again—in fact the time that I have been in this chamber—that the only way that they see they can achieve electoral success is through creating anger, fomenting anger, developing anger. They have tried and failed repeatedly in the seven years that I have been here, and they will keep going.

We know the compliance standards—

**Ms Vallence:** On a point of order, Acting Speaker, again on relevance, can I just ask you to perhaps get the member to comply with your previous ruling. The member is referring to the opposition as seeking to divide and attack. This is a government that is doing everything to kill off this industry and to take away the jobs and cut down these timber workers—

**The ACTING SPEAKER (Ms Blandthorn):** Thank you, member for Evelyn. A point of order is not an opportunity to further litigate the debate. This has been a broad-ranging debate, and the member is addressing both your previous contribution and others that have been made in the house. I am sure she will continue to remain consistent with the bill.

**Ms WARD:** Thank you, Acting Speaker. We do see this desire to silence people from that side, to interrupt their contributions and to stop them from actually bringing forward their own argument. If the member would just have patience and allow more than three sentences to get out before calling

points of order, she might understand the thread of my narrative and what it is that I am contributing here today.

As I was saying before I was interrupted, compliance standards will be developed by the conservation regulator and recommended to the Department of Environment, Land, Water and Planning secretary for decision. The standards will give the industry and community certainty as to what actions can be taken to comply. This is exactly what this industry is seeking, and that is what we need for these communities as well. They need certainty, and it is through the legislative framework that we can continue to create that certainty and develop stronger certainty for them.

We are consulting on further variations of the code, fixing up errors created by those opposite. So it is quite ironic when we again still have this fear campaign happening from those opposite in their contributions when there are errors that have been made by them in past legislation that we need to work on and fix. It would be really helpful if in this place there could actually be constructive conversation around this from the other side, where we could talk through what is the best way forward and how we can help support these industries and these workers who need all the support and help that they can get. It is only the party that cares about workers and that represents workers who will ensure that this happens.

We have developed a *Victorian Forestry Plan* which will ensure environmental protections but also plan for jobs. Under the plan we have ended logging in old-growth forests. We have put in place a plan to end native timber logging by 2030, and we are setting aside \$120 million to support industry and help transition jobs because we want our regional communities to thrive. We want them to have the jobs in which they feel respected and valued. This is what this government will achieve. Where those opposite leave those communities behind and where they fail those communities is by instilling fear in those communities. Instead of working with people, they instil fear, and that does nothing to help those communities whatsoever. This is continually the way that they go about their business, which is nothing short of shameful.

We have protected over 90 000 hectares of old-growth forest, 96 000 hectares of forest was immediately exempt from logging through immediate protection areas and we are planting 500 000 new trees in Melbourne's west. So we are taking really consistent, concise, proper action to help look after the industry as much as we can as well as recognising the need to preserve our old-growth forests and to protect timber.

We have announced \$6 million to build a 10-kilometre predator-proof fence at Wilson's Prom, which is fantastic news, and I am sorry that I cannot continue to talk about this, because this is excellent policy for Wilsons Promontory.

**Mr T BULL** (Gippsland East) (15:51): It is a pleasure to rise on the Conservation, Forests and Lands Amendment Bill 2022. I will start off by saying, as has been reflected by our earlier speakers, we will not be opposing this bill in the Assembly but we will be reserving our position in the upper house to address some of the areas of concern that I want to outline here.

A key part of this bill, as we have heard, is to give the Minister for Energy, Environment and Climate Change and the departmental secretary discretionary powers under the Code of Practice for Timber Production 2014, which would make those decisions legally binding. This is concerning to us, and I want to take up why. It would be good to have this level of discretion if we could get some guarantees that it would clear the obstacles and the hurdles that are currently confronting our timber industry around court injunctions on coupes and the like that put hardworking, honest timber families out of their lawful work. But it has got the potential to be used to, I guess, further impede the sector—to be used the other way.

I want to make a few comments about going back to the code of practice for timber harvesting and timber production and the basis and the ethos for it. Now, it was established acknowledging that the timber industry has environmental impacts—we chop trees down—absolutely it does. It has

environmental impacts, but the code was put in place to ensure that this did not occur in areas of high sensitivity. It is about enabling a practical and economically viable industry to undertake what it does, at the same time minimising the environmental impacts. It is a really sensible, balanced compromise. That is what it is.

The concern that we have in giving the minister or the secretary these discretionary powers is that rulings may be biased—have the potential to be biased—towards the environmental sector and make it more difficult for the industry to prevail, and everybody knows the challenges that they have got at the moment. The problem is that with this timber code of practice that was established to give some clarity and some certainty to the timber industry we have some who want to use it as a tool to impact the timber industry, which was not its intention. It should be an enabling code of practice. These additional powers have the extension to be that—to be problematic to the timber industry.

We have heard some commentary, including in the second-reading speech, that the bushfires of 2019–20 created irreversible damage, and that could be something that the minister or the departmental secretary uses to use their discretionary powers. The fires that we had in 2019–20 I know a little bit about. I lived through them. We have had worse plenty of times before. We have had worse than that plenty of times before, and it is a fact that our landscape has been recovering from these types of events for a very long time. So to say it has caused irreversible damage makes the suggestion that it has not happened before. It has, and the bush has recovered.

Now, the irony that I find with all this is that we have a government that will not control fuel loads in the bush. We could see this coming. The locals forecast the 2019–20 fires a couple of years before, as soon as we got a hot summer and lightning strikes. We have got a government that does not control fuel loads in the bush, allows record fuel loads to build up, and then is giving itself legislation where it can invoke measures to impact the timber industry as a result of their mismanagement of the bush. It is a vicious circle of total mismanagement.

I want to talk about the timber harvesting itself and the footprint of the timber harvesting. We have the Greens that come in and stand up in here, and you would think we were bulldozing the entire country. The timber industry operates in 6 per cent of our state forests. In 6 per cent of our bush, the timber industry operates. Of that 6 per cent—now, just get your head around this—per annum 0.04 per cent is harvested. The 6 per cent is harvested on an 80-year rotation, and they want to come in here and jump up and down about all the destruction it is causing and horrible things. It is an absolutely minuscule amount that we are harvesting, and on top of that it is worth remembering—and one thing we do agree on on both sides of the chamber here is—no old growth is logged. What we need to do as a Parliament is accept that there are some environmental impacts from logging. There are, but it is an absolutely minuscule area, and it supports an industry that is important not only to the Victorian economy. We have got organisations like Planet Ark, for instance, running around, and their slogan at the moment is ‘Do the world some good, build it with wood’. Do the world some good, build it with wood, from Planet Ark.

So we have got one of the most highly regulated timber industries in the world here in this state. We have got Planet Ark telling us to build with timber because it is one of the most environmentally sustainable building products. We have got a government over here that is shutting it down—shutting it down—and the government over here cannot tell me when we are shutting down our native hardwood timber industry to go to plantation. No-one on this side of the chamber can tell me where the plantations of hardwood are to replace it in 2030. Consumer demand for this product is going up because timber captures carbon, timber is sustainable, timber is renewable, and we have got this government closing it down saying we are going to replace it with plantation. Where is the plantation timber? Well, hardwood takes 30 years to mature at the earliest time, 30 to 50 years, so if we are transitioning out of hardwood by 2030 those plantations should be sitting here somewhere in Victoria that are 20 years old now. But they are not there. There is no foresight. We are talking about 0.04 per cent per annum of our bush. This is just a circus.

You have got the Greens who come in here and say, quoting studies, that the timber industry worsens the fire risk. They are selective in what they quote. The University of Tasmania also released a study after the 2019–20 fires to say timber harvesting has no impact on the severity of fire impact, but do we hear the member for Melbourne getting up and talking about the University of Tasmania report? No. I actually sat down and had a cup of tea with one of the Greens about 18 months ago in this place to try and get—

**Mr D O'Brien** interjected.

**Mr T BULL:** No, I did. I did because I thought I would try and get the rationale behind their stance on the timber industry, and when I asked some of these questions—we are highly regulated, it is a good building product, it captures carbon, it is renewable and it is sustainable—I could not get any answers. They had no answers. I am not sure about that. But they want to get up here when they get their 90 seconds or they want to stand up in here when they get on a bill and they want to talk about possums and all that sort of stuff—and we do need to protect the bush. We do, but the timber harvesting code of practice has identified the areas where there are minimal environmental impacts. The member for Melbourne stood up in here before and said this could be used to allow logging in illegal areas. What a load of rubbish. It will allow logging in areas that have been identified for logging—potentially, if it is not used the other way around. But my concern sits with the fact that these discretionary powers are going to sit with a government that wants to ban the sector, so my concern is that they will use it, dare I say, for evil rather than good, because they want to get rid of the timber industry. And where are we going to get our timber from when they get rid of our native Victorian hardwood? The Greens will be standing out the front—

**Business interrupted under sessional orders.**

### Matters of public importance

#### HEALTH SERVICES

**The SPEAKER** (16:01): I have accepted a statement from the member for Gembrook proposing the following matter of public importance for discussion:

That this house notes that Labor governments have run Victoria's health and ambulance system for 11 of the last 15 years, during which time the Member for Mulgrave has been Premier or Minister for Health, and have failed to act to fix our health crisis and must take responsibility for:

- (1) the 000 crisis, with Victorians being left on hold, loved family members dying whilst waiting for an ambulance that will never arrive;
- (2) more than 80 000 Victorians are left languishing on surgery waiting lists, with the Andrews Labor government failing to have a plan or target to drive down the record numbers;
- (3) the only statewide code brown shutdown in Australia; and
- (4) 151 500 Victorians on the public general dental care waiting list, waiting nearly 24 months for a check-up.

**Mr BATTIN** (Gembrook) (16:02): The inability of ESTA to deal with surges in demand has been the subject of many warnings to the Victorian state government, including warnings from the State Coroner's office and the inspector-general for emergency management following the 2016 thunderstorm asthma event that left 10 Victorians dead in Victoria.

On 30 April the number of emergency calls per quarter rose and the response times were continuing to blow out in the state, and there was no answer from the government. On 28 September 2021 there was an article in the *Age*:

Community Workers' Union secretary Sue Riley said the agency was underfunded for years before the pandemic and was not equipped to handle heightened demand.

'The organisation is at the lowest point it's ever been,' Ms Riley said, adding that many staff members had departed in the past two months due to the pressures.

Ms Riley and an ESTA worker said the organisation relied on staff working overtime and not having breaks. Ms Riley said workers who may have finished a traumatic call were sometimes hiding in their cars to avoid being called back from work.

‘Since the middle of last week it’s got even worse,’ one call taker said. ‘We have 16–20 calls waiting at all times; it’s not just a spike for something like a massive car crash, it’s constant. We’re in a crisis.’

That is the staff and union representations of ESTA. This was on 28 September 2021. And the response from the government at the time? Silence, absolutely nothing.

On 8 October the federal minister for communications, Paul Fletcher, wrote to the Minister for Emergency Services, highlighting that on 6 October alone two calls were on hold for 30 minutes, 20 calls were on hold for between 20 and 30 minutes, 37 calls were on hold for between 15 and 20 minutes and 53 calls were on hold for between 10 and 15 minutes. And the response from the minister? Silence—still would not speak up about the crisis that was happening.

There are so many stories here in Victoria about people dying on hold, and it is quite simply not good enough, and those families deserve an answer. But I am going to read one of the articles that has come out recently, because it deserves to be in *Hansard*—and the minister and the Premier must answer for this. It details the case of Alisha Hussein:

It’s when Alisha’s face turns a bluish grey that her mother, Jasmin Hussein, realises the window is closing to keep her 14-year-old daughter alive. Every second is precious, every minute a lifetime.

Breathe, Alisha.

Please breathe.

Jasmin has dialled triple zero, and is waiting to hear the voice of a call-taker to tell her what to do, or get an ambulance on the road. Victoria’s Emergency Services Telecommunications Authority (ESTA) is meant to answer emergency calls within five seconds.

But on this night, October 27 last year, no-one at ESTA is picking up her call ...

Thirty seconds ticks over. One minute.

A Telstra operator is still trying to page Jasmin through to a triple-zero call-taker, but it isn’t working. Neither is the puffer or the nebuliser that normally help Alisha during an asthma attack.

Jasmin knows that a speedily dispatched ambulance can stabilise an asthma patient. But no one is picking up.

And now Alisha is turning blue.

...

Alisha is 14 ... Jasmin hears herself telling the Telstra operator her daughter might be dying.

...

Alisha’s face isn’t only drained of colour. Her eyes have moved from pleading and panic to terror. Her lungs need air.

Two minutes pass and Jasmin decides to put her daughter onto the back seat of the family car and race her to hospital.

Three minutes. ESTA still hasn’t picked up. Jasmin is performing CPR on the car’s back seat while her husband drives. Her triple-zero call is still with the Telstra operator who is still trying to page it through to ESTA.

The Telstra recording captures Jasmin speaking again. This time just two words: “She’s dying”.

Five minutes pass.

... Jasmin is ... is trying to revive her daughter. She is screaming at her: “Breathe, Alisha. Breathe.”

...

Ten minutes. Eleven minutes. “Ambulance still ringing out” says the Telstra operator. There is still no one at ESTA who is able to pick up.

...

Thirteen minutes have now passed, but Jasmin’s call remains an urgent flashing light on a computer screen as call-takers help others in the triple-zero queue ...

...

Fourteen minutes. Alisha's mum has given up on getting through to ESTA and is carrying her into hospital. The unnamed Telstra operator has also given up. The recording captures her muttering in frustration: "Fifteen minutes!"

On a hospital gurney, the teenager ... is almost unrecognisable, surrounded by doctors and tubes ...

Long before she's formally declared dead, Jasmin knows by the absence of life in her little girl's face that she is gone.

ESTA never picked up the phone. If it was a one-off case, you would say it was an absolute tragedy.

On 3 November 2021 a little girl, 23 months old, drowns in a pool. Multiple calls to 000. The family drives her to an urgent care centre where staff make two further calls also delayed by more than a minute.

On 10 November 2021 a man, 43, collapses. Two calls to 000—lasting about 4 minutes—but do not connect. The man dies at the scene.

On 18 November 2021 a man, 49, gets a limb injury from a chainsaw. The call takes 5 minutes and 36 seconds to connect. The man is conscious when paramedics arrive, but he goes into cardiac arrest and is declared dead on arrival at hospital.

On 19 November 2021 a little boy, just two, was found face down in a public pool where he was for about 10 minutes. It takes 5 minutes and 44 seconds for a 000 call to connect. He is resuscitated at the scene but dies days later in hospital.

On 19 December 2021 a man, 51, has a cardiac arrest at home, and it takes 5 minutes and 22 seconds for the 000 call to be answered. He is pronounced dead at the scene.

These are all supposed to be answered in 5 seconds.

On 5 January 2022 a man, 39, suffers from severe shortness of breath. It takes 6 minutes and 14 seconds for the call to reach an operator, followed by an ambulance dispatch delay of 14 minutes. The man goes into cardiac arrest soon after the paramedics arrive.

On 6 January 2022 a man, 21, goes into cardiac arrest at a public car wash. It takes 4 minutes and 26 seconds for the call to be connected. He dies at the scene after 47 minutes of resuscitative efforts.

On 14 January 2022 a man, 61, collapses. His housemates hear him. It takes almost 9 minutes for the 000 call to get through to an operator. He dies at the scene following more than 30 minutes of attempts to save his life.

On 15 January 2022 a man, 51, goes into cardiac arrest after choking at a food court. It takes 4 minutes and 21 seconds for an ESTA operator to be reached. The 51-year-old is pronounced dead at hospital.

A baby, nine months old, goes into cardiac arrest, and the call answer was delayed for 4 minutes and 28 seconds. The infant, who was later diagnosed with a large subdural haematoma, dies at hospital two days later.

These are all cases that we are hearing about in our offices and in the media. I am sure, I am confident, that Labor members of Parliament are hearing exactly the same thing, and I am yet to hear them stand up in this place and call out that it needs to be fixed.

What did the government do? The government sacked Marty Smith—said he resigned—on 21 October 2021. We all know how that works. That is the scapegoat, trying to push it aside. He had been lobbying the Andrews Labor government since the pandemic started for increased staff, and he was continuously ignored. That is simply not good enough. He was thrown under the bus and has gone from ESTA. Danny Hill from the paramedics union has come out and said:

We're hearing of some very, very unwell patients, waiting for up to 20 minutes to get through just to have a call answered ...

I have given you the cases today where they have died. The member for Melton was formerly involved with the ambulance and paramedics union in Victoria, and I hope he is speaking on the matter of public importance today. I hope he is reading through those same statements that we are reading through, and I would be very pleased if the member for Melton had the courage to refer to Danny Hill's comments about people dying in Victoria. It is not the ambulance or the paramedics, it is not the call operators; it is a failure to invest for so long by this government in our entire health service. Danny Hill also said, in relation to people waiting, that:

Two minutes is dire. It's a life or death time frame ...

Then the government stand up today and they trumpet their \$115 million investment, which will put Victorians on hold for another 15 months before they are going to fix this problem, so they say—a problem that they made. Let us not forget ambulance call takers were reduced during the pandemic—not people on leave, not people on furlough; they were people that were no longer there or replaced and cut harshly during a pandemic by this government. There are 2.3 full-time equivalent less staff just in Ambulance Victoria. There is a 13 per cent decline in call takers for fire, and it is 3.42 per cent in relation to police here in Victoria. These are not our figures, these are not made-up figures; these are government figures, and all of this has led to people dying here in the state.

You add to that we are the only state in Australia to have a code brown. Our waiting lists are so out of control the Minister for Health could not answer what the number was here in Parliament today. Either he has no idea or he, like a former Minister for Health back in 2010, wants to hide the figures. We cannot forget that the Premier of this state was the health minister when they hid the elective surgery waiting list. That is shameful—shameful! We are seeing people on hold for ESTA, we are seeing delays in getting ambulances to them and then we are seeing people denied elective surgery. They have, during the pandemic, been closing and stopping elective surgeries in the private health system. Take out the word 'elective' and replace it with 'vital', because you do not go in and get surgery for nothing; you go in there because it needs to be done. It is something that is urgent. It is the stories we have heard here again and again.

I am going to say the 100 000 people on the waiting list averages more than 1000 in the electorate of every person in here. Every single person in here has more than 1000 people on average in their electorate on the waiting list, and I cannot believe that it is only Liberals that are getting emails. It just makes no sense. It cannot be that the only offices—

**Mr D O'Brien** interjected.

**Mr BATTIN:** Sorry, and the Nats; I apologise, and The Nationals. You know what? Probably the independents and the Greens as well—I reckon they are getting them. But it appears to be Labor is getting no emails. Is it true that areas like Cranbourne, Narre Warren South, Narre Warren North and Melton are not getting those emails? Are they not getting anyone coming through who needs to get a knee replacement, a hip replacement or pain control? The member for Hawthorn, I am confident—

**Mr Kennedy:** Not one.

**Mr BATTIN:** Not one? I will put that on the record: not one email for the member for Hawthorn. That is crazy.

**Ms Hall** interjected.

**Mr BATTIN:** The member for Footscray says 'not one'. I find it amazing that it is only Liberals getting these emails. I will be speaking to my good friend John Pesutto to make sure he sends that out to his electorate. But it is so important, that you cannot—

**A member** interjected.

**Mr BATTIN:** I am predicting the future, that it will be his electorate. I will tell you now that you cannot say that only Liberals get this. There is only one reason behind this: Labor MPs are ignoring

this problem. They are ignoring the fact that people are dying on hold. They are ignoring the fact that on *60 Minutes* just this week we watched as a mother spoke into that phone and said, 'Breathe, Alisha, breathe'. And I want every member of Parliament, I do not care what side you are on, to have that ingrained in their head. My wife in 1995 watched her brother pass away from an asthma attack whilst on hold—and I know you are going to turn around and go 'That was in the Kennett era'. It has not changed. It has not been fixed since then.

To watch that happen and hear of a mother going through that should send shivers down your spine, and do not get up and talk about the bragging and the patting on the back that the Premier wants you to say. Talk about what has happened in the last eight years, the absolute failure to fix this system, because I am sorry to say, after these times, since that election of 2014, it is now your fault, and it is now your problem. The member for Melton has got his papers there, and I am looking forward to hearing from him. I hope that you quote every quote that Danny Hill has put out there, and I hope you have in your mind 'Breathe, Alisha, breathe', because if you have not got that in your mind, you are thinking about the wrong thing here today—and that is people's lives in Victoria.

**Mr McGHIE** (Melton) (16:17): I rise today to contribute to the matter of public importance (MPI) listed by the member for Gembrook, and I was interested to hear his contribution. I just want to pick up on a couple of things that he raised and respond to them. In particular he said that there has been no response from the minister. Well, of course in last year's state budget there was a delivery of \$46.14 million for 43 additional staff, who are in place now at ESTA, and it goes a long way to address the issues, but again people have to be trained, they have to gain experience to be proficient call takers and dispatchers. In the last week there has been a further announcement by the minister of a \$116 million injection for an additional 120 staff, again to be trained and to gain experience and to become proficient call takers and dispatchers.

*Members interjecting.*

**The SPEAKER:** Order! The member for Gembrook and the member for Evelyn!

**Mr McGHIE:** And the Minister for Health stated the other day in this chamber that there is more to be done. So, anyway, I had to check the date when I saw this MPI listed on the notice paper, and I was wondering whether it was groundhog day. Those opposite want to have a discussion—

*Members interjecting.*

**The SPEAKER:** Order! I just ask the member for Melton to resume his seat. This is a passionate debate about an issue that people are very passionate about. The member for Gembrook was heard in relative silence with a few interjections. The member for Melton should be also heard in relative silence with a few interjections. I ask members at the table not to interject.

**Mr McGHIE:** Thank you, Speaker. Initially what I will do is refer to some history, and you mentioned the Kennett era.

**A member:** That was 20 years ago.

**Mr McGHIE:** That's okay. We are still patching up the damage from that era. Look, I remember the Kennett era very well. I worked as a paramedic, and I also worked at the union. I went to the union during that issue. During that Kennett era there were massive cuts in health care and ambulance services, and there were also many deaths because of what they introduced during that era, and that was the privatisation of the communications centre to Intergraph. They privatised the workshops. They privatised the stores. They had an agenda to privatise ambulance stations, and they actually did privatise an ambulance station. I see the member for Cranbourne here, and we raised that when I was out at Cranbourne about a year ago with the member about the Cranbourne ambulance station being privatised. The agenda was to have ambulance franchises around the metropolitan area of Melbourne, and if you could not afford the response of ambulance services you would not get the service. So that was the agenda back in the 1990s. The damage that that did took many, many years to be repaired,



and as I say, Kennett was successful in privatising the Cranbourne ambulance branch and Cranbourne ambulance service for 10 years.

And now, I am pleased to say, under this government, under a Labor government, it has been brought back into public hands. I have to say that if the Bracks government had not been elected in 1999, we would have had ambulance branch franchises all over metropolitan Melbourne. That would have been disastrous for Victorians. Imagine the cost to Victorians' quality of life and lives themselves if Kennett had been able to monetise casualties and Victorians' health emergencies.

We know how ambulance response times and services can be destroyed thanks to the Baillieu-Napthine government and the experiment of their war against paramedics in 2010–14. I was in the middle of that war as the secretary of the ambulance union. That went on for three years, where we were having negotiations with that government at that time. Unfortunately through that negotiation we saw a situation where paramedics got fed up with that government and had to take it into their own hands to publicise their concerns on the windows of ambulances. I have to remind our opponents across the chamber that that is why they are sitting over there; it is because of their war against paramedics back in the term of 2010–14. I will continue to remind you of that.

The other thing that Kennett did back in his era was privatise the non-emergency patient transport sector. Ambulance Victoria used to do all non-emergency transport, and they could have surge capacity with those non-emergency cars to come back and pick up the emergency work when there was a surge. Right now we do rely on some of the private companies to help Ambulance Victoria, but they are not paramedics, they are ambulance attendants and they are patient transport officers, so it is still not to the same degree. So we do not have that reliance on those patient transport crews. Even though they do a high percentage of work, they cannot deliver the same level of care that ambulance paramedics can.

In 1995, which is a long time ago, I went from being a paramedic into the union. I was the assistant secretary initially and then became the secretary, for 13 years, during the 2000s. I want to thank Jeff Kennett for one achievement, and that was that he politicised ambulance paramedics. I think it was a great thing that he did. Because of that, it cost two coalition governments their terms. I will remind you of when—1999, see you later, Jeffrey, and 2014, see you later, Denis. It was because of their actions against paramedics and other healthcare workers at that time that they started to learn and campaign, and I thought it was a fantastic thing. And yes, they will continue to campaign regardless of the colours of government, and that is why someone like Danny Hill would be making comments. Danny Hill is doing that on behalf of his members, but he is also doing it on behalf of Victorians. It is not just about benefits for his members, it is about benefits for Victorians, and all healthcare workers will fight to improve the system regardless. It is never perfect, but you continue to fight to improve the system as much as you possibly can.

As I said, in 2014 paramedics were politicised and took the fight up to government, hence why they are in opposition now. So 22 years on from Kennett the clear message learned is that you need to work with Victorians and in particular the public sector workers like paramedics, like nurses, like healthcare professionals, like the call takers and dispatchers, because if you do not, you suffer at the ballot box. The Andrews Labor government is getting on with getting things done and was further endorsed by the outcome of the 2018 election. Since the Andrews government was elected we have seen our paramedics supported with better wages, better conditions and of course better mental health support.

**Ms Vallence** interjected.

**Mr McGHIE:** No, it is not all about elections for me. There has been a vast improvement in paramedic numbers. New ambulance branches have been built and upgrades made to old branches. There have been comments made in other contributions that we have done nothing. We have done a hell of a lot: 700 more paramedics in the last year, new ambulance branches dotted across the state—

*Members interjecting.*

**The SPEAKER:** Order! The member for Evelyn has already been warned.

**Mr McGHIE:** upgrading our staffing numbers in rural and regional areas, double crewing in country towns. We used to only have single-officer crewing for paramedics in small country towns; now it is dual-officer crewing that does not have a great reliance on using volunteers within the community to respond to cases.

There has been a little thing called COVID around in recent times, and we need to understand the effect of COVID on all of our services, in particular our health services, and also what has happened at ESTA. We have seen I think in the last quarter a 19 per cent increase in cases that Ambulance Victoria have responded to in the Melton electorate alone. I know in Ambulance Victoria there has been a 16.2 per cent increase in cases that they have responded to—and the busiest time that they have had, in excess of 91 000 code 1 cases. Of course when you get such an increase in calls and cases there are also other factors that extend the period in regard to availability or unavailability of ambulances. And that is that because of COVID—because of the need to wear PPE, because of the need to protect the patients, because of the need to protect the healthcare staff at the hospitals—it takes longer to do a case, to respond to a case, to attend a case, to transport the patient, to offload the patient at the hospital. It takes longer. So normally on average if you had a case time of an hour and a half, it has probably blown out to at least an average of 3 hours before that ambulance crew can be released to another case. When you have got a 16 to 19 per cent increase in caseload that is a massive blowout in times.

You might say, ‘Well, that can be fixed overnight’. It is physically impossible to fix it overnight. It takes three years to train up a paramedic. It takes a further 12 months to get workplace experience before they are deemed to be qualified and before they are able to run out there as a proficient paramedic being able to respond to any type of case. Likewise call takers and dispatchers at ESTA: it takes them six months training and then experience on top of that to become a proficient call taker and dispatcher—and let me say those call takers and dispatchers are working as hard as they possibly can. There has been reference made in this chamber to how they have worked excessive overtime, how they have had to take other days off just to have a rest. That happens right through the health sector. That happens right through the call-taking and dispatch system. That reliance on the staff is not new. It is not new, and regardless of the numbers that you bring in it will not be new into the future either. There will be a reliance on staff to make themselves available to come in and fill vacant shifts. Those shifts become vacant for a whole range of different reasons.

You know, at the moment due to COVID there has been some furloughing of staff both in the ambulance service and also at ESTA, and it has caused obviously major problems for them. The peak of the delta and omicron waves, the busiest time in ESTA’s history, saw an average of nearly 4000 calls per day. Look, when I left the industry only 3½ years ago, if they were doing 2000 calls per day it was a massive workload back then. So we are talking double that in 3½ years. It is enormous, and that increase you will find has been due in the last two years to COVID. There is no question about that.

At ESTA they work in almost like an office space, even though it is quite a big room, and of course I raised before the issue of vacancies in regard to staff. That is due to the COVID situation again and a number of their staff being furloughed. As I said earlier, there has been an injection of funds out of the state budget to increase their numbers by 43. Those people have been trained and put in place now. That will help initially and, as I said, there is a further injection of \$116 million to introduce a further 120 staff. Of course the funding for the 120 staff will be for new ongoing positions. That injection of funds builds on the \$27.5 million allocated in October for ESTA to address call-taking demand pressures and implement a scale-up technology solution. There is no doubt there are some issues in relation to the technology, and obviously some of that funding will go towards improving that situation.

Again I have got to reiterate the pressures that the call takers and dispatchers are under. I am not sure whether people are aware of the process in regard to how all this works when someone rings 000, but someone will have an incident, they will pick up the phone, they will dial 000. They do not talk to ESTA straightaway. They talk to Telstra, and that could be a Telstra operator anywhere in the country. They

will ask, 'Which service do you require: police, ambulance, fire?', and they will patch them through. It will then go through to ESTA for a call taker to pick up that call. Once that call is picked up they will get the details of the incident and then it will be referred off to a dispatcher to dispatch the case to the ambulance service, to the next closest available ambulance crew.

But also within that room Ambulance Victoria have staff that oversee the clinical status of patients. They have staff like duty managers that oversee the resourcing levels of the ambulance service, and they can make decisions to bring on additional resources. As I say, they have clinicians, they have comms support staff. These are all people, highly trained paramedics, put in place to try and protect Victorians through the systemic processes.

There is also a secondary triage. Where people ring up 000 to try and get an ambulance because they think they will be attended to straightaway but they do not require an ambulance, the secondary triage will question them about their condition and get more information, and they may refer them to off to a locum, a GP—'Wait and see the doctor tomorrow'. Yes, they may organise a taxi for them, because they do not require an ambulance. Twenty-five per cent of the calls into the comms centre do not require an emergency ambulance. If we are sending out messages that anyone that rings 000 should get an ambulance, it is the wrong message to be sending. People that are under emergencies should call 000. People that are not under an emergency should not be ringing to gather information from the call takers or dispatchers.

As I say, I want to thank our paramedics. I want to thank our healthcare workers, I want to thank the call takers and dispatchers for the wonderful job that they have done to try and keep the system going, to attend to Victorians. Yes, there are always going to be some issues and cases that will be highlighted, and no-one wants to see that. We are all trying to improve the system. There has been an injection of funds, there will be more staff and there is more to be done.

**Ms KEALY** (Lowan) (16:32): There is more work to be done to fix the health crisis in Victoria. Never has a truer word ever been uttered in this place. I am absolutely astounded that we hear from this government time and time again dwellings into the far, far history of Victoria—back to a time when I was not even old enough to vote, and I am no spring chicken anymore—when we talk about things, patting themselves on the back: 'We're doing a great job. We're spending so much money. We've got all these staff in here. We're doing a fabulous job. No-one's got anything to complain about'.

I put to this Parliament: 12 Victorians died while waiting for ESTA to answer their calls in the past six months. That is not a time to pat yourself on the back and say you are doing a good job. That is not a time at all for the minister to stand here and say, 'Oh, well, it was a COVID pandemic. We knew we were going to have more people and more episodes—more people needing to call 000'. And yet, in exactly the same time period staff were cut. Eleven staff were cut out of the call taker group.

Why on earth are we saying that this stacks up, that we are doing all we can to save Victorian lives and that we are doing all we can to support the strong and robust health system that Victorians not only need but deserve? We are not in a Third World country. We have gone through two years of pandemic, and there is no doubt it has put a lot of pressure not just on Victorians but on Victoria's health system. But now we are in a situation with catastrophic failures by the Labor government, failures to take action when it should have been taken and drastic action that was taken that has impeded and stopped people from being able to get the care that they need. Whether it is about cutting the number of call takers in the ESTA call centre, it just does not make any sense at all that this would be happening.

We have got the same situation when it comes to the code brown, which is another point in this matter of public importance. We had a code brown because we were told by the minister that COVID would put too much demand, put too much pressure on our private health system, particularly focused on the elective waitlist. We heard again from the minister that he has got no idea what the current elective surgery waitlist is—no idea at all. It is just astounding to me that every single day every public hospital

in this state reports on the number of people on their waitlist. It happens automatically. It goes straight to the Department of Health. But now all of a sudden we are being told, 'No, no, no. I don't see that data. It comes through on a quarterly basis'. If that is the case, it is the most ridiculous system that I have ever heard of in my entire life given that information sits within the Department of Health. They are using this information to call a code brown and to stop elective surgery in the public and the private systems.

We are being told that the reason that they are cutting back the elective surgery across the state is for this surge capacity to support our public hospitals, that all of the private hospital staff are going to come across and work in the public sector to help support COVID patients, and yet in the Pandemic Declaration Accountability and Oversight Committee hearings every single time we have asked a public hospital, 'How many private staff did you actually utilise over that code brown period?', the answer is exactly the same: it is zero.

So the minister made the decision on numbers that he knows nothing about. He does not know about the elective surgery numbers, but he made the decision to shut down elective surgery in the private hospital system and to shut down elective surgery in the public hospital system. We were told it was to help with surge capacity in the hospitals, but not one of those private nurses was utilised—so for what point? Why did we stop elective surgery? We got to a point where there were about 81 000 Victorians on the surgery waitlist in December last year. We are expecting that there will be over 100 000 Victorians on that waitlist when the numbers come out, finally, in the next week or two. The minister stood up today and talked about how transparent the government is. He is not being transparent at all. Be honest with Victorians and be up-front about it—'This is what we've done, these are what the consequences are'—and at least have a target or a plan to get elective surgery back on track for those 100 000 Victorians who are desperately waiting for surgery.

While it is called elective surgery, there is nothing optional about it. If you cannot get to work, if you cannot walk to the corner and buy a carton of milk, if you cannot look after your grandkids—if you cannot do those day-to-day activities—or even drive a car, then do you know what? It is not elective. It has a huge impact on your overall attitude to life and how you integrate with the community and more importantly on your mental health as well. Living life with chronic pain causes an enormous amount of pressure on people's mental health, and we know we are going through a mental health crisis.

There are simply not enough mental health workers in the community to provide the support that Victorians desperately need. Six lockdowns over the past two years have caused immense harm, and as Pat McGorry, one of Australia's leading psychiatrists, will say, we are still waiting for the shadow pandemic to peak. We are still waiting for that to happen, and yet we still have not got any overall strategy from the government on how we are going to train a workforce up to meet that demand. Still, we will hear the spin and we will hear the talk: 'Oh well, we're implementing the royal commission though'. It does not matter what you implement. You can open however many mental health services you want; if there is no-one to actually work in there, it will not make any difference. It will not make any difference to people's lives.

I want to go back and go through a few examples and hark back to the member for Gembrook and his opening remarks. What the member for Gembrook did, which the member for Melton failed to do, was talk about the Victorians who have had their lives significantly impacted by the government's failure to ensure that there is an ESTA system that actually meets the target of answering the calls within 5 seconds. I completely reject any negative aspersions by the member for Melton that somehow we are criticising ESTA workers or paramedics because that is so far from the truth. I have problems with a government who have cut funding to that department and cut staff because that is crueller than anything else that is happening—that you would consciously put increased pressure on those call takers and simply go and pat yourself on the back and say, 'We've been doing so much about it. It was bad back in Kennett's days. We are not to blame'. I mean, seriously, we have had a Labor government for 19 of the past 23 years. This is the eighth year of this government. The now Premier was a former Minister for Health. Eleven of those past 15 years are his responsibility, and yet we have got these

continual catastrophic events in Victoria where our health system and our health supports fall further and further and further behind.

We need see more than just media releases. We need to see real action, that evidence that you are going to actually put more staff into ESTA so when people get on the phone they are not sitting there and going through the horrible situation that we heard of Alisha Hussein and her mother, Jasmin, that was covered by *60 Minutes* and the *Age* last weekend. A chill just went down my spine, and a tear welled in my eye. I just think it is horrible, as a mother, when we are told to call 000 and help will be there, we are told all the time that every second counts when it comes to a health emergency, and yet here we are. The mother of Alisha, Jasmin, was there doing CPR and had to utter the words, 'She's dying'. She waited on the phone for 15 minutes. Even the Telstra operator was exasperated, saying the ambulance was still ringing out after 15 minutes.

I put to each and every Labor MP in this place to put themselves in that situation, and if you still think that you are doing a good job, then you really need to question why you are in this place, because you are not in this place to make yourself feel good or get a pay packet at the end of the day. You are here to deliver for every single Victorian, and you have failed to do that. If you think that this is the right way to go—

**Ms Green:** On a point of order, Speaker, the member for Lowan is reflecting on the Chair. She has used the pronoun 'you' at least half a dozen times. I ask her to direct her comments through the Chair.

*Members interjecting.*

**The SPEAKER:** Order! Members on my left will come to order. I do not uphold the point of order. I ask the member to make her comments through the Chair.

**Ms KEALY:** I stand with every single member of the Liberals and Nationals, because we are in contact with the people and with the Victorians who are putting up with this horrendous situation, people who are left waiting for 000 to answer the calls, people who are waiting for surgery, people who are waiting in emergency departments for days to get the support and services that they need, people who are waiting up to a year for the mental health support that they need. We are listening to their stories, we are bringing them to Parliament, we are bringing them to the relevant minister and we are demanding answers, and every single time that a member of the Labor government or the minister stands up and says, 'We're doing a great job because we've put out a media release, we're spending money, we're doing X, Y, Z'—what will you be judged by? You will be judged by the stories of the people that you represent that you have failed to stand up for. You need to stand up for every Victorian, and every Victorian deserves an answer when they call 000.

**Mr J BULL (Sunbury) (16:42):** I am pleased to have the opportunity this afternoon to speak on the matter of public importance (MPI) submitted by the member for Gembrook. We on this side of the house are a government of action and not of cheap political points, a government of investment and not soundbites. In my contribution this afternoon I want to outline the substantial, consistent and significant investments that we have made in our healthcare system through each and every budget, each and every year. But before I do, as I am sure others will in their contributions, I want to take the opportunity to acknowledge the incredible work that is done within local communities right across the state, all of the work that is done by our ambulance officers, every nurse, every doctor, every administration assistant, clerical staff—those that have done an extraordinary job through what has been the toughest of circumstances, the most challenging of circumstances, through the global pandemic over these past couple of years. And of course we know right across the state that every single ambulance officer, our nurses, our doctors and all of those that run the healthcare system have indeed done an extraordinary job through the COVID-19 pandemic.

These people within our community deserve our thanks, they deserve our support and that is exactly what they will get. I do not propose to speak too much in my contribution this evening about those opposite and their record, but I do just want to touch on, as the member for Melton has done, the irony

of the MPI from a team from which, when they had the opportunity in those four years to be in government, what we saw were significant cuts to hospital funding, a war with paramedics, running our hospitals to the ground and trying to undermine the healthcare system at each and every opportunity. As we outline our record, as we continue to work with our healthcare professionals to make sure that we are providing the resources and the support, whether you live within the city or whether you live in the growing suburbs across rural and regional Victoria, we know of course that each and every Victorian is entitled to access great health care, and what is important is that we continue to make those investments, as the member for Melton has touched on.

I do just want to acknowledge the \$130 billion, a significant amount, since coming to office that this government has been able to deliver right across the healthcare system. We know, as I mentioned, the COVID-19 pandemic has shown just how important it is to make sure that we are working each and every day closely with our healthcare workers. We know that the \$8 billion goes to ensuring that every Victorian, no matter where they live, has access to world-class health care. There is a whole range of investments within local communities, and I did earlier this week touch on the upgrade to the Sunbury Day Hospital forming the Sunbury Community Hospital within my community—about a 40 per cent increase in total footprint—making sure that locals can get access to good healthcare services when and where they need them. This forms part of a broader package. Through the community hospital building program, we are building hospitals in Point Cook, Torquay, Cranbourne, Pakenham, Phillip Island, Craigieburn, the City of Whittlesea, Eltham and of course in Sunbury in my community. We know that the community hospitals are going to make a significant difference.

We also know of the record investment—the monumental investment—of \$1.5 billion in the Footscray Hospital, the largest state health infrastructure investment Victoria has ever seen. We have also delivered \$200 million to the Joan Kirner Women's and Children's Hospital, ensuring families in the west can receive world-class maternity and paediatric services closer to home.

This is in stark contrast to those four years that those opposite delivered, and we know that that is not the record of this government. That will not be the investment from this government. The values that underpin all of my colleagues on this side of the house, with the leadership from the Premier and the Minister for Health to make sure that we are continuing to invest in these services, are critically important. There is no doubt—and other members have spoken at length on this; I have spoken at length on this—that the last couple of years have been the most challenging for our health services right across the state. We know that through the global pandemic states and territories right across the country and countries right across the world have faced extraordinary pressure on healthcare services. Whether it be hospitals, whether it be ambulances, whether it be some of those community facilities locally, we know that a global pandemic that delivers a fast-moving virus that has a significant impact on local communities places significant pressure on our healthcare system, and it is why we will continue to invest and it is why this substantial list of investments that this government has continually delivered will continue.

This is about making sure that we deal with a record number of calls to ESTA, and I know that the member for Melton spoke quite significantly about this. The member for Melton has extensive experience and knowledge in this area, and I always enjoy listening to his contributions because he is someone who has been on the ground and has spent a great part of his working life on the ground serving Victorians. He of course would know and recognise that ambulance calls that have averaged nearly 4000 calls a day during the peak of delta and omicron in December 2021 and into January 2022 have made this the busiest period in ESTA's history. As the member for Melton has mentioned, they are historically high levels. Ambulance Victoria has also experienced the busiest quarter on record, with over 90 000 code 1 cases, a 16 per cent increase compared to the same time the previous year. We know that the \$115 million that is invested in this package to bring on more call takers and better support and to manage the workforce and deliver recruitment and community education campaigns is fundamentally important. This funding will deliver an extra 120 ongoing positions, and this comes on top of 43 new workers funded in the Victorian budget 2021–22. It builds on just over \$27 million

allocated in October for ESTA to address the call demand pressures and implement and scale up those technology solutions. It is another really critical and important space where we know this government will continue to work with all of those who run the system and all of those that are involved. Each and every worker deserves support from this government, and we will continue to invest in that area at each and every opportunity.

There is a whole range. Whether it be community hospitals, whether it be investment such as the \$1.5 billion in Footscray, whether it be services right across the state in rural and regional Victoria, these are investments that are fundamentally important. What we will continue to do, and what this government did throughout the course of the COVID-19 pandemic, is make sure that we are also investing in the medical research side of medicine, of our healthcare system, making sure that we are investing in terrific places like the Doherty Institute and so many others that do extraordinary work in medical research. Following science, making sure that we are working with experts, making sure that we are following the medical advice is something that I know members on this side of the house can hold our heads up high about, because as tough and as hard and as challenging as the COVID-19 pandemic has been, we have worked with our healthcare team to make sure that we are doing what good governments should do: at each and every opportunity fighting incredibly hard to protect local communities, to follow that science, but also matching that with some of those investments, literally billions of dollars, in health to make sure that we are supporting those within our community who need it the most.

There is a really significant, long list of investments that I have not had the time to cover, but I do want to finish my contribution this evening by once again thanking all of those within our healthcare workforce, all of those ambulance officers that each and every night and day do an amazing job servicing our community, all of those people in community health, all of those people within hospitals that go out each and every night and look after some of the most vulnerable within our community. This is something that I know all members on this side of the house will continue to support. We will continue to make sure we invest in our health services right across the state.

**Mr SOUTHWICK** (Caulfield) (16:52): Twelve Victorians, including four children, are dead, and this government want to pat themselves on the back and say what a great job they have done. This is a disgrace. It is an absolute disgrace to hear the reports, the revelations this week that 12 Victorians, including four children, are no longer with us. They are no longer with us, and this government is saying, 'Look at the funding. Look how wonderful things are'. Are you serious? What a disgrace. We have had people like the member for Hawthorn and the member for Footscray saying, 'Things aren't a problem in our electorates. People aren't contacting us with their health situations'. This is a disgrace.

**Ms Hall:** On a point of order, Speaker, I am being verballed by the Deputy Leader of the Liberal Party. At no point did I—

**The SPEAKER:** Member for Footscray, that is not a point of order.

**Ms Hall:** I am being misrepresented, Speaker.

**The SPEAKER:** The member for Footscray may raise that in future debate, but it is not a point of order. The Deputy Leader of the Liberal Party to continue.

**Mr SOUTHWICK:** I cannot believe this. I cannot believe that we are seeing a parent—Jasmin Hussein, mother of Alisha—reach out and say that she had to wait 15 minutes for a call that should have taken 5 seconds. One, two, three, four, five—that is how long it should take a call to be received when you dial 000. That is what every Victorian should expect. Jasmin Hussein, who rang, had to wait 15 minutes when her daughter was suffering an asthma attack. She had to wait and in the end take her own daughter to hospital, still waiting for that call to be answered. When it finally was answered, her daughter was dead. Her daughter was dead, and there was no-one there to take a call—no one. How do you explain that? How does a mother ever live with that? I think anyone would expect the basics in this state—to have a 000 call be answered and the emergency services system work.

Now, we have heard the member for Melton and others say we are blaming the workers. Our emergency services workers have done an amazing job in the last few years—an unbelievable job. Nurses, paramedics, ESTA workers have done an amazing job but have been underfunded and let down by the Andrews Labor government. That is what has happened. Let us not hide all of this. Let us not pretend. Let us not pretend that we care, because this government does not care. They do not care. And Danny Hill, the secretary, said if the government had funded things and provided support, then many of these children and people that are no longer with us may still have been here, because the calls would have been picked up and the resources would have been provided and the ambulances would have been there. But they did not. This government has failed.

They failed the Hussein family. They failed a little girl, 23 months, who died drowning. Multiple calls were made to 000. The family drove her to an urgent care centre where staff made two further calls and were also delayed more than another minute. They failed a 43-year-old man who collapsed. Two calls were made to 000 lasting 4 minutes, but they did not connect—not 5 seconds, 4 minutes. The man died at the scene. They failed a 49-year-old man who got a limb injury from a chainsaw. The call took 5 minutes and 36 seconds to connect. The man was conscious when paramedics arrived but went into cardiac arrest. He was dead on arrival at hospital. They failed a little boy of two found facedown in a public pool. CCTV shows he was there for about 10 minutes. It took 5 minutes and 44 seconds for 000 to connect—not 5 seconds, 5 minutes and 44 seconds. He was resuscitated at the scene but died later in hospital. They failed a 51-year-old man who had a cardiac arrest at home. It took 5 minutes and 22 seconds—not 5 seconds, 5 minutes and 22 seconds—for a 000 call to be answered. He was pronounced dead at the scene. They failed a 39-year-old man who suffered from severe shortness of breath. It took 6 minutes and 14 seconds—not 5 seconds, 6 minutes and 14 seconds—for the call to reach an operator, followed by an ambulance dispatch at 14 minutes. The man went into cardiac arrest soon after the paramedics arrived. They failed a 21-year-old man who went into cardiac arrest at a public car wash. It took 4 minutes—not 5 seconds, 4 minutes and 26 seconds—for the call to connect. He died at the scene after 46 minutes of resuscitation efforts. They failed a 61-year-old man that collapsed. His housemates heard him. It took almost 9 minutes—not 5 seconds—for the 000 call to get through to an operator. He died at the scene following more than 30 minutes of resuscitation attempts. They failed a 51-year-old man who went into cardiac arrest after choking at a food court. It took 4 minutes and 21 seconds—not 5 seconds—for an ESTA operator to be reached. The 51-year-old man was pronounced dead at a hospital. They failed a baby of nine months who went into cardiac arrest. The call answer delay was 4 minutes and 28 seconds—not 5 seconds, 4 minutes and 28 seconds. And you can all laugh—you can smile and laugh—these are dead people. Do not be laughing.

**Mr Eren:** On a point of order, Speaker, the member is making accusations of members of the house which are bringing them into disrepute. He is saying that they are laughing, which is not true. He should withdraw that comment. Nobody is laughing at what he is saying. People have a right to have conversations.

**The SPEAKER:** Order! I have heard enough on the point of order. There is no need to withdraw any particular remark, but I do ask the member for Caulfield to direct his remarks through the Chair.

**Mr SOUTHWICK:** Thank you, Speaker. The truth hurts here because this is absolutely hurtful. This is hurtful.

**Ms Green:** On a point of order, Speaker, I believe that the member for Caulfield was misleading the house when he said that government members were laughing. No-one in this house was laughing. No-one was laughing.

**The SPEAKER:** Order! There is no point of order.

**Mr SOUTHWICK:** With respect, I am trying to get these stories out of families that have lost loved ones. I am trying to get this out for the record to ensure that at least their memories are kept and something is done. Something needs to be done to fix this. Something must be done to fix this. This is



outrageous. When we were in government we had the opposition running around using ambulances and painting them and making politicised comments in whatever way they possibly could. Now we have deaths. Now we have people that have died, and the government will not actually own it. They will not take responsibility for their failures—an absolute failure, a crisis. When the minister was asked at question time what somebody should do when they call 000 and there is no-one to take their call, the answer was to seek health advice—to seek health advice. How do you seek health advice when no-one is there at the other end of the call to give health advice? Victorians are having to take matters into their own hands because there has been a failure in the system.

Look at our waitlists. Our waitlists have blown out to 80 000-plus, nearing 100 000. The minister could not tell us how many are actually waiting on the waitlist, and this is crucial. We even heard the minister say today that elective surgery is not so much elective surgery—that everyone that is waiting is serious and should be treated accordingly. Well, let us get on with it. Let us do something. We have had nurses, we have had the private sector and we have had those that have been shut down for months saying, ‘We want to help’, and the government said, ‘Go away, we’ll do things in our own time’. We have those people on IVF being told, ‘You know what? You’re not important. You can be shut down as well’. This government has treated health like it is a Third World situation. We had in here yesterday a mother, a woman that was here yesterday, who is looking at India for an option because Victoria cannot help.

**A member:** The minister said, ‘Go’.

**Mr SOUTHWICK:** And the minister pretty much was signing the forms off. I mean, seriously—you know, like helping with the immigration to get them there. I mean, seriously, this is a real problem. This is a real concern. We have raised issue after issue after issue, whether it be the waiting list, whether it be the amount of people that cannot get an ambulance or whether it is 000 where people are dying. Nothing is happening in this government— *(Time expired)*

**Ms HALL** (Footscray) (17:02): This is indeed a very serious issue, but it is being raised by people who cannot be taken seriously. I thought that that contribution from the member for Caulfield was shameful. The misrepresentation of our government’s policy, the work of this government and the response to this very serious issue is appalling. To politicise people in these circumstances is terrible.

**Mr Southwick:** Politicise? People are dying. Do you care that people are dying?

**Ms HALL:** I will take up the interjection from the member for Caulfield. How dare he imply that I do not care—

**The DEPUTY SPEAKER:** Order! I ask the member for Footscray not to respond to interjections. I ask those at the table to cease interjecting.

**Ms HALL:** As I mentioned, this is a serious issue that has been raised by people who cannot be taken seriously. The government has absolutely responded to a situation that has come about as a result of pressure on the system in a global pandemic—and thank goodness we had a Labor government which had invested in the system. I can speak about my local community and how the cuts by those opposite have directly impacted our local ambulance service, because do you know what happened when the Liberal Party were in government and what they did to my local ambulance service? They shut it down and they turned it into a block of apartments. That is what happened to the busiest ambulance station in the western suburbs—the busiest ambulance station was closed down by those opposite. We are now rebuilding it. That is an absolutely appalling situation.

When we had an opportunity in this place to listen respectfully to the one person in this chamber who can speak with real-life experience and knowledge of what it is like to be a paramedic and what it is like to save people’s lives, he was verballed throughout his contribution by those opposite. So this is not an issue that they truly care about, because their track record speaks for itself. The matter of public importance (MPI) correctly notes that we have been in government for 11 out of the last 15 years. Let

us not forget what happened in those four missing years: a lot of damage. A lot of damage was done to our ambulance service, and it has taken a very long time to rebuild it. You can cause a huge amount of damage, and I spoke before about my local ambulance service and the fact that we are now bringing that ambulance station back—the busiest ambulance station in Melbourne’s west.

But contrast that with what is happening in my community in terms of health investment—the member for Sunbury mentioned it—the largest capital investment in Victorian history, at \$1.5 billion, in the new Footscray Hospital. So we are rebuilding brick by brick the capital infrastructure that we need to support our terrific healthcare workers. Now, I would like to acknowledge how difficult it has been for our healthcare workers—something that those opposite have not been talking about—our hardworking paramedics and our staff at ESTA. They have absolutely been at the front line during this pandemic, and I want to acknowledge how difficult it must be for them to see these reports, as it has been for all of us. And the government has responded. Those opposite have watched the minister’s announcement responding to this issue. They have seen that we are investing \$115 million to provide more resources when it is needed, but they do not care. They have not acknowledged that.

For this MPI, though, to be presented by those opposite, I can only assume that the Liberal-Nationals support every cent, every dollar, that this government is investing in health care—every dollar. They would not oppose any of it, would they? They would not perhaps oppose measures to properly fund our mental health system. They would not do something like that. They would not bag the public service at every opportunity they have. They might forget conveniently that the people who are answering the calls, the hardworking paramedics, are public servants.

I am really disappointed that the member for Evelyn has left the chamber. She spent the entire time the member for Melton was responding, with the knowledge and integrity that he brings to this issue, sitting there talking over the top of him. Well, I looked up something that the member for Evelyn had to say about our public service just a few weeks ago. On 10 February 2022, not even a month ago, the member for Evelyn said:

Our public service continues to bloat under this Labor government—

**Ms Ward:** Health workers are bloating the service, are they?

**Ms HALL:** Yes, the public service—there are too many of them. They are too well resourced, according to the member for Evelyn, and that just demonstrates exactly what those opposite think about this issue. It is all about politics for those opposite. I know as a former public servant myself how frustrating it is to see those opposite, when they are in government and indeed in opposition, undermine the hard work of our public servants, including our paramedics and the people who are answering the phone. The Victorian people know that those opposite cannot be trusted with our ambulance service, and as the member for Melton noted in his contribution, it is one of the reasons that Labor is in government—because they went to war with our paramedics; they absolutely trashed the ambulance service, including in my community of Footscray, as I have noted, because their entire philosophy is to slash and burn.

I could not believe it when I was hearing the member for Melton speak about the Kennett government’s plans to privatise the ambulance service and that in fact they had succeeded in Cranbourne. It is extraordinary that you would try to privatise the ambulance service. It is unbelievable. This is a legacy that we inherit. Victoria now has the best-funded ambulance service in any state or territory in the country, and we have doubled the investment that those opposite had delivered.

I wish we were not spending such a long period of time in such a political environment in this MPI, because I think the reality is that every single person in this place would acknowledge that this has been a really difficult week and it must have been a really difficult week for the people that are answering the calls and for the paramedics, who save lives every single day.

**Mr Battin:** And the families of people who die, maybe them too?

**Ms HALL:** The member for Gembrook is implying that I am not absolutely saddened by the loss of those families. I did want to say that during this pandemic the pressures on our system have been extraordinary, but thank goodness we did not have a privatised system. Thank God we had a system which we have made the most well funded in the country. Thank goodness for that, because of the two settings of those opposite, one is ‘Do nothing’, and believe me, that is the preferred option; the other option is to slash and burn. So to be lectured by those opposite about an ambulance system that they have tried to privatise over the years, where they have gone to war with the public service, where they are constantly saying that the public service is bloated—well, thank goodness we have got a Labor government that cares about our paramedics and our ambulance service.

**Ms BRITNELL** (South-West Coast) (17:12): Our health system is in crisis. Ambulance Victoria is in crisis. For the last two years during a health pandemic we have sat and been locked in our homes for much of that time, being told by our Premier that he was preparing the hospital system so we could cope. So how disturbing is it to have heard last week that the Andrews Labor government have cut funding to the 000 emergency call centres: our fire, our ambulance and our police. I have been hearing from my colleagues here in metro Melbourne, but it is happening in the regions as well.

We are hearing of people being told that an ambulance will not come and then driving people to the hospital. When I was nursing one of the main things we were always told was it is completely irresponsible to drive a patient, particularly someone who has got chest pain or bleeding or a major trauma, to the hospital, and this is what people are being told to do. The reason it is so dangerous and the reason it is so concerning is that people panic when they are behind the wheel and they see the person that they have got there collapsing, losing consciousness, bleeding, in excruciating pain—whatever the situation is—and that causes accidents and more people to die. It makes sense. That is why we have an ambulance service.

I will quote someone, and I will refer to the situation that they told me about in a minute. Simon from Bojangles, which is a restaurant in my region, experienced that situation where the ambulance could not come. I was talking to him after this, and he said, ‘There are certain fundamentals that we expect when we pay our tax in Victoria, and they’re just not what we’re getting anymore’. I do not know how many times I am being told about situations, whether it be Nicole from Portland, who was sitting in accident and emergency with her son, emailing me, telling me that an ambulance had not come for her child—just so distraught—or whether it is Hannah the nurse from Kirkstall, who was having a postpartum bleed and knew how important it was for her to get to hospital. But the call would not connect, so she would have bled out. Luckily, being a nurse she knew that, and the only reason she did not die was that she was a nurse and so was her husband, who drove her to the hospital.

And Simon, who I just quoted a minute ago—Simon who owns a restaurant in Warrnambool, Simon who had a person collapse and have a fit in the restaurant at Christmas time—was trying desperately to ring 000. He got connected to the ‘Do you want ambulance, police or fire?’ message, he said ‘ambulance’ and it rang out. He continued to try. Dave, who was a customer who also told me about this incident, tried ringing as well. One of his staff, luckily, was a nurse. When they finally did get on to the ambulance it was about an hour and a half, all up, this incident.

**A member:** You’re joking.

**Ms BRITNELL:** No, I am not. The ambulance said, ‘Get the guy home in a taxi’. The nurse said, ‘There is no way I am doing that’, and she drove him to the hospital. These people in my community were so shocked at this incident. Later that night Simon spoke to the police, and the police said, ‘Yeah, we heard about what happened. It was pretty awful’. So these are the stories that are not just happening in metro Melbourne but are happening here.

Before when the member for Hawthorn was laughing, I said ‘Come on’, because we were saying ‘You must be getting emails. You must be hearing the stories’. Well, my sister lives in your electorate, and in 2017 from being on non-steroidal anti-inflammatories she had an internal bleed. She lost

consciousness. She was preparing dinner for her children. It was over an hour. She had gone past the tachycardia stage—Steve, you will know what I am talking about—past the blood pressure dropping to lose consciousness, and she was so bradycardic when she reached hospital she nearly died. So it is happening in Hawthorn.

**Mr McGhie:** She got an ambulance.

**Ms BRITNELL:** She got an ambulance after an hour and a half, member for Melton. She got an ambulance after an hour and a half. So these are real stories.

Now I will move on to waiting lists, because we are hearing story after story, not just in metro but right throughout the regions, about how long it is taking people to be able to have surgery. Surgery is vital. We have called it ‘elective surgery’, but now we are all realising just what elective surgery means. I do not think anyone wants to go under the knife without a good reason. We have got—we do not know how many we have got, actually. I can tell you that Warrnambool, South West Healthcare, has gone from 85 days to 218 days waitlisted. If you add all the hospitals up you will get the answer to how many people there are on the waitlist. We knew it was 80 000 in December. We know the hospitals all keep the data, so we know that information is available. But secrecy is a feature of this government.

Portland hospital, which has 9000 presentations to its urgent care every year, more than Hamilton hospital, has just had access to a secret report, the Hillis report, that Professor David Hillis wrote in 2020. It is now 2022, and that report has been leaked by someone who is obviously very worried about the situation in Portland. Now, I do not want to for one minute focus on the fact that it is a distraction. The reality is that that report says the government has had review after review after review, and this professor has said no more reviews until the recommendations that have been in these reports and in the report he did are adopted by the government. It cannot be done by Portland District Health alone. It has to be government led. But the government will not show the community what is in that report. I have read what is in that report. I have seen that report. Why should the people of Portland, with an industrial port, an agricultural sector and a forestry sector, have less ability to seek the support they need, when they are at least 4 hours from the city, an hour and a half from Warrnambool, which has got blowing-out elective surgery lists as well and pressures on it? That is why we are building a new hospital there. Why should the people of Portland not have the support they need? Why the secrecy? It is not about personalities or local politics. It is about a government-led situation. The government knows what they have to do but wanted to keep that a secret. Well, the secret is out, so it is time to be transparent with our community and support the people of Portland.

I cannot believe we in Victoria have just gone through a code brown. We have got an ambulance service that has been cut when we have got the highest demand on the health system and people need them the most. We have got the least funding, in the state of Victoria for the health system, of any other state in Australia, so much so we had to have a code brown called.

Now, I nursed in the hospitals for many, many years. I know what a code red is. I know what a code blue is. I know what a code yellow is—purple, black. I had never heard of a code brown, probably because no-one thought I would ever need to know about it, so I was not taught it. You just would not think in the state of Victoria that we would be in the crisis we are in now, and I will quote again Simon Mugavin from Bojangles, when he said, ‘Roma, there are certain fundamentals we expect in Victoria—health care, ambulance, to dial an ambulance and get an answer and get an ambulance’. He waited over an hour and a half—while, he said, ‘I had to walk over the guy, back and forth, because I had to still be able to manage the restaurant’. He was quite traumatised, as I think you can probably imagine.

And then we get to dental waiting lists. Well, 151 500 people are waiting in the public dental system, and what has the government done about that? What is it now, 19 out of the last 23 years, and we have 151 500 people who are in pain. These are not people wanting to have a check-up. They are people who are in pain. They are struggling. Their nutrition is compromised. Their health and wellbeing is

compromised because they cannot function in excruciating pain. Have you ever had a toothache? I hope not. They are pretty darn hard to treat. They are actually very, very hard to treat with normal analgesics. The best treatment is going to a dentist preventively, and when you have to, seeing a dentist.

I have, as you all know, nursed for a very long time. Prophylactic medicine was a feature. We are now in a reactive medicine stage, and we will take years to recover because this government has not shown the care. They have lied to us. They have told us things that are not true, and now we are finding out the truth—from the Productivity Commission, no less. These are the facts. This is not me saying it. These are the government's failures. (*Time expired*)

**Ms WARD** (Eltham) (17:22): Now, as I start my contribution today, I do want to give my condolences to those families who have undergone experiences I would not wish on anyone, and I cannot imagine how difficult this has been for them. We know that ESTA has acknowledged that any delays are unacceptable and the government has as well. I know that the minister has spoken directly with people who have experienced delays and assured them the government are doing everything we can to address these serious issues, but I will not be lectured by those opposite on how to manage our ambulance system when they did all they could to destroy it. I take offence to the claim that government members are sitting back, patting ourselves on the back and saying, 'Job well done'.

We acknowledge the tireless work of our health workers. We pat them on the back. We tell them what a great job they have done, because their efforts over the last two years have been phenomenal. We know how much pressure they are under. My family has been in the fortunate position of getting ambulances who have responded quickly when my dad has needed ambulances over the last 12 months in Traralgon. The paramedics in Traralgon are absolutely fantastic, and, member for Melton, if you have the opportunity to pass on my gratitude to your former colleagues in Traralgon, I would be very grateful because they are a terrific group of people.

We are working with our health workers to manage our health system, and we are working with our health workers to manage the response to this pandemic. We do not want to disparage workers. We do not want people to be afraid to use the health system. We are going to tell them what we are doing to continue to strengthen the health system and what we have been doing for the last two years to do just that. We are not going to run a fear campaign that actually encourages people to not use it, to not ring 000. We do not want to see these circumstances again.

Now, I would just ask people to imagine for a minute what it is like to be an ESTA worker during a pandemic. ESTA forecast that there would be a rise in ambulance calls of about 6 per cent over 2021–22. The actual increase so far has been about 17 per cent, rising to about 30 per cent during the peak of omicron in November and December. The level of calls for help has outstripped the projected demand for 2021. So ESTA's call takers have done an incredible job, and I am sorry that those who were on the phone to these frantic family members had to have this experience; I cannot imagine how traumatic it would be to try and help a family through this while it is happening.

It is clear they need more support, and we are injecting record amounts of money that will further relieve the pressure on call takers, that will reduce delays and that will provide the service that Victorians expect. Ambulance calls averaged nearly 4000 a day during the peak of delta and omicron over the last December–January period. It is the busiest period they have had in their history, and it remains at historically high levels. I do have a question for those opposite: what are you doing to help? What have you done over the last two years to actually help this state manage the pandemic, particularly your communities? What have you done to ensure that your communities know to not ring 000 because they have COVID-19 symptoms and need a PCR test or because they have got a blood nose? And we know this happens. We know people ring ambulances when they are not needed. There was extensive media coverage of this last year in the *Age*. They ran a story:

Fresh government data obtained by *The Age* shows almost 22,000 people who called an ambulance in the first three months of this year—about 12 per cent—

this is last year—

did not require transport to hospital and received lower-grade care.

Paramedics say they are being sent to people complaining of back pain, cold and flu symptoms and irregular-coloured faeces. When you have got paramedics going out to calls they do not actually need to go out to, then dealing with the frustration of having to change their PPE and having to clean out their ambulance in a COVID-safe way, that takes time. I cannot imagine how traumatic it has been for ambulances. I will talk to my aunt's experience in Albury when Albury had a massive spike in COVID cases. She was hearing ambulances up and down her street day and night as people were being rushed to Albury Base Hospital.

I cannot imagine what our paramedics have been through in the last two-and-a-bit years, but where have the opposition been in helping to spread the necessary and life-saving public health messages? Where have they been? We had the Shadow Minister for Health claiming that BreastScreen Victoria was not seeing patients last year—to cancel your mammogram because there was a lockdown. This was not correct. It was so wrong, it was so incorrect and it was so harmful and damaging that ABC journalist Virginia Trioli demanded that the shadow minister remove the post. She said:

This is dangerous and should be deleted ... You CAN and SHOULD get your mammogram.  
@BreastScreenVic is OPEN.

That is just shameful—that you would make people think to cancel their breast screen, that you would not convey accurate public health messages, that you would have people be afraid of the health system rather than feel safe in the health system. If you are experiencing a health emergency, you need to call 000. You still need to call 000. To pretend that you cannot, to pretend that people will not get through systematically, is wrong. There are these terrible examples where calls have not been picked up, but it is not the system overall. People are still getting taken to hospital, so please ring 000 if you need an ambulance, if you are in a life-threatening situation. Please do this.

What I also find mind-boggling in the contributions by those opposite—apart from the fact that their base claim is that we laugh, that we do not care—is that we are parents on this side too. We have loved ones on this side too. Of course we feel for these families, and to blatantly say that we do not is outrageous. To say that there are people on this side of the chamber who do not feel for these families is wrong. But their whole performance is about 'Let me get a video for social media so I can wind people up'. It is not about accuracy. It is not about debating. It is not about talking about an issue. It is about 'How many Facebook hits can I get on this?' because, as we know from the opposition, it is just policy by Facebook. The opposition never cease demanding that there be less public sector employees in this state, and it is never clear to me if they are actually including nurses, doctors, paramedics, teachers, police—

**Ms Green:** They are.

**Ms WARD:** I believe that they are, member for Yan Yean, as we saw the cuts when they were in government. These are public sector employees. These are the people who help make the state work, yet they want less of them every single time. The member for Footscray has mentioned a comment from the member for Evelyn around the public service continuing to bloat under this government.

**Mr Wakeling:** On a point of order, Deputy Speaker, I appreciate this is a long, wideranging debate, but it is not an opportunity for the member to use it to attack the opposition. I ask you to bring her back to the matter of public importance (MPI), which is a broad discussion around the government—

**The DEPUTY SPEAKER:** I am aware of what the MPI is, member for Ferntree Gully. There is no point of order.

**Ms WARD:** We have also had a member opposite, the member for Mornington, say that:

We have a jobs crisis in this state, but instead of deciding to work with the private sector, to use government funding as leverage to generate jobs, to get people back to work, this so-called recovery spending is being

used, in my view, to conceal what is apparently now a structural deficit, to conceal an expansion of the public sector, and that, frankly, is a recipe for economic disaster.

No. We are actually employing more paramedics. We are employing more nurses. We are employing more ESTA people and we are training them. We are employing people who can help us get through this pandemic. And while I still have 47 seconds on the clock, we are also employing more TAFE teachers, because do you know what? We have got free TAFE. It is thanks to free TAFE that we have had an extra 1500 people start training in mental health. We have had nearly 1000 in youth work in the last two years, 479 in alcohol and other drugs and 5470 in nursing, all thanks to free TAFE.

These are the people who are becoming a part of our health system, who are being trained for free by this government so that we have the health workers that we need to help us come out of this pandemic and address the concerns like the ones that have been brought forward in this MPI today. We are doing the systematic work to make things better.

**Ms CUPPER (Mildura) (17:32):** This matter of public importance (MPI) today is about anger at public healthcare failures, and it speaks to a system that exists to protect us from avoidable pain and trauma and loss of life. It speaks to the anger that is felt when parts of that system fail. I listened to the speech by the member for Gembrook earlier, and he provided a compelling, harrowing account of a system that sounds like it needs improvement. I know the feeling that he was describing—not exactly but in a similar vein. I have sat with my brother multiple times during seizures when he stopped breathing and started changing colour and slipping away. I have sat on the back verandah with my three-year-old as he went into anaphylactic shock, and in each of those cases the ambulance arrived in time. I cannot imagine the pain and the anger of not being able to get through and of having no-one answer the phone and watching a loved one die before your eyes.

I think the member for Gembrook expressed the distress that those families are feeling, and he was angry. And I get it, because when it comes to anger about being short-changed on healthcare my community has that T-shirt. We know that feeling well. We know what it is like to be left out in the cold on these matters, to be ignored, to be dismissed, singled out and gambled away. This is a broad-ranging debate, but I can give a specific example of anger at public healthcare failures. For 20 years Mildura had Victoria's only privatised public hospital. It was a disaster for staff and patients, and just like the ambulance crisis it cost lives too, and that made us very angry.

Let us not forget the environment in which Mildura Base Hospital was privatised—an environment where hospital funding right across Victoria was slashed and many hospitals were closed altogether. These cuts had generational impacts on our health system's ability to cope, especially in isolated regional areas. As the member for Melton, a former paramedic, pointed out earlier, the state is still recovering from that. That public healthcare failure at Mildura Base Hospital made Kevin Chambers very angry too. He was a much loved and deeply trusted local surgeon—internationally renowned—and in 2012 he blew the whistle on the failed experiment. The community jumped on board because they were angry too. They needed no convincing that this was a public healthcare failure because they lived it. The government at the time was aghast that the people of Mildura could be so ungrateful and so mean to such a nice company—the nice company that cut Dr Chambers' access to the theatre for daring to criticise it, the nice company that maliciously had one activist demoted from his job at another organisation simply for stating his opinion, the nice company that threatened a local mum with legal action for questioning them on Facebook and the nice company that was supported and defended by the government of the day.

When one local activist, Ilona Legin, who was dying of cancer at the time, outlined her concerns on our local MP's Facebook page, her comments were deleted, and that made us very angry. The public fight to reclaim our base hospital was strong and sustained. Yet after months of threats and reprisals from the private managers and their political allies, the deeply unpopular contract was renewed, and that made us very angry. The announcement that the spectacular healthcare failure on our doorstep would be extended was reported on the front page of the *Sunraysia Daily*, and members of the government of the day flashed triumphant smiles to go with their backslapping interview.

So we are very well acquainted with the themes of this MPI, with feeling angry about public healthcare failures, and we agree that a government that fails to fix any part of the healthcare system that needs fixing commits a grave dereliction of duty and is beyond redemption. Because nothing can redeem a government that in 1998 and 2013 signed and re-signed us up to a patently inferior model of hospital care, a model that it knew, or ought to have known, was putting lives at risk. Nothing can redeem a government that ignored the warnings of a great man like Kevin Chambers. Nothing can redeem a government that disregarded the testimony of cancer patient Ilona Legin. Nothing can redeem a government that ignored the compelling advice of the AMA, specialist doctors, nurses, surgeons and hundreds of patients, and nothing can redeem a government that ignored not only the basic healthcare needs but the voice and the democratic will of a good, decent, hardworking community whose children are as valuable as yours, whose elderly are as valuable as yours, whose loved ones are as valuable as yours and whose lives and dignity should have never have been gambled with.

In light of all of that I thank the member for Gembrook for providing this platform to talk about the importance of public health care and the responsibility of a government to step up when things need fixing. The question on my mind is whether this government can better the standards set by the previous government on that front. Based on my experience, perhaps assisted by the fact that the bar was set so embarrassingly low by the previous government, I have faith that this government can and will. Because undisputedly this government has a good record so far, at least in relation to Mildura. For example, when we raised with this government the problems of our hospital's management model, this government gave our hospital back. When we raised with this government the problems with our hospital building, this government give us a \$2 million master plan. So I am optimistic that when we raise with this government other problems that need fixing, like GP shortages and paramedic wait times, it will listen and help us.

It is in this spirit that I raise with the government in this MPI today a couple of distinctly ambulance-related issues that we need fixed. The first problem that I would like to raise with this government is that the Irymple ambulance station is not fit for purpose. It is run out of a former council building. Ambulance Victoria owns the building but it does not own the land, which is likely owned by the state government in some capacity we think. Our local ambulance team has said that if the government could transfer ownership of the land to AV, then they could sell the entire package and use the proceeds to build a brand new fit-for-purpose station that would not only help the existing staff do their jobs better but also enable the team to expand. And additional paramedics are needed given the rate of growth in the population in our region.

The second problem that I would like to raise with this government is about GP shortages in our small towns. In this case ambulance services are not the problem as such but part of the solution. The solution I am referring to is the Victorian government's advancing paramedic roles implementation pilot, APRIP. APRIP has been a hands-down game changer in Ouyen and would be hugely beneficial in Robinvale, a town that has long struggled to get the level of essential services it needs due to the actual population being more than double what has historically been captured in census figures.

The point is that the APRIP program expands the role of paramedics to include some of the basic functions of a GP. It is designed to be a convenient stopgap for small towns where the task of finding a permanent GP can take some time, and the program is receiving rave reviews. The paramedic community support coordinator appointed to participate in the trial in Ouyen has been instrumental in reducing the amount of unnecessary patient transfers to Mildura, and that has meant that patients have been spared the inconvenience of an hour-long road trip for relatively minor medical needs. This has been especially beneficial to vulnerable patients such as kids or elderly people for whom extended travel can be difficult.

Our small towns do not expect the world when it comes to health care. They know that there are limitations to what can be provided in remote locations with small populations. But what they do expect, quite rightly, is a basic minimum standard of service. Community-based health organisations like Mallee Track do an extraordinary job and do everything possible to recruit permanent GPs, but it



is a bloody tough market, and when that market fails, the government has to find a way. That is why the APRIP program is so important, because it works. But its future is uncertain after 30 June this year, and that is why we are asking the government to extend the funding, expand the program to other locations and make it a permanent feature of the Victorian government's healthcare system.

As an independent I have the privilege of being able to say it as I see it. I am not interested in political party games but in what is best for my community. I am here to hold the government to account but also give credit where credit is due, and in Mildura this government has been responsible for the biggest step forward in public health care in living memory: bringing Mildura Base Hospital back into public hands. I also have the privilege of being able to call out hypocrisy when I see it, and having the Liberals and Nationals pretending to care about the quality of the healthcare system is, in my experience, the height of hypocrisy. The coalition has a big credibility issue when they try to say with a straight face that they care about public health care—just ask the people of Mildura.

**Ms GREEN (Yan Yean) (17:41):** Can I say, as a former resident of Mildura, that I am delighted to follow the member for Mildura in this matter of public importance (MPI). I would like to begin by, as the member for Eltham, the member for Footscray and a number of others did, offering my deepest condolences and sympathy to those who have lost loved ones, whether it is in ambulance delays, whether it is adverse health issues or whether it is COVID over the last two years.

Many of the members on the opposition side today have accused members of the government, saying that we do not understand and that we do not care. Well, nothing could be further from the truth. I mean, I know it is a political narrative that they are trying to say, but at no stage have we indulged in backslapping or saying how good we are. That is just not the government that we are. We always know that you have to work incredibly hard with a health system even in the best of times, and we have always put our shoulders to the wheel, unlike those opposite.

For the member for Caulfield to be saying untruths, to say that members of the government benches were laughing when they were not, well, people in the public domain and the community know that the member for Caulfield has got form in telling porkies. He has done it for decades.

**Mr Wakeling:** On a point of order, Deputy Speaker, I know that the member on her feet has form in this area, but I do ask you to bring her back to the MPI. This is not an opportunity to attack members of the opposition, particularly members not in the house.

**The DEPUTY SPEAKER:** That is a point of debate. There is no point of order.

**Ms GREEN:** Thank you, Deputy Speaker. The member for Caulfield did make those accusations, and I refute them absolutely. The opposition has repeatedly stated in this MPI that the government has cut staff numbers at ESTA, the Emergency Services Telecommunications Authority. This is not true. It seems to be that they are referring to figures in the annual report. An annual report is a snapshot in time. The figures are not an average of recruiting statistics throughout the year. Many of ESTA's call takers have become multiskilled as dispatchers, and while they were listed as such, they were still available to take calls. ESTA rosters staff to meet demand across the organisation, and call takers are able to perform a number of functions. Since the numbers in the annual report, we have delivered 43 new full-time equivalent call takers and more, and I would draw the house's attention to the significant announcement that was made by the Minister for Emergency Services earlier this week.

**Ms Britnell** interjected.

**Ms GREEN:** The member for South-West Coast mentioned a figure of 18 months. We have certainly had our shoulders to the wheel during COVID, and this has been a health crisis. The opposition is unlike oppositions in other states and unlike the opposition nationally. Other oppositions, no matter what their political stripe, understood that this was an international health crisis.

**Mr Riordan** interjected.

**Ms GREEN:** Deputy Speaker, could you please deal with the member for Polwarth? I am finding it hard to even hear myself over his interjections.

Oppositions in other jurisdictions actually worked with their governments, because they understood that we were having an international health crisis and that our health system had never been under more pressure. I want to thank all the health employees, whether they are doctors, nurses, paramedics, personal care attendants or those working in aged care. They have done it harder than anyone else. Any time that I soaked up about having a mask on I checked myself and thought, 'I'm not going to work every day wearing a mask, wearing a face shield, being completely wrapped in PPE and not able to drink water throughout my shift like those staff have done'.

**Mr Riordan** interjected.

**Ms GREEN:** The opposition here have not had that compassion and they have constantly tried to undermine the government's efforts. They have not been supportive of our health workforce. As the member for Eltham stated, even the ABC's Virginia Trioli took to task Georgie Crozier in another place for misleading the public and posting on Facebook that breast screens were still not being undertaken when they absolutely were.

I point out that the member for South-West Coast, who I have acknowledged on many occasions, had significant experience in the health service as a nurse. We went to the same school together.

**Mr Riordan** interjected.

**Ms GREEN:** No, member for Polwarth, she is not my local member. I own a holiday house in Warrnambool—

**The DEPUTY SPEAKER:** Order! Member for Yan Yean, through the Chair. Member for Polwarth, I ask you to cease interjecting.

**Ms GREEN:** I will be residing in the electorate of South-West Coast following this term of government, and I will be active in the community. You can rest assured of that.

The member for Lowan and the member for South-West Coast frequently overlook what occurred. I am sure that the member for South-West Coast when she was nursing would have known that the Kennett government closed the Koroit hospital, closed the Macarthur hospital and closed the Mortlake hospital. That is why those communities in her electorate do not have hospitals. In the electorate of Eildon, the Eildon hospital was closed. In the electorate of Lowan, the Murtoa hospital was closed. In addition to privatising the Mildura Base Hospital, they closed the Red Cliffs hospital. In the electorate of Ripon, they closed the Clunes hospital. In the electorate of Polwarth, they closed the Beecac, Birregurra and Lismore hospitals, member for Polwarth. I do not hear you speaking up for that. In the electorate of Euroa, they closed the Waranga and Elmore hospitals.

In Melbourne, they closed the Burwood hospital and the Preston and Northcote Community Hospital, which at that time was my local hospital. They cut back on the new Northern Hospital, which had been initiated by the Kirner government. It was so badly designed the gurneys in the emergency department did not even fit in the cubicles—your feet stuck out. That is how much they cared about the health system. They closed the infectious diseases hospital in Fairfield. How useful would that be now? They also privatised the Latrobe Regional Hospital. And my local hospital at the time, in 1999, the Austin, they were about to close. They had the contracts. It had gone out to the market. They were about to close it. They had set up a privatisation task force within the Department of Health, and they were going to continue. The member for Melton reminded us in his contribution of this. We know that they privatised non-emergency transport, but I had completely forgotten that they also privatised the Cranbourne branch and were going to establish a franchise network of ambulances.

I also recall I was here during the Baillieu and Napthine governments, and I will not say it was members on the Labor benches that were laughing when the now Premier and numerous members of

our team were raising issues of ambulance dispatch failures—not during a health crisis and not during a world pandemic. It was actually during a time when they had cut budgets and that they had failed to deliver the 1000 beds that they promised. Instead they delivered 100—and even those were Hospital in the Home ones. So do not lecture people on this side of the house and cry crocodile tears and pretend that you care about running a health system and about ambulance response times, because your performance in government would show that you have done completely the opposite. We know that it is tough times for the health service, and we will keep doing our level best to improve it and to protect people and get the services they need— (*Time expired*)

**Mr WAKELING** (Ferntree Gully) (17:51): It is always a pleasure to follow the member for Yan Yean. I wish you all the best for your retirement, and I am sure that the member for South-West Coast will look forward in December to buying you a coffee at one of the many great cafes in Liebig Street in Warnambool. So we wish you all the best for your retirement.

This is a very, very important discussion. This debate on the matter of public importance comes to the heart of the way in which this government is managing Victoria's health system. As others on this side of the house have mentioned, the Victorian health system is in crisis. We have 80 000 and potentially up to 100 000 Victorians languishing on surgery waiting lists in the public system. We have over 151 000 Victorians that are waiting to get serviced in our public general dental care system. I mean, this is critical to tens of thousands of Victorians, not just to those in pain but to their families, to their parents, to their grandparents, to their children and to their siblings, because a family member who is suffering with chronic pain, languishing on a waiting list, impacts not just on that person but on their family.

Like many on this side of the house and I am sure many across the Parliament, I have spoken to families within their communities that are deeply impacted by the crisis in our elective surgery waiting list. The department, the government, may call it elective, but let me tell you, those that are on these lists do not elect to not have surgery, do not elect to not have their ailment cured, to not have their surgery undertaken. Many are in chronic pain, and unfortunately their health situation deteriorates whilst they languish on that surgery waiting list. So we have to remember, this is not about press releases, it is not about statements in Parliament, it is not about media conferences and it is not about newspaper articles, it is about people. It is about patients. It is about Victorians needing the health care they rightly deserve.

In a modern society Victorians expect to be able to go to hospital to have the surgery they need, and we believe that the list now is over 100 000 people. That is 100 000 Victorians. That is more than 1000 people per electorate that are in dire need to get into surgery. And we know this. I am sure everyone in this place has received those representations on behalf of those members of their community, whether they choose to stand up in this house and represent their needs or not. Those delegations are made to their members of Parliament, regardless of their political colour, by email, by phone call or by a visit to their office.

Our ambulance service is in crisis. The fact that people are calling ESTA and are not able to get an ambulance is traumatic. Since October 10 people have died, and of the 10 people who have died as a consequence of that failure four were children. Four children have passed away since October. It is not about press releases. It is not about statements in Parliament. It is not about newspaper articles. It is not about news stories. It is about people; it is about families calling 000 expecting to speak to someone at ESTA, expecting the dispatchment of an ambulance that arrives at their home or at the location, whether it is a restaurant, whether it is a home, whether it is anywhere in Victoria, for that ambulance to arrive in a timely manner and for that person to receive the care that they need. That is what we are talking about. We are talking about people. We are talking about Victorians. That is why this issue is so important.

I know those hardworking staff at ESTA and in the ambulance service do a wonderful job; I do not begrudge the work they do. And I know the member for Melton in his former role represented many in that workforce. This is not a reflection on individuals and the roles that they do. It is about the

resources that governments afford to them to do their job. I mean, the simple fact is that ESTA has seen year-on-year a reduction of 11 staff—fact. The facts are that there was an overall reduction year-on-year of 11 staff. Now, the Minister for Ambulance Services might question that. I hope those staff have been replaced. I hope those staff numbers have been increased, not for my benefit but for the benefit of all Victorians.

Victorians expect to have a health service in place that is delivering for the needs of Victorians. Parents in my community, parents across Victoria, expect someone to answer the phone when they call 000 and, when they do, an ambulance to arrive at timely manner. In the last 12 months a woman fell near me and broke her leg. I called an ambulance. I stayed with the woman in my community. It took nearly an hour for that ambulance to arrive. Now, that is just one example. Some might say, ‘Well, it was only a broken leg’. Okay. I am not even going to get into the argument about the varying levels of health needs of individuals. The simple fact is that the station was located three blocks from where we were at that point in time and it took an hour for the ambulance to arrive. It is about resources. It is about provision. This government has been in place for eight years.

**Mr Carbines:** Seven and a bit.

**Mr WAKELING:** Seven and a bit. Well, there we go. I am glad we have the minister, the newly minted minister, at the table. Congratulations. I have not formally congratulated you in this place on your achievement. Seven and a half years—well, there we go. That is the problem that we have here. They will not take responsibility. They are the government. We are not the government; you are the government. You won the election—twice. We get it. People elected you to do a job. Do it; get on with it.

**The DEPUTY SPEAKER:** Member for Ferntree Gully, through the Chair.

**Mr WAKELING:** Thank you very much. I appreciate that, Deputy Speaker. The point of this is that people elect their governments to govern. People elect their governments to provide health services, to provide ambulance services, to ensure that ESTA is adequately resourced. That is your job. That is what you are paid to do.

We understand there is a critical health crisis in this state. We want to slash hospital waiting lists. Why do we want to do that? Because Victorians expect it. That is what they expect from their government. They expect their government to deliver. Members in this house have used this debate as an opportunity to attack the opposition, to attack the Kennett government. I do not know why we did not talk about the Bolte government, why we did not talk about Lindsay Thompson or why we did not talk about all of those former governments. Let us not forget that this is a government that has been in place for nearly eight years—7½ years, as the member opposite rightly points out. For 7½ years you have had an obligation to look after the state. The health system is in crisis. They do not have a plan as a government—through you, Deputy Speaker. They have no plan to fix the health crisis, and Victorians are deeply upset with the performance of this government.

### Bills

## CONSERVATION, FORESTS AND LANDS AMENDMENT BILL 2022

### *Second reading*

#### **Debate resumed.**

**Mr T BULL** (Gippsland East) (18:01): I was just coming to my crescendo when we had to go on to the matter of public importance, but the point I was making was that the Greens in this chamber, who want to close down and who hate this timber industry, will be the ones that will be on the steps campaigning that we are importing timber from countries with less oversight. That is what they will be doing, saying that we are killing the orangutan. This is an industry that needs support. These are families, these are people in our communities who need to be able to go about their lawful jobs without

being impeded, and that is what I would hope this legislation ends up doing—supporting the timber industry to go about its business and not being used by the government to provide more impediments to this sector—because at the end of the day this Labor government is also intending to close down our native timber industry. But these families need support, not only for the long term but in the short term, and we will be considering amendments between houses to enshrine that in the legislation so that it is used for good purposes, not bad.

**Ms CRUGNALE (Bass) (18:03):** I rise to speak on the Conservation, Forests and Lands Amendment Bill 2022. This bill actually builds on the strong track record of protecting Victoria's natural environment and supporting industry, and I thought it might be a really good opportunity to rattle off some of the achievements of the Andrews Labor government and previous Labor governments as well. Some of our proudest achievements obviously have been delivering major reform of the Environment Protection Authority Victoria through the Environment Protection Act 2017 and the Environment Protection Amendment Act 2018. We banned cattle grazing in the alpine and river gum national parks in 2015, banned fracking in Victoria and removed the power to grant 99-year leases over national and other parks under the National Parks Act 1975 in 2015 and delivered the Climate Change Act 2017.

To go back a step in time to the 1980s, we significantly expanded the park system in the 1980s and early 90s, including in East Gippsland, the Alps and the Mallee. We significantly expanded protected wilderness areas in 1992, created the Great Otway National Park and the new Point Nepean National Park in 2005 and ceased cattle grazing in the Alpine National Park in 2005–6. Locally of course we certainly owe a lot to former conservation minister from this place Kay Setches and also former Premier Joan Kirner.

I might just recount that back in November 1987 in Inverloch there were some 400 people at a public meeting who passed a motion calling on the then council to inform the conservation minister that they opposed the formation of a marine reserve between Harmers Haven and Inverloch. As people may know, this was planned to be the sewage outfall for the water board at the time. What they said was a marine park will spell the end for Inverloch. Well, this marine park, thanks to Joan Kirner, became the Bunurong Marine and Coastal Park, and thanks to the Minister for Energy, Environment and Climate Change has now become the Yallock-Bulluk Marine and Coastal Park, and it is an absolute treasure for our local community—much loved, much visited as well. Also we know that Joan Kirner called for public submissions against some local opposition to the rail trail, which many wanted the landowners to purchase, and of course the rail trail from Wonthaggi to Anderson became one of the first of Victoria's rail trails.

But I will move to the penguins, because we cannot talk about Bass Coast without mentioning penguins, and the Summerland Estate, which was on prime penguin habitat, and Anne Davie, who was part of and still is—

**Ms Vallence:** I do love penguins, but on a point of relevance, Acting Speaker, we are talking about the Conservation, Forests and Lands Amendment Bill 2022, which is quite narrow, about the Code of Practice for Timber Production and the precautionary principle.

**The ACTING SPEAKER (Ms Settle):** So your point of order is on relevance?

**Ms Vallence:** Yes, on the precautionary principle.

**The ACTING SPEAKER (Ms Settle):** On the point of relevance, it is a wideranging debate. I understand that we are relating to forestry and conservation, but I do ask the member to return to the bill.

**Ms CRUGNALE:** Okay, well, I might just quickly reference the Summerland Estate, because it is really the only place in the world where humans have been removed for wildlife, and it now has the

largest colony in the world. But yes, I am quite happy to speak on another aspect of the bill, being the precautionary principle.

This bill really requires us to put in place protective measures to ensure that we do not have regrets in the future. Most recently the precautionary principle was triggered by the 2019–20 Victorian bushfires, which dramatically impacted forest ecosystems, threatened the survival of endangered species and limited timber production, particularly in Gippsland and East Gippsland. There does remain scientific uncertainty about the ability of species to recover from these impacts, and therefore consideration needed to be given to what additional protective actions would be required in timber harvesting operations. So these reforms will enable practical guidance to be given to timber harvesters on the actions that they will need to take to meet the requirements of the precautionary principle, particularly in the event of natural disasters that rapidly change the context for the management of our forests. The compliance standards will provide a pathway for timber harvesters to comply with the precautionary principle, and this is not some sort of pie-in-the-sky concept. Its practical applications are real, and in my electorate, as I mentioned earlier, with the Gippsland bushfires we certainly smelt a lot of that smoke on the Bass Coast. We all heard the statistics too—over 1.5 million hectares of country burnt, over 1000 registered Aboriginal heritage places impacted, 170 rare or threatened species had over half their habitat impacted and 10 000 livestock were lost, and we will never know the total loss of animal life.

Our government has pledged to undertake a comprehensive review of the code by December 2023 as required under our modernised regional forest agreements. I am proud to be part of a government that is committed to making our state not only sustainable but livable for future generations, balancing environmental concerns with jobs. Many of us when we last met in this chamber detailed the wonderful work happening in our regions outside of metropolitan Melbourne.

We know that forestry jobs are dear to our rural communities, and our workers in the industry certainly need certainty as they respond to changing forestry conditions and forest management. In this bill we seek to move the management standards and procedures into the code rather than have them as an incorporated document. This will give more clarity and allow the timber industry to be involved in changes to the rules in future. It also acknowledges that while flexibility is needed, constancy is also really important. We also know that we need to put in the word ‘sustainable’, front and centre of every decision we make. Transitioning away from native timber harvesting by 2030 is a brave and very wise decision, and this legislation will give a clear and enforceable regulatory framework for our timber industry during this time.

I take this opportunity to thank my colleagues the tireless Minister for Energy, Environment and Climate Change and the Minister for Agriculture as well. Together they have overseen the Victorian forestry plan, supporting the transition of our native timber industry to a future based on plantation supply. As the Minister for Agriculture said in the Assembly last December:

... we will stand by industry, workers and contractors ... We are not just grandstanding, making statements; we are doing the hard work to make sure that our industries get the timber that they need.

We are protecting jobs with a commitment of over \$200 million, undertaking long-term investment in plantations with an additional \$110 million in the Gippsland plantations investment program, providing communities with not only the resources to transition but also the time, stepping down from 2024, allowing a six-year transition and supporting the Maryvale mill until at least 2050, providing security for the 1000 or so workers and stability for their customers.

Both the timber industry and community environment groups need clarity as we transition, and Victoria has 7.8 million hectares of public native forests and parks, and this land is habitat for ecosystems. This land connects our traditional owners to country, and this same land is home to and work for the timber industry workers and their families. It is land that provides employment for regional economies through tourism. It is the land we seek out when we need a respite from our chaotic cities to breathe deeply and reconnect, and we need to balance the range of values and uses of our forests. This bill will give us more clarity in what is required.

I will say a brief word about the Office of the Conservation Regulator, another Labor achievement, which has a dedicated oversight function to ensure that environmental protections are aligned with community expectations and the law. This amendment will enable the conservation regulator to create the compliance standards, giving guidance to VicForests on how to comply with the precautionary principle, and these will be recommended to the Department of Environment, Land, Water and Planning secretary for decision. It will also strengthen the position of the conservation regulator by adding new infringement powers for anyone breaching the code of practice. Currently the conservation regulator provides advice to VicForests, but this has no legal guarantee, and these changes also bring the conservation regulator's disciplinary powers in line with other regulators in Victoria.

So in summary, it is technical and it is complex, but it is fundamental that we preserve our forests for the future. And I shall commend this bill to the house.

**Mr RIORDAN** (Polwarth) (18:13): I rise this afternoon to continue the contributions from the opposition on the Conservation, Forests and Lands Amendment Bill 2022, and I note that our side of politics is in fact not opposing this bill, but we are suggesting some worthy amendments in the upper house, which will no doubt be debated up there, but as the government really allows very little debate or any sort of interrogation of the bill in the lower house we will have to persevere with the contribution this afternoon.

I do have concerns with this bill, and absolutely, because I have seen how Labor treats native forest logging. Certainly in my part of the world, in the Otways, we saw it run out of town with very poor compensation and really flying in the face of logic. Anyway that is from previous Labor governments, but they have now put a bill forward where they are saying to the industry, 'Trust us, please'. And in the minister's concluding comments in her speech she said Victoria's timber industry and forestry workers will be transitioning away from native timber harvesting by 2030. So this government are putting this bill up, and they are sort of saying to us and they are saying to the industry and they are saying to those vital forest communities throughout East Gippsland that they have got to trust them, and trust is an interesting concept when it comes to a minister's speech in saying, 'Trust us, but we're going to close you down by 2030'.

The question that my community certainly ask, and I know the communities in East Gippsland ask, is: where does our timber come from when we shut down native timber harvesting? Because in every single study—and I was on the Public Accounts and Estimates Committee, and we had it presented by the government—there are vast hundreds of thousands of hectares required in Victoria that would need to be planted in plantations that will need to be replaced if we completely do without sustainably managing our native forests.

So what does that mean? Well, we only have to look around this beautiful chamber and we will see that there is fantastic use of timber resource. I am not quite sure where it is from, but I imagine it was most probably timber sourced locally here in Australia and most probably in Victoria. I am not a brilliant one on it, but I imagine it could well be blackwood. But whatever the timber that has been used in this chamber, it is yet one of many examples of what is truly nature's great resource. Timber is 100 per cent renewable, it is sustainable and, most importantly in this day and age, timber locks up carbon. The Scandinavian countries know it, the Baltic countries know it, most North American countries know it: well-managed native forests lock up carbon. So despite the myth that is often promulgated by our green friends that if we chop a forest down we release all this carbon and the world is going to come to an end, that is simply not true. Victorian hardwood ash forests, which are typically the most common found here in our state, basically become carbon neutral at between 80 and 100 years of age. The simple reason is that the trees reach their maximum maturity and they just sit there. They gain carbon as they lose it through leaf loss, limb loss or the natural development of the forest and so on. They are not endless growing sinks of carbon. They in fact become very static.

The problem we have in Victoria is that we are using the false assumptions that we are forever locking up carbon. We are only locking up carbon in the one hit. However, if you act like the Scandinavians

and like the Europeans and the Baltic states and other countries that produce a lot of timber for the amount of space that they have—they actively manage their forests—what happens is that when you actively manage a forest you create a sawtooth graph of carbon storage. Your initial trees grow. You sustainably harvest those. That timber fibre is locked away as we have seen in this chamber—150 years and hopefully many, many, many, many more centuries of storage. The timber in this room is in fact storing carbon. The trees that these beautiful timber panels in this chamber once were have since been well and truly replaced, and they have probably been harvested and turned into other wonderful pieces of timber furniture or construction and stored timber. So that one plot of land in one of our beautiful Victorian native forests has stored many, many times more timber than it would have done naturally.

Where the flaw in closing the timber industry by 2030 is is that this government has had no plans to find the 400 000 hectares to replace a native timber industry. In fact if you look at the basic facts on it, timber for value-adding qualities such as the beautiful timber in this chamber does not grow everywhere. You cannot grow it in the Mallee, you cannot grow it up on the Murray River flats, you cannot grow it out west of Horsham and other places. It has to be in a certain area: it has to have high rainfall; it has to have certain soils. And guess what? Most of those ideal spots are covered in forests today, and if they are not covered in forests, they have got beautiful little townships, like Forrest or perhaps the Mansfields or, over in East Gippsland, the Orbosts and many other beautiful country towns. So there are townships there, and quite typically around country townships you will find dairying districts or other high-value areas. So this land that does not have forests on it is not readily available just to suddenly turn into plantation forests, which is a myth that the Greens and others advocating and supporting this type of shutdown of forestry do not understand.

It is quite inconceivable, really, why common sense and logic are not so easily understood by them. Therefore Victoria is left in the situation where we already have a deficit of around 60 per cent of our timber use. So whether it is timber for construction, whether it is timber for furniture, whether it is timber for our floorboards or whether it is timber used for all sorts of other purposes—packaging and pallets that move our beautiful fresh produce here in Victoria, from the fruit-growing areas or from my area where you have got potato-growing districts that send and pack and store their harvest every year in timber pallets—these are critical uses for what is simply the best and sustainable resource known to mankind and is readily and actively used the world over.

So if we are not going to produce it here in Victoria, where will it come from? That is the question that is left out in this example. I read today the statistic, for example, that currently of the 60 per cent of timber that we have to import, about 20 per cent comes from, believe it or not, places like Russia. Russia and the Baltic states account for about 40 per cent. But we are actually not going to produce it from a sustainably, well-managed, environmentally sound, highest-world-standard forest like we could here in Victoria. No, we will be importing our timber from other countries. I will actually bet my home that the forests of Indonesia, the forests of Brazil, the forests of South America, Borneo, certainly Russia—and I have had the opportunity to visit that country and see its forestry practices. If there is one Green, if there is one member of the government or anybody else in the state of Victoria that advocates getting our timber from those sources over doing properly, doing it sustainably and doing it well here in Victoria, then—

**Ms Vallence** interjected.

**Mr RIORDAN:** They should, actually, member for Evelyn. They should be hanging their heads in shame, because what we are doing is being socially, morally and ethically irresponsible by saying, 'We're not going to take this precious resource that we can look after and grow here in our country, we are going to get it from someone else'. And unfortunately the choice of places to be getting it from is very poor—very poor indeed.

Rather than a resource that would grow the state of Victoria, a resource that would add long-term benefits and huge environmental pluses to our state, we are clearly, in the presentation and the



submission of this legislation, seeing the government actively work with the Greens and others to phase this important industry and resource out of the hands of Victorians and really leave the state of Victoria in what I would call a moral and ethical dilemma. For those of us that want to build our homes and have things around us that are sustainable, natural, made well and have the beauty and long-lasting patina that you can only get in timber for our floorboards—as we see in the panelling in this beautiful chamber—we will not be able to say that we got that from a well-managed, sustainable forest here in Victoria, sourced locally, with low carbon miles and employing local people. We will not be able to say that. Instead we will be able to say we have propped up oligarchs in Russia, forest criminals in South-East Asia and not done well here in Victoria.

**Mr BRAYNE** (Nepean) (18:23): I also rise to speak today on this bill, the Conservation, Forests and Lands Amendment Bill 2022. It is good to join this bill debate after many speakers on both sides of the house. I join with the member for Polwarth in admiring the timber in this chamber. It is a beautiful chamber. We are very pleased to be in it. It is very nice. I love it.

This government is of course committed to protecting and enhancing Victoria's natural environment. This legislation is a clear example of this. Our state is home to many natural environments that do provide jobs, attract tourism and promote biodiversity and healthy ecosystems. My electorate of Nepean is home to many environmental treasures that my community loves and cares for. That is why so many people in Nepean who are dedicated to protecting and enhancing our parks and coastlines are very interested in the environment.

This government has time after time shown that it is also ready to step up and support our local communities in their efforts to care for the environment. The many environmental community groups that make up Nepean have received funding under this government. There were several groups in Nepean awarded under the last round of the Victorian Landcare grants. The Friends of Flinders Coastline has been doing great work to protect and enhance the Flinders coastline through improving its habitat and creating corridors for local fauna. Meanwhile the Mornington Peninsula Koala Conservation group has been working hard on the Cerberus to Merricks biolink project that will create corridors for koalas to safely move through. The Mornington Peninsula Landcare Network and the Red Hill South Landcare Group have also been helping to protect and enhance the Mornington Peninsula's natural environment and biodiversity through their biolink plans. All of this is to say that we on the Mornington Peninsula love and value our natural environment.

I want to thank these local community groups, as well as many of the others that were unnamed, for their continued efforts to care for our local environment. These groups undertake such a monumental effort in preserving our Mornington Peninsula's environment, and often the work that they do, if they did not do it, would not get done. It is also opportune to point out the many community groups such as the Peninsula Preservation Group, the Nepean Conservation Group—

**Ms Vallence:** Point of order.

**Mr BRAYNE:** I am talking about conservation right now, so if it is relevance, I am talking about it.

**Ms Vallence:** On a point of order, Acting Speaker, the member for Nepean might be very concerned about his chances at the next election, which is why he is talking about this, but on a point of relevance, this is a very narrow bill. I do not think there is any native forest harvesting in Nepean. It is the Conservation, Forests and Lands Amendment Bill 2022. It is a very narrow bill on the Code of Practice for Timber Production and the precautionary principle. I ask you to bring the member back to the bill.

**The ACTING SPEAKER (Ms Settle):** Thank you for your point of order. There is no point of order. This has been a wideranging debate.

**Mr BRAYNE:** I thank you for the point of order. Obviously this is about conservation, and I am also not convinced that you do like penguins as well. I am not convinced by that assertion before. I am not convinced.

Anyway, obviously the Flinders Community Association, which manages land, the Rye community action group and others spend a huge amount of their time dedicated to many issues, investigating and monitoring all the changes that might take place on the Mornington Peninsula through planning, land use and environmental concerns. These groups also help conserve our Mornington Peninsula through their work.

This is a government that is obviously committed to our natural environments and the communities that live in and nurture them. That is why this government is committed to delivering programs such as *Victorian Forestry Plan*, which will phase out native timber harvesting by 2030, with a step down in 2024. It is more important than ever that we value our ecosystems. In the face of climate change and other environmental challenges we must protect Victoria's biodiversity and wildlife. Our forests are a key part of our state's ecosystem. They are home to a wide range of biodiversity and wildlife, they provide a refuge from climate change, they support regional economies through tourism and jobs and of course, yes, they provide timber for important projects across the state. As such, it is essential that our forests are effectively managed and that guidance is given to timber harvesters.

There are currently nine forestry-related cases before the Supreme Court of Victoria, with several of these related to the so-called precautionary principle. This principle is a requirement of the Code of Practice for Timber Production that seeks to address scientific uncertainty when dealing with the threat of environmental damage. Given the recent legal action, it is clear that, in order to deliver on the *Victorian Forestry Plan*, timber workers, environmentalists and the conservation regulator need more certainty about the precautionary principle, and providing certainty is at the heart of this bill. The Conservation, Forests and Lands Amendment Bill 2022 will ultimately enable the conservation regulator to create compliance standards. This will provide VicForests with clear guidance on how to comply with the precautionary principle. As such, this reform will likely reduce litigation like the kind we are seeing in the Supreme Court of Victoria.

I will turn to some of the specifics of the legislation now. The bill amends the power to make codes of practice under the Conservation, Forests and Lands Act 1987. In particular the bill amends section 31 of the act to establish heads of power to enable a code of practice to apply, adopt or incorporate any matter contained in any document, standard, rule, specification or method and confer discretionary authority on the Minister for Energy, Environment and Climate Change or the Secretary of the Department of Environment, Land, Water and Planning and leave any matter to be approved, determined, dispensed with or regulated by the minister or secretary.

Once this bill is passed, the government will consult on an amendment to the code of practice to enable the compliance standards framework. Once this amendment has been gazetted, the government will consult on compliance standards to fully realise this reform. These standards will be developed by the conservation regulator, who will consult with industry, unions and environmental NGOs to ensure that these standards are clear, accurate and enforceable. The combination of these changes will help to provide better guidance to VicForests, which will in turn help us to better protect and enhance Victoria's forests for years to come. This bill is another example of this government's strong track record of protecting Victoria's natural environments and supporting the industries. This bill will also assist in reaching the goals of the *Victorian Forestry Plan* to ensure a long-term and sustainable future for our state's forestry industry and the workers who rely on it.

As I spoke about earlier, I am proud to represent a community that is so environmentally conscious, that is committed to protecting and enhancing the southern peninsula's local environment. People on the Mornington Peninsula care about Victoria's environment. That is why we have seen such passionate local campaigns against projects such as the AGL gas pipeline that was planned for Crib Point and the Arthurs Seat quarry that was proposed by the RE Ross Trust. The proposal of these

projects brought our local community together to fight for action on climate change and the protection of our local environment.

These community-driven campaigns show just how important protecting and enhancing Victoria's natural environment, wherever it is across the state, is to my local community. That is why the work that this government has done to tackle climate change and conserve our natural environment is so important. Whether it is the *Victorian Forestry Plan* or Victoria's climate change strategy, which will achieve net zero emissions by 2050, this government has continually prioritised environmental conservation and action on climate change, and it has always done so in a way that protects jobs and supports businesses to make the changes to reduce the impacts of climate change and continue to grow our economy. This bill is no exception to this trend, with certainty for industry and local communities being at the heart of these changes.

In summary, this bill will improve regulation of timber harvesting in Victoria by providing greater clarity on how to comply with the precautionary principle. This will provide greater certainty to the timber industry while also helping us to meet the goals of the *Victorian Forestry Plan* by maintaining environmental standards. Ensuring that our industries are able to reference clear and enforceable regulations is so important for protecting and enhancing our natural environments. The changes made by this bill will support Victoria's timber and forestry workers as our state phases out timber harvesting by 2030.

This government remains committed to protecting and enhancing our natural environment while supporting Victorian workers, and this bill does exactly that. I thank the minister for her work in putting together this bill, one of many reforms that have been undertaken by this government under this minister. I commend this bill to the house.

**Mr MORRIS** (Mornington) (18:32): It is a pleasure to join the debate on the Conservation, Forests and Lands Amendment Bill 2022. Many people say, 'It's been an interesting debate', but I have genuinely found this to be an interesting debate and perhaps a low point in the manner in which we operate as a legislature.

Now, I am not having a crack at any of the speakers on any side, but there have been all sorts of commentary. The ruling is that it is a very wide debate—and again, I am not reflecting on the Chair in any way because the precedent, I am sure, was established much earlier in the debate. We have had contributions about little penguins. We have had contributions from this side on the timber industry. We just heard lots about the Mornington Peninsula, and I am tempted to take up a few of the points the member for Nepean made, but I will resist the temptation. We have also heard great slabs, I am sure, quoted from the briefing books.

The reality is most of the contributions that have been made actually have said nothing about the bill. The suggestion that these amendments incorporate the precautionary principle, incorporate the actual detail, could not be further from the truth. That is the reality. I mean, the amendment is—I have not bothered to count up the words, but it looks like perhaps 100 words in an amendment to section 31 of the Conservation, Forests and Lands Act 1987, and it is a variation on an existing power that relates to codes of practice. That is all it is. It is a variation to that power. It does not do anything else. Yes, it potentially provides capacity for the minister to then take further action. It sets up the framework. But it does not do any of the things that have been claimed for it during the time I have been in the chamber. It effectively says that an incorporated document is not only incorporated in the form that it is when it is incorporated but can be subsequently varied, and it gives that flexibility. And then the bulk of the words in this amendment are simply talking about the requirement to gazette the code of practice when it is varied and that it does not come into effect until it is gazetted.

There is no doubt that the timber industry has been a central part of this discussion, and that has played out in the contributions. Indeed there was a fairly long slab in the second-reading speech that talked about what the minister intended to do with the code in terms of the management provisions and

whether they should be an incorporated document or whether they should be formally part of the code. But again, while that was a big slab of the second-reading speech, it is not part of the bill before us today; it is not actually what the bill does.

I do have some concerns about the form in which this particular amendment, as minimal as it may be, is being presented and the fact that we are dealing with a discrete bill to add a handful of words into an existing act, on the one hand. I cannot immediately recall the title of the bill that was dealt with last sitting week which incorporated a raft of amendments to a range of justice matters that were so broad that when we were briefed on the bill individual advisers were not able to talk about other sections of the bill, because they belonged to a different minister. The only common feature in that legislation was it was in the same department, but it was a very disparate range of matters. And now one sitting week later we are dealing with a bill that simply inserts a handful of words into existing legislation.

But the difficulty I have with this particular bill is not that it is complex. Someone said earlier—I cannot recall who it was—that it is complex. It is not complex. It is 100 words, for goodness sake. It is not complex. But the issue I have is about what it does, because if you work through the impact of the words, what it is effectively saying is that an incorporated document can change but it does not change the code. It really gets down to the point of where the threshold is. How substantial do the changes to an incorporated document need to be before they constitute a change of the code? We do not know that.

A concern I have had basically since I first stood up in this place in 2006 is the fact that so rarely do we actually as legislators have the opportunity to question legislation. If you read the Scrutiny of Acts and Regulations Committee report on this, it notes that it has an issue—if I can find the report—potentially with the parliamentary oversight. The committee will correspond with the minister and ask some questions about how that will be worked through in the context of section 32 of the act. That is a significant question in the consideration of this bill, which we as legislators should have the opportunity to ask. But of course the reality is we never get to consideration in detail, so we do not have the opportunity to consider and ask about the impact of this clause. I think that is a problem. Yes, it was certainly a Liberal government that introduced the government business program, the guillotine, but it was in response to ongoing bad behaviour, ongoing overnight sittings and just a complete rort of the opportunity to consider matters in detail.

We have now gone the other way, where we get 10 minutes to speak on a bill no matter what the complexity is, and we cannot ask any questions. I think it is very, very difficult for anyone, whether you are government or opposition, to say you are doing your job, you are scrutinising legislation appropriately, when we have the system that we do now. It is a criticism that arises out of questions that come up in this bill. It will not affect me, clearly, but I think we really do need to have a look at whether we are in fact carrying out our duties and the duties that the Victorian public think we should be carrying out when we process legislation in this way.

The other issue with the potential reduction in parliamentary oversight is again one that is becoming more and more obvious. We have had a series of bills come through where there is an effective dumbing down of legislation. What previously would have been in legislation is in fact inserted into regulation. What would previously have been inserted into regulation goes into a code of practice. The reality is that the only people that win out of that are the Victorian bureaucracy, because they effectively get to take up the powers that this Parliament is ceding to them by taking that approach.

It is important that we recognise this Parliament. Passage through this Parliament should not be considered a mere formality. Processing legislation through this Parliament should not be a rubber stamp, and that is pretty much where we are at the moment. There are legitimate questions about the impact of legislation, as few as the words are, and the opportunity is not there to get that clarification which I think it otherwise deserves. As others have said, the opposition will not be opposing the bill; however, there are some significant not only process issues but practical issues so we know exactly what the impact is. And as the debate has demonstrated, there is a breadth of opinion on that.

**Mr FOWLES** (Burwood) (18:42): It is my great delight to rise this evening to talk on the Conservation, Forests and Lands Amendment Bill 2022, and I am sure you will be pleased to learn I will be yielding the floor a little early this evening in order that my friend from Gippsland South can have his allotted 10 minutes and make sure that he traverses all the very many important matters, particularly in his part of the world.

I do hesitate to note, though, that the suggestion was made to me that, you know, perhaps this is not a bill that is particularly germane to my constituents. But in our part of the world we are all about the trees, we are all about the wood—Burwood, Ringwood, Ashwood. We are all about the wood and we are all about the trees. I was reminded by the very broad contributions made by some a little earlier, including the member for Polwarth, that when it comes to forests in Victoria there is a little bit of a laissez faire approach. Do you remember the great alpine grazing debate in this place? I know my friend the member for Mordialloc would remember this, because this was a humdinger. This was a textbook case of the Libs sticking it to the Nats by serving up this absolutely ham-fisted bunkum proposal to ‘trial’ alpine grazing again. They did it so badly—by design—that it was always destined to fail. I mean Tony Burke knocked it off, as quite rightly he should have as the federal environment minister. When he quite rightly knocked it off, it then fell to the Baillieu government to go, ‘Oh, what are we going to do here? Do you think we’ll fight this tooth and nail, or do you think we’re going to sort of put in a bit of a half-hearted effort, a bit of a show trial?’. And sure enough they served it off to the Federal Court. I think their submission ran to 80 or perhaps even 100 words before the Federal Court, at all four grounds, just roundly slapped it down. There was a lot of secret high-fiving going around the Liberal party room because they managed to knock off alpine grazing whilst maintaining the pretence of supporting alpine grazing for their darling country cousins, one of whom of course will be following me in the debate shortly.

It is an extraordinary thing, when you think about it, that the pretence for alpine grazing was reducing the bushfire load—‘Reducing the bushfire load, that’ll do it. We’ll just get a whole lot of hard-hoofed animals in there. We’ll just let them run amok. We’ll destroy all the moss and the peat and the lichen and we’ll make them eat the trees’. Because you often see cows—and I am sure the member for Mount Waverley knows this; he has got heaps of cows out his way—grazing on the tops of the eucalypts! That is where all the good grazing happens. That is the bit where the cows really did the bushfire management stuff.

**A member** interjected.

**Mr FOWLES:** And the brumbies. Dare we crack open brumbies given the email traffic we have had on that matter? But that was, I think, one of my many highlights of the Baillieu government. It was just a glorious little slap from the Libs to the Nats on that one, and it got exactly the short shrift it deserved when it was served up to the Federal Court.

This bill really goes to the issue of sustainability and how it is defined. The member for Polwarth got up and spent a lot of time talking about sustainability, but he was talking about sustainability in the context of native timber logging, not plantation logging. He suggests that if you do not have logging of the native timber, what you end up with is a whole bunch of imports. But the better model, and the model that is in fact actually sustainable, is having plantation timber. It has got a good word within it, plantation—you have got to have a plan. A plantation does not just happen on its own. It is a plantation, so you have got to turn your mind to this a little bit further in advance and invest in those plantation assets. And as luck would have it, that is exactly what we have done. That is exactly what we have done, because we have committed some \$110 million to establishing timber plantations in the Latrobe Valley to support the long-term sustainability of Victoria’s timber industry.

Now, that is real sustainability. That is not the faux sustainability of, ‘Oh, we’re just going to continue to chop down native timber, but because it’s 80 or 100 years old, not 200 years old, it doesn’t really qualify as OG timber, so we can just continue to hack our way through all of that and eventually one day maybe we will have some plantations and catch up’. No, no, no. You have got to plan this stuff,

and whether it is OG, old growth; whether it is OG, original gangster; or whether it is native, they are not genuinely sustainable, are they. That is not a truly sustainable model. That is a model that might bridge you to some degree, but we have got an orderly transition in place. We have got the investment happening in plantation. We have got all of the ingredients you need to make sure that this industry is properly transitioned to a model that is in fact genuinely sustainable, not the faux sustainability that has been suggested by some members of the coalition.

In the interests of making sure that the member for Gippsland South does not walk entirely off the reservation, I might leave a minute for my colleague the member for Footscray to retort to anything the member for Gippsland South puts that warrants full-throated rebuttal. I am sure the member for Footscray will do a terrific job in that regard. But can I conclude my remarks by saying that when it comes to the protection of native forests and when it comes to the protection of our great natural assets, there is only one party in this chamber who does it, who does it consistently, who does it right, who does it sustainably and who does it with a long-term view, and that is of course the great Australian Labor Party.

**Mr D O'BRIEN** (Gippsland South) (18:49): I am pleased that I had the agreement of the member for Burwood to cut his contribution a bit short, because I fear he might have embarrassed himself more if he continued on.

*Members interjecting.*

**Mr D O'BRIEN**: I was going to be generous, but after that contribution—for a start I am actually going to mention the bill a couple of times and speak on the actual issue that we are discussing here. I have been paying attention to this debate so far on the Conservation, Forests and Lands Amendment Bill 2022 because this is an industry that I am passionate about. It is one of the reasons I came into this place: to fight for country people and to fight for industries like the timber industry against the swathe of misinformation and untruths that are told about them. The intent of this bill is correct, and that is why we are not opposing it. We have some concerns about whether it will actually achieve its aims and whether it in fact gives too much power to the minister, which as some of my colleagues previously have said could be used for nefarious purposes, not good ones. The bill itself, I think, is potentially positive if it does achieve the aim of trying to give certainty.

Plenty of members previously have talked about certainty and giving certainty to the industry. I tie that into the concept of the precautionary principle that has been mentioned and that is crucial to this debate about making sure that the timber industry can go about harvesting in a way that is as environmentally sound as it can be.

When I was the CEO of the National Irrigators Council the precautionary principle was being applied to the Murray-Darling Basin. I mentioned certainty. One of my members at the time said with respect to the Murray-Darling Basin plan, 'Yes, we want certainty, but we don't want certain death'. This is very pertinent to this legislation too, as is the precautionary principle, which provides:

... if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

And that is true. If we had a single forest estate that we were harvesting, we would need to apply a very, very precautionary principle to it to make sure that we did protect our biodiversity and that we had representative protection. But the reality is that in Victoria we have 8.05 million hectares of public land. More than 4.2 million hectares of that land is dedicated already to conservation areas in the form of national parks and other conservation reserves. The remaining 3.2 million is in state forest, and only about 0.45 per cent is available at any given time for commercial harvesting. And more importantly, only 3000 hectares, or about 0.04 per cent, of public land is actually harvested in any given year. About 94 per cent of Victoria's forests are not able to be harvested, and very, very few—about four in 10 000—trees in any given year are actually harvested, and they are of course replanted.

So when we are applying the precautionary principle we need to understand that our forests are largely already protected and the tiny area that we actually log is also being done applying the precautionary

principle. This bill is aimed at trying to reduce the lawfare that we have seen from green groups who are intent on shutting down the industry before the government does. There is no question. You might have thought they would think, 'We've won. The government's going to shut down the industry', but no, they have gone even harder ever since then.

I want to talk a little bit about some of the contributions that have been made by previous members. I am not even going to go to the member for Burwood; he was by no means the most egregious. But the member for Bendigo West—I heard this and I was absolutely astounded; I thought I might have misheard—talked about bushfires and said that it is frightening how many trees we have lost and that they do not regenerate after bushfires. This is the level of debate we have got in this place: the member for Bendigo West does not realise that the trees grow back. Indeed the entire Victorian mountain ash resource is based on regrowth from the 1939 Black Friday bushfires. That is what happens. The bush comes through, it burns and it grows back.

The member for Bendigo West, the member for Bass, and I will mention again the member for Burwood, and many others talked about how we are doing this transition to plantations. It has been proven time and time again now that it is a complete sham. Others over there have used the ministerial talking points that talk about the \$110 million provided for plantations in the Latrobe Valley. In 2016 that money was provided—2016—and there is still not a single extra acre of new plantation in the Latrobe Valley or indeed anywhere in Gippsland.

Just recently the minister went and unveiled some works at the Gelliondale Nursery for HVP, in my electorate, and we heard then that VicForests has bought land at Stradbroke. What have they planted? They have planted *Pinus radiata*—pine trees, pulp. Not hardwood, not native forests, not blue gum even but *Pinus radiata*, which is going to be pulp for Australian Paper. This idea that we are transitioning to plantations is a complete sham. It is just as shambolic as the claim—I heard the member for Eltham say it and I heard the member for Bass say it—that only Labor is supporting workers. Frankly, that is offensive.

It reminded me of the Orwellian press release issued by the government, when they made the decision to shut down the native timber industry, on 7 November 2019. It was headlined 'Securing the future for forestry industry workers'. An announcement about shutting down the native timber industry was headlined 'Securing the future for forestry industry workers'. I just say: what a scam that is. For those members to say that they are supporting the workers is astounding. They should have been at the Heyfield Timber Festival a couple of weeks ago, where there were blue-collar workers and their families and members of the CFMEU telling us what we all know in country areas, particularly in timber harvesting areas—that the Labor Party has completely forgotten its roots when it comes to this and is more interested in the inner-city area.

To that point, I do not want to miss the Greens on the way through. We heard the member for Melbourne talking about this bill, and she made a number of claims that I want to actually address. First of all, she said that this is a bill to allow logging to be easier at a cost to biodiversity.

*Members interjecting.*

**The ACTING SPEAKER (Ms Settle):** Order! The level of conversation in the house is too high.

**Mr D O'BRIEN:** Thank you, Acting Speaker. She said that this will come at a cost to biodiversity, but again, as I said earlier, the member for Melbourne completely misunderstands that 94 per cent of our forests are not available for logging. That is the biodiversity; that is the representative reserve system that we have. Secondly, she said logging is bad for the climate. I quote from the IPCC's report in 2019. It says:

In the long term, a sustainable forest management strategy aimed at maintaining or increasing forest carbon stocks, while producing an annual sustained yield of timber, fibre or energy from the forest, will generate the largest sustained mitigation benefit.

That is the IPCC saying if you manage your forest, if you produce timber, you store carbon in that timber. That just highlights the idiocy of the Greens—that they simply do not understand this. And finally, she said logging costs taxpayers money and that VicForests is losing money. Well, the Auditor-General said in 2013 in a report titled *Managing Victoria's Native Forest Timber Resources*, on page 45:

VicForests does not receive any government subsidies.

I come back to the issue that this bill is actually trying to address, and that is the issue of green lawfare that is trying to hamstring VicForests and hamstring the industry. The member for Melbourne says that logging is costing taxpayers money. Yes, VicForests in 2021 made a \$4.7 million loss. Guess what its legal fees in 2021 were: \$4.8 million. So there were \$4.8 million in legal fees, and we have almost exactly the same figure for a loss. So it is just absurd to say and it is wrong to say that logging costs Victorian taxpayers money. VicForests has a dual role, and its role is to return funds to the state but also to support regional areas with the jobs that it creates. It is just ridiculous, frankly, to be talking about biodiversity—with due respect to her—the member for Melbourne, with the most asphalt, concrete, glass and buildings. It is just extraordinary. This is an industry that deserves our support. I will support it every day that I am in this place.

**Ms HALL** (Footscray) (18:59): I am thrilled to contribute to this bill, and I am sure all of you are very excited to be in here at 1 minute to 7 to hear my contribution. We have heard about penguins; there has been lots of penguin talk.

**Ms Addison** interjected.

**Ms HALL**: Unfortunately the member for Bass's contribution discussing the penguins was cut short.

**Mr Rowswell**: On a point of order, Deputy Speaker, I am not sure penguins are referenced in this bill, and so I would ask the member to refer specifically to the contents of the bill before the house.

**The DEPUTY SPEAKER**: That is not a point of order.

**Business interrupted under sessional orders.**

### Adjournment

**The DEPUTY SPEAKER**: The question is:

That the house now adjourns.

### HEALTH AND FITNESS INDUSTRY SUPPORT

**Mr SOUTHWICK** (Caulfield) (19:00): (6256) My adjournment tonight is for the Premier, and the action that I seek is for the Premier to provide a plan to rebuild and recover the health and fitness industry that has suffered from one of the world's longest lockdowns, uncertainty and fear. We have heard of the mental health issues and the crises facing many Victorians at the moment, and we know that health and fitness especially is something that can help many Victorians that have struggled during these harsh lockdowns. Many gym, yoga and dance-school goers were denied the important outlet that would normally keep their minds and bodies healthy.

Despite the thousands of COVID cases reported through the lockdowns, hardly any could be tracked back to the well-managed small businesses that pride themselves on cleanliness and system management—that is, the fitness industry. The comments made by the state's chief health officer that gyms are known high-risk settings that cause outbreaks at the time were untrue and caused extensive damage to the industry. In an open letter to the CHO during the lockdowns, Fitness Australia wrote that:

... data collected by Fitness Australia in NSW since reopening in mid-June showed more than 7 million visits over 500 facilities with no confirmed community transmissions ... to date ...



Because we had that effective fearmongering regarding the gym industry, to get many Victorians back to the gym industry has been very, very hard. Normally January is the time when people come back after the Christmas period with their New Year's resolutions, but that really has not happened. The industry and many of these small businesses have been impacted for more than 365 days—the longest period of impact on any small business—and they really want to know why. They want to know why they copped it more than anybody else. These small businesses need support. They need a positive message from the government, and they want to be treated as an essential service to health to ensure that they are kept safe. Should the Premier send Victoria into lockdown again, I ask that the fitness and wellness industry be treated as essential. If Bunnings can be considered essential, so can your local gym and physio.

Internationally we are seeing gyms being supported and health and fitness centres being supported, and we are seeing many of the health funds being able to give additional discounts because they know the impact that a gym membership and a fitness membership can have on your health and wellness.

We have seen many small businesses in Victoria go to the wall, and the health and wellness industry and many Victorians have been compromised during these lockdowns. I therefore ask for the Premier to provide a plan to provide the fitness industry and the wellness industry with more certainty to ensure that we can get these businesses to recover and get Victorians' health in order to recover from the world's longest lockdowns.

### MORDIALLOC ELECTORATE SCHOOLS

**Mr RICHARDSON** (Mordialloc) (19:03): (6257) My adjournment this evening is to the Deputy Premier and Minister for Education, and the action I seek is for the minister to update my community on the expected completion dates for the Mordialloc College redevelopment and the Parkdale Secondary College redevelopment.

In Kingston and indeed across the south-eastern suburbs and Victoria we are building the Education State, and that could not be any more true than in my electorate of Mordialloc. We took a commitment in 2018 to deliver stage 2 of Mordialloc College's redevelopment. It was an \$8.6 million redevelopment for the early years centre, the year 7 and year 8 learning centre. I joined the new college captains, Daniel and Emma, and principal Michelle Roberts, and it was an absolute privilege to see that building really close to completion. It was a real honour to join the federal member for Isaacs, Mark Dreyfus, and to see the progress and the delivery there.

When I was first elected Mordialloc College had about 700 students. It now has 1200 students and is going from strength to strength. In fact it did something that no other school has done: it took out the Lindsay Thompson award back-to-back, two years running. It is the equivalent of the Brownlow Medal for excellence in education. Michelle Roberts and Andrew McConchie both received that award. That is an outstanding representation of fantastic public education in our community, indeed in Victoria. Mordialloc College is an example of the delivery of first-class education.

Just up the road in Parkdale we had a \$9.6 million commitment to build 18 new classrooms and learning spaces. The slab has been poured and the first level is going up. To join the college captains, Marcus, Maddy, Georgia and Rocco, and the team there recently to be shown around and get an update was absolutely outstanding.

Parkdale Secondary College is a destination school. People move into the area to attend this fantastic leader in education in Victoria. Led by principal David Russell, it is a flagship school that services our local community. Seeing the development and growth that has happened there and these new facilities coming out of the ground, we know the early year 7 and year 8 cohort into the future will be supported by the best facilities, because we want a first-class facility for the first-class education that is offered to our community. To see that happen, to see the commitments made by the Andrews Labor government, to see that journey that has been had and then those projects being delivered now and to know what that will mean for every student in my local community is a great privilege, and it has been

wonderful to be a part of that journey and to see it evolve. I cannot wait to get an update from the education minister on the expected completion dates.

My local community is so excited at the progress of Mordialloc College and Parkdale Secondary College. We cannot wait to hear when these projects will be completed and delivered for our community into the future.

### SKILLED WORK REGIONAL VISAS

**Ms KEALY** (Lowan) (19:06): (6258) My adjournment matter is for the Minister for Industry Support and Recovery, and the action that I am asking from the minister is that he apply for a greater allocation of 491 skilled work regional visas and match the allocation that New South Wales has—this is a process that is done by application to the federal government—to make sure that we can access an appropriate number of skilled migrant workers to access work and fill our jobs in regional Victoria.

We have got a number of job vacancies right throughout regional Victoria and throughout my electorate. What we find is our employment issue is not that we have not got jobs to go around; we actually have not got enough people to fill the job vacancies that are available. I have recently received a petition actually from a number of businesses in the Halls Gap region. Halls Gap is a small community. There are about 650 permanent residents, and they really do rely on the international travellers coming through to fill particularly the hospitality shifts but also to provide those day-to-day things to support their tourism industry, whether it is the cleaners that we might need or by running accommodation or even some of the tours that are done through the region. They just rely so heavily on backpackers, and we simply have not had those international visitors during the COVID pandemic with the borders being closed.

While those border closures are being lifted, we still have not seen the number of people coming through and visiting Halls Gap that the Halls Gap community need to be able to fill all of the jobs and give people a good tourist experience when they come to town. There is nothing worse, and I think that really the business owners feel like they are letting down the tourism community when they are not able to serve enough people. There are complaints arising from it—people become very agitated if they cannot get a meal locally—and they feel like it reflects badly not just on their own business but on the entire community.

I have also had similar concerns raised by hospitals in my region, Casterton Memorial Hospital and also West Wimmera Health Service, where they simply have not been able to support international staff who have come to Australia because the state has run out of the 491 visas to allocate to these workers.

Just for comparison's sake, Victoria has 500 visas it can allocate per year. This is about 4 per cent of the total number of 491 visas available across the nation, and if you compare that with New South Wales, they have got an allocation of 3640 491 visas—that is 29 per cent. As I said, this is around a process of the state stepping up and making representation to the federal government and asking for those visas, so that is what I am asking the minister to do. I am asking him to acknowledge there is a real skills shortage in regional Victoria. Those businesses in Halls Gap are really struggling to fill these jobs. Can we please apply to— (*Time expired*)

**WENDOUREE ELECTORATE SPORTS FACILITIES**

**Ms ADDISON** (Wendouree) (19:09): (6259) I direct my adjournment to the Minister for Community Sport, and the action that I seek is for her to provide me with an update on the Victorian government's investment in two very important community sports facilities in my electorate of Wendouree. The Wendouree West recreation reserve and the Alfredton Recreation Reserve are receiving much-needed upgrades for their facilities, which will be transformative for the local user groups and the entire Ballarat community. The Victorian government is investing \$11.5 million to fund new community infrastructure at these two significant community sporting reserves.

The Wendouree West Reserve upgrade will provide a new community hub, a BMX pump track, three world-class soccer pitches, upgraded sports lighting and coaches boxes. It will also incorporate a street soccer zone, a grind facility for skateboarders, a synthetic cricket pitch, a new fit-for-purpose men's shed and a ReCranked workshop. The new community hub will also incorporate a sports pavilion and a brand new community kitchen, which will provide community spaces for the Forest Rangers Soccer Club, a fantastic local soccer club; the Wendouree Neighbourhood Centre, which provides amazing things for the Wendouree community; the North Ballarat Cricket Club; and the YMCA youth programs. I have no doubt that these facilities in the heart of Wendouree will be a great source of pride for the local community.

Growing up a stone's throw from the Alfredton Recreation Reserve, I know firsthand how important this space is for the community of Alfredton and the wider Ballarat area. The Alfredton Recreation Reserve sports pavilion investment will provide female-friendly change rooms and amenities, team meeting and new social rooms, a kitchen and public toilets, along with two new locker rooms for participants.

These upgrades will also provide brand new cricket nets, an outdoor undercover viewing area and decking that will boost the game day experiences for players, coaches, families and supporters. There will be the delivery of a new netball facility at the reserve to accommodate the ever-increasing number of girls participating in netball each season. Improvements will also be made to provide extra parking and storage space for clubs to keep their equipment safe. Precinct fencing and a new digital scoreboard will also be included in our comprehensive investment in this facility. The Ballarat Football Netball Club, the Ballarat Memorial Sports Bowls Club and the Ballarat-Redan Cricket Club are among other user groups that share these facilities, and all agree that these improvements will be a fantastic outcome for the community for years to come.

I would like to acknowledge some of the key advocates associated with these projects with whom I have worked closely throughout the process. Marilyn Tyndall and Tracey Dean from the Forest Rangers Soccer Club have been critical to the Wendouree West Recreation Reserve project and champions of the community that surround it, and likewise Craig Lightfoot and Craig Wilding. I thank the minister for her commitment to local sports infrastructure in the regions.

**COVID-19**

**Ms STALEY** (Ripon) (19:12): (6260) My adjournment is to the Minister for Health, and the action I seek is that he issues clear guidelines to all Victorian public hospitals to enable patients to receive visitors in a consistent way. I was contacted yesterday by a constituent from Ararat who writes:

How is it fair that those of us that are triple vaxed, rapid antigen tested ... are still denied access to our loved ones in hospitals around this state.

We've done everything that has been asked by our government and still Victorians are dying alone in hospital or having major treatments like chemo and in hussy radiation, with their distraught loved ones denied access to share this precious and often shortened time with them.

I am so very horrified that this is happening in our beautiful state.

Surely families deserve better than this.

The woman goes on to say:

I have been told that individual hospitals set their own rules ...

Surely we as a community are better than this.

So my request is that we have some consistent guidelines for all hospitals, so that we no longer have a situation where particularly people at end of life are dying alone.

### WATER POLICY

**Ms SANDELL** (Melbourne) (19:13): (6261) My adjournment tonight is to the Minister for Water, and the action I seek relates to the sustainable water strategy for the Central and Gippsland regions. I ask the minister to include in this strategy a moratorium on new extraction licences and entitlements and a plan to immediately return more water to our rivers. This sustainable water strategy covers a huge area of Victoria, from the Great Dividing Range to the coast, from the Otways to East Gippsland. It includes Melbourne, Geelong and many regional towns. It covers many significant waterways—the Moorabool, Barwon, Latrobe, Thomson and Mitchell rivers and the Gippsland Lakes. Obviously keeping these waterways healthy is important for all of us and our survival, and they are central to the health of country and the culture of Victoria's First People.

In October last year the government released a discussion draft of the strategy. Over the months since my team and I have been contacted by environmental organisations and local river care groups who are worried. Their concern is that it prioritises water use by agriculture and homes, while the health of rivers is left to rely on future manufactured water being created. So essentially rivers may only get water if we build another desalination plant, something that does not seem likely to happen for many years. Right now all sides of politics seem to think we can just keep giving out water to industry and homes to use with little consequences, but we know that is not the reality with climate change.

That is why we are calling on the government to redraft the strategy and make river health more of a priority. Given the dire state of our rivers and wetlands and the drying climate, I am particularly concerned that the minister has given \$500 000 to Southern Rural Water to investigate expanding the Macalister irrigation district. It is a move that would take more water from the already stressed Latrobe and Macalister rivers, and it does not make sense to keep issuing new water licences to agriculture.

We need to do more than just narrowly avoiding catastrophe by barely stopping rivers from running dry. This means setting targets to restore our rivers and wetlands to be thriving ecosystems, and to do this we need to start giving water back to rivers now—and to keep doing it. Existing sleeper licences, currently unused licences, should be returned to rivers. More buybacks need to be on the table. Even though the government keeps saying they are totally opposed to them, we know they can achieve good results at returning water to where it is needed most and should not be taken off the table purely for political reasons. And when the licences for water currently used in the Latrobe Valley's coalmines are up, we must use this water wisely for the future and especially for our ecosystems.

There is so much more that could and should be said about sustainable water strategy, and I would welcome the opportunity to discuss it with the government further. Without healthy waterways and a healthy environment, none of us will survive. We are dependent on them, yet successive governments' approaches have been more concerned about giving water to short-term interests at the expense of the long-term sustainability of our agriculture, our environment and our society—and it is coming back to bite us. With the right leadership now and the right strategy, we can ensure our rivers have a future. This is what a good government must do, and I hope the government considers these matters.

### AMBULANCE SERVICES

**Mr FOWLES** (Burwood) (19:16): (6262) My adjournment matter is directed to the Minister for Ambulance Services, who has had a very quiet day. The action I seek is for the minister to join me to meet with Ambulance Victoria staff in the electorate of Burwood to discuss Labor's \$759 million investment to bolster our emergency services. Ambulance services are no laughing matter, and that is

why in the 2021–22 budget the Andrews Labor government invested more than \$759 million for additional paramedics, more triage care and extra support staff for Ambulance Victoria. This included the creation of 43 new full-time equivalent call-taking and dispatch positions.

This boost in funding is needed now more than ever. Unprecedented levels of demand saw the volume of emergency department presentations increase by 30 per cent last year. This is massive demand, but the Andrews Labor government will always, always, always stand with our healthcare workers and emergency services personnel. That is why on top of this \$759 million we have added an additional \$40 million to boost capacity to manage increased COVID case loads and provide surge capacity for patients.

In Burwood we are fortunate to have great access to quality emergency services, including two ambulance stations. Indeed the Emergency Services Telecommunications Authority, ESTA—their headquarters is just 5 minutes away. Only Labor governments will properly invest in our emergency services. In fact we have injected \$1 billion into Ambulance Victoria since coming to government in 2014. The scale of that is a massive testament to Labor values. That stands in contrast to the modus operandi of those opposite, because all the Liberals and Nationals know is to cut, close and gut our ambulance system. Back when they had their shot they spent half as much on ambulance services. We can never let those days return to the state.

Only under an Andrews Labor government do we have the best-funded ambulance service in the entire nation. In the past year alone we have brought on a record 700 new paramedics. We cannot take our healthcare system for granted, and the Andrews Labor government is backing it up every step of the way. We are not just backing our ambos, we are giving them the state-of-the-art tools they need to do their best, and I would like to specifically highlight an excellent announcement made in recent weeks to invest \$300 million in a new air ambulance fleet. Additionally, a new medium-acuity transport service has hit the road, helping Victorians and providing critical care when they need it most—because having a strong ambulance service protects us all.

Labor values our life-saving paramedics. On this side of politics we are cracking on and ensuring Victorians get the world-class care they deserve. We do not just talk, we get on and deliver. And I look forward to Minister Foley outlining how this funding will further benefit ambulance services and support ESTA staff in my community.

#### SHANE WARNE

**Mr ROWSWELL** (Sandringham) (19:19): (6263) My adjournment matter is for the Premier, and the action that I seek is for the Premier to ask representatives of the East Sandringham Cricket Club, Sandringham Primary School and Mentone Grammar—a cricket club and schools within my electoral district—to participate in the state funeral of the late and great Shane Warne.

Shane Warne was a Bayside boy through and through. He attended Sandringham Primary School and Hampton High and then was the recipient of a sport scholarship to Mentone Grammar from year 10. His parents, Brigitte and Keith, still live in Black Rock today.

His cricket career started at the RG Chisholm Reserve in Duncan Street, Sandringham, when in 1978 he played for the East Sandringham Cricket Club. He returned to the ground many times, played in a junior premiership team there and even donated a beer fridge to that club.

Six years ago he returned to Chisholm reserve to play a match against Bentleigh ANA Cricket Club. He said at the time:

1978 was the first time down here as a nine-year-old, so it's nice to be back at East Sandy, that's for sure ...

...

Whatever [East Sandringham] need me to do, I'm happy to do—if they need me to bowl a bit, I'll bowl a bit ...

Bayside, my electorate and my community, was Warnie's home. He lived there, he studied there and he mastered his cricket craft there also. That is why I have asked the Premier to ask representatives of the East Sandringham Cricket Club, Sandringham Primary School and Mentone Grammar to participate in the state funeral of Shane Warne. As the local MP representing the area where this club and these schools are located, I would be pleased to work with the Premier and his department to facilitate this invitation, and I believe it would be a fitting inclusion to his state funeral. Finally, I look forward to contributing to Shane Warne's condolence motion in this chamber when the opportunity arises.

### THE ORANGE DOOR

**Ms CONNOLLY** (Tarneit) (19:21): (6264) My adjournment is for the Minister for Women and Minister for Prevention of Family Violence, and the action I seek is that the minister update me on the progress of the Orange Door network hub that is set to open in Wyndham later this year. As the minister knows, last year Wyndham was selected as the primary site for the western Melbourne Orange Door, providing resources and assistance for women in Melbourne's outer west who may be experiencing family violence.

The Orange Door network was established as part of our government's response to recommendations from the Royal Commission into Family Violence. As part of the implementation of this recommendation, each Department of Health region in Victoria will receive a primary hub for services and resources along with outreach officers and face-to-face services delivered right across the region. For those women, resources like those of the Orange Door are absolutely invaluable, and their services are of an absolute benefit to our broader community. With all of Victoria to have a designated Orange Door site up and running by the end of this year, Wyndham is well and truly on track. Not only will our LGA house the primary premises for the Orange Door, but we are also going to benefit from other face-to-face access points and staff and outreach services across our municipality.

I cannot stress enough to my local community how much of a big win this is for us. The western region of Melbourne is huge, absolutely huge, and I am so proud that we will very soon be able to have our very own Orange Door network right in the heart of Wyndham. I know lots of families in my community are also very passionate about this investment and would appreciate an update on its progress.

### WOMEN IN RENEWABLE ENERGY

**Ms KILKENNY** (Carrum) (19:23): (6265) My adjournment matter is for the Minister for Energy, Environment and Climate Change, and the action I seek in this week in which we celebrate International Women's Day is for the minister to update women in my electorate on how they can be part of Victoria's clean energy workforce. As we know, women are under-represented in many industries and over-represented in others, particularly in industries where the pay is lower and employment is less secure. In the solar industry women make up less than 1 per cent of electricians, plumbers, air conditioning and refrigeration mechanics, solar designers and installers, and licensed electrical inspectors. As we transition further to net zero here in Victoria and as we see the uptake of solar and other renewable energy sources grow, it is really important that women are part of this energy revolution and transition. I look forward to receiving the minister's update on how we can break the bias and support more and more women into the solar industry in Victoria.

### RESPONSES

**Mr WYNNE** (Richmond—Minister for Planning, Minister for Housing) (19:24): The member for Caulfield raised a matter for the Premier, seeking to advocate for a plan in relation to the health and fitness industry, recognising of course that those industries are very, very important to people's both physical and mental health, and I will make sure that the Premier is made aware of that request.

The member for Mordialloc raised a matter for the Minister for Education, seeking an update on the college redevelopments at the Mordialloc and Parkdale colleges, and I will make sure the minister is aware of that request.

The member for Lowan raised a matter for the Minister for Industry Support and Recovery seeking that the government continue to make application for 419 regional visas for skilled migration—

**Ms Kealy:** 491.

**Mr WYNNE:** I beg your pardon—491 regional visas for skilled migration, particularly for people to, obviously, work in regional Victoria. I must say I was only in Halls Gap a little while ago, and a very delightful part of the world it is too. There is a story about kangaroos, but it is probably best I do not go there—

**A member:** And emus.

**Mr WYNNE:** Yes, that was interesting. The member for Wendouree raised a matter for the Minister for Community Sport seeking an update on the excellent capital works program that is occurring on two of her reserves: one in Wendouree West and the other one, well known to me, in Alfredston.

**A member:** Alfredton.

**Mr WYNNE:** You told me it was ‘Alfredston’. I was close enough. It is in her electorate—that will do. I have been misled yet again. It is a disgrace. I am not going to answer yours now. No, this is an important issue.

The member for Ripon raised a matter for the Minister for Health, seeking a consistent application of guidelines for people to visit their relatives when they are in hospital. The member for Ripon does indicate that each hospital has got its own procedures in place. I will simply take it on the basis that the request has been made, and I will make sure the Minister for Health is aware of that.

The member for Melbourne has raised a matter for the Minister for Water in relation to the sustainable water strategy. It is sad to say you did not give me credit for that. I in fact launched it, as you may recall, when I had the rare opportunity to stand in the shoes of the Minister for Water. It is a very complex area, water, incredibly complex, and my colleague Minister Neville absolutely leads the nation—truly she does—in terms of the leadership she has shown in the water portfolio. That is agreed, I think, very much on a cross-party basis. But I just say to the member for Melbourne: these are incredibly complex issues, and there are no winners and losers in this. I understand your desires in relation to the sustainability of water. Indeed, as you know, we have done a lot of work on the Yarra. The Barwon, as you know, we are doing important work there, not just in terms of working with First Nations people—the Maribyrnong as well—but ensuring that these really important waterways remain viable as both environmental entities in their own right but being very respectful of First Nations people as well. I think we have got a pretty good track record in that space. And thank you for acknowledging the work that I did in that space for a period of time—not.

The member for Burwood raised a matter. You will get there one day, do not worry.

**Ms Addison:** This is the highlight of my week.

**Mr WYNNE:** The member for Burwood? It is a bit sad if I am a highlight of the week, I tell you—very sad.

The member for Burwood raised a matter for the Minister for Ambulance Services seeking that the minister visit his very important emergency services facilities out in Burwood, and he pointed out the huge amount of money that the government has invested in 2021–22: nearly \$760 million. I mean, this speaks to the sorts of critical infrastructure that we must continue to support.

The member for Sandringham I think has raised a really interesting issue here. We know of the tragic death of Shane Warne at 52. I mean, it is ridiculous, his loss. I spoke about this within my own group: about men in particular—and I will take the opportunity to do it here—who are notorious in terms of poorly taking care of themselves. Women understand these things. They get themselves checked very,

very regularly for a whole bunch of things. But I did call on particularly my male colleagues. If this is not a wake-up call, I do not know what is.

The member for Hawthorn, who was here today, the member for Lara and I have travelled that path, and that is a path you do not want to travel. I just think that if something positive at all comes out of this really terribly sad demise of a great Australian, it is that men might actually get down to the doctor and get themselves checked out, because you do not know when this might come. I am the proof of that; absolutely I am. I think it is a really, really interesting proposal. I will talk to the Premier tomorrow about this. So East Sandringham was his—

**Mr Rowsell:** First junior cricket club.

**Mr WYNNE:** His first junior cricket club. He went to Hampton High and—

**Mr Rowsell:** Sandy primary school.

**Mr WYNNE:** I mean, it is his space. Mentone Grammar I think as well, was it not? I think that would be wonderful and fitting that he is acknowledged in that way by his local community. I think they might have set a date now.

**Ms Addison:** The 30th.

**Mr WYNNE:** The 30th. People are going to come from everywhere for this. It is a very, very worthy proposition, and I will personally make sure the Premier is aware of that.

The member for Tarneit raised a really, really important issue in relation to seeking an update on the Orange Door hub at Wyndham. This is an amazing initiative of the government. It speaks absolutely to the response of our government particularly to women and children escaping domestic violence, and I know that the minister will absolutely be not just willing, she will ensure that you are updated, member for Tarneit, on this amazing initiative, which is as you know rolling out right across Victoria.

Finally, the member for Carrum raised a really important issue also in relation to opportunities for women to engage in the extraordinary amount of employment opportunities that there are in the area of clean energy and particularly in solar installation. I think there are huge opportunities going forward, and our state in particular has been at the forefront of the rollout of solar. My colleague the Minister for Energy, Environment and Climate Change has played an absolute leadership role in that space. That is it for tonight, sorry to say.

**The DEPUTY SPEAKER:** Thank you, Minister. The house now stands adjourned until tomorrow.

**House adjourned 7.33 pm.**