

PARLIAMENT OF VICTORIA

**PARLIAMENTARY DEBATES
(HANSARD)**

LEGISLATIVE ASSEMBLY

FIFTY-NINTH PARLIAMENT

FIRST SESSION

WEDNESDAY, 8 JUNE 2022

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By authority of the Victorian Government Printer

The Governor

The Honourable LINDA DESSAU AC

The Lieutenant-Governor

The Honourable JAMES ANGUS AO

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Deputy Premier, Minister for Education and Minister for Mental Health	The Hon. JA Merlino MP
Attorney-General and Minister for Emergency Services	The Hon. J Symes MLC
Minister for Transport Infrastructure and Minister for the Suburban Rail Loop	The Hon. JM Allan MP
Minister for Training and Skills, and Minister for Higher Education	The Hon. GA Tierney MLC
Treasurer, Minister for Economic Development and Minister for Industrial Relations	The Hon. TH Pallas MP
Minister for Child Protection and Family Services and Minister for Disability, Ageing and Carers	The Hon. AR Carbines MP
Minister for Public Transport and Minister for Roads and Road Safety ..	The Hon. BA Carroll MP
Minister for Energy, Environment and Climate Change, and Minister for Solar Homes	The Hon. L D'Ambrosio MP
Minister for Health, Minister for Ambulance Services and Minister for Equality	The Hon. MP Foley MP
Minister for Ports and Freight, Minister for Consumer Affairs, Gaming and Liquor Regulation, and Minister for Fishing and Boating	The Hon. MM Horne MP
Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice and Minister for Victim Support	The Hon. NM Hutchins MP
Minister for Local Government, Minister for Suburban Development and Minister for Veterans	The Hon. SL Leane MLC
Minister for Water and Minister for Police	The Hon. LM Neville MP
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Minister for Employment, Minister for Innovation, Medical Research and the Digital Economy, Minister for Small Business and Minister for Resources	The Hon. JL Pulford MLC
Minister for Multicultural Affairs, Minister for Community Sport and Minister for Youth	The Hon. RL Spence MP
Minister for Workplace Safety and Minister for Early Childhood	The Hon. I Stitt MLC
Minister for Agriculture and Minister for Regional Development	The Hon. M Thomas MP
Minister for Prevention of Family Violence, Minister for Women and Minister for Aboriginal Affairs	The Hon. G Williams MP
Minister for Planning and Minister for Housing	The Hon. RW Wynne MP
Cabinet Secretary	Ms S Kilkenny MP

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

Speaker

The Hon. CW BROOKS

Deputy Speaker

Ms JM EDWARDS

Acting Speakers

Mr Blackwood, Ms Blandthorn, Mr J Bull, Ms Connolly, Ms Couzens, Ms Crugnale, Mr Dimopoulos, Mr Edbrooke, Ms Halfpenny, Ms Kilkenny, Mr McCurdy, Mr McGuire, Mr Morris, Ms Richards, Mr Richardson, Ms Settle, Ms Suleyman, 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. JA MERLINO

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 SM RYAN

Leader of the House

Ms JM ALLAN

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

Member	District	Party	Member	District	Party
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
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Carroll, Mr Benjamin Alan	Niddrie	ALP	Pearson, Mr Daniel James	Essendon	ALP
Cheeseman, Mr Darren Leicester	South Barwon	ALP	Read, Dr Tim	Brunswick	Greens
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Couzens, Ms Christine Anne	Geelong	ALP	Richardson, Mr Timothy Noel	Mordialloc	ALP
Crugnale, Ms Jordan Alessandra	Bass	ALP	Riordan, Mr Richard Vincent	Polwarth	LP
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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
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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
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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 Connolly, 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 Suleyman 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 Allan, Mr Cheeseman, Ms Edwards, Mr Fregon, Ms McLeish, Ms Sheed, Ms Staley 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 Mikakos, Ms Symes and Ms Wooldridge.

Electoral Matters Committee

Assembly: Ms Hall, Dr Read and Mr Rowswell.

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

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

Integrity and Oversight Committee

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

Council: Mr Grimley and Ms Shing.

Pandemic Declaration Accountability and Oversight Committee

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

Council: Ms Crozier, Mr Erdogan and Ms Shing.

Public Accounts and Estimates Committee

Assembly: Ms Blandthorn, 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, 8 June 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 that we are meeting on. We pay our respects to them, their culture, their elders past, present and future, and elders from other communities who may be here today.

Business of the house

NOTICES OF MOTION

Notice given.

The SPEAKER (09:35): I wish to advise the house that general business, notices of motion 12 to 14 and 24 and 25, will be removed from the notice paper unless members wishing their matter to remain advise the Clerk in writing before 2.00 pm today.

Petitions

Following petitions presented to house by Clerk:

GIPPSLAND SOUTH ELECTORATE BUS SERVICES

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Assembly that the township of Yarram and surrounds is underserved by public transport to Sale.

The petitioners therefore request that the Legislative Assembly of Victoria calls on the State Government to provide services that travel between Yarram and Sale or at the very least initiate a trial to gauge the level of demand.

By Mr D O'BRIEN (Gippsland South) (284 signatures).

POLWARTH ELECTORATE BUS SERVICES

This petition draws the attention of the House to the proposal **for an extension to the bus services between Colac and Lorne**. Due to a large increase in patronage over the last five years, the Petitioners request that the present bus service connecting Colac, Birregurra, Deans Marsh and Lorne for six weeks from last the Friday in December to the last Sunday in January become a daily service throughout the year.

By Mr RIORDAN (Polwarth) (892 signatures).

Tabled.

Ordered that petition lodged by member for Gippsland South be considered next day on motion of Mr D O'BRIEN (Gippsland South).

Ordered that petition lodged by member for Polwarth be considered next day on motion of Mr RIORDAN (Polwarth).

Documents

DOCUMENTS

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT—The Clerk tabled the following documents under Acts of Parliament:

Auditor-General—Managing Body-Worn Cameras—Ordered to be published

Conservation, Forests and Lands Act 1987—Variation of the code of practice for timber production 2014 (No 1/2022)

Subordinate Legislation Act 1994—Documents under s 16B in relation to the *Conservation, Forests and Lands Act 1987*—Variation of the code of practice for timber production 2014 (No 1/2022).

PROCLAMATIONS—Under Standing Order 177A, the Clerk tabled the following proclamation fixing an operative date:

Circular Economy (Waste Reduction and Recycling) Act 2021—Whole Act (other than Divisions 1 and 2 of Part 3, Part 6 and ss 61, 74, 199 and 208)—1 July 2022 (*Gazette S285, 7 June 2022*).

Members statements

PORCUPINE VILLAGE, MALDON

Ms EDWARDS (Bendigo West) (09:37): The Andrews Labor government is investing in central Victoria, delivering on our promises and ensuring our region's economic and social recovery. Last week I was thrilled to join the Minister for Tourism and Major Events to announce \$1.7 million towards upgrade works at the Porcupine Village tourist attraction in Maldon. Porcupine Village is a step back in time to relive our region's rich gold rush history and features original buildings from the 1850s. Thanks to our Regional Tourist Investment Fund stimulus grant, the school, blacksmith, lolly shop and more will be restored, and they will have new glamping tents and safari-style cabins. The project features a native wildlife sanctuary and a function space for school excursions, with links to the Victorian curriculum. This funding will attract more people to our beautiful region and ensure the future of Maldon and surrounds.

BENDIGO WEST ELECTORATE SCHOOLS

Ms EDWARDS: On Friday I was thrilled to welcome the Premier to open our \$6.4 million upgrade of Marong Primary School. Marong is a rapidly growing part of Bendigo, and this upgrade was needed to cater for new residents and an increase in enrolments. It is not only Marong where we are delivering positive outcomes for students. Last month I turned the sod on Maiden Gully Primary School's \$4.5 million modernisation, in May I announced \$8.8 million for new facilities at Bendigo Special Development School and in March we opened Kalianna School's \$15.6 million upgrade—and that is just this year.

BENDIGO WEST ELECTORATE INFRASTRUCTURE

Ms EDWARDS: That is not to mention the raft of construction in the Bendigo CBD with our new law courts, GovHub and TAFE, and works across Castlemaine, Harcourt and the smaller townships in Mount Alexander. This government is investing across regional Victoria to build a strong and prosperous future for our communities.

CAULFIELD ELECTORATE CYCLING INFRASTRUCTURE

Mr SOUTHWICK (Caulfield) (09:38): Last Sunday I had the privilege of joining GEBUG, Glen Eira Bicycle Users Group, for their World Environment Day ride around our area. One of the big issues is safety and access for cyclists and pedestrians, particularly around Caulfield Racecourse at Queens Avenue. I understand a number of trees may also be impacted as part of the proposed changes. We need to get the balance right, and I call on the government to meet with Glen Eira council, local residents and bike users in progressing this project. Bikes are a crucial part of our transport, recreation and exercise future, and I look forward to working with GEBUG to make Caulfield and surrounds an even better place to cycle.

B'NAI B'RITH COURAGE TO CARE

Mr SOUTHWICK: Last week I had the pleasure of attending a breakfast to celebrate the 30th anniversary of B'nai B'rith Courage to Care. The Courage to Care team are devoted to educating young people on the dangers of racism, prejudice, discrimination and bullying. By running these education programs right across Victoria they teach people to be upstanders, not bystanders. As we have talked about banning the Nazi swastika, with very powerful speeches from members of

Parliament from all sides, I think it is appropriate to recognise the great work that Courage to Care does in educating all Victorians.

THANK A FIRST RESPONDER DAY

Mr SOUTHWICK: I also wanted to recognise our first responders as part of first responder day, particularly our police and emergency services and locally Community Security Group and Hatzolah—they do a fantastic job in Caulfield in keeping all of my community safe.

PRIDE MONTH

Mr FOWLES (Burwood) (09:40): Every June worldwide Pride Month celebrates the LGBTIQA+ community. Most people would recognise this month from the sudden burst of commercial advertising in rainbow colours and new special pride edition products that appear on shelves from brands despite no previous allegiance to the cause, including, spectacularly, the Make America Great Again caps that come out in rainbow colours during this period. But it is time for those of us who take it seriously to reflect on how far equal rights have come and how far they still have to go. Since the creation of the equality portfolio in 2015 the Andrews Labor government has made incredible strides towards equality for LGBTIQA+ communities and Victorians, and indeed we have an LGBTIQA+ strategy that outlines our plans to continue changing laws and policies and to continue strengthening state-based services to drive meaningful change for LGBTIQA+ Victorians. It stands in contrast to those opposite, who in 2015 voted against same-sex adoption. In 2016 they voted against birth certificate reform, in 2018 they promised to scrap the Safe Schools program and we have just endured a federal election campaign with the demonisation of trans people thoroughly endorsed by the Prime Minister. The demonisation of trans people was put front and centre in a national debate, in a national campaign, due to the captain's pick of the former Prime Minister. It was a disgrace, it was shameful, it was appalling conduct, and it should be condemned in its entirety.

Ms Kealy: On a point of order, Speaker, the member for Burwood has misled Parliament in his contribution. I understand this is against the standing orders, and I ask you to invite him to correct the record.

The SPEAKER: Order! There is no point of order. There is a prohibition on members deliberately misleading the house and there are forms for that matter to be raised. This is not an appropriate time to raise that matter.

WESTERN HIGHWAY

Ms STALEY (Ripon) (09:42): Last week the Minister for Roads and Road Safety joined the election year conga line of ministers who have found Ripon again and came to Ararat to boast about the road blitz that he believed had reached its destination. One of the roads that he wanted to boast that his department had done some maintenance on was the Western Highway. Well, on his way back in his chauffeur-driven car to Melbourne he would have had to drive on the Western Highway, and the Western Highway today at Trawalla is down to 60 kilometres an hour because the road is potholed, the sheeting is removed and there are huge ridges along the side. Even on the way in he would have seen these terrible conditions on a road that he was then coming to Ararat to boast that he had fixed. If that is the best they can do on road maintenance in this state, then they are not fit to be the government delivering road maintenance, because clearly the Western Highway is not fit for purpose when you have kilometres at a stretch down to 60 kilometres an hour. Their own media release admits that they have now finished doing roads until September, so we are stuck with it for all of winter. It is absolutely hopeless. They come in for a picture—just go home!

PATIENCE COMMUNITY SERVICES INCORPORATED

Ms HENNESSY (Altona) (09:43): I rise today to acknowledge and celebrate Patience Community Services Incorporated in my electorate that do fantastic work in supporting local multicultural communities, particularly those that are doing it tough. They help deliver in culturally appropriate

ways and with culturally appropriate content the sort of support that people need in hard times. I am delighted that the Minister for Multicultural Affairs has recently announced a \$24 999 contribution to their important work. I wanted to place on the record my acknowledgement of how important it is that they continue to provide that work, and I am so delighted that the government is supporting them.

PORT PHILLIP RETIREMENT VILLAGE

Ms HENNESSY: I also wanted to express my gratitude to the Altona village retirement centre. I had a terrific time there last week. I wanted to acknowledge all of the residents. They really wanted to talk about how they can reconnect with community in a way that is COVID safe. I want to acknowledge Chris Sharp and all of those from Lendlease who joined the important forums that we conducted there together last week.

LAVERTON PEDESTRIAN SAFETY

Ms HENNESSY: Finally, I also wanted to acknowledge some local community concern around pedestrian safety. The Aviation Road level crossing removal is much celebrated in our local community. There remain some concerns around pedestrian safety at the bottom of the bridge near Maher Road. I will be raising those with the relevant ministers but wanted to place on the record that I have heard those concerns loud and clear.

NHILL AND DISTRICT SPORTING CLUB

Ms KEALY (Lowan) (09:45): I congratulate the Nhill Tigers for their narrow but epic 2-point win over the Southern Mallee Giants last weekend after a long, 1029-day drought. The locals of course carried Dale 'Daisy' Thomas through the game, and they were able to get that long-awaited win.

I was very, very proud to stand by Glenn Meek—the late, great Glenn Meek—and Brett Wheaton back in 2018 to commit to upgrading the home ground of the Nhill Tigers, which is Davis Park. Unfortunately this government have not yet met that commitment, and I note that in the federal election The Nationals also made that similar commitment. We have now got a Labor government at a federal level. So I ask: at a state and federal level, please meet the needs of the local people. They voted for this. Deliver this vital infrastructure funding and support the home of the Nhill Tigers.

WARRACKNABEAL-BIRCHIP ROAD

Ms KEALY: Many months ago Ryan Milgate of Minyip invited the Minister for Regional Development and the Minister for Roads and Road Safety to join him in his truck to experience firsthand some of the roads in the local area, particularly the Warracknabeal-Birchip Road. Now, this road is crumbling at the edges. It is full of potholes, and it is undulating. I note, with the minister for roads' media release, that there will be no more works until September. In fact the blitz is now over. We still have so much work to do. Now, given neither minister would come to the Warracknabeal-Birchip Road to inspect these roads firsthand, I have actually brought some chunks of road in. This is the Warracknabeal-Birchip Road. I have taken the road to the minister, and I would love for the minister to actually see where this came from and see these potholes firsthand.

NATIONAL RECONCILIATION WEEK

Ms COUZENS (Geelong) (09:47): Last week was National Reconciliation Week, and in Geelong there were many reconciliation events that gave the community the opportunity to hear and learn about First Nations history and culture and to explore how each of us can contribute to achieving reconciliation. This year's theme was 'Be Brave. Make Change', which asked each of us to make a personal contribution to our shared reconciliation journey. It is about incorporating ideas of inclusivity and respect into our everyday lives to make our community a great place for everyone.

As a community we have the opportunity for real change being made towards reconciliation through learning and supporting Aboriginal communities. The Geelong region embraces reconciliation week, and events continue to grow each year. The new Bannockburn youth hub held their first reconciliation

event, which was well attended by local young people. The City of Greater Geelong had First Nations digital projections on city hall, and the Belmont Lions and Bannockburn Tigers held their Indigenous match on Saturday, with huge crowds.

One of the most popular events in Geelong is Reconciliation in the Park, which was initiated in 2010 by the late Uncle David Tournier. This is a unique event that allows local Aboriginal community members to showcase Geelong history and culture. I acknowledge Nikki McKenzie, local Wathaurong woman, and Vicky Grosser from Geelong One Fire Reconciliation Group for again organising this week's very successful Rec in the Park. Nikki and Norm Stanley did the beautiful welcome to country and smoking ceremony, followed by Corrina Eccles and the Deadly Dancers, a highlight of the day.

YOUTH JUSTICE SYSTEM

Dr READ (Brunswick) (09:48): I was alarmed to read on the weekend that the government will not proceed this year with planned reforms to the youth justice system as recommended five years ago in the Armytage-Ogloff report, and it appears that they have dropped a bill passed by the Assembly eight months ago which improves child protection law. The Greens had hoped to amend this bill to raise the age of criminal responsibility from 10 to 14 years, because kids too young for Facebook should not be in court, let alone in prison.

First Nations groups like Change the Record and the Victorian Aboriginal Legal Service and also Save the Children, the college of physicians and numerous legal and human rights groups have been calling on this Labor government for years to raise the age from 10 to 14. Victoria is well placed to lead on this issue and to influence other states which imprison larger numbers of very young Aboriginal kids. Neuroscientists are very clear that children this young are still developing their capacity for judgement and planning. If it is true that the government is so unwilling to debate this issue they have actually dropped a necessary child protection bill, then they clearly need some advice. They can support or oppose our amendment and the bill will still pass, but they need to take responsibility for their decision on the age of criminal responsibility—the age when kids can go to court and even to jail.

CLIMATE CHANGE

Mr KENNEDY (Hawthorn) (09:50): In Hawthorn over the last four years we have witnessed a groundswell of community support for climate action. This support did not just topple the former federal Treasurer and play a key role in my election, but it is also energising young and old to take control of our collective future. The Andrews government has heard these calls for change. If Victoria was a country, we would be a global leader in tackling climate change. We were one of the first jurisdictions in the world to legislate a net zero emissions target in 2017 and have more ambitious targets than Canada, Germany and California. We have invested over \$2 billion in the green energy transition, and we are modernising the grid to make it fit for renewable energy—not a fact that attracts many headlines but vitally important. Offshore wind will power 1.5 million homes by 2032—not to mention our investments in electric vehicle infrastructure and of course my favourite, public transport. We in Victoria are leading the fight against climate change. I am looking forward to a federal government that will partner with us instead of embracing climate sceptics.

MAX FRICKE

Ms McLEISH (Eildon) (09:51): Mansfield boy and Australian speedway champion Max Fricke won his second grand prix on 14 May—this time in Warsaw. Coming last in his first heat, Max worked his way up to land a place in the semifinal before walking away with a grand prix win. I was told by his very proud mum, Lisa, that this should put Max in good stead for a wildcard entry into next year's line-up if he does not make the top six and automatic qualification for the 2023 series. Max is now ranked sixth on the world championship ladder. This is a great achievement. I have said it often that the sporting superstars that come out of Mansfield never cease to amaze me. They bat above their weight. Congratulations, Max, on a well-deserved win, and keep it up.

UPPER YARRA RESERVOIR PARK

Ms McLEISH: The Reefton and McMahon's Creek communities are desperate to know when the newly developed Upper Yarra Reservoir Park and camping ground will be finally opened. The park was supposed to be closed for two years during construction; we are now approaching the three-year mark. The original opening date was mid-2021, then Melbourne Cup weekend, then Easter 2022 and now there is no opening date at all. Melbourne Water and Parks Victoria have done a terrific job redeveloping the park with sustainability at the forefront of the project. The community are eager to see it and want to know what the hold-up is. It is disappointing that some facilities still need attention, including the mess hall, which remains fenced off as it requires further restoration or replacement. The community hope this will be actioned soon. The department needs to get a wriggle on and lock in an opening date. It should be a priority to open the park and the camping ground for the community and visitors to enjoy.

CHISHOLM TAFE

Mr EDBROOKE (Frankston) (09:53): It was a real honour to attend the amazing Chisholm Education Awards gala dinner on Thursday, 2 June. Congratulations to all finalists and winners. You did yourselves proud. Congratulations also to Stephen Marks and Stephen Varty from Chisholm for organising and hosting a wonderful evening. Also hats off to the magician and mentalist Dr Vyom Sharma, who was ridiculously amazing. He had the entire room of people trying to figure out his performance.

Huge and heartfelt congratulations to my mate Will McCallum, who was awarded the Chisholm Institute Apprentice of the Year last week. Will is an amazing role model to everyone around him, especially his siblings, LJ and Oscar, who both played pivotal roles in his recovery along with his partner, Bella, and family members. Will was in his third year of a certificate III in engineering, fabrication and trade apprenticeship when he had a really bad motorcycle accident and had to have brain surgery. It was a long road to recovery for Will, with six months on the couch until he was ready to get back to work, and thanks goes to an understanding and accommodating boss in Dean Gianginis, who runs Dean G Fabrications. Despite the setbacks, Will excelled at Chisholm, even asking for additional theory work to complete in his recovery, and he ended up finishing his apprenticeship ahead of time in two years and eight months. Thanks to the wonderful teaching staff at Chisholm and a special thanks to Rod Bensilsen. When, during his award acceptance speech, Will was asked what he would take away from his training and what he would pass on to other people his comment was, 'Hard work pays off'—wise words from a young bloke who truly knows and appreciates their meaning.

SHEPPARTON FOODSHARE

Ms SHEED (Shepparton) (09:54): On Wednesday night I, along with many supporters from the community, attended the Shepparton Foodshare sixth annual Make a Meal of June fundraising dinner at the Woolshed. After two years of not being able to have this fundraising dinner, people were keen to get together and were very generous in contributing together with sponsors to the \$75 000 raised to go towards the major building project of a permanent home for Shepparton Foodshare. This important project has been on the agenda for some time, and with a fantastic donation of the land in Mooroopna by the Andreadis family the plans are being drawn up in the hope that the project will be able to proceed soon. The federal government has contributed \$600 000 towards the project, and I have been advocating strongly to the Victorian government to match that funding to enable building to commence.

Foodshare has operated in a large warehouse donated by the Geoff Thompson group, but as their business expands Foodshare's tenure is limited. During the lockdown in Shepparton last year Foodshare played a critical role in receiving and distributing large donations of food relief, and the impacts on so many of the people have been widely spoken of when people were not able to go to work or school. Like so many organisations it is the volunteers who are the heart and soul. The volunteers will tell you that they love their work, that they know that the contribution they make is actually making a difference in people's lives and that they enjoy the camaraderie of giving back to

the community. I invite the minister to attend Shepparton Foodshare's current site and hear about the plans for the new home.

CRANBOURNE SECONDARY COLLEGE

Ms RICHARDS (Cranbourne) (09:56): I am very pleased to rise today to speak about the amazing things happening in schools in Cranbourne. Last week I was joined by the Premier, and we inspected the brand new, about-to-be-opened sports and performing arts facilities and met the bright and enthusiastic students at Cranbourne Secondary College. I would particularly like to acknowledge that a highlight was the heartfelt acknowledgement of country by Marrung students Robert Gittens, Lauren Gittens and Hayden Cooper. I hope they were pleased to hear the Premier remark that it was the most impressive acknowledgement he had heard. I want to thank the Cranbourne Secondary College school captain, Juliana Utuva, for such a terrific tour and bringing a smile to all of our faces and principal David Caughey for his hospitality and leadership of a great school. Thank you to every student involved in the visit, including SRC leaders Zach Holmes, Jordan Paton, Eman Haidari, Michaela Roach, Chloe Umali and the VET barbecue students Hannah Brown and Dean Penn-Valotto. It was a really terrific day. Schools like Cranbourne Secondary have always been sites for so much more than just classroom education.

CRANBOURNE ELECTORATE SPORTING CLUBS

Ms RICHARDS: I would also like to take the opportunity to acknowledge community sport as being at the heart of Cranbourne's success as a community. I am very much looking forward to dropping off gifts to both the Cranbourne Netball Club and the Devon Meadows Netball club after they met the Vixens in Parliament last week. It was a terrific event.

WORLD ENVIRONMENT DAY

Mr WAKELING (Ferntree Gully) (09:57): I was delighted to join with First Friends of Dandenong Creek, the Rotary clubs of Ferntree Gully and Bayswater, the Lions Club of Wantirna plus local guides with Knox City Council's bushland team to help plant over 4000 indigenous plants in Bayswater to recognise the importance of World Environment Day. We have some outstanding environment groups across the City of Knox, the First Friends of Dandenong Creek being just one of them—they do fantastic work along the Dandenong Creek. They focus on improving the water quality and riparian habitat, re-establishing indigenous flora and fauna habitat, protecting the waterways from inappropriate development load, managing environmental weeds and reducing litter.

LAKE KNOX

Mr WAKELING: Lake Knox has been a significant issue in the Knox community, and on World Environment Day I spoke to many local residents who are very concerned with the Andrews government's focus on bulldozing this important lake. The government has now taken the next step to achieve the demolition of this lake by lodging a formal application with Knox City Council. Local residents have until 26 June to lodge an objection to this application. I call on the government to withdraw this application and work with local residents to focus on saving the lake, not focus on destroying the lake. Residents are greatly concerned with the approach of this government, and if the government is going to persevere with demolishing the lake, I call on all residents to lodge an objection on this very, very important issue.

WENDOUREE ELECTORATE FUNDING

Ms ADDISON (Wendouree) (09:59): The Andrews Labor government is backing Ballarat as a great place to play, live, learn and work, with many wins for Wendouree. Our government is investing in our city and our community. It was fantastic to start the week with the Minister for Agriculture and Minister for Regional Development at Harwood Grains and Stockfeeds to announce funding for their business growth from the Regional Jobs Fund. On Tuesday I visited Federation University with the Minister for Workplace Safety to encourage more casual workers from eligible industries to sign up

for the Victorian sick pay guarantee, and then we officially opened the Ballarat and District Aboriginal Co-operative's Yirram Burron kinder in Sebastopol. On Wednesday the Minister for Health and Minister for Equality was in Ballarat to promote the \$3.2 million in funding to support LGBTIQ+ safe space services in western Victoria as well as unveil the impressive facade and internal spaces of the new \$80 million Ballarat Base Hospital building on Drummond Street. On Thursday I joined with the Minister for Disability, Ageing and Carers at the Ballarat Foundation to discuss volunteering, and then we met with Uniting at BreezeWay to see the great work they are doing providing meals for people who are homeless. And on Friday I announced a grant of \$186 000 alongside the City of Ballarat to develop a new sensory-friendly play zone at Ballarat's Victoria Park before getting a sneak peak of our \$3.5 million upgrade of the Alfredton Recreation Reserve.

INJURED WORKERS DAY

Ms HALFPENNY (Thomastown) (10:00): June 1 is Injured Workers Day, the day designated for us to stand in solidarity with workers injured on the job. On 1 June this year I attended Injured Workers Day at the Victorian Trades Hall Council to gather with those who have been injured at work, their unions and the health and safety professionals that support them. The theme for this year's Injured Workers Day was 'invisible injuries', mental injuries that may be unseen but are just as debilitating, injuries that have detrimentally changed workers' lives forever financially, in their daily lives and also with their families, many of whom become the injured workers' carers—either children or partners. This important occasion was organised by the Health and Community Services Union, HACSU for short, together with the Victorian Trades Hall Council. Special mention goes to Stephanie Thuesen for all her work and tireless energy in support of working people.

Prior to the formal program of the day, I met with injured workers from the Injured Workers Support Network, who spoke to me about how they sustained their injuries. All were preventable had better health and safety systems been in place. They spoke to me about the problems with the workers compensation system—it has many failings—a system that the Andrews Labor government commissioned the Rozen review for, which has released its recommendations. The government has overwhelmingly accepted most of those recommendations.

MORDIALLOC ELECTORATE TRANSPORT INFRASTRUCTURE

Mr RICHARDSON (Mordialloc) (10:02): Our community is transforming before our eyes with the practical completion of the Edithvale and Chelsea level crossing removals and the building of brand new stations. The Mordialloc Freeway has now been in operation for six months and is taking 54 000 vehicles off our local roads, giving local roads back to local residents and making our communities safer for the future. It has been the missing link in the south-eastern suburbs and through Kingston and Greater Dandenong for many years. We embark on the next journey of those vital infrastructure upgrades in our community with the removal of the Parkdale level crossings. Early concept designs are underway. Twenty thousand vehicle movements pass through each and every day. We have 44 minutes of boom gate downtime in that 2-hour peak and 34 trains that pass through. We know this will get worse as the Melbourne Metro rail tunnel comes online.

I was so proud to join the Minister for Transport Infrastructure and share the early conceptual designs reimagining what is possible for our community in Parkdale—open community spaces, recreational areas, better connectivity. Literally the divide between Como Parade West and Como Parade East will no longer occur with the removal of these level crossings. It is part of more than 20 that have been removed from the Frankston train line and 13 brand new stations being built as we reimagine our communities, transform our suburbs for the future and build back better while supporting thousands of jobs, apprentices and cadets along the way. It is all about the Andrews Labor government delivering for the Kingston and Dandenong communities.

TARNEIT TRAIN STATION

Ms CONNOLLY (Tarneit) (10:03): It gives me a great deal of pleasure to be here in this place announcing that at long last works have finally commenced on upgrading the car park at Tarneit train station. If you ask anyone in my community, there is no doubt this expansion was much needed. Tarneit is the second-busiest V/Line station in this state, just behind Southern Cross, with over 2300 commuters each and every single day. These works will expand the car park's capacity by a whopping 50 per cent, adding an additional 500 new and upgraded parking spaces to make it easier to get to the station and get a car park. This is something that Tarneit commuters have been waiting for for a very long time. It is a conversation I have been having almost every day since being elected to this place in 2018, and I am so glad to see that these spaces are now becoming a reality.

Of course this is not the only solution, with more bus routes and services having been added to the network over the past couple of years so that more people can catch a bus to the station instead of driving and having to park their car. I am very pleased to add that we are building a new bus interchange with these works to make it easier for those buses to actually go ahead and access the station. Having got onto the platform, we are making it easier to get onto the train with three nine-carriage train services to operate between Wyndham Vale and Southern Cross at key times of the day. This is about the Andrews Labor government delivering for the west.

ELTHAM FOOTBALL CLUB

Ms WARD (Eltham) (10:05): Thank you to all involved in organising the Eltham 'Panthers' Football Club's breast cancer ladies lunch at Panther Place. The Eltham Panthers contribute so much to our community, building a space that is inclusive for everyone and where women are involved as players, coaches, leaders, volunteers and supporters. The lunch was a fantastic celebration of our wonderful community and our amazing women, who were so happy to be sharing time and stories together. Along with a raffle and an auction, where an extraordinary amount was paid for a cardboard cut-out of Carlton's Patrick Cripps, we raised money for Breast Cancer Network Australia and breast cancer research. So far the Panthers have raised over \$4500. Thanks to the incomparable Narelle Sinclair, along with Jodi, Katrina and Karli, for all of their hard work in organising this lunch and their ongoing support of our community.

ST MARGARET'S ANGLICAN CHURCH YARNING CIRCLE

Ms WARD: St Margaret's Anglican parish is a very special place in our community, and they have opened another extremely special place, a yarning circle, next to their church. In 2019 the Do Justice group from St Margaret's resolved to develop a reconciliation action plan. After hearing from David Law about Anglicare's Buldau Yioohgen—'Big Dreams' youth academy—came the idea for a local yarning circle and fire pit. The site where the yarning circle has been developed was recorded by early settlers as being a space used by the Wurundjeri and other First Nations people as a camp and a gathering site for friends and family. From a concept drawing by Emily Tuke, the site was chosen and approved by Wurundjeri aunties, who generously shared their knowledge and language, helping the St Margaret's community to further understand the significance of yarning circles. Our new yarning circle is a powerful reminder to Eltham about our land's roots and the significance of Indigenous Australians to our identity as Victorians and Australians. I am so very grateful to the St Margaret's community for developing this circle and to Nillumbik Shire Council for their support and financial contribution. St Margaret's are to be thanked and congratulated for their leadership in reconciliation and social justice. *(Time expired)*

DINGLEY VILLAGE COMMUNITY HUB

Mr TAK (Clarinda) (10:06): Congratulations to Kingston council on the Dingley Village community hub. Together with the Minister for Early Childhood, earlier this week I was delighted to announce a \$2 million Building Blocks capacity-building grant for Dingley Village to increase kindergarten places. The project will provide three-year-old early childhood education and care rooms,

a supported and community-operated playground, two 33-place kindergarten rooms and one 24-place occasional care room, maternal and child health, immunisation sessions and new parent groups, the Dingley neighbourhood centre, a reception area, administration offices, collaboration planning spaces and meeting rooms, and flexible community meeting spaces to facilitate the delivery of allied health and family support services. This is a fantastic result for the local communities, who have been advocating for this facility for a long time. The development will be co-located with the existing Kingston City Council library and is one of six centres to share in almost \$10 million— (*Time expired*)

Statements on parliamentary committee reports

LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Anti-Vilification Protections

Ms CONNOLLY (Tarneit) (10:08): I thought it would be very fitting this week—with Parliament now debating the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022, which if passed will mean the public display of Nazi imagery here in Victoria will be banned—to have a read through and talk about the really great work that was undertaken as part of the inquiry into anti-vilification protections, which went ahead and actually made the recommendation that is in the bill that we are debating this week.

This inquiry took a really wide look at Victoria's framework of anti-discrimination laws with a mind to seeing how those laws could be improved. The committee heard firsthand about the experiences of vilification from a very wide section of the Victorian community. Just yesterday when we were in this place and members were making contributions to the summary offences bill, we heard some really incredible stories—tragic stories—of survival from members here in this house that had family that lived through the Holocaust.

The committee heard firsthand about the experiences of vilification from such a wide section of the Victorian community, and many key themes came through as part of that. Unfortunately the inquiry learned that for many people in our community the effects of vilification, racial or otherwise, were very wide ranging: they impacted on people's mental health, they made them feel isolated and indeed they made them feel unsafe. What is worse is that more often than not victims felt silenced and unable or unsure of how to step forward with a complaint, which was a really interesting finding because there are many people that I speak to across the very multicultural electorate of Tarneit that have often raised instances and shared experiences where they have been the victim of racial vilification and are unsure what to do. Interestingly enough, a lot of the people that come to me and talk to me about it are there in the moment with their children, and their children also witness and experience that racial vilification. Where their kids are of an age usually between 18 and 25, they feel really aggressive and outraged about this—'How can this still be happening in this day and age?'—and want to take further action but are unsure how to do that.

What the inquiry found was that people quite often do not feel like they can access anti-vilification services like the Victorian Equal Opportunity and Human Rights Commission, and even when they can they do not feel like the system works for them at all. The definition of 'incitement' under the act has been found to be highly unsuitable for the challenges of modern vilification settings, such as on social media. This was worse for marginalised folks who fall outside the act, such as members of the LGBTIQ community. In order to counteract this the report made a number of really positive recommendations aimed at strengthening anti-vilification protections for a wide range of communities. Among these recommendations was of course the banning of Nazi imagery here in Victoria, which featured heavily when interacting with members of the Jewish community during this inquiry. I am certainly looking forward to seeing that bill pass the house this week. In addition to this, the report also suggests lowering the threshold for incitement-based vilification as well as introducing a harm-based vilification offence. It also suggests that awareness campaigns and improved school-based education should be considered as part of a wider effort to stamp out vilification.

I would like to acknowledge the work of and thank the Legal and Social Issues Committee as well as the committee secretariat for the work that went into this really important inquiry and the subsequent report. As someone who represents such a diverse community in Melbourne's western suburbs, these recommendations I know go a long way to help protect the people that I represent on a daily basis from racial vilification and discrimination. I know that my office has been contacted by several constituents over the years, as I have said, who have shared experiences with us in relation to racist and religious vilification, particularly directed at my Muslim community and the broader Indian community at large. I am certainly hoping that, should some of these recommendations go ahead and be implemented, it will make it just that little bit easier to protect people from being unjustly vilified and make it easier for them to seek legal redress.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2020–21 Financial and Performance Outcomes

Mr ANGUS (Forest Hill) (10:13): I am pleased to rise this morning to make a contribution on the Public Accounts and Estimates Committee report entitled *Report on the 2020–21 Financial and Performance Outcomes*. It was tabled in this place in April of this year. I want to look this morning particularly in relation to the net debt position of the state. I turn to page 17 of the report and look at figure 2.6 and finding 6. I note that we see there in figure 2.6 graphically represented a very clear picture of the debt situation of the state as it is up until that point in time. We can see under finding 6 it says:

General government net debt grew by \$28.4 billion from 2019–20 to \$72.7 billion in 2020–21, which was 15.6% of gross state product.

What we cannot see here but what we saw the other day with the release of the budget for the next financial year of course is the fact that the rate and the quantum of net debt here in Victoria are going to continue to accelerate at a dramatic rate and we are going to be heading towards about \$167.5 billion of state debt by the 2025–26 year. So this graph will be completely off the charts in the next report that PAEC does. As I was going back through the numbers, that represents a 751 per cent increase over the 10 years of this Labor government right through to the end of the forward estimates. So that shows you what a dramatic decline we have got in the financial capacity of the state and what a dramatic increase we have got in the debt here in Victoria, and that augurs very badly for all Victorians in my view.

If we turn over to page 20 of the report, under section 2.3.2, it again talks about the net debt, and I want to read a quote from the report itself. It says:

The Committee notes that Moody's Investors Service, one of the credit rating agencies, had raised concerns over Victoria's increasing debt, stating that it's 'stand-alone credit profile will deteriorate over the next four years reflecting a marked erosion in Victoria's governance of its public finances, at a time when the state faces substantial operating deficits as it responds to coronavirus-induced economic disruption and embarks on a significant capital spending program'.

So we can see there very clearly even at the stage when this was written and published earlier this year but relating back to those previous financial statements that I mentioned that the ratings agencies are cautioning the state government in relation to where they are heading regarding the quantum of debt. As I said a moment ago, it does not augur very well inasmuch as they are obviously getting nervous. We lost the state's AAA credit rating quite some time ago under this government, and it looks like that will continue to deteriorate. Not only that but obviously the net results, despite being touted in the past as being surpluses, are again deficits, and we can see deficits out as far as we can see at the moment. That again augurs very badly for the state. If we look under section 2.4.1, it talks about gross state product. It says:

Victoria's GSP fell 0.4% in 2020–21 as economic activity was impacted by COVID-19 related measures.

It goes on:

The Committee notes that the 2020–21 fall in Victoria's GSP is the first since 1992.

Right there we can see that the red lights were flashing even as long as go as these numbers and these results were in the frame. We can see that the red lights were flashing and there should have been caution, but what have we seen? We have seen just continued excess. We continue to see waste and mismanagement, and clearly that has been well identified on the major infrastructure building programs. We know that the budget blowouts in relation to those have already exceeded \$28 billion, and that is just not sustainable. This government seems to think it is sustainable to keep blowing budgets and just spending, to quote the Premier, 'whatever it takes' to build infrastructure assets. That is not the way things work in the real world, and this government is heading—and all Victorians, indeed, are heading—for a financial disaster because the government is not constraining itself. It is not heeding the messages that are here from third parties particularly but also in terms of common sense, how you run projects and how you run the state budget. So there is some very sobering information within this report, and I commend it to all members.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the 2021–22 Budget Estimates

Mr McGuire (Broadmeadows) (10:18): I refer to the Public Accounts and Estimates Committee inquiry into the budget estimates for 2021–22 and the contribution from the Minister for Economic Development on how Victoria is trying to strengthen economic performance through a range of mechanisms. I continue my contribution on reimagining Broadmeadows from rust belt to brain belt. Broadmeadows is being reimagined despite the catastrophes of our times. Breaking the cycle of disadvantage requires collaboration and constancy of purpose. For 23 years I have pursued creative responses to addressing the compounding complexities of place-based disadvantage and failures of globalisation now exposed by broken supply chains and a toxic mix of rising prices, interest rates and weak growth.

The world is undergoing a major transition underscored by instability and increasing geopolitical risk after Russia's invasion of Ukraine and China's assertiveness. Globalisation is over. That is the message from the World Economic Forum in Davos. The chain reaction from threats I have predicted continues to be realised and must not be ignored. The pandemic exposed the imperative for Australia to secure independent supply chains, national sovereignty and local jobs for local people, as I have long pursued. Defining the vision, plan and priorities in reimagining Broadmeadows has been vital, establishing a prototype for economic recovery and social development. This turnaround addresses the convergence of inequality and deindustrialisation and has been achieved while battling the worst global pandemic in more than a century, triggering the world's worst recession since the Great Depression.

News reports of a political backlash based on federal election results citing Broadmeadows as a seat being targeted in the forthcoming election are disturbing. Now is not the time to deny democracy and parachute in a candidate, risking a backlash like the one that ended Senator and former New South Wales Premier Kristina Keneally's career. Backroom deals preferencing cronyism and nepotism must not be allowed to stand over democracy and performance, particularly under the factional rule 5.4—'I've got five votes, you've got four. Goodbye and good luck'. The people of Broadmeadows delivered the highest primary vote at the last state election to me, a boy off the boat who grew up in Broadmeadows when it was the end of the line and became the first person raised in this tough, resilient community to represent it as a Labor MP in this Parliament as the member for Broadmeadows. I want to thank members of the Broadmeadows Revitalisation Board for unanimously endorsing my *Comeback* strategy during this insane period. Successes include coordinating the three tiers of government, business and civil society when too often Broadmeadows has been abandoned like an orphan.

Priority one defined Broadmeadows as a prototype for economic and social development. Proposing big-picture ideas has proved successful and could not have come at a more significant time. Combining these big-picture projects with grassroots programs was designed to help accelerate through deindustrialisation from the rust belt to the brain belt. Importantly, a small number of countries have the capability to make vaccines. Broadmeadows is now an epicentre for Australia's vaccine

manufacturing. My advocacy extends back to 2016 on this matter to help CSL's life-saving manufacturing expand, and that was done through *Creating Opportunity: Postcodes of Hope*. When COVID spread globally, CSL began manufacturing more than 50 million vaccine doses, saving lives and livelihoods at home and abroad. A new advanced niche manufacturing ecosystem has been established and is expanding. A \$1.8 billion deal to make vaccines against influenza will save more lives and livelihoods, creating this new lucrative export industry. Promoting this strategy is attracting more investors for jobs and growth in Melbourne's north.

The investment attraction strategy I launched as a local MP succeeded in inspiring a defining \$1 billion in investments into the derelict Ford sites for new, cleaner, greener industries after the iconic assembly lines fell silent in October 2016, marking the demise of our once-proud passenger car making industry, Australia's loss of manufacturing scale, and devastating Broadmeadows. New businesses are projected to deliver 5000 local jobs at no cost to taxpayers in the next five years. The billion-dollar pipeline of projects has been inspired against adversity and wilful neglect. We know about the Abbott government's 'lifters and leaners' budget, the managed decline they had and their approach to Melbourne's north—and the one-term coalition and what they did with the reverse Robin Hood strategy. This is why it is important to make these *Comeback* strategies work, and we have got a whole range of different projects that are going and being built. I want to thank the people who have been involved in the Broadmeadows Revitalisation Board, particularly during this period of adversity, and thank them for all their cooperation in delivering where this is needed most. This is what we need to reimagine this community as a prototype for others, and now, at a time that is perilous, we are making the cultural, generational and systemic change.

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Report on the 2019–20 Financial and Performance Outcomes

Ms KEALY (Lowan) (10:23): I would like to refer to the *Report on the 2019–20 Financial and Performance Outcomes*, tabled in May 2021, which was produced by the Public Accounts and Estimates Committee, and I would like to make note and give a special shout-out to my good friend and colleague the member for Gippsland South, who has completed 27 inquiries to date on PAEC. Congratulations for surviving that long period, member for Gippsland South. One of the important elements of these financial outcomes is just how the state budget is being spent and then examining whether that is being done in a fair and equitable way.

Now, what we find in rural and regional Victoria is so often we simply do not get our fair share when it comes to allocations from a Labor government, from a Labor Premier, to make sure that country Victorians are well supported in their infrastructure needs. In our regional areas we have a much higher demand for infrastructure spend. Whether it is through managing our road network, which is so extensive and so much larger—it is thousands and thousands of kilometres per local government area, as opposed to some LGAs in Melbourne that simply do not have any roads that they have to manage. Councils do not to manage it—it is all done in a different way—whereas our councils have to manage that. We also have extensive infrastructure around our schools, our hospitals and our police stations as well. It is a lot to look after. CFA stations, SES I should mention as well, ambulance stations—there is a lot of infrastructure that must be maintained. But unless there is a budget that can back that up and ensures that we can keep those important assets up to date and up to scratch and workable, then regional Victoria will fall further and further behind.

For too long regional Victorians have been denied their fair share of state government funding. We hear from this government, and we heard yesterday, that they are very upset to be called out, I think, that they were spending such a small fraction of the infrastructure budget on projects in rural and regional Victoria. In fact in the 2021–22 year only 11.4 per cent of the asset budget was allocated to rural and regional Victoria, and in this year's budget it was about 13 per cent. This is despite rural and regional Victoria making up 25 per cent of the state's population.

The Liberals and Nationals have come out and guaranteed rural and regional Victoria their fair share. They have guaranteed that 25 per cent of all new government capital investment projects will be dedicated to and funded in regional Victoria. We did hear yesterday some pushback from the government saying, ‘Oh, we’ve done more than that’. The Premier was very adamant, ‘Oh, we’ve spent a little more than that in regional Victoria’. But I just wonder how accurate that is. We go back to, of course, the country roads program. The country roads program you would think would be delivering on country roads and bridges in regional Victoria. That project actually delivered 48 bridges, but 10 of those were in that very rural area of Mulgrave. The Premier’s own electorate in Melbourne was the site for nearly one-fifth, or 20 per cent, of the state’s country bridges. I really dispute that you can trust anything that the Premier says when he says he is investing in country Victoria, because he counts bridges built in his own electorate as being in country Victoria. That is not supporting the roads and the bridges that we desperately need to see fixed in our rural and regional areas.

You also cannot count statewide projects. We want key infrastructure upgraded and new infrastructure in our rural and regional areas. Recently Yarriambiack Shire Council—in fact it was late last year—put in a funding submission to the state Labor government to build a new childcare centre in that Minyip-Murtoa-Rupanyup area, but they were told they were not eligible for funding, even though they met all the criteria and they could show demand, because it was not in a growth area. There is no child care available in that local area, none at all. There are women there who have to withdraw from work—either cut back hours or not work at all—simply because they cannot get child care. These are ICU nurses, they are agricultural specialists, they are working in many, many jobs right across our community—and even as childcare workers—and cannot access child care.

Unless we see an infrastructure guarantee and an absolute 100 per cent commitment that rural and regional Victoria will get 25 per cent of future infrastructure budgets, then we will always see regional Victoria falling behind. Labor cannot be trusted when it comes to a fair and equitable investment in rural and regional Victoria. Only The Nationals can be trusted to make sure that we get a massive 25 per cent of all new infrastructure projects guaranteed across country Victoria and give country Victoria its fair share.

LEGAL AND SOCIAL ISSUES COMMITTEE

Inquiry into Anti-Vilification Protections

Mr FOWLES (Burwood) (10:28): I rise to contribute on the report by the Legal and Social Issues Committee on the inquiry into anti-vilification protections. This is of course a report that has been much referred to this week in the course of the debate around the Nazi symbol prohibition, but there is more to this report. The inquiry and the report demonstrate in fact that prejudice and hate, sadly, in Victoria are prevalent and our anti-vilification laws have in fact been failing our community. The committee tabled 36 recommendations in total to government.

The committee heard throughout the inquiry that vilification takes many forms and is experienced differently by and within communities. Despite Victoria’s multiculturalism and diversity in religious observance, in racial and religious discrimination, harassment and vilification, all that remains prevalent, sadly, throughout the state. As vilification is broadly under-reported by those who experience it there is limited quantitative data to establish a really accurate picture of hate in Victoria. But the committee did receive evidence of numerous examples of significant public vilification incidents. There have been incidents in my own electorate with the Hakenkreuz being graffitied in a range of spaces from bicycle paths to fences and on signs. I do not for a second pretend that every single one of those people engaging in that conduct is a person filled with hate. I think quite often it is likely that is merely attention seeking or simply using a symbol they understand will offend without necessarily understanding why it offends. That is why it was so important yesterday to get the tale of my constituent into the parliamentary record, because I think we need to always acknowledge those survivors of the Holocaust and do our level best to preserve their memories and their testimony and

make sure that people understand that testimony so they can really understand the depth of the responses that people have to that particular symbol.

But the committee report referred also to the discrimination, harassment and vilification that, sadly, is commonplace for Aboriginal and Torres Strait Islander people, most of which stems from systemic racism, and it has resulted in intergenerational trauma, systemic and structural exclusion and serious, multiple and ongoing harms. In addition to that, African Australians have been exposed to an increase in racially motivated prejudice and discrimination in Victoria in recent years, mostly due to an obsession by the Murdoch press and a political focus by those opposite on this confected issue of African gangs. Sadly Islamophobia too is on the rise in the community, with a reported increase in incidents following the Christchurch terror attack and the political rhetoric impacting broader social attitudes towards the Muslim community. Antisemitism is also a growing problem, including in schools and in online environments, where there has been a rise in this right-wing extremist discourse. The committee also notably received evidence about the increase in racial threats and vilification throughout the coronavirus pandemic, particularly directed at Asian communities in Victoria as well as towards some members of the Jewish community.

The committee's report is broad. It also covers vilification that targeted other groups who are not currently protected under the Racial and Religious Tolerance Act 2001, including the LGBTIQ+ community, women and people with a disability. Vilification towards people who identify as LGBTIQ+ is pervasive, and it takes many forms. For example, the Australian Human Rights Commission reported in 2015 that nearly 75 per cent of LGBTI people in Australia have experienced bullying, harassment or violence on the basis of their sexual orientation or gender identity. Gendered hate speech and vilification of women is also commonplace in Australia and a normalised feature, sadly, of everyday public life, most especially in online environments. This report, even though we have focused on one element of it this week, was very, very wideranging, and I thank and commend the authors of the report and the chair, who is in the chamber at the moment, for their work in bringing the first of the recommendations forward—and, I know, the subsequent work.

I did just want to close by reiterating some of my comments yesterday about the nomenclature we use in relation to the Nazi symbol. I have heard many members in this place continuing to refer to that symbol as the Nazi swastika or the swastika, and I just remind members that 'swastika' is a Hindi word. It comes from the Sanskrit language. It is not the right term to be using to describe that symbol. The correct term is 'Hakenkreuz', and it matters because the origin of that word is a word of beauty and peace, and it was viciously turned around by the Nazi regime. We need to do our bit against that.

ECONOMY AND INFRASTRUCTURE COMMITTEE

Inquiry into Access to TAFE for Learners with Disability

Ms CUPPER (Mildura) (10:33): I rise to speak on the inquiry and report into access to TAFE for learners with a disability. This inquiry and report considered all disabilities but makes some specific reference to autism, and it is autism that will be the focus of my comments today. It is a timely opportunity for me, given over the last few weeks my team and I have been planning a listening tour of the electorate to meet with families, educators and support providers of children and adults with autism.

Our autism rate Mildura is above the national average, though specific figures are hard to come by. Services are notoriously difficult to access. It is hard enough in Mildura, but in the Southern Mallee it is even worse. As usual the geographical isolation of our region compounds the problem. Services that might only be an hour away for smaller towns in more central parts of Victoria are up to 6 hours away for us, and public transport options between Mildura and Melbourne are ordinary, to say the least.

The recommendations made in this report are important. It is critical to the retention and success of these learners that they feel welcomed, valued and understood at TAFE. I hope that all of the recommendations are adopted, because every single improvement matters—they could be the

difference between a meaningful employment pathway, hope and independence and permanent disengagement from education and work.

When I was a city councillor, one of my proudest achievements was working with the Dandelion program to bring together a formal partnership between Specialisterne and Mildura Rural City Council. The purpose of the project was to provide a specialised employment service to young jobseekers with autism, and it involved creative ways of assessing each person's strengths, matching them with a suitable employer and working with the employer, the staff and the person with autism in a thorough and ongoing way to help everyone in the workplace understand the unique styles of thinking and the interactions they could expect from their colleague with autism. The program was a great success, and I understand it continues to this day.

But as vital as this report and its recommendations are, any efforts to improve access to TAFE or job placements will be undermined without an equal focus on the younger years of a child's life, because the quality and availability of early intervention services will often determine whether that child will be a candidate for TAFE or mainstream employment at all—and it is in those earlier years where you will still find significant service gaps in the Mallee. Recently I was approached by a young professional family with four kids who had come to the Mallee for work opportunities and were happily settled in with satisfying careers and a great network of friends. But when one of their children was diagnosed with autism they realised that, compared with other regional centres, the Mallee did not have what they needed and wanted for their little boy, so they reluctantly made the decision to relocate to another regional area 8 hours away. It was a terrible loss to our region and would have been completely unnecessary had more services been available.

As I have previously said in this place, I come from an autism family. My brother has classic autism, and when he was very little, sessions with specialists might have occurred once a week or month, whereas for children in better serviced areas those sessions would have been occurring every single day. Over time, the level of regularity and repetition in service provision makes a big difference, and once that window is closed it is closed. It is the quality of early intervention and support through primary school and secondary school that will determine whether some families can even have a conversation about TAFE or mainstream employment when their child turns 17 or 18.

I was approached recently in the Birchip bakery by a father of a child with autism. He told me his story and I told him mine, and I told him that I would be making autism support a major focus of my work between now and November. He shook my hand and said thank you, and I could tell that he meant it. I want to thank the Victorian government for its focus on TAFE participation for learners with a disability, including people with autism, and I would encourage the Victorian government to take a closer look at the needs and service gaps for children with autism in our region—from early intervention to secondary schooling. Over the next few months, as I mentioned, I will be compiling stories and information about the autism experiences of families, educators and service providers in the Mallee. I would be very keen to share these findings with the government with a view to improving the lives of these children and the families that love them.

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 government business, notices of motion 1 and 2, today and ask that they remain on the notice paper.

Bills

ENVIRONMENT LEGISLATION AMENDMENT (CIRCULAR ECONOMY AND OTHER MATTERS) BILL 2022*Statement of compatibility*

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:39): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Environment Legislation Amendment (Circular Economy 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 Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022 (**the Bill**). In my opinion, the Bill, as introduced to the Legislative Assembly, is compatible with the human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview of the Bill

The Bill makes amendments to the *Circular Economy (Waste Reduction and Recycling) Act 2021* (**Circular Economy Act**) and the *Environment Protection Act 2017* (**Environment Protection Act**) to further enhance the effectiveness of the regulation of the circular economy, environment protection and environmental sustainability.

The amendments to the Circular Economy Act establish a cap on thermal waste to energy capacity in Victoria and provides the legislative framework for Recycling Victoria's functions including infrastructure planning and a risk management framework. The Bill also provides for an additional compliance tool through the introduction of monetary benefit orders, to restrict entities from profiting from breaches.

It also establishes a mechanism under the Environment Protection Act to provide funding for Recycling Victoria using funding from the waste levy collected under the Environment Protection Act.

The Bill also amends the Environment Protection Act giving better effect to the intent of the Environment Protection Act and enhancing its operation and effectiveness and ensuring the smooth transition from the repealed *Environment Protection Act 1970*.

The Bill also makes reforms to the *Sustainability Victoria Act 2005* to allow for information sharing by Sustainability Victoria to carry out its functions, and to work with Recycling Victoria and the Environment Protection Authority.

Human Rights Issues

Human rights protected by the Charter relevant to the Bill are: the right to privacy and reputation (section 13), the right to the presumption of innocence (section 25(1)), the right not to be tried or punished more than once (section 26) and the right to a fair hearing (section 24).

Right to privacy (section 13)

Section 13(a) of the Charter provides that a person has the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with. An interference with privacy will be lawful if it is permitted by a law which is precise and appropriately circumscribed and will not be arbitrary provided it is reasonable in the circumstances and just and appropriate to the end sought.

Information sharing powers

The Bill introduces a range of new information sharing provisions between entities, principally information sharing between Sustainability Victoria, the Head, Recycling Victoria and the Environment Protection Authority.

Part 2 of the Bill includes amendments that expand the agencies to which an otherwise unauthorised disclosure of confidential information or commercially sensitive information is permitted under section 55 of the Circular Economy Act. The purpose of this expansion is to enable confidential or commercially sensitive information to be disclosed to specified oversight agencies to enable that agency to prevent, detect, investigate or prosecute an offence. The purpose of the amendments is to ensure accountability and oversight of government agencies regarding the provision of services, spending of public money under the scheme, as well as compliance with the Act and other requirements. I note that disclosure for law enforcement purposes is a recognised ground under the information privacy principles in the *Privacy and Data Protection Act 2014*, and that these agencies will each be subject to their own information sharing restrictions in relation to the information they receive. Accordingly, to the extent that disclosures under this clause relate to personal information, any such disclosure

would not be arbitrary as it would be made for a legitimate purpose of ensuring oversight and accountability of government agencies, and be subject to existing protections on privacy.

Part 4 of the Bill also introduces new sections 19A to 19D into the *Sustainability Victoria Act 2005* enabling Sustainability Victoria to collect, use or disclose any information that is necessary for Sustainability Victoria to perform its duties or exercise its powers under any Act. Sustainability Victoria does not currently have a statutory information sharing scheme, and the objective of the clause is to remove information sharing obstacles that prevent Sustainability Victoria from carrying out its functions. These reforms in the Bill enable information sharing between Recycling Victoria and Sustainability Victoria to carry out each other's respective functions, including to support the centralised data and information system established by section 51 of the Circular Economy Act.

Most information encompassed by this provision would be of a commercial nature, and to the extent it relates to personal information, any collection, use or disclosure would not be arbitrary due to the safeguards provided. These safeguards include specifying the purposes for which information sharing can be conducted (involving functions connected to environment sustainability, environment protection and the circular economy), the persons or entities to which information sharing can occur, the requirement for information sharing notices to be issued and prohibiting unauthorised disclosure of confidential information except in limited circumstances.

Part 3 of the Bill also empowers the Environment Protection Authority or councils, in relation to licence or permit renewals and exemptions under sections 80, 82, 83, 84 and 90 of the Environment Protection Act to request any information it considers necessary from an applicant. To the extent that this would involve personal information, this may interfere with the right to privacy, however an applicant who voluntarily chooses to apply for a licence or permit under the scheme assumes various responsibilities and duties related to their participation in this regulated sphere, including the requirement to provide all necessary information for the Environment Protection Authority or council to be able to determine their application. The power to request information is still confined to 'necessary information' and must be relevant to the determination of the application. The Environment Protection Authority or councils will also be public authorities under the Charter and required to give proper consideration to, and act compatibly with, the right to privacy in making these requests for information. I therefore consider any interference with privacy to be not arbitrary and proportionate to the regulatory aims of the overall scheme.

Fit and proper person assessment

Part 2 of the Bill inserts new Part 5A of the Circular Economy Act that includes provisions to enable persons to submit an expression of interest for waste to energy licences to operate thermal waste facilities, with the condition that the Head, Recycling Victoria must determine whether the applicant is a fit and proper person to be issued with the licence.

For the Head, Recycling Victoria to satisfy themselves that relevant persons are 'fit and proper', the Head, Recycling Victoria may require the provision of personal information by applicants who are natural persons, such as criminal history, financial records and probity checks. To the extent that this may interfere with the privacy rights of such applicants, I consider it to be not arbitrary, in that there is a legitimate and important purpose in ensuring that only fit and proper persons hold these licences. The effectiveness of the thermal waste to energy scheme will depend upon the proper performance of roles as a licence holder, and there is a strong need to protect against the risk of any improper, negligent, or fraudulent conduct occurring. Additionally, as discussed above, an applicant has a reduced expectation of privacy in relation to this information, as they are voluntarily applying for a role in a regulated industry where it is a requirement that they demonstrate that they are a fit and proper person to assume that position of responsibility.

Presumption of innocence (section 25(1))

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

'Reasonable excuse' offence provisions

Part 2 of the Bill also inserts new offence provisions into the Circular Economy Act which provide for a 'reasonable excuse' defence (new sections 74D, 74G and 74O). This includes that a responsible entity must not, without reasonable excuse, fail to comply with a requirement of its Circular Economy Risk, Consequence and Contingency (CERCC) Plan or Responsible Entity Risk, Consequence and Contingency Plans (RERCC) Plan, or fail to notify the Head, Recycling Victoria as soon as reasonably practicable after becoming aware that it is unable to comply with a requirement of its respective plan. It also includes similar offence provisions relating to the failure to comply with a condition of a waste to energy licence.

As these offences are summary offences, section 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on the 'reasonable excuse' exception to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse. By creating 'reasonable excuse' exceptions, the offences in the Bill may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence as to a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge (for example, why the accused failed to comply with a licence condition), the burden shifts back to the prosecution who must prove the absence of a reasonable excuse beyond reasonable doubt. I note that case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidentiary onus falls short of imposing any burden of persuasion on an accused. Common law protections against self-incrimination remain unaffected. Accordingly, to the extent that these provisions may apply to a natural person, I consider that these provisions do not limit the presumption of innocence in section 25 of the Charter.

Accessorial liability of officers of body corporate for offences

Part 2 of the Bill also introduces a number of new offences under section 177(2) of the Circular Economy Act for which liability for certain offences committed by a body corporate or council is extended to the officers of that body corporate, including failure to comply with a CERCC or RERCC Plan or failure to submit a statement of assurance. These sections provide that liability will extend in certain circumstances under section 177 of the Circular Economy Act, including where the officer authorised or permitted the commission of the offence by the body corporate or council, or was knowingly concerned in any way whether by act or omission in the commission of the relevant offence.

This provision is relevant to the presumption of innocence as it may operate to deem as 'fact' that an individual has committed an offence based on the actions of another body, due to their association with that body. In my view, these provisions do not limit the presumption of innocence as the prosecution is still required to prove the accessorial elements of the offence—that is, that the relevant person authorised or was knowingly concerned with the commission of the offence, or failed to exercise the necessary due diligence to prevent the offending. In the event that this provision is considered a limit, I am of the view that any limitation is reasonably justified. As with any regulated industry concerning essential services to the public, there is a strong need to ensure adequate deterrence of regulatory offences that may cause harm to industry participants or the public at large. Courts in other jurisdictions have held that the presumption of innocence may be subject to reasonable limits in the context of regulatory compliance. Common law protections against self-incrimination remain unaffected. These provisions only target persons who hold a position as an officer of a body corporate or council, which involves assuming the responsibilities and duties that apply to these roles, and who have the capacity to influence the conduct of the entity concerned.

The provisions ensure such persons are held responsible for all breaches that occur by or on behalf of the entity in which they have responsibility for, enabling offences to be successfully prosecuted. As officers of the body corporate, affected persons should be well aware of the regulatory requirements and, as such, should have the necessary processes and systems in place to effectively meet these requirements and not incur accessorial liability. In my view, there is no less restrictive way of ensuring accountability of officers of bodies corporate or councils for breaches of the Bill, and it follows that these provisions are compatible with the Charter.

Right to not be tried or punished more than once (section 26)

Section 26 of the Charter provides that a person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law. This rule only applies in respect of criminal punishment. The principle does not prevent civil proceedings being brought in respect of a person's conduct which has previously been the subject of criminal proceedings, or vice versa. The imposition of civil penalties will not, generally, engage the right, unless the penalty is in the nature of a 'punishment', or a penal consequence.

Monetary benefit orders

Part 2 of the Bill also introduces monetary benefit orders as an additional compliance tool by inserting new Division 9A of Part 7 of the Circular Economy Act. This provides that a court can make an ancillary order, on the application of the Head, Recycling Victoria, following a person being convicted of an offence under the Act or breaching an enforceable undertaking, requiring the person to pay an amount that represents any monetary benefit acquired by the person as a result of the commission of the offence or breach of the undertaking. While a monetary benefit order may be made in addition to a sentence, in my view it does not constitute 'punishment' so as to engage this right.

The purpose of the monetary benefit order is protective and remedial in nature, and is akin to civil restitution. It is intended to deprive a person of the proceeds gained from the offence or breach and restore them to the

position they were in prior to committing the offence. Notably, the provision restricts the court to only being able to make the order only if (1) there is an application from the Head, Recycling Victoria; and (2) the court order of payment of an amount does not exceed the amount the court is satisfied represents the monetary benefit acquired by the person as a result of the commission of the offence or breach of the enforceable undertaking. Accordingly, I consider the order is not punitive, and thus does not engage the right.

Civil penalty provisions

Part 2 of the Bill introduces a range of new additional civil penalty provisions. I note that sections 137 to 141 of the Circular Economy Act enable both civil and criminal proceedings to be brought in some circumstances against persons for contraventions of the Bill concerning the same, or substantially the same conduct. Accordingly, the introduction of further civil penalty provisions is relevant to this right.

The imposition of civil penalties will generally not engage the right under section 26 of the Charter, unless the penalty is in the nature of a punishment. The new provisions are all identified as civil penalty provisions and introduce penalties ranging from 120 penalty units to 1000 penalty units, for natural persons. These provisions are largely protective in nature, with the aim of ensuring compliance with the regulatory scheme. The provisions relate to compliance with CERCC and RERCC plans, and operating a thermal waste to energy facility without a licence, or failure to comply with a condition of that licence or operation using banned waste.

Therefore, the civil penalties serve the purpose of upholding duties on operators and responsible entities and serve the overall objective of protection of the environment and the effective delivery of services for the purposes of waste, recycling and resource recovery services. Moreover, these penalties apply to persons who have elected to participate in this regulated industry, and therefore such penalties could be viewed as disciplinary rather than punitive in nature.

While a penalty of 1000 penalty units is significant for a natural person, the penalty relates to a person operating a facility without a licence or using banned waste, in the context of large-scale commercial thermal waste to energy operators. Additionally, breaches have the potential to directly cause, or indirectly contribute to, significant and irreversible damage to public health and the environment. Therefore, given this scale, I consider the maximum penalty appropriate and not disproportionate given the central role these operators play in the regulatory scheme. Additionally, I note that section 138(2) of the Circular Economy Act provides that in determining the amount of a penalty, the court may have regard, amongst other things, to the nature and extent of any loss or damage suffered as a result of the conduct and the cost of remedying the harm, and whether any enforceable undertaking is in place. I also note that the Environment Protection Act contains a comparable scheme targeting environmental harms, which imposes a maximum of 2000 penalty units on natural persons. Finally, no sanction of imprisonment attaches to failure to pay a civil penalty order. These provisions are largely protective in nature, with the aim of ensuring compliance with the regulatory scheme. Accordingly, I conclude that the penalties attaching to these new offence provisions are civil in nature and thus do not engage this Charter right.

Fair hearing (section 24)

Section 24(1) of the Charter provides, amongst other things, that a party to a civil proceeding 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.

Licence applications

Part 2 of the Bill inserts new Part 5A into the Circular Economy Act which contains a range of new provisions enabling the Head, Recycling Victoria to issue, vary, cancel, or suspend waste to energy licences, and impose conditions on these licences and disqualify persons from holding these licences. As discussed above, an applicant is voluntarily applying for a role in a regulated industry where it is a requirement that they demonstrate that they are a fit and proper person to assume that position of responsibility. The purposes of these provisions is to ensure the integrity of the licensing scheme with appropriate probity checks and safeguards, in particular that licence holders are and remain fit and proper persons, and licence holders comply with the conditions of their licences. The provisions aim to ensure that the integrity of licence scheme and that it furthers the purposes of the protection of the environment, maintenance of a circular economy and environment sustainability, with reasonable actions taken for that purpose by the Head, Recycling Victoria in cases where persons are not or no longer fit and proper, or do not comply with conditions of the licence.

While case law has interpreted ‘civil proceeding’ in section 24 of the Charter broadly, it does not extend to the kind of administrative decision-making that will be undertaken by the Head, Recycling Victoria pursuant to these provisions (in that the Head, Recycling Victoria is unlikely to be considered a ‘tribunal’ for the purpose of this right). However, to the extent that the right does apply, I consider that the scheme would be consistent with the right to a fair hearing, as the Bill provides for clear, accessible, reasonable and proportionate criteria for the determining of all applications, requirements for written notice and an

entitlement to respond in relation to potential adverse decisions such as amending, suspending or cancelling, a licence or disqualifying a person from holding a licence.

There is a right to apply to Victorian Civil and Administrative Tribunal (VCAT) for review in relation to a certain decisions, including decisions in the waste to energy scheme grant with conditions or to vary, suspended, cancel or disqualify a waste to energy licence. Decisions to refuse to grant cap licences will be reviewable, but VCAT will not have the power to issue a cap licence following that review if to do so would breach section 74T, which sets a cap on allocation across all licences. Similarly, conditions pertaining to cap allocation of waste to energy amounts under the licence are not reviewable decisions in order to ensure the integrity of the maximum cap amount specified by the regulations and contravene new section 74T. These provisions ensure that the waste to energy cap is not undermined.

Accordingly, I am satisfied that the Bill is compatible with the Charter.

The Hon. Lily D'Ambrosio MP

Minister for Energy, Environment and Climate Change

Second reading

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:39): 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 Victorian Government has committed to legislate a state-wide circular economy, generating jobs, meeting climate change targets, and ensuring Victorians have a reliable recycling system. Our waste and recycling system plays a vital role in the functionality and livability of our city and regions.

The Environment Legislation Amendment (Circular Economy and Other Matters) Bill amends the *Circular Economy (Waste Reduction and Recycling) Act 2021* to continue the Victorian Government's delivery of this once-in-a-generation reform of Victoria's waste and recycling system, making it more transparent, accountable and reliable. The Bill includes interrelated reforms to infrastructure planning, and risk and contingency planning, to encourage investment and market stability, and improved market reporting to increase transparency across the system. The Bill includes consequential amendments to the *Environment Protection Act 2017* and *Sustainability Victoria Act 2005*, to reflect changes in portfolio roles and responsibilities in relation to infrastructure planning, and to enable Sustainability Victoria to share and receive information to perform its functions.

A significant reform in the Bill is to allow an annual cap on the waste that can be used in Waste to Energy facilities in Victoria.

The Bill will also make amendments to the *Environment Protection Act 2017* to enhance its operation to better effect the intent of that Act, ensuring the smooth transition from the old *Environment Protection Act 1970* which was repealed on 1 July 2021.

Background to the Bill

The Victorian waste and recycling sector is entering a stage of exciting positive change that will help Victorians reduce, reuse, repair and recycle waste while strengthening the economy and setting up a more sustainable future for our state.

On 2 December 2021, the Circular Economy (Waste Reduction and Recycling) Bill 2021 was passed by Parliament giving effect to important components of *Recycling Victoria: A new economy*, the Victorian Government's policy and action plan, delivered in February 2020, to transition Victoria to a circular economy and reform our waste and recycling system over the next decade. This policy and legislation demonstrated the Victorian Government's comprehensive response to major disruptions caused by the China Sword policy implementation in 2018 and the collapse of SKM Recycling in 2019.

The Government also undertook extensive consultation with the community and industry on the Waste to Energy Framework, which outlines the scope and operation of the cap. This was released in November last year. The framework provided certainty to industry seeking to invest in waste to energy facilities as well as those currently operating in Victoria.

The *Circular Economy (Waste Reduction and Recycling) Act 2021* established the foundational powers and functions of the Head, Recycling Victoria, a dedicated business unit within the Department of Environment, Land, Water and Planning. Recycling Victoria will commence its operations from 1 July 2022 and includes

staff transitioning from the former Waste and Resource Recovery Groups, and from a part of Sustainability Victoria. In introducing the statutory framework to support our transition to a circular economy, I noted it was part of a series of coordinated measures that will support Victoria's transition to a circular economy, and pledged that the Victorian Government would continue working alongside stakeholders in developing additional reforms, including further legislative change. This Bill comprises the next significant tranche of these previously foreshadowed further legislative changes, which build on and complement the already legislated functions and powers of the Head, Recycling Victoria.

The *Environment Protection Amendment Act 2018* took effect on 1 July 2021, repealing the *Environment Protection Act 1970*, amending the *Environment Protection Act 2017* and introducing the new environment protection framework. The Bill contains amendments to the *Environment Protection Act 2017* to ensure that it operates as intended following the commencement of the new framework.

Overview of the Bill

The Bill gives effect to key commitments of our action plan *Recycling Victoria: A new economy* by amending the *Circular Economy (Waste Reduction and Recycling) Act 2021* to:

- introduce a single consolidated Victorian Recycling Infrastructure Plan ensuring long-term strategic planning to support decision making for waste and resource recovery infrastructure at State, regional and local levels;
- establish a waste to energy scheme to ensure residual waste that would otherwise go to landfill is utilised to create valuable energy, while ensuring we maximise the recycling of materials first and foremost;
- provide for market oversight, to enhance transparency and accountability, including the introduction of a Risk, Consequence and Contingency Planning framework, the ability to develop and publish market strategies, and a requirement for the Head, Recycling Victoria to produce an annual Market Report; and
- add an additional compliance tool in the form of monetary benefit orders, and make other miscellaneous, minor and technical amendments.

The circular economy elements of the Bill will amend the *Sustainability Victoria Act 2005* to transfer responsibility for statewide infrastructure planning from Sustainability Victoria to Recycling Victoria and to enable Sustainability Victoria to share information with its portfolio partners. The Bill will also amend the *Environment Protection Act 2017* to allow for funding of Recycling Victoria from the waste levy.

The Bill also gives effect to several amendments to the *Environment Protection Act 2017* that will enhance the efficacy of the Act.

The majority of the Bill will come into operation on dates to be proclaimed, and at the latest by 1 June 2023. Some of the amendments to the *Environment Protection Act 2017* which concern the transition of permissions issued under the *Environment Protection Act 1970* to the new environment protection framework will apply from 1 July 2021 when the new framework commenced. However, in relation to the circular economy components, the new regulator—Recycling Victoria—will be involved in establishing supporting regulations and other subordinate instruments following consultation with local government, industry and community, in the months and years to come.

Circular economy reforms

Since the passage of the *Circular Economy (Waste Reduction and Recycling) Act 2021*, the Victorian Government has continued to develop reforms that require further legislative change, including enhanced statewide infrastructure planning, and a cap on thermal waste to energy processing in Victoria. The Government has also developed a Risk, Consequence and Contingency Planning framework, to be embedded in legislation, to support the important role of Recycling Victoria in identifying, monitoring, managing and mitigating risks and consequences impacting the delivery of waste, recycling or resource recovery services, and developing contingency plans to minimise impacts from serious failures, disruptions or hinderance in the sector.

The additional circular economy reforms introduced through this Bill are complementary to those already in the legislation and will fully equip Recycling Victoria to exercise its statutory functions and powers.

Thermal waste to energy scheme

The Bill establishes Victoria's thermal waste to energy scheme in legislation. The scheme will ensure appropriate waste to energy investment and help Victoria transition to a circular economy, support new jobs and reduce the waste sent to landfill.

The Bill outlines a scheme which will cap the amount of "permitted" waste able to be processed by thermal waste to energy facilities. The cap amount will be prescribed by regulations following passage of the Bill and

will be 1 million tonnes per year, in line with previous commitments. The Head, Recycling Victoria will have power to issue, revoke, suspend and transfer waste to energy licences under the scheme. Use of recyclable materials in waste to energy facilities will not be permitted, and penalties can be issued by the court for those that are found to be in contravention of the scheme.

This scheme is designed to maximise our recycling of materials, ahead of using them to recover energy. By recycling greater quantities of materials, we are creating more jobs and better valuing our precious resources. The scheme will ensure we are maintaining a focus on innovation, new ways to recycle and the manufacture of new recycled products. It responds to clear evidence in parts of Europe that over-commitment of waste into thermal waste-to-energy facilities has undermined efforts to recycle materials.

However, waste to energy facilities are an important alternative to landfills for residual waste, and our scheme will encourage an appropriate level of investment in these facilities to avoid landfilling while maximising recycling.

Transitional arrangements will be in place for those waste to energy facilities possessing the necessary approvals before the scheme was announced on 1 November 2021. To provide investment certainty, these “existing operators” will not have to fit within the cap, but will be required to have a licence under the scheme to ensure a level playing field.

Under the scheme, the Head, Recycling Victoria will be able to ensure waste to energy projects built in Victoria create clear net benefits and complement efforts to reduce and recycle waste, through the competitive issue of licences.

A new state-wide infrastructure planning framework

The Bill introduces a new single Victorian Recycling Infrastructure Plan (VRIP) in the *Circular Economy (Waste Reduction and Recycling) Act 2021* to replace the current eight documents made under the *Environment Protection Act 2017* and repeals the existing infrastructure planning framework under the *Environment Protection Act 2017*.

Recycling Victoria will deliver the VRIP as a single, streamlined plan with a 30-year horizon that will provide long-term strategic planning, guide and inform decision making and drive private sector investment in waste and resource recovery infrastructure at state, regional and local levels. The development of the VRIP will be strongly informed by regional and local engagement.

The Bill makes provisions for the responsibility of infrastructure planning to transition from Sustainability Victoria to Recycling Victoria and contains consequential amendments to the *Sustainability Victoria Act 2005* to give effect to this.

The VRIP will enable waste and resource recovery infrastructure planning to have regard to land use and development planning and policy, environmental regulatory approvals and policy, and transport planning and policy.

The VRIP will support effective risk management and contingency planning across the waste and resource recovery infrastructure network. The Bill will require Recycling Victoria to review the VRIP at least every three years, and to produce an annual VRIP progress report. These requirements will ensure the VRIP is up-to-date and enable the identification of early signals of industry change, contingency planning, and coordination.

The VRIP will also support market investment and provide for long term strategic planning of Victoria’s waste and resource recovery infrastructure needs for the next 30 years, providing for a stable and reliable sector.

The provisions enable the flexibility for the VRIP to shift away from a plan where government determines what specific infrastructure is required and where it should be located to a more strategic approach that identifies infrastructure needs and gaps and provides that information to the market to drive innovation and investment where it is needed.

A new risk, consequence, and contingency planning framework

In recent years the Waste, Recycling and Resource Recovery sector, and the wider Circular Economy have gone through significant growth and development; however the sector has also faced significant volatility and the realisation of various significant risks, that have resulted in consequences including major service disruptions. This has included:

- the impacts of national and international policy changes (including the China Green Sword Policy implementation) on the delivery of kerbside recycling services
- Natural emergencies (such as fires and floods) resulting in rapid increase in wastes and regional scale impacts to key infrastructure
- Human health emergencies (COVID-19), resulting in significant sector wide impacts, including significant and rapid increase in clinical waste generation, workforce challenges, changes to

operations and protracted interruptions to international logistical networks impacting access to end markets and key products

- significant incidents and failures of key operators and facilities (for example, the SKM company closure).

The establishment of the risk, consequence, and contingency planning framework recognises the significant benefit of preparedness in mitigating risks and minimising consequences. The risk, consequence, and contingency planning framework closely aligns with wider emergency management approaches and current requirements for a number of other sectors including critical infrastructure sectors.

The Bill will establish a new risk, consequence, and contingency planning framework that will ensure that risks and associated consequences are identified and managed, and that contingency plans are implemented to minimise the impact of any serious failures, disruptions and hinderances on waste recycling or resource recovery service delivery.

The Bill introduces an annual Circular Economy Risk, Consequence and Contingency Plan to be prepared by Recycling Victoria. The annual CERCC Plan will:

- outline emerging or continuing risks, performance issues or supply issues within the circular economy, with a focus on waste, recycling and resource recovery parts of the circular economy
- identify risks of serious failure, disruption or hinderance to the provision of waste, recycling or resource recovery services
- outline the consequences of the risks identified, including the severity of the harm that may result; and
- specify any actions or measures proposed or required to be taken by regulated entities and/or government to mitigate any risks identified, mitigate consequences and ensure suitable contingencies are in place.

The CERCC Plan is to be published annually subject to publication being deemed in the public interest.

The Bill also introduces a statutory requirement for responsible entities to develop and maintain Responsible Entity Risk, Consequence and Contingency Plans (RERCC Plan) and to report annually to Recycling Victoria via a Statement of Assurance on their implementation and compliance with this Plan. Who will be considered a 'responsible entity' will be set out in regulations, which are to be developed in consultation with industry, and is expected to focus on entities with significant responsibilities in the waste, recycling and resource recovery sector.

In developing and maintaining a Responsible Entity Risk, Consequence and Contingency Plan, responsible entities will ensure they have identified and are managing their risks and have implemented appropriate contingency plans.

The Bill also provides offence provisions for failure to comply with the CERCC Plan, failure to submit a Statement of Assurance, or failure to comply with a RERCC Plan. Offences relating to the provision of false and misleading information will be specifically covered by section 115 of the *Circular Economy (Waste Reduction and Recycling) Act 2021*.

The Bill provides the Minister the power to direct the Head, Recycling Victoria to review the RERCC Plans of any specified entity or class of responsible entities. The Bill also provides for specific information gathering powers, and for the development of guidance materials related to the implementation and administration of the Risk, Consequence and Contingency Planning framework.

Market strategies and an annual Market Report

The Bill will add a new requirement for the Head, Recycling Victoria to produce an annual Market Report. The purpose of this new report is to provide a regular update about the state of the waste, recycling, and resource recovery market in Victoria. The report can include information on the stability and performance of the market, as well as any emerging trends or issues, and potential actions that might address these issues. This will support risk, consequence, and contingency planning, but also provide valuable intelligence and transparency about the market to industry, the community, and to government.

The Head, Recycling Victoria will also have a new function to prepare and publish market strategies to foster sustainable markets for recycled materials and resources recovered from waste. These strategies can be statewide, or focussed on particular regions, and are aimed at further strengthening the waste, recycling and resource recovery sector to assist Victoria's transition to a circular economy.

Amendments to the Environment Protection Act

In addition to the reforms above, the Bill will introduce the following amendments to the *Environment Protection Act 2017* to ensure the Act operates as intended.

The Bill clarifies how licences issued under the repealed *Environment Protection Act 1970* transitioned to the *Environment Protection Act 2017*. This includes aspects such as the transfer, amendment and revocation of permissions, as well as review periods, expiry timeframes and offences for breaching conditions. These amendments will apply from 1 July 2021, when the licences transitioned, to ensure these transitioned permissions continue to operate as intended.

The Bill enables the Environment Protection Authority and councils to appoint independent contractors with specialist skills as authorised officers. This aligns with the approach taken under the *Local Government Act 1989* and the now repealed *Environment Protection Act 1970*.

The Bill enables councils and officers appointed by public sector bodies to take court proceedings and retain revenue from fees and fines related to their delegated functions. It also enables motor vehicle noise testers to retain fees related to their services rather than the fees being paid into consolidated revenue.

The Bill clarifies certain processes under the *Environment Protection Act 2017* associated with administering permissions, other types of applications and waste levy.

The Bill strengthens the power of the Environment Protection Authority to make determinations under the Environment Protection Regulations 2021. It also gives the Environment Protection Authority powers to incorporate extrinsic material into determinations, designations and class exemptions and to set a maximum fee for vehicle noise testers in the Environment Protection Regulations 2021.

The Bill clarifies that the *Environment Protection Act 2017* contains a head of power enabling the Environment Protection Regulations 2021 to prescribe certain noise prescribed as not unreasonable.

The Bill also clarifies that the burial of all industrial waste will trigger the deposit of industrial waste offence and enable the Environment Protection Authority to respond accordingly.

The Bill protects the ability of the Environment Protection Authority to recover site clean-up and other associated costs from a previous owner or occupier. It introduces a provision in the *Environment Protection Act 2017* displacing the *Corporations Act 2001 (Cth)* provisions that allows a company to disclaim company land, including any liabilities associated with that land, such as obligations to clean up the land or comply with remedial notices.

The Bill also contains amendments to the *Environment Protection Act 2017* to support the circular economy reforms. These include moving legislative provisions relating to infrastructure planning from the environment protection legislation to the Circular Economy Act, which reflects Recycling Victoria's new roles and responsibilities in this area.

Additionally, the Bill contains amendments to the *Environment Protection Act 2017* to enable Recycling Victoria to be funded directly from the waste levy trust account. Funding Recycling Victoria's activities in this way is consistent with the historical use of this account, which is to fund entities with specific legislative functions for environmental and sustainability outcomes, including waste and recycling.

Conclusion

The Victorian Government remains committed to pursuing an ambitious waste and recycling agenda. This Bill represents the continuation of this Government's major transformational reform of the waste and recycling sector, built on community and industry consultation over a number of years.

These reforms deliver a further milestone in Victoria's transition to a circular economy. Given the scale of these reforms and the adjustments required by all participants in this transition, it is appropriate to build the functions and capabilities of Recycling Victoria over time. The Victorian Government will continue to work alongside stakeholders as these reforms progress to deliver a stronger and more resilient recycling system and support our transition to a circular economy, which will support Victoria's economy while protecting the environment. I commend the Bill to the house.

Ms McLEISH (Eildon) (10:39): 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, 22 June.

LOCAL GOVERNMENT LEGISLATION AMENDMENT (RATING AND OTHER MATTERS) BILL 2022*Statement of compatibility*

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (10:41): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Local Government Legislation Amendment (Rating 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 Local Government Legislation Amendment (Rating and Other Matters) Bill 2022.

In my opinion, the Local Government Legislation Amendment (Rating and Other Matters) 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 *Local Government Act 1989* (LG Act 1989) to implement reforms to the local government rating system, including arrangements for ratepayers facing financial hardship;
- The *Local Government Act 2020* (LG Act 2020) to make various amendments including to update confidentiality and councillor conduct provisions;
- The *Domestic Animals Act 1994* (DA Act) to permit regulations to be made related to reuniting lost pets with their owners.

The Bill will also make minor related amendments to:

- The *Workplace Injury Rehabilitation and Compensation Act 2013* and *Accident Compensation Act 1985* to ensure consistency of exclusions from compensation for misconduct and serious misconduct processes; and
- The *Essential Services Commission Act 2001* to clarify the functions of the Essential Services Commission in relation to the LG Act 1989.

Human Rights Issues

The Bill may engage the following rights under the Charter:

- Section 13(a)—privacy;
- Section 8—equality before the law;
- Section 20—right to property.

Right to privacy and reputation

Section 13(a) of the Charter provides all persons with the right not to have their privacy, family, home or correspondence unlawfully or arbitrarily interfered with and not to have their reputation unlawfully attacked. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The right to privacy is broad and extends beyond information privacy to include, for example, the right to personal autonomy, dignity and identity. It may also apply to protect a person against unlawful or arbitrary restrictions on employment, which may affect a person's personal relationships and private life.

The following clauses may engage the right to privacy and reputation:

- Clause 19, which amends a confidential information provision (section 125 of the LG Act 2020); and
- Clause 26, which amends section 149 of the LG Act 2020 to give the Principal Councillor Conduct Registrar (**PCCR**) the function of publishing any decision made by an arbiter and the reasons for that decision.

Section 125 of the LG Act 2020 prohibits the intentional or reckless disclosure of 'confidential information' by a current or former Councillor, member of a delegated committee or member of Council staff, except in the circumstances set out in that section. Clause 19 amends section 125 to provide that documents containing

certain categories of confidential information are not ‘exempt documents’ by virtue of section 38 of the *Freedom of Information Act 1982 (FOI Act)*. The purpose of this amendment is to improve consistency with exemptions under the FOI Act, whilst upholding the principles of transparency and accountability that underpin both Acts. The amendment will not require that confidential information be disclosed, but will enable FOI applications to Councils to be processed and considered in a manner consistent with FOI Act exemptions. While there is a small possibility that this amendment may result in some disclosure of personal information, when balanced against the right to access certain government-held information in the FOI Act I am satisfied that any limitation of the right to privacy would be neither unlawful or arbitrary.

The role of the PCCR includes receiving applications for an internal arbitration regarding an allegation of Councillor misconduct, and the appointing of an arbiter to hear that matter. Section 147 of the LG Act 2020 enables the arbiter to make a finding of misconduct against a Councillor if the arbiter determines that the Councillor has failed to comply with the standards of conduct, and to impose certain sanctions on the Councillor. The ability to publish an arbiter’s decision and reasons for the decision concerning Councillor misconduct may engage an applicant or Councillor’s right to privacy, to the extent that a person’s personal information is captured within a decision or reasons for a decision. However, I consider that any interference that occurs will be authorised by law and not arbitrary, and can be balanced against the need to ensure the transparent and accountable operation of councils and to prevent the misuse of public positions. Safeguards against arbitrary interference with privacy include specifying internal arbitration information (as specified in substituted section 145—inserted by clause 20) as ‘confidential information’ under the LG Act 2020, where section 125 (as amended by clause 19) restricts the circumstances in which such information may be disclosed. In addition, section 147 of the LG Act 2020 requires an arbiter to redact any confidential information from the copy of their decision and statement of reasons that is provided to the Council, applicant, respondent, and PCCR.

Equality before the law

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

‘Discrimination’ under the Charter is defined by reference to the definition in the *Equal Opportunity Act 2010* on the basis of an attribute in section 6 of that Act (including, for example, age, sex and disability). Discrimination can either be ‘direct’ or ‘indirect’. Direct discrimination occurs where a person treats, or proposes to treat, a person with an attribute unfavourably because of that attribute. Indirect discrimination occurs where a person imposes a requirement, condition or practice that has, or is likely to have, the effect of disadvantaging persons with a protected attribute, but only where that requirement, condition or practice is not reasonable.

The following provisions of the Bill may engage the right to equality:

- Division 4 of Part 2, which amends the LG Act 1989 to permit Councils to offer payment plans to ratepayers for unpaid rates or charges and imposes further restrictions on when a Council may commence proceedings for unpaid debt; and
- Division 5 of Part 2, which inserts new section 181AA to enable the Minister to issue guidelines relating to payment of rates and charges, including the meaning of hardship, content of hardship and financial hardship policies, and the process of applying for a payment plan.

I consider that these provisions promote the right to equality, as they will enable Councils to offer persons who are financially disadvantaged (including by reason of a protected attribute) more flexible options for the payment of rates and charges. The Bill does not impose specific eligibility criteria for payment plans. The Bill creates a head of power for ministerial guidelines to be made (clause 15) regarding payment plans and other matters related to hardship. Councils will be required to comply with those guidelines.

Right to property

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. This right requires that powers which authorise the deprivation of property are conferred by legislation or common law, are confined and structured rather than unclear, are accessible to the public, and are formulated precisely.

Where the Bill impacts obligations and liabilities related to matters such as rates and charges, it does so in a clear, precise and structured manner, consistent with the Charter.

Section 181 of the LG Act 1989 permits a council to sell land to recover unpaid rates or charges in limited circumstances, where the amount is more than 3 years overdue, no current arrangement exists for the repayment of that amount, and the Council has a Court order requiring payment of the amount or part thereof.

That section also sets out the process to be followed if land is to be sold on that basis. Clause 14 will amend section 181, to provide that a Council is additionally restricted from pursuing the sale of land for unpaid rates or charges if there is a payment plan. I consider that this amendment will promote the right to property, as it will impose additional restrictions on when Councils may sell land to recover rates or charges.

The Hon. Lily D'Ambrosio MP
Minister for Energy, Environment and Climate Change
Minister for Solar Homes

Second reading

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (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 Bill forms the first part of legislative reforms arising from the Local Government Rating System Review from December 2020. It also incorporates recommendations from the Victorian Ombudsman's 2020 report 'Investigation into how local councils respond to ratepayers in financial hardship'.

These reports have shone a light on the way many councils respond to ratepayers in need. Some councils have clearly improved their practices as a result of the pandemic, but overall, the local government sector has fallen behind other sectors in the compassionate and proportionate treatment of those who are facing financial difficulties.

Amendments to the Local Government Act 1989

The Bill will improve council practices for imposing rates and ensure ratepayers experiencing financial hardship are treated fairly. Alternative means of paying rates via a payment plan will be formalised in legislation, especially for those experiencing financial hardship and family violence.

The Bill provides a new requirement for the Minister for Local Government to set the maximum rate of interest that may be levied by councils on unpaid rates and charges. This will ensure the maximum interest rate amount—which is currently 10 per cent—does not place those experiencing financial hardship under even more financial strain and is proportionate for unpaid local government rates and charges.

The Essential Services Commission will be required to provide advice to the Minister in setting the maximum interest rate.

The Bill will also allow for the Minister for Local Government to make Ministerial Guidelines for councils on the collection of unpaid rates and charges and financial hardship. The Ministerial Guidelines will require councils to proactively work with ratepayers experiencing financial hardship to explore different arrangements and solutions, and more punitive actions such as legal actions and the application of penalty interest will be only available when ratepayers refuse to engage and all other approaches are exhausted. Councils will be required to comply with the Ministerial Guidelines.

Currently 77 of the 79 councils routinely use debt collectors to recover unpaid rates. The new arrangements will ensure that people are treated fairly and that the use of court actions and forced sale of property are an absolute last resort.

The Bill makes improvements to 'service rates and service charges', ensuring all contemporary waste and recycling management costs for councils may be recovered through service charges.

The Bill makes improvements to 'special rate and special charge' schemes declared by councils to ensure that affected ratepayers enjoy the benefits of such schemes promptly.

The Bill will allow councils to offer new rate concessions and rebates for properties that provide a public benefit. The new contemporary criteria—developed by the Ministerial Panel for the Local Government Rating System Review following extensive consultation—will allow councils to offer rate rebates and concessions for properties that offer a public benefit that is available free or at minimal cost to their communities.

The changes to legislation will be supported by changes to regulations and guidance to councils to support better practices.

Amendments to the Local Government Act 2020

The Bill will amend the confidentiality provisions in the *Local Government Act 2020*, which affect the processing and handling of Freedom of Information (FOI) requests by councils. The Bill will improve

transparency of council information by ensuring that councils process FOI requests for certain categories of confidential information under the *Local Government Act 2020* in accordance with the applicable exemptions under the FOI Act.

The Bill will make technical amendments to improve aspects of the *Local Government Act 2020* in relation to council electoral provisions and councillor conduct processes without significantly altering the policy objectives of the legislation.

Amendments to other legislation

Further, this Bill will make minor technical amendments to correct inaccurate or outdated legislative references, and make technical consequential changes to, the *Workplace Injury Rehabilitation and Compensation Act 2013*, the *Accident Compensation Act 1985*, and the *Essential Services Commission Act 2003*.

Amendments to the Domestic Animals Act 1994

This Bill also makes a minor amendment to the *Domestic Animals Act 1994*, introducing a regulation making power relating to reuniting lost pets and deceased pets.

Any specific requirements relating to deceased pets will be implemented via amendments to regulations. These will be designed to minimise unnecessary burden on councils and largely align with existing council practices.

In summary, this Bill covers a wide range of matters but its objectives are clear and focused on better supporting ratepayers who are dealing with financial hardship and improving council operations.

I commend the Bill to the house.

Mr RIORDAN (Polwarth) (10:41): 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, 22 June.

TREATY AUTHORITY AND OTHER TREATY ELEMENTS BILL 2022

Statement of compatibility

Ms WILLIAMS (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs) (10:42): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Treaty Authority and Other Treaty Elements 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 Treaty Authority and Other Treaty Elements Bill 2022 (the Bill).

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

Overview of the Bill

The Bill supports the delivery of the key elements of Victoria's treaty process, which must be established by agreement between the State and the First Peoples' Assembly of Victoria (the Assembly) under the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* (Treaty Act). Specifically, the Bill: i) recognises the establishment of the Treaty Authority under the Treaty Authority Agreement; ii) facilitates the operations of the Treaty Authority by giving legal force to its activities; and iii) amends the Treaty Act to support the establishment of the treaty negotiation framework and the administration of the self determination fund.

The State is advancing the treaty process with Aboriginal Victorians to promote reconciliation between Aboriginal and non-Aboriginal Victorians, and to support recognition of Victoria's First Peoples and their ongoing laws, customs, culture and rights, including the right to self-determination. In this way, the Bill promotes the distinct cultural rights of Aboriginal persons, recognised under section 19(2) of the Charter.

Human rights issues

Clause 17(2) of the Bill provides that a member of the Treaty Authority is not personally liable for any acts or omissions of the Treaty Authority in the performance of a function or the exercise of a power by the Treaty Authority.

Similarly, clause 18(1) of the Bill provides that Treaty Authority members or employees are not personally liable for their own acts or omissions, done in good faith, in the performance of a function or the exercise of a power under a delegation (or in the reasonable belief that the act or omission was in the performance of such a function, or the exercise of such a power). However, clause 18(2) provides that any liability that, but for clause 18(1), would attach to a member or employee of the Treaty Authority, attaches instead to the Treaty Authority.

These clauses may engage the Charter rights to property (s 20) and to a fair hearing in a civil proceeding (s 24(1)). For the reasons set out below, however, it is my opinion that neither Charter right is limited.

Property

Section 20 of the Charter states that a person must not be deprived of property otherwise than in accordance with law. The right will not be limited where the law (whether legislation or the common law) authorising the deprivation of property is clear and precise, accessible to the public, and does not operate arbitrarily.

Insofar as a cause of action may be considered ‘property’ within the meaning of section 20 of the Charter, clauses 17(2) and 18(1) may engage the right. However, in my opinion, these clauses do not effect a deprivation of property, because they do not extinguish any cause of action which a person may have against a Treaty Authority member or employee. Rather, liability is transferred to the Treaty Authority.

Even if clauses 17(2) and 18(1) could be considered to deprive a person of property, any such deprivation will be ‘in accordance with law’ and will therefore not limit the Charter right to property. In particular, the clauses are drafted in clear and precise terms. In addition, any deprivation of property is reasonably necessary to achieve the important objective of ensuring that Treaty Authority members and employees may perform their functions in good faith without being impeded by the prospect of personal liability. Moreover, the scope of any deprivation is minimal, because a person may still sue the Treaty Authority directly.

Fair hearing in a civil proceeding

Section 24(1) of the Charter provides that a person charged with a criminal offence or a party to a civil proceeding 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 is concerned with procedural, rather than substantive, fairness. Its precise content depends on the circumstances of any given case, including the nature of the decision being made and the significance to a party of an adverse decision.

Clauses 17(2) and 18(1) do not, in my opinion, limit the right to a fair hearing because persons who would otherwise have a cause of action against a member or employee of the Treaty Authority can still bring an action against the Treaty Authority (whether for its own acts or omissions, or those of members or employees). In other words, these clauses do not impose an absolute bar to bringing proceedings in relation to the acts or omissions of the persons who benefit from the statutory immunity, but simply shift liability to the Treaty Authority.

The Hon. Gabrielle Williams MP
Minister for Aboriginal Affairs

Second reading

Ms WILLIAMS (Dandenong—Minister for Prevention of Family Violence, Minister for Women, Minister for Aboriginal Affairs) (10:42): 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:

With deep respect, I acknowledge the Traditional Owners and custodians of the land on which this Parliament stands, the Wurundjeri. I pay my respects to their Elders and ancestors—past, present and future; Elders from all Victorian First Peoples, and any Elders and other Aboriginal people who join us here today. Since time immemorial, First Peoples have practiced their laws, customs and languages, and nurtured Country through their spiritual, material and economic connections to land, water and resources. Victoria’s First Peoples maintain that their sovereignty has never been ceded.

The reality of colonisation involved the establishment of laws and policies with the specific intent of excluding Aboriginal people and their customs, cultures and traditions. I acknowledge that the impact and structures of colonisation still exist today. For generations First Peoples have called for treaty to secure structural change to improve the lives of First Peoples, and ensure have they have the freedom and power to make the decisions that affect them, their communities and Country.

Treaty is also a shared opportunity to create a better and fairer Victoria. Every Victorian has a part to play in reconciliation.

We stand together to advance Victoria's treaty process, to address the unfinished business of this state and its relationship with its First Peoples. Through treaty we can formalise a better and fairer relationship between government, First Peoples and all Victorians.

In 2016, this government committed to advancing treaty with Victoria's First Peoples as a necessary step in realising Aboriginal self-determination. This commitment was formalised in law through this Parliament, with the passage of the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*—the first treaty legislation in Australia's history. That Act set out a roadmap for the treaty process and ensured we listened to and were led by Aboriginal people and communities. The Act committed the State to work in partnership with the Aboriginal Representative Body to establish elements necessary to support future treaty negotiations.

Since its establishment in 2019, the government has been working in partnership with the First Peoples' Assembly of Victoria, as the Aboriginal Representative Body and the first democratically elected representative body for Traditional Owners and Aboriginal Victorians in the state's history. Today we take another step together on the historic journey towards treaty and to realising genuine self-determination for Aboriginal Victorians.

I am proud to introduce to Parliament the Treaty Authority and Other Treaty Elements Bill 2022.

This Bill will support the establishment and ongoing operation of the Treaty Authority, required by the Treaty Act as a necessary element of Victoria's treaty process to support future treaty negotiations. The Bill will also amend the *Advancing the Treaty Process with Aboriginal Victorians Act 2018*, in relation to the treaty negotiation framework and self-determination fund.

This Bill continues the government's strong commitment to treaty, truth, justice and self-determination for Victoria's First Peoples.

Treaty Authority

The Treaty Authority has been established by agreement between the State and the First Peoples' Assembly of Victoria. The Treaty Authority will support treaty negotiations to occur on an equal footing and ensure treaty can realise positive outcomes for every Victorian.

The State and Assembly have developed a unique Treaty Authority model as an independent unincorporated body, with the necessary powers and capacities to operate effectively. This novel legal form will provide independence from all parties to ensure public trust and integrity in the treaty process, while being publicly accountable to all Victorians and culturally accountable to First Peoples.

The Treaty Authority will be the first body of its kind in Australia. The Treaty Authority is modelled on best practice examples internationally, including Canada and New Zealand. Learnings from these processes have demonstrated the need and value of an independent body, such as a Treaty Authority, to facilitate and oversee treaty negotiations. Treaty processes underway in other Australian jurisdictions have also identified the need for independent bodies with similar functions, to ensure accountability in negotiations.

The Bill will facilitate the operation of the Treaty Authority and give legal force to its actions. In doing so, this Bill provides for a Treaty Authority that is truly independent and can fulfil its role in the treaty process in a way that is impartial, fair and culturally sound.

The Treaty Authority will oversee and facilitate treaty negotiations and administer the treaty negotiation framework, to ensure negotiations proceed in accordance with the guiding principles for the treaty process and the rules and processes set out in the framework.

It will be a facilitative body which is called on to perform its functions in a manner that can preserve, restore and build respectful relationships between First Peoples and the State as well as between First Peoples' groups. In doing so, the Treaty Authority will support treaty negotiating parties to work together to reach agreements and enter treaties that observe and uphold the self-determination of First Peoples, and lead to strong ongoing relationships.

The Treaty Authority will provide for the resolution of disputes arising in the treaty process, including disputes between parties to negotiations as well as disputes incidental to or in connection with treaty negotiations. This will make available culturally-appropriate dispute resolution support to all parties engaged in the treaty process.

The Treaty Authority will also support the treaty process by undertaking research. The Treaty Authority's research will support best practice approaches and continuous improvement in the treaty process and ensure treaty negotiations can lead to evidence-based outcomes.

The Treaty Authority will be called on to observe and uphold the unique Lore, Law and Cultural Authority of First Peoples in the treaty process to ensure it is genuinely bicultural. In this way, the treaty process will proceed in a manner that respects and is guided by the distinct cultural rights of First Peoples and is consistent with the principles articulated in the United Nations Declaration on the Rights of Indigenous Peoples.

This unique Treaty Authority model is reflective of the need to do things differently as we advance Victoria's treaty process.

Treaty Act amendments

The Bill will also amend the *Advancing the Treaty Process with Aboriginal Victorians Act 2018* to support the delivery of the other foundational elements of the treaty process: the treaty negotiation framework and the self-determination fund.

Firstly, the Act will be amended to specify that the Aboriginal Representative Body is not prevented from being a party to treaty negotiations.

The amendment will remove any legal barrier to the Aboriginal Representative Body participating in treaty negotiations, but will not prioritise any particular party. As with any other party seeking to negotiate a treaty, including the State, the Aboriginal Representative Body will itself need to meet minimum standards to enter treaty negotiations. The minimum standards will be set out in the treaty negotiation framework and must be met by any party before it can participate in treaty negotiations.

Secondly, the Act will be amended to provide greater flexibility in how the self-determination fund can be administered.

This will ensure the Aboriginal Representative Body has sufficient flexibility to administer the self-determination fund based on good financial practice and in a manner that most effectively satisfies its purposes and supports the self-determination of Aboriginal Victorians in the treaty process.

Closing remarks

This government has been working in partnership with Aboriginal Victorians to advance the treaty process, through the First Peoples' Assembly of Victoria as the Aboriginal Representative Body.

This Bill represents an outcome of this partnership and will help lay the foundations for future treaty negotiations in Victoria, by supporting the establishment of necessary elements of the treaty process.

With this historic Bill we take a significant step towards the commencement of treaty negotiations. The establishment of the Treaty Authority is a ground-breaking milestone that will ensure a genuinely fair and bicultural treaty process that can deliver for every Victorian.

This important step on the journey to treaty brings us closer to addressing the unfinished business of our state, and realising treaties which can recognise historic wrongs and address ongoing injustices. It acknowledges and promotes First Peoples' fundamental rights, including the right to self-determination. It will help heal the wounds of the past, support reconciliation, and pave the way for a better future rooted in truth, justice, equality and respect. It will bring pride and help create a fairer Victoria that we can all be proud of.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:43): 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, 22 June.

**CHILDREN AND HEALTH LEGISLATION AMENDMENT (STATEMENT OF
RECOGNITION AND OTHER MATTERS) BILL 2022**

Statement of compatibility

Mr CARBINES (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (10:44): In accordance with the Charter of Human Rights and Responsibilities Act 2006, I table a statement of compatibility in relation to the Children and Health Legislation Amendment (Statement of Recognition 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 Children and Health Legislation Amendment (Statement of Recognition and Other Matters) Bill 2022 (the **Bill**).

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

Overview of the Bill

The Bill amends the *Children, Youth and Families Act 2005* (**CYF Act**), the *Child Wellbeing and Safety Act 2005* (**CWS Act**), the *Social Services Regulation Act 2021* (**SSR Act**), the *Commission for Children and Young People Act 2012* (**CCYP Act**), the *Health Services Act 1988* (**HS Act**), the *Public Health and Wellbeing Act 2008* (**PHW Act**) and other acts to:

- Amend the provisions of the CYF Act for protecting children and providing community services for children and families to advance Aboriginal self-determination;
- Amend the HS Act and the PHW Act to recognise and advance Aboriginal self-determination in Victoria's health and wellbeing services;
- Amend the CWS Act to expand the definition of 'employee' consistent with the intended scope of the Reportable Conduct Scheme, provide the Commission for Children and Young People (**Commission**) with an express power to commence proceedings for offences under the scheme, and powers to effectively enforce requirements relating to notifying the Commission about reportable allegations;
- Amend the SSR Act to provide for transitional provisions relating to the Suitability Panel and other consequential amendments;
- Amend the CYF Act to enable the Children's Court to make rules that delegate certain powers of a registrar or magistrate to a judicial registrar; and
- Amend the CCYP Act 2012 to enable the Commission to advocate on behalf of children and young people who have had contact with the child protection and out of home care systems.

Human rights promoted by the Bill

The Bill promotes the following rights under the Charter:

- Right to equality (s 8(2)-(3))
- Protection of children (s 17(2))
- Cultural rights (s 19(2))

Amendments to the Children, Youth and Families Act 2005, the Health Services Act 1988 and Public Health and Wellbeing Act 2008

Cultural rights

Section 19(1) of the Charter provides that all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy their culture, declare and practise their religion, and use their language. Section 19(2) of the Charter further provides specific protection for Aboriginal persons, providing that they must not be denied the right, with other members of their community, to enjoy their identity and culture, maintain and use their language, maintain kinship ties, and maintain their distinct spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

Advancement of the self-determination of Aboriginal people in relation to child protection, community services and health and wellbeing services

One of the main purposes of the Bill is to advance the self-determination of Aboriginal people in relation to the protection of children, the provision of community services and in the health system. Clause 4 of the Bill inserts new a Part 1.1A in the CYF Act, in which new section 7A contains a Statement of Recognition that acknowledges that Aboriginal people are the First Nations people of Australia, and acknowledges the role played by the child protection system in the policies that led to the dispossession, colonisation and assimilation of Aboriginal people. A new section 7B expressly acknowledges the treaty process in progress in Victoria and the aspirations of Aboriginal people to achieve increased autonomy and control of decision-making in relation to the administration of services for Aboriginal children and families.

Clause 4 then inserts new Part 1.1B into the CYF Act which sets out binding principles relating to the recognition of Aboriginal children in respect of child protection. The principles aim to guide decision making in relation to Aboriginal children and to ensure that the distinct cultural rights of Aboriginal children and families are recognised, respected and supported in the context of child protection and other services.

Similarly, clause 60 of the Bill inserts new Part 1A into the HS Act, to enshrine a Statement of Recognition and Statement of Recognition principles into the Act. Clause 61 of the Bill inserts new Part 1A and a Statement of Recognition and Statement of Recognition principles into the PHW Act. Although the Statement of Recognition principles do not expressly guide or aid in the interpretation of the HS or PHW Acts, these changes also embed the recognition of the cultural rights and self-determination of Aboriginal people in

relation to the health system, and to ultimately improve health and wellbeing outcomes for Aboriginal people in Victoria.

The insertion of an Aboriginal Statement of Recognition and associated recognition principles in the CYF Act, the HS Act and the PHW Act seeks to promote the protection and maintenance of cultural rights of Aboriginal people, particularly children, in respect of child protection and the provision of community services and the health system. The right to self-determination of Indigenous peoples is recognised in international law, including under article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. The new provisions expressly recognise and promote the self-determination of Aboriginal people in respect of decision making in the child protection, community services and health and wellbeing contexts.

Powers of Principal Officers

Clause 6 substitutes section 18 of the CYF Act and inserts new sections 18AAA and 18AAB. New section 18 enables the Secretary to authorise a principal officer of an Aboriginal agency to perform certain functions and exercise certain powers conferred on the Secretary as a protective intervenor or in relation to the making of a protection order or other relevant order, in respect of an Aboriginal child or class of Aboriginal children, or their non-Aboriginal siblings. New section 18 aims to empower principal officers to exercise the functions and powers of the Secretary with regard to the entire course of a child protection investigation: from the investigation of the first report until the making of a protection or other order. The new provision also avoids the need for a principal officer to obtain authorisations at different stages of a case, for example at the commencement of a protective intervention investigation, and then again once a protection order is made.

Clause 6 also inserts new section 18AAB which provides that the principal officer of an Aboriginal agency must notify the Secretary if they consider an authorisation for them to exercise various powers to no longer be in the best interests of the particular child or children to whom it relates. In reaching this conclusion, the principal officer must have regard to any views expressed by the child or children and their parent if their views can be obtained. The Secretary must then revoke the authorisation under section 18 of the Act.

These changes are intended to streamline the authorisation process that empowers principal officers of Aboriginal agencies to exercise the functions and powers of the Secretary in relation to Aboriginal children and to ensure these children receive continued culturally safe services from the protective investigation stage through to the making of protection orders. The exercise of powers by principal officers of Aboriginal agencies will also only remain in place while they are in the child's best interests, and the views of the child and their family will be centred in the decision-making processes that affect them. Accordingly, new section 18 will ensure the effective functioning of the Aboriginal Children in Aboriginal Care program and in so doing, promote the cultural rights of Aboriginal people, in particular the right to self-determination.

Amendments to the Children, Youth and Families Act 2005, Child Wellbeing and Safety Act 2005, Health Services Act 1988 and Public Health and Wellbeing Act 2008

Rights of Children

Statement of Recognition and associated principles

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of them being a child.

The amendments to the CYF Act to include a Statement of Recognition and its associated binding principles in respect of child protection and the provision of community services promote the best interests of Aboriginal children, as the Statement of Recognition expressly recognises the right to self-determination of Aboriginal children. New section 7E(2) provides that when considering the views of Aboriginal children, decision-makers must uphold their cultural rights and sustain their connections to family, community, culture and Country. This promotes the best interests of Aboriginal children by seeking to ensure they are respected and that their treatment is culturally safe and appropriate.

New functions of the Commission and enforcement of the Reportable Conduct Scheme

The changes to the CWS Act and other consequential amendments that give the Commission new functions in respect of advocacy for protected children and young people, as well as the introduction of new reportable conduct authorised officers to investigate and enforce that scheme, all seek to promote the rights of children. The amendments aim to protect vulnerable children and young people by allowing the Commission to advocate for them in certain circumstances as well as ultimately seeking to prevent child abuse and neglect through stronger enforcement of reporting requirements and the investigation and prosecution of failures in this regard.

Equality

Section 8(3) of the Charter relevantly provides that every person is entitled to equal protection of the law without discrimination and has the right to equal and effective protection against discrimination. The purpose

of this component of the right to equality is to ensure that all laws and policies are applied equally, and do not have a discriminatory effect.

Statement of Recognition and associated principles

The inclusion of a Statement of Recognition and associated principles in the CYF Act, the HS Act and the PHW Act seeks to promote the right to equal protection of the law without discrimination and the right to equal and effective protection against discrimination. These aspects of the Bill aim to ensure that the specific and distinct cultural needs of Aboriginal adults and children are recognised, respected and protected, and act as a bulwark against discrimination in the context of child protection, community and health and wellbeing services.

Engagement of Rights

The following rights are engaged by the Bill:

- Right to privacy (s 13(a))
- Rights of children (s 17(2))
- Property rights (s 20)
- Right to freedom of expression (s 15)
- Right to the presumption of innocence (s 25(1))
- Right against self-incrimination (s 25(1)(k))

Amendment of the Children, Youth and Families Act 2005

Use and Disclosure of Information

The CYF Act permits the Secretary of the Department of Families, Fairness and Housing (**DFFH**) to authorise the principal officer of an Aboriginal agency to perform certain functions and exercise certain powers in relation to the protection of specific Aboriginal children and young people or their non-Aboriginal siblings. To enable these principal officers and their agencies to operate effectively in carrying out these authorised functions, clause 8 of the Bill inserts new section 19E into the CYF Act that sets requirements for the use and disclosure of information from the Secretary to principal officers and vice versa.

Broadly, these new provisions allow for the use and disclosure of information between the Secretary and principal officers of Aboriginal agencies if the information is necessary for the performance of a function or the exercise of a power of the principal officer under authorisation from the Secretary. New section 19E(3) also allows a principal officer to disclose to any person any information obtained by them in the course of performing a function or exercising powers if they reasonably believe that the information is necessary for the performance of those functions or exercise of those powers. These provisions will allow for principal officers to have access to information recorded by child protection practitioners in DFFH regarding their work with Aboriginal children and their families.

Clause 10 then inserts new subsection 192(4) which authorises and protects the disclosure of certain information by or to a principal officer, where they are exercising the powers or carrying out the functions of the Secretary or a protective intervener (such as the Secretary or a police officer) under a relevant authorisation.

These provisions engage the right to privacy under section 13(a) of the Charter.

Privacy

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The new provisions will allow information regarding children and their families to flow between DFFH and Aboriginal agencies under the new provisions, and possibly to other entities where it is considered necessary for the exercise of a principal officer's powers and functions under authorisation from the Secretary. While this may interfere with the privacy rights of these children and their families, I am of the view that clauses 8 and 10 of the Bill do not limit the right to privacy, as any interference pursuant to these provisions is prescribed by legislation that is precise and accessible, and is non-arbitrary in that the provisions are reasonable and proportionate to achieving the legitimate aim of ensuring the proper functioning of the child protection system and the protection of children from abuse and neglect through the appropriate sharing of relevant information between agencies.

Authorised Officers for the Reportable Conduct Scheme—amendments to the Child Wellbeing and Safety Act 2005

In order to bolster the enforcement and compliance powers of the Commission in relation to the Reportable Conduct Scheme, clause 30 of the Bill inserts new Part 5B into the CWS Act. New section 16ZO provides for the appointment of reportable conduct authorised officers (**authorised officers**) by the Commission. The remaining provisions in new Part 5B relate to the powers of these authorised officers in investigating non-compliance with and potential contraventions of section 16M of the CWS Act, namely the requirement for the head of an entity to notify the Commission of a reportable allegation against an employee of the entity within the specified time frame.

New Part 5B of the CWS Act engages the right to privacy (s 13(a)), the rights of children (s 17(2)), the right to property (s 20), the right to freedom of expression (s 15), the right to the presumption of innocence (s 25(1)), and the right against self-incrimination (s 25(1)(k)). These rights are discussed below.

Privacy

As discussed above, section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with. An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed, and will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

Powers of authorised officers

Clause 30 inserts new sections 16ZR to 16ZZH into the CWS Act, which provide for a range of powers enabling authorised officers to enter and inspect premises and seize documents and items.

New section 16ZR provides that an authorised officer may enter and inspect any premises or place if they reasonably believe it is a premises or place from, or in which, an entity: (a) operates; or (b) exercises care, supervision or authority over children; or (c) provides support for an activity referred to in paragraph (a) or (b).

Authorised officers may enter such premises:

- If the authorised officer has provided notice to the occupier of the premises and they have consented to the entry for the purposes of the authorised officer monitoring compliance by the head of an entity with section 16M(1) of the CWS Act;
- pursuant to a warrant; or
- for premises that are not residential premises, without a warrant and without consent if the authorised officer reasonably believes that the head of the entity is not complying, or has not complied with the notification requirement in section 16M(1) of the CWS Act.

New section 16ZV provides that warrants can be issued by a Magistrate where there are reasonable grounds to believe that entry to the premises or place is necessary to investigate whether the head of an entity is not complying or has not complied with section 16M(1) or that documents relevant to the possible contravention of section 16M(4) may be, or within 72 hours may be, present at the premises.

Where an authorised officer enters a place or premises, they may exercise the powers specified in new sections 16ZT (in the case of entry authorised by consent), 16ZX (in the case of entry by warrant), and 16ZZ (in the case of entry without consent or warrant). These powers vary, depending on the basis on which a person's entry is authorised, but broadly include powers to search the premises or place, inspect or examine documents, make enquiries of persons at the premises or place, observe activities being conducted there, take photographs or make recordings or sketches, copy or take an extract from documents, use and operate materials at the premises or place, secure electronic equipment, request information from persons at the premises, take into or onto the premises or place any person, equipment or materials, and seize documents or things in certain circumstances.

Further, an authorised officer who has entered a place or premises by consent may request that persons at the premises or place provide reasonable assistance, to or comply with lawful directions of the authorised officer. Where the entry does not rely on consent, authorised officers have stronger powers, and may require a person to produce documents, disclose certain information, operate equipment, provide assistance or comply with lawful directions. Under new sections 16ZY and 16ZZB, it is an offence for a person to fail to provide assistance to an authorised officer without reasonable excuse, respectively in relation to entry to premises with a warrant, and entry to premises without consent or a warrant.

The powers enable significant interference with privacy, including information privacy and privacy of the home, as authorised officers may inspect both workplaces and, in limited circumstances, residences and accommodation. However, a number of safeguards apply to the exercise of such powers to ensure they are not exercised arbitrarily or unlawfully. In particular, authorised officers who enter a premises:

- must produce their identity card and inform the occupier of the purpose of the entry and their right to refuse to consent to entry or to the exercise of various powers, where the authorised officer is entering the premises by consent (new s 16ZS);
- must only enter a part of a premises in which there is accommodation or in which residential services are provided if the resident of that part of the premises consents, or if the resident is unable to consent, the resident's parent or guardian has provided consent, unless they are entering the premises under a warrant (new s 16ZR(3));
- must provide notice to a resident, parent or guardian of the purpose of entry and of the rights and the powers that the authorised officers may exercise, amongst other things, before authorised officers can enter a residential part of a premises (new s 16ZR(4));
- must only exercise powers of entry during normal business hours of the premises or during the entity's usual hours of operation (unless otherwise provided for under a warrant, or by consent) (new s 16ZR(8));
- must leave a premises or place if consent is withdrawn (unless the entry is by warrant or does not require consent) (new s 16ZR(9));
- may only exercise powers (other than under a warrant) if they reasonably believe it is necessary to do so to investigate whether a relevant entity is not complying or has not complied with section 16M(1) of the CWS Act (new ss 16ZT(3) and 16ZZ(6));
- must not secure electronic equipment for more than 24 hours (other than with consent or under a warrant, or with an extension granted by a magistrate) (new ss 16ZX and 16ZZ);
- when consent is required to exercise a power, must explain certain matters including the person's right to refuse to consent, and seek a signed acknowledgment of consent (new ss 16ZU and 16ZZA); and
- when exercising powers of entry under a warrant, must generally announce that they are authorised by warrant, give a person at the place or premises the opportunity to allow entry, and provide a copy of the warrant to the occupier (if present) (new s 16ZW).

Further, new section 16ZZR sets out a complaints process enabling a person to complain about the exercise of a power by an authorised officer under that Division or under a warrant issued under new section 16ZV to the Commission. The Commission must investigate the complaint and provide a written report to the complainant and the authorised officer, after giving the authorised officer the opportunity to comment on the proposed report.

Accordingly, a broad range of safeguards are incorporated into the Bill to ensure the powers of authorised officers may only be exercised in a reasonable and proportionate way that protects the privacy of individuals to the greatest extent possible. The powers serve the important purpose of enabling authorised officers to effectively investigate potential non-compliance with the notification requirements for heads of entities set out in section 16M of the CWS Act. This serves the broader purpose of ensuring that heads of entities are properly reporting potential child neglect or abuse, and thus promotes the safeguarding of children and their best interests more generally. This follows the Royal Commission into Institutional Responses to Child Sexual Abuse finding that sexual abuse of children had occurred in almost every type of institution, and that institutions had largely failed to report and respond to allegations of abuse over many years and decades.

The powers are appropriately tailored to reflect the source of the authority to enter premises and exercise associated powers, with the most significant powers requiring the issue of a warrant by a magistrate. Unless a person consents to entry of a residential premises or accommodation, or unless a warrant is issued, authorised officers are restricted to entry of commercial or public premises and places, at which there is generally a lesser expectation of privacy. Further, where a person considers that powers have been exercised inappropriately, the legislation sets out a complaints process.

Accordingly, I consider that, to the extent that the authorised officer powers authorise interference with privacy rights, that interference will be lawful and non-arbitrary. To the extent that it is relevant, I also consider that any limit on the right to privacy would be reasonable and justified in accordance with section 7(2) of the Charter.

Notices to produce

Clause 30 also inserts a new section 16ZZI into the CWS Act providing that the Commission may issue a 'notice to produce' if it reasonably believes that the head of an entity is not complying with section 16M(1) of the CWS Act, requiring production of a specified document or information by the head of the entity or any other person, within not less than 14 days.

Under new section 16ZZL of the CWS Act, inserted by clause 30, the Commission may apply to the Magistrates Court for a declaration that a person has failed to comply with a notice to produce, and an order requiring the person to pay a civil penalty. The Magistrates Court must be satisfied that the person has failed to comply with the notice to produce and that the failure was unreasonable.

The above provisions authorise an interference with privacy, as notices may be issued in relation to the documents or information of any person, which may involve personal information relevant to the compliance of the head of an entity with its notification requirements under section 16M(1).

In my view, any such interferences will not be arbitrary or unlawful. The power serves the important purpose of promoting compliance with the notification requirements for reportable allegations, which aims to reduce the risk of child abuse occurring, and enabling an effective response when it does occur. It is being provided for in the context of the Royal Commission's findings of widespread failure to report such conduct. It allows the Commission to better regulate the reportable conduct scheme in a more responsive manner. This is particularly important given the broad scope and diversity of organisations required to comply with the scheme.

Importantly, clause 30 of the Bill inserts new section 16ZZP into the CWS Act, and this allows a person to seek an internal review by the Commission of a decision to give a notice to produce. This internal review mechanism is a key safeguard in ensuring that any interference with privacy in the issuance by the Commission of a notice to produce is reasonable and proportionate.

In relation to non-compliance, the Bill provides for the Commission to apply to the Magistrates Court for a declaration that the person failed to comply with a notice to produce in new section 16ZZL. The Court must be satisfied that the person failed to comply and that the non-compliance was unreasonable. Further, in determining the amount of a civil penalty, the Court must consider the impact of the civil penalty on the person and whether the non-compliance with the notice to produce was wilful or serious. This ensures that civil penalties imposed for failure to produce are not unduly harsh and adequately take into account the individual circumstances of the person on which they are imposed.

In addition, the Commission, remains subject to a range of confidentiality and information sharing restrictions in the CWS Act, the CCYP Act and the *Privacy and Data Protection Act 2014* in relation to how private information is collected, handled and disclosed. These requirements impose additional safeguards to ensure that personal information collected through the notice to produce is dealt with appropriately.

I therefore consider that the notice to produce provisions are compatible with the right to privacy. However, insofar as privacy rights may be limited, I am of the view that any such limit is reasonable and proportionate in accordance with section 7(2) of the Charter.

Rights of children

As discussed above, section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child. This right recognises the special vulnerability of children, and requires states to adopt social, cultural and economic measures to protect children to foster their development and education. The scope of the right is informed by the United Nations *Convention on the Rights of the Child*, which requires that in all actions concerning children, the best interests of the child shall be the primary consideration.

Overall, clause 30 of the Bill and new Part 5B of the CWS Act promotes this right by improving the enforcement of and compliance with the notification requirements of the reportable conduct scheme, in order to reduce the risk that children will be subject to neglect or abuse. However, certain provisions may limit the individual rights of particular children, as discussed below.

Disclosure of information

It is possible that the new provisions requiring persons to provide documents or information to authorised officers (under one of the provisions discussed above) may identify a child and disclose sensitive information about them. However, in my view, because the amendments are for the purpose of protecting children from abuse, they are likely to be in every child's best interest overall. In addition, safeguards are contained in the CWS Act and the CCYP Act to limit the disclosure and use of protected and sensitive information.

Accordingly, I consider that the provisions requiring the production of documents or information to authorised officers are compatible with the right of the child to such protection as is in their best interests under section 17(2) of the Charter.

Power to interview children

Pursuant to new section 16ZZD, an authorised officer is empowered to interview a child who is present on the premises when exercising powers of entry under the Bill. Before interviewing a child, the authorised officer must consider, and take all reasonable steps to mitigate, any negative effect that the interview may have on the child. The authorised officer must also consider whether the child's primary family carer should be present

during the interview. However, in some circumstances, the exercise of this power may not be in the best interests of a particular child, and so may limit the rights of the child under section 17(2) of the Charter.

However, to the extent that the right may be limited by new section 16ZZD, I consider any such limit to be reasonable and proportionate for the important purpose of ensuring section 16M of the CWS Act is complied with and that reportable conduct relating to child abuse and neglect is properly notified to the Commission. While such an interview may have a negative effect on the child, the overall intention of the scheme (including the power to interview children) is to protect children from harm associated with non-compliance with section 16M. Further, the power is appropriately tailored to limit any negative effects on children, having regard to the requirements that the authorised officer consider steps to mitigate the negative effect of the interview on the child. I note that while a primary carer is not always required to be present for an interview, this is consistent with child empowerment principles, which may be undermined if there is a general requirement for a parent or independent person to be present regardless of the child's circumstances, ability, and support needs.

As information about the experience of children in relation to an entity will sometimes be essential to identifying whether the entity has complied with its statutory requirements, I consider that there is no less restrictive means reasonably available to achieve the purpose of effective regulation and enforcement in respect of the reportable conduct scheme. I therefore consider that the limit on rights is reasonable and justified in accordance with s 7(2) of the Charter.

Property rights

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

As set out above, the Bill enables authorised officers to seize documents and things in certain circumstances. Under the new CWS Act provisions, items may only be seized with a warrant or with consent. Where an item is seized, new section 16ZZF provides a process by which the owner must be given a receipt for the seized items that identifies the documents seized, sets out the name of the authorised officer, and the method for contacting them as well as the reason for the seizure.

This new provision requires that the items must be returned to their owners once they are no longer required or not later than three months after seizure, or once consent to seizure is withdrawn by the owner. An authorised officer must not hold seized items for longer than three months unless they obtain an order from a magistrate extending the period during which the item may be held (for a total extension period of no more than 12 months), or if the owner provides consent, or if the proceedings or investigation for which the item was seized remains ongoing but not resolved. The magistrate can only grant such an extension if satisfied that the extension is necessary for the purposes of an investigation into a relevant entity's compliance with section 16M of the CWS Act. Under new section 16ZZG, seized items may only be destroyed where an authorised officer is not able to return them to the owner after taking reasonable steps to do so, with the permission of a magistrate who must consider the destruction appropriate.

These powers engage the right not to be unlawfully deprived of property under s 20 of the Charter. However, as any deprivation of property associated with these provisions will be governed by a clear and accessible process set out under the legislation, any interference with property rights will be lawful, and the right will therefore not be limited. To the extent that it is relevant, I also consider that any limit on the right would be reasonable and justifiable in accordance with s 7(2) of the Charter.

Freedom of expression

Section 15 of the Charter provides that every person has the right to hold an opinion without interference and has the right to freedom of expression which includes the freedom to seek, receive and impart information and ideas of all kinds. Section 15 also provides that lawful restrictions may be reasonably necessary to respect personal rights and reputations, or for the protection of national security, public order, public health or public morality.

This right may be engaged by the new section 16ZZH which stipulates that it is an offence to obstruct or impersonate an authorised officer. These provisions may engage the right to freedom of expression by limiting the kind of information that a person may impart by preventing that person from misleadingly presenting themselves as an authorised officer. However, to the extent that the right is engaged, any limitation imposed would fall within the internal limitations to the right in section 15(3), as reasonably necessary to respect the rights and reputation of other persons, or for the protection of public order. The restriction on impersonating an authorised officer enables protection of the right to privacy (by preventing people from purporting to exercise the powers of authorised officers where they are not authorised officers) and of the rights of the child

(by promoting the effective monitoring and enforcement of section 16M of the CWS Act). They also protect public order by promoting the effective operation of the reportable conduct scheme. Accordingly, I consider these provisions to be compatible with the right to freedom of expression under section 15 of the Charter.

Presumption of innocence

Section 25(1) of the Charter provides that a person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law. The right is relevant where a statutory provision shifts the burden of proof onto an accused in a criminal proceeding, so that the accused is required to prove matters to establish, or raise evidence to suggest, that they are not guilty of an offence.

'Reasonable excuse' defence

Offence provisions for failure to provide assistance to an authorised officer

The right to the presumption of innocence is engaged by various new sections 16ZY, 16ZZB of the CWS Act, inserted by clause 30 of the Bill, which provide that it is an offence to fail to provide assistance to an authorised officer 'without reasonable excuse'. As these offences are summary offences, section 72 of the *Criminal Procedure Act 2009* will apply to require an accused who wishes to rely on the 'reasonable excuse' exception to present or point to evidence that suggests a reasonable possibility of the existence of facts that, if they existed, would establish the excuse.

By creating 'reasonable excuse' exceptions, the offences in the Bill may be viewed as placing an evidential burden on the accused, in that it requires the accused to raise evidence as to a reasonable excuse. However, in doing so, this offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of a reasonable excuse, which will ordinarily be peculiarly within their knowledge (for example, why the accused failed or refused to assist an authorised officer), the burden shifts back to the prosecution who must prove the absence of a reasonable excuse beyond reasonable doubt. I note that case law has held that an evidential onus imposed on establishing an excuse or exception does not limit the Charter's right to a presumption of innocence, as such an evidentiary onus falls short of imposing any burden of persuasion on an accused.

Accordingly, I am of the view that the right to be presumed innocent under section 25(1) of the Charter is not limited by these provisions.

Compliance notices

New sections 16ZZJ and 16ZZK may engage the right to presumption of innocence as the provisions provide for the Commission to give the head of an entity a notice to comply if the Commission suspects that that head is not complying with section 16M(1)(a) or (b) of the CWS Act, that is the notification requirements of the reportable conduct scheme. The notice must state the action that the person must take to address any issues identified in the notice and the date by which such action is required to be taken. It is an offence to fail to comply with a compliance notice, by failing to take the action specified in the notice by the specified date, without reasonable excuse.

As the prosecution of a failure to comply with a compliance notice does not require proof of the commission of the underlying contravention to which the notice was issued, this may engage the right to the presumption of innocence in the Charter (s 25(1)). Additionally, a proceeding for a non-compliance offence may also require a person to respond to matters relevant to the alleged contravention, engaging s 25(2)(k) of the Charter which provides that a person cannot be compelled to testify against themselves or confess guilt. The scope of both these rights have been interpreted as extending to protect a person to circumstances prior to the issuing of a criminal charge.

However, in my view, the provision attracts adequate safeguards so as to not constitute a limit on these rights. As a preliminary point, the compliance notice scheme serves an important objective of providing the Commission with a timely and targeted mechanism for compelling a head of an entity to take necessary remedial action in response to suspected contravention of the reportable conduct notification requirement. It facilitates the immediate and direct prevention or remediation of conduct which may be putting a child at risk and may be continuing, in a way that proceeding with a prosecution for an alleged contravention is not able to do.

The Bill provides for rights to seek internal review and review by VCAT in relation for review of a decision by the Commission to give the head of an entity a reportable conduct notice to comply, which provides a person with an avenue to contest the notice where it is disputed that any alleged contravention has been committed.

Accordingly, I am satisfied the compliance notice scheme provided for in the Bill is compatible with the Charter.

Amendment of the Commission for Children and Young People Act 2012

Clause 39 of the Bill inserts new Part 4A into the CCYP Act. New section 30B sets out the new functions of the Commission to advocate for the human rights of protected children, new section 30C allows the

Commission to request information, documents or records from the Department of Families, Fairness and Housing or an alternative care service, and new section 30D provides for the Commission to liaise with other entities from whom the child or young person has sought assistance to avoid unnecessary duplication. These new provisions engage the right to privacy under section 13(a) of the Charter.

Privacy

As outlined above, section 13(a) of the Charter protects the right not to have a person's right to privacy unlawfully or arbitrarily interfered with.

New functions of the Commission

New section 30B sets out the new functions of the Commission which include seeking assistance from a government department or other organisation or making representations on behalf of the protected child or young person. This might engage the right to privacy through the disclosure of information about the child.

However, I am of the view that the new functions of the Commission would not limit the right to privacy, as any interference is prescribed by clear, precise legislation that is non-arbitrary in that it is a reasonable and proportionate measure to improve the advocacy for, and protection of, vulnerable children. Indeed, the new section 30B promotes the rights of children. Accordingly, I consider that new section 30B is compatible with the Charter.

Request for information by the Commission

The Commission may request the Secretary of the Department of Families, Fairness and Housing or an out of home care service to provide information, documents or records to it under new section 30C, if the same is reasonably required for the Commission's advocacy functions under new section 30B. The Secretary or out of home care service may then disclose the relevant material if it is reasonably necessary for the performance of the Commission's advocacy functions. The disclosure of information relating to a child engages the right to privacy.

Given the information sharing under section 30C is pursuant to properly prescribed and clear legislation that is non-arbitrary in that it is a reasonable and proportionate measure to ensure that the Commission can properly carry out its advocacy functions in respect of protected children and young people, and in so doing promote their rights, I am of the view that the right to privacy is not limited by new section 30C.

Avoiding unnecessary duplication

New section 30D provides that if the Commission becomes aware that a protected child or young person has sought assistance from another entity, the Commission must liaise with that other entity to avoid the unnecessary duplication of assistance to the protected child or young person and to facilitate coordination and expedition of that assistance. Given this would necessarily require the sharing of information relating to children by these entities, new section 30D engages the right to privacy.

However, I consider that any interference with privacy does not limit the right under the Charter, as the same would occur pursuant to precise and accessible legislation that is reasonable and proportionate to achieve the aim of avoiding duplication and wastage of public resources in respect of child protection, and ultimately the promotion of the rights of vulnerable children more broadly.

Children, Youth and Families Act 2005—amendments relating to judicial registrars

The Bill will:

- enable the Children's Court to make rules authorising judicial registrars to exercise certain magistrates' powers, namely the *in personam* powers of a magistrate to issue warrants related to the care and protection of a child, and
- clarify that judicial registrars can exercise any power of a registrar.

The amendments will allow the Court to delegate power to issue certain warrants to judicial registrars but will not change the substantive nature of the power. The warrants may engage the right to freedom of movement (section 12), the right to privacy and reputation (section 13), and Aboriginal cultural rights (section 19(2)(a)). However, allowing judicial registrars to issue the warrants will not affect the extent to which those rights are engaged, as the existing framework of safeguards will apply. These amendments promote the right to a fair hearing (section 24), and protection of families and children (section 17).

Right to a fair hearing

Section 24(1) of the Charter provides that criminal and civil proceedings be heard 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 courts and an implied right to a reasonably expeditious hearing.

Allowing the Court to extend certain powers of magistrates and registrars—such as the power to issue warrants—to judicial registrars will promote the right to a fair hearing by allowing the Court to operate more independently, flexibly and efficiently.

These amendments promote the Court's independence by giving the Court greater control over its internal procedures, including how matters are allocated. Allowing the Court to delegate warrant powers will support the timely resolution of warrant applications and ensure magistrates have capacity to hear more complex matters. This will better equip the Court to manage demand, including the sustained increase in warrant applications, by allocating its resources appropriately. Efficiencies created by the amendments will help the Court to ease COVID-19 related backlogs, which will improve access to the Court.

Judicial registrars possess the requisite competence, independence and impartiality to exercise the powers that may be delegated. Judicial registrars must demonstrate a level of experience and comply with ethical obligations set out in Part 7.6A of the Act. In addition, existing safeguards in the Act relating to judicial registrars will continue to apply—for example, a judicial registrar must refer a proceeding that they consider inappropriate for their determination to a magistrate (section 542J). The Act also sets out review and appeal processes for decisions of a judicial registrar (section 542K). For these reasons, the right to a fair hearing will not be limited by the amendments.

Protection of families and children

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

Allowing the Court to delegate powers to issue warrants to judicial registrars will promote children's rights to protection by ensuring vulnerable children are protected as soon as possible. As outlined with respect to the right to a fair hearing, the amendments will provide the Court with more flexibility in allocating matters, which will help to ease magistrates' workloads. This will contribute to the protection of families and children by ensuring magistrates have capacity to hear more complex matters relating to child protection in a timely manner.

The Hon Anthony Carbines

Minister for Child Protection and Family Services

Second reading

Mr CARBINES (Ivanhoe—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (10:44): 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 Bill amends six different legislative systems to make progress on embedding the Government's commitment to Aboriginal self-determination in Victoria's laws and make technical amendments to other key regulatory schemes.

In 2018, *Wungurilwil Gapgapduir: Aboriginal Children and Families Agreement* established a landmark partnership between the Aboriginal community, Government and the child and family services sector to commit to better outcomes for Aboriginal children and young people. This is the foundation of Victoria's plan to meet the National Agreement on Closing the Gap target to reduce the rate of over-representation of Aboriginal children in care by 45 per cent by 2031. At the heart of *Wungurilwil Gapgapduir* is a commitment to the reduction of the over-representation of Aboriginal children in child protection and alternative care. We are going to achieve that by enabling the advancement of Aboriginal models of care and transferring decision making for Aboriginal children to Aboriginal Community Controlled Organisations. This Bill is an important part of achieving that vision.

This Bill also supports the Victorian Aboriginal Affairs Framework, through the Government working in partnership with Aboriginal people to meet the goal that Aboriginal children are raised by Aboriginal families. In particular, the Bill advances the objectives of:

- Eliminating the over-representation of Aboriginal children and young people in care,
- Increasing Aboriginal care, guardianship and management of Aboriginal children and young people in care, and
- Increasing family reunification for Aboriginal children and young people in care.

In the health sector, the Bill progresses a major priority of the Aboriginal Health and Wellbeing Partnership Forum by enshrining commitments to Aboriginal self-determination in our health legislation. This also progresses the Government's commitment to Aboriginal self-determination as set out in the *Victorian Government Self-Determination Reform Framework*.

Through the Bill, this Parliament will specifically acknowledge Victoria's Treaty process and our shared aspiration to achieve increased autonomy and Aboriginal decision-making. This includes greater control of planning, funding and administration of services, including through self-determined Aboriginal representative bodies established through Treaty. Through this, the Government will make clear our commitment to Treaty and the reform work currently underway.

To achieve these goals, the Bill focuses on the following key objectives:

- i. Embedding the Victorian Government's commitment to Aboriginal self-determination in the legislative framework for children and families services, and providing critical enablers to support Aboriginal-led models of care,
- ii. Advancing Aboriginal self-determination to improve health outcomes and the delivery of health services, recognising the key role of the Aboriginal health sector in the delivery of Aboriginal health services, and supporting healing, acknowledging trauma and providing a foundation for future reform,
- iii. Amending the Reportable Conduct Scheme to address critical regulatory gaps impacting on the effectiveness of the scheme,
- iv. Providing necessary transitional provisions to support the new Social Services Regulator and the Worker and Carer Exclusion Scheme,
- v. Ensuring the Commission for Children and Young People can advocate for children and young people and support them in understanding and exercising their right to raise issues of concern, and
- vi. Enabling the Children's Court of Victoria to make rules that delegate certain powers of a registrar or magistrate to a Judicial Registrar.

As well as advancing these objectives, the Bill makes technical and clarifying amendments to make sure our laws operate as effectively as possible.

I will deal with each policy within the Bill in turn.

Introducing an Aboriginal Statement of Recognition and accompanying principles

The evidence is clear that the single biggest factor in improving health and social outcomes is self-determination. The Bill provides significant reform to achieve self-determination and self-management for Aboriginal people and to strengthen provisions that uphold the importance of culture for the safety of Aboriginal children. We recognise that Aboriginal people are best placed to lead and inform responses for Aboriginal children and families and that Aboriginal people have the strengths and the right to lead change for their children. Where this is unable to be done, it is our intent to guide decision makers to use an Aboriginal lens when making their decisions.

The Statement of Recognition and accompanying principles in the Children, Youth and Families Act 2005 are a critical commitment to enacting self-determination for Aboriginal communities. Many are currently experiencing an increase in the over-representation of their children coming into contact with the child protection system and entering into care.

We know, through the impact of colonisation and its disconnect from Aboriginal culture, that Aboriginal people are 22 times more likely than non-Aboriginal people to be in out of home care. By guiding non-Aboriginal decision-makers through the Statement of Recognition principles, the Bill aims to retain Aboriginal children with their culture and community and break the intergenerational trauma contributed to by past policies.

The journey to develop this work by acknowledging the past wrongs, was co-designed with the Aboriginal children and families sector. The intent of the Statement is lead from the front by acknowledging the injustice of the past so we can collectively walk and work together towards a brighter future for Aboriginal people, for their children and for all of Victoria.

These principles are a critical step to building a system that is culturally responsive; trauma-informed, and therefore enables Aboriginal self-determination. The rebalancing of power will lead to a decrease in the over-representation of Aboriginal children in the child protection and care system.

Critically the principles enact policy into practice and guide decision making by supporting all decision-makers to approach their decisions through an Aboriginal lens. This aims to protect and connect Aboriginal children to culture, family and Country. We should all agree this is a shared vision.

Enabling the effective functioning of Aboriginal Children in Aboriginal Care

We know that when Aboriginal people make decisions for their own people, they do better in life. For this reason, the Bill provides critical enabling functions that support the expansion of the nation-leading Aboriginal Children in Aboriginal Care program.

Through the Aboriginal Children in Aboriginal Care program, Aboriginal agencies are making decisions and providing culturally grounded support for Aboriginal families. This program is self-determination in action and is delivering better outcomes for those families.

The Bill broadens the authorisations for Aboriginal agencies under the Aboriginal Children in Aboriginal Care program, allowing agencies to be authorised for any specified child protection functions following receipt and classification of a report. This will allow Aboriginal agencies to undertake investigations of allegations of child abuse and neglect about Aboriginal children and young people, engaging those families and connecting them to the supports they need to address protective concerns. By providing an Aboriginal response to child protection reports delivered by Aboriginal agencies, there is potential to reduce the need for further child protection intervention and reduce the number of Aboriginal children entering care.

The Bill expands information sharing provisions for Aboriginal Children in Aboriginal Care, allowing the Secretary to disclose, and provide access to all child protection records and those currently held in the child protection Client Relationship Information System to Aboriginal agencies authorised under section 18 of the Act. This is consistent with child protection practice and addresses the risk of the emergence of a two-tiered child protection system should child protection practitioners employed by the department have greater access to information that may be relevant to a child's safety and wellbeing than an authorised agency. The key issue is that if someone is making decisions about the safety and wellbeing of a child or young person, regardless of whether they are a public servant or an employee of an Aboriginal agency, they need access to all information recorded that is relevant to that child. This Bill provides that access.

Introducing a Statement of Recognition and non-binding principles for the health sector

The Bill amends the Health Services Act 1988 and Public Health and Wellbeing Act 2008 to include a Statement of Recognition and accompanying principles.

The Statement of Recognition acknowledges past wrongs and mistreatment within the health system, the strength of Aboriginal people, culture, kinship and communities in the face of historic and ongoing injustices and the essential role of Aboriginal Community Controlled Health Organisations in meeting the health, wellbeing and care needs of Aboriginal people in Victoria.

The accompanying principles reinforce the Victorian Government's commitment to Aboriginal self-determination in health and acknowledge the importance of culturally safe and appropriately resourced services to meet the health and wellbeing needs of Aboriginal people in Victoria.

Both the Statement of Recognition and principles have been developed in close partnership with the Aboriginal Health and Wellbeing Partnership Forum. The amendments ensure that, for the first time, the Health Services Act and Public Health and Wellbeing Act acknowledge the importance of Aboriginal self-determination in improving the health and wellbeing of Aboriginal Victorians. We will also seek alignment between the Statement of Recognition and Principles and the upcoming Mental Health and Wellbeing Bill.

These amendments closely align with the priorities of the Aboriginal Health and Wellbeing Partnership Forum and the guiding principles of both the Victorian Government Self-Determination Reform Framework and Closing the Gap Agreement.

Together, the Statement of Recognition and principles represent an important step in reforming the health system to strengthen Aboriginal self-determination and lay the foundation for future reforms which continue to embed Aboriginal self-determination across health and wellbeing services in Victoria.

Updating the Reportable Conduct Scheme

Victoria's Reportable Conduct Scheme was introduced in response to recommendations of the 2013 'Betrayal of Trust' report from the Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations.

The Scheme protects children from abuse and misconduct in entities that exercise care, supervision and authority over children. The Commission for Children and Young People (Commission) has oversight of the Scheme, which commenced in phases from 1 July 2017.

The intent of the Scheme is to require entities to respond to certain serious—reportable—allegations against its employees, including volunteers and contractors. The Act includes a wide definition of employee to capture a person regardless of their employment status.

To ensure the Commission can fulfill its critical oversight role, the Act requires that the Commission is notified of every allegation of reportable conduct. Failing to notify the Commission is an offence.

This Bill introduces amendments to enable the Scheme to operate as intended and ensure the original policy intent is reflected.

The Bill proposes amendments to the definition of ‘employee’ for the purpose of the Scheme, to clarify that the Scheme also applies to labour hire arrangements, secondments and independent contractors.

This will mean that, for example, relief teachers, nurses and youth justice workers in custodial settings, that are contracted through labour hire or similar arrangements will be covered by the Scheme. It recognises that the risks to children are the same for non-labour hire staff, who are already captured by the Scheme.

The Bill includes an amendment to clarify that the Commission and Victoria Police can commence proceedings under the Act. It also includes amendments to enable the Commission to monitor and enforce compliance with the requirement for entities to notify the Commission about reportable allegations, including:

- Extending the timeframe to three years for commencing proceedings in relation to non-compliance with the requirement to notify the Commission about a reportable allegation, and
- Providing the Commission with a suite of contemporary powers to enable the Commission to monitor and enforce compliance with the requirement to notify the Commission about a reportable allegation.

The powers are modelled on similar provisions in the *Child Wellbeing and Safety (Child Safe Standards Compliance and Enforcement) Amendment Act 2021* for regulators to monitor and enforce compliance with the Child Safe Standards.

The amendments in the Bill will ensure that reportable conduct can be responded to regardless of a person’s employment status, and that possible non-compliance with the requirement to notify the Commission about a reportable allegation can be appropriately investigated and enforced. The amendments will help to protect children from the risk of abuse and mistreatment, making organisations safer for children.

Amendments to the Social Services Regulation Act

The Social Services Regulation Act establishes a new Worker and Carer Exclusion Scheme to ensure that individuals who pose a serious risk of harm to children and young people are excluded from the social services sector. The scheme replaces and strengthens existing arrangements regulating workers and carers in out-of-home care, currently administered by the Suitability Panel.

The amendments in the Bill enable the Suitability Panel to continue to deal with transitional matters. That is, to make determinations about matters that are before it prior to the new scheme commencing, once the new scheme takes effect.

Advocacy function for the Commission for Children and Young People

Victorian children and young people in care do not currently have access to an independent, child and young person-friendly body that can act on their behalf, is responsive to their concerns, respectful, culturally inclusive, and trauma-informed.

The amendments in this Bill will empower the Commission for Children and Young People to advocate for children and young people in the child protection and out-of-home care systems, or who were in those systems in the previous six months, to have their issues raised and resolved either directly with government agencies and non-government service providers or referred to a relevant complaints body where necessary. The amendments are intended to support another person, such as a parent, guardian or peer, to seek assistance and advocacy from the Commission on behalf of those children and young people unable to raise their issues themselves.

The Bill includes amendments to ensure adequate information sharing between the Commission for Children and Young People and government agencies and non-government service providers to allow the Commission to obtain information it needs for its advocacy function from the department and alternative care providers.

The proposed function will also enable the Commission for Children and Young People to advocate on behalf of young care leavers aged up to 21 years who are accessing services through the Home Stretch and Better Futures programs. This is consistent with the Government’s commitment to these landmark programs and implementing policy, legislative and systems enablers that enable all young people transitioning from care to thrive as they grow older.

Enabling the Children’s Court Rules to delegate warrant powers to a Judicial Registrar

Judicial registrars play a crucial role in the smooth and efficient running of the courts, helping the judiciary to manage their workload and performing key administrative and judicial tasks. In 2021, the Victorian

Government's Justice Recovery Plan established four new judicial registrar positions in the Children's Court, to help the Court respond to the effects of the COVID-19 pandemic.

The amendments in this Bill will support those earlier reforms by:

- i. allowing the Children's Court to authorise judicial registrars to exercise the *in personam* powers of magistrates under the Children, Youth and Families Act to issue search and protect orders or warrants, and
- ii. clarify that a judicial registrar can exercise any powers of a registrar under the Children Youth and Families Act, or any other Act or the rules of court.

These reforms will help the Children's Court to manage applications for search warrants to locate children and place them in emergency care. The reforms will also provide greater flexibility for courts to manage administrative tasks, which will particularly assist in regional areas where administrative flexibility is required.

In summary, the Bill makes significant progress on embedding Aboriginal self-determination in the laws of our State. It also makes a number of changes to increase the effectiveness of Victoria's legislative system.

Most importantly, this Bill represents a very tangible step towards empowering and supporting Victoria's Aboriginal community to improve outcomes for children and families and improve the health of the community.

I commend the Bill to the house.

Ms McLEISH (Eildon) (10:44): 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, 22 June.

SUMMARY OFFENCES AMENDMENT (NAZI SYMBOL PROHIBITION) BILL 2022

Second reading

Debate resumed on motion of Ms HUTCHINS:

That this bill be now read a second time.

Ms KILKENNY (Carrum) (10:45): As I was saying yesterday, it is deeply concerning, disturbing, that acts of vilification, of violence, of hatred against a group for their religious views and beliefs is taking place in Victoria, across Australia and indeed across the world, but that is where we find ourselves. But like any form of discrimination or vilification, prejudice, it is really difficult to reconcile these acts with the overwhelming sense of inclusion, respect for diversity and support for multiculturalism that the vast majority of Victorians engage in and are rightly proud of. To this end, the Nazi symbol—which is a symbol of outright hatred used entirely to push an agenda of hate, of terror, of fear, of silence—has absolutely no place in Victoria's proudly inclusive society, and on this we cannot be clearer. And it is a good thing, it is a wonderful thing, that there is bipartisan support for the bill that is before the house.

This bill, the first of its kind in any Australian state or territory, will create an offence in the Summary Offences Act 1966 to prohibit a person from intentionally displaying a Nazi symbol in a public place or in sight of a person in a public place if the person knows or reasonably ought to know that the Nazi symbol is a symbol associated with Nazi ideology. The bill will also give Victoria Police powers to direct a person to remove a Nazi symbol from public display, and failing to do so can lead to fines, imprisonment or both. Victoria Police will also be able to apply to the Magistrates Court for a warrant to enter premises to search and seize a Nazi symbol.

These are important reforms. The Nazi symbol is perhaps the most widely and well-recognised symbol associated with Nazi ideology, and its display without question is abhorrent. It is harmful. It is offensive to all members of our society but particularly to members of our Jewish community. But as well, we know that this symbol is used to demonise other groups—Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with a disability and of course other religious groups.

Hate speech and the display of a symbol of such hatred, which is categorically antisemitic—it is one designed to instil, as I have said, terror and fear—is an absolute affront to decency, to security and to democratic equality here in Victoria, and it must not be tolerated. It must not ever be tolerated, and we cannot be silent on this. At its core you could say that this is fundamentally an issue about human rights. So the task before us is never to talk about this in the guise of freedom of speech; this is instead considering how much value we place on security, on democratic equality and on decency and finding that balance. I think the answer here is pretty simple. It is pretty straightforward. It is pretty clear. The Nazi symbol embodies everything that we detest, everything that is evil in our world. It categorically speaks of a regime of fear and hatred and terror and, as I said, also of silence. So we will ban the Nazi symbol here in Victoria, because we must—and because categorically it is the right thing to do.

But of course we know, tragically, that the symbol has been so thoroughly claimed by the Nazis that the very people from whose culture it originates now themselves have difficulty displaying the symbol, the swastika, celebrating its history and its meaning to those cultures in the way that those people and their ancestors for centuries have done. So I feel I need to say to our Victorian communities who display the swastika as a symbol of peace, of harmony, as part of their beautiful cultural and religious practices, that I am so deeply sorry that your symbol has been appropriated for such evil and for such danger.

To members of our Hindu community, our Buddhist community and any other religious communities who hold up this symbol peaceably to celebrate diversity and to celebrate multiculturalism and to whom the swastika holds such immense significance to who they are, this debate may well be a difficult step. The introduction of this bill may be difficult. It may pose significant challenges for them and the ways that they practice their religion and their culture and their beliefs, but I hope also that this debate and what we are doing here today by banning the Nazi symbol is a positive thing for these communities. I hope that by banning the Nazi symbol and by further education and further communication we are able to disentangle the peaceable swastika from the Nazi symbol and that hateful ideology that it has come to represent. That is going to take some action, that is going to take some work, but it cannot detract from the very pressing and critical requirement here, and that is to ban this symbol from public display here in Victoria and to give specific powers to Victoria Police to be able to enforce that by directing people to take down the Nazi symbol and by executing search warrants so that they can enter premises in order to give effect to the meaning behind this. We are creating a criminal offence because we have established that the public display of this Nazi symbol is so abhorrent to us that it warrants a criminal offence.

I am pleased to note that amendments introduced yesterday will bring forward the commencement date of this bill to six months after assent or even sooner, and this is a good thing, because we do need to take steps. Even since the bill was introduced in Parliament several weeks ago we have seen the symbol raised and I think the flag flown, so it is good that we are able to act more swiftly, but this also gives us time to ensure that the appropriate communication and education take place to protect and preserve the cultural integrity of the swastika for those other religious groups for whom the swastika is important. I commend this significant bill as a very necessary and critical step in protecting human rights in Victoria. In stamping out hatred and prejudice and discrimination we are united in our position to ban the Nazi symbol.

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (10:53): I rise to join a number of colleagues to speak on this very, very significant bill, the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. In doing so I do want to acknowledge that obviously in a previous iteration of my public life I was the Minister for Multicultural Affairs for a period of time and worked very collaboratively with the member for Caulfield in really establishing the genesis of this legislation that is before the Parliament today. I do so recognising that when it comes to the question of multiculturalism there is really no difference between the position that the government and opposition members take in celebrating multiculturalism, and indeed in my experience of working with them they so recognise. We are a better and a stronger and a richer community for the unanimity that comes from this Parliament and the leadership that has come from this Parliament on any range of issues that have

affected our community. We remember of course the tragedy in New Zealand—at that time I was the Minister for Multicultural Affairs—and the way that our community collectively reached out and acknowledged the terrible horror that occurred in New Zealand at that time. There are any number of examples of this Parliament working in unison to speak out against these sorts of atrocities.

This particular bill comes to us as recommendation 24 of the Legislative Assembly Legal and Social Issues Committee, and we thank the committee, as always, for their work. Again, those of us who have had experience of working in committees know of the cooperative nature of these committees. The work that they do together is very different, can I say, to the theatre of question time and so forth, because when we do work collaboratively these are the sorts of outcomes that you in fact get. The work of this committee ought to be acknowledged today.

The Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 introduces a new summary offence to prohibit the intentional public display of a Nazi symbol, specifically the Hakenkreuz, commonly known as the Nazi swastika. This is a symbol of hate and a cause of significant harm to Victorians, particularly those of the Jewish faith. The landmark reform sends a very clear message that the public display of the Nazi symbol has no place in Victoria. I do note some of the disgraceful activities that occurred through the federal campaign, when the former Treasurer of the commonwealth had a number of his billboards and so forth vandalised with the swastika. This is just appalling. It is absolutely appalling, and we as a community repudiate it. We know just how harmful that would have been to Mr Frydenberg, his family and indeed the broader community in which he lives and which he did represent. In that respect I want to call out that harm and I want to knowledge that harm that would have been done to him and his family. That is utterly and completely unacceptable.

In that respect it is just so important that we as a Parliament call this out for what it is: the dreadful, dreadful harm and how this symbol echoes so powerfully back for so many people who were the survivors of the Holocaust itself. Some of those people are still with us today—not so many, but their children live on with this burden because they know what their parents or their grandparents actually went through and in so many ways for so many people the miracle that they actually survived. They had the opportunity to come to this country, a country that welcomed them, a country that said, ‘You are precious. We know where you have come from. We know the journey that you have been on, but you are now in a safe place. You are in a safe place where you can establish yourself and make an extraordinary contribution’—as without question the Jewish community has done for a couple of generations now. We absolutely acknowledge their contribution in so many ways, whether it is in the business community, in academia, in the sciences, in medicine—so many ways. That is why our standing up here today says so much about why we celebrate that contribution, and we absolutely repudiate this hateful symbol that is used in such a vicious way and in such a hurtful way to so many people.

Can I say also, though, that the bill does seek to ensure that the swastika, which is as we know significant to the Hindu, Buddhist and Jain communities, is not captured. That is really important, because for those communities this symbol is actually a cause of peace and a cause of celebration, and we want to be absolutely clear that these communities are still able to celebrate the significance of the swastika to their particular religious circumstance. There are also exemptions for academic, artistic, scientific or educational purposes, publishing a report, opposition to fascism or Nazism, administration of justice or law enforcement. The penalty, I would argue, is an appropriate penalty. The penalty will be 12 months imprisonment or a fine of around \$21 000—I think an appropriate penalty for wilfully trying to display this abhorrent symbol.

I do note that there is an amendment that has been moved by my colleague the Minister for Crime Prevention, which provides that the bill will commence by default six months after royal assent unless proclaimed earlier. Currently the bill will commence by default one year after royal assent unless proclaimed earlier. The government and indeed the Parliament are deeply concerned by the recent increase in the public display of Nazi symbols in our community, as I have already canvassed. The day after the bill was introduced Hakenkreuz stickers were plastered on a number of fences, light poles

and bus stops and a Jewish community centre in Caulfield, causing of course great distress to the Jewish community. Again, I simply say, because I know this is a bipartisan position, that this is absolutely unacceptable and it is exactly the conduct that this bill is intended to prevent.

The display of symbols associated with Nazi and Neo-Nazi ideology is deeply harmful and offensive to all members of our society—to all of us it is deeply offensive. But to display this dreadful, abhorrent symbol on a Jewish community centre, that behaviour is—

A member: Unspeakable.

Mr WYNNE: Exactly right, colleague. It is wilful and—

A member interjected.

Mr WYNNE: Exactly. It is unspeakable, and it says so much about anybody who would seek to undertake these sorts of activities and seek in a wilful way to hurt our community—and not just the Jewish community, our community as a whole. I commend this to the house.

Mr EDBROOKE (Frankston) (11:03): I would like to begin by paying my respects to the Holocaust victims and survivors. In my way of thinking this bill is the best way of paying respect to those people and people that have got family members that went through those horrific times. We have heard amazing speeches over the last 24 hours. We have seen Holocaust survivors in our chamber listening to us speak, and that is quite amazing in itself. Can I thank the minister, the committee who ran the inquiry and the members of the community who contributed to the inquiry as well, who have led us to this nation-leading point today where we are banning the use of the swastika in recognition of its role in inciting hate and evil as well. I know my community are fully in support of this ban.

I have been asked a question which is a bit broader, I think: what does banning a symbol do? Well, I would say: symbols are really powerful. Symbols do not require words to explain them. We have got symbols for men and women. We have got symbols for peace and love. We have got negative symbols which symbolise other things, like pentagrams and the divisive Confederate flag issue we have got now in the southern states of the US, and we have got the duality of symbolism as well where a crucifix is a very holy symbol but a burning crucifix means something to a lot of people that is not so holy.

Also the duality of symbolism comes into this, whether it be the Star of David meaning one thing to the Jewish community but a yellow Star of David meaning something entirely different. The swastika, or the Hakenkreuz, is a symbol that has been used for 3000 years at least by Buddhist, Hindu and Jain communities to signify divinity, sun and good luck, and it is important that those communities have been consulted and they can still continue to use this symbol, which was adopted without their permission by a very bad regime.

So as far as 20th-century history is concerned I think it is irrefutable and clear: there are particular symbols that signify very hateful ideologies, and this is one of them. Action needs to be taken, and that is why we are here today. From the outset, and it was even prior to its adoption by the Nazi party, the clockwise swastika—which is actually a Sanskrit word, not a German word—was adopted in Germany as a symbol of Aryan identity, of white supremacy, of antisemitism and of racial purity. I guess that movement became the Nazi party, and the Nazi party adopted it as theirs in 1920 in that clockwise-facing direction. In 1933 the Nazi party decided that the Hakenkreuz was going to be the flag of the republic post the Weimar Republic, and in 1935 the Nazi party, in government this time, declared that the Hakenkreuz would be the official flag of the German nation. It is really important to note that in September 1935, on the same day they declared that the Hakenkreuz was going to be on the official flag of the German nation—literally on the same day—the Nazi government passed a law for the protection of German blood and German honour, which was one of the most racist things you will ever see in history. It prohibited relationships between Germans and Jews, and we know the rest of the story.

So there is no revisionist history here and there is no confusion here. The Nazis were extremely efficient at their campaigning and their record keeping. We know exactly how this history folded out, but from that moment on, from September 1935, it was very clear to the Western world that the swastika—I will now refer to it as the Hakenkreuz—was a symbol of Neo-Nazi ideology, of hate, of racism and of fascism, and only a few short years later it symbolised to a lot of other people mass extermination and experimentation on children and even pregnant women. For families connected to the Holocaust it signifies the Einsatzgruppen, the yellow stars, Kristallnacht, Auschwitz, Birkenau and Dachau. I have met some of those families and survivors too, like many people in this place. The Melbourne Holocaust Museum has been spoken about quite a bit. I actually did attend a session at the Holocaust museum as a kid. I was always stunned at school to see a swastika under a table, etched into a table, down in the valley, where I went to school. We went to the Melbourne Holocaust centre, and that was a huge eye-opener to a history I knew nothing about at that stage. To see a kid act like a bit of a smart-arse and say, ‘My dad says that didn’t happen’, and a woman actually lift up her sleeve and say, ‘Well, I didn’t tattoo this on myself’—that swastika was etched out of that table real quick.

My point is that I think a lot of this is about education. People do not know what this actually means. I visited Yad Vashem, the Holocaust museum in Israel. The first thing I learned at this absolutely hallowed place, which is just full of stillness and full of tranquillity—the world almost stops while you are there, while you are actually stepping through these people’s lives who are no longer with us and the severity and the inhumanity of what happened, the industrial scale of it. You cannot hear a voice when you walk through; it is quite amazing. You walk out the other side thinking how can this ever happen, but that is when the irony hits you. You have been in this silent place, and the irony is that it was actually silence that let this happen. It hits you pretty hard. Silence is all it takes for history to repeat itself and for Nazi ideology to grab a foothold in people’s imaginations again.

It is really important to note that it was not the dyed-in-the-wool Nazi party members that paved their way to power and in turn paved that power into a Holocaust—it was the indifference to the Nazism at the start that allowed this to flourish. We are here today to say we can in no way—in no way—be indifferent about the protection of our multicultural community. We cannot let our community feel like they are powerless and we cannot do anything. We need to take action like we are taking here today and say we will not tolerate one of the most offensive and abhorrent antisemitic symbols of all time. It is easy for kids these days to get swayed one way or another, whether it be by what they are reading on the internet, which might not necessarily be accurate, or by what they see in movies. There certainly has been a softening for a different generation, I think, of what people think the swastika is. They see it in movies. They see Hugo Boss, who designed the Nazi uniforms with the swastika on them. When they see that, they know they are bad guys, but they do not necessarily know what they did. Again, education is the key to that. I note that education, art, science and the law are really the exemptions on using the Hakenkreuz, as they should be. Even yesterday I read in an article that Tasmania is looking at doing exactly the same thing and putting legislation through their house, as they should, but we are leading the nation here today.

I think it is really important to keep the education side up, because we need to know that our kids will stand tall after us and have zero tolerance for Nazism. I do not know who said it—maybe no-one; maybe someone just made it up—but a statement has stuck with me for a little while that a Jewish guy did say to me. He said, ‘When you’ve got a table and there are 10 people sitting there with a Nazi, you’ve got a Nazi problem with 10 people’. As long as we have got people listening to this, as long as we have people who feel comfortable to be in protests and hold up a Nazi flag without the rest of the protest leaving or people saying ‘Just pull that down’, we have a problem. And that comes down to education.

As to education in our schools, I think the best thing any school can do for their kids is take them to the Melbourne Holocaust Museum. It is shocking, it is amazing. When I mentioned pop culture and movies before, if you were to make a movie that kids would watch about the Holocaust, you could not rate it—you could not make this movie, and that is why it is not made. Often that is the first time that

people are exposed to the Hakenkreuz, and they see it as, 'Okay, that's what it is. It's just army people wearing it'. That is not correct. There is a lot more that goes into it. We have heard from survivors, we have heard so many people in this house give such eloquent, detailed explanations of why symbols matter and why we are criminalising this today.

I love the fact that we will be shortening the commencement period to six months after royal assent, not 12. I think it is really important that we protect people in our community from this kind of race-baiting, this hate, this evil as quickly as possible. As I said before, I just want to reiterate: if we have got just one person talking their Nazi ideology at a table of people, we have a Nazi problem and we have got to deal with it. This bill goes a long way to doing that, to making sure that those people cannot be loud and proud. But again I would say that many of the people that have used or graffitied swastikas unfortunately probably do not know the history of it and need education, and it all starts in schools. This is a good way to get it under control. I commend this bill to the house.

Ms GREEN (Yan Yean) (11:13): Usually I begin by saying it is with great pleasure that I join a debate on a bill, but to me it beggars belief that almost 80 years on, that revisionist history in relation to who the Nazis were and that horrendous government requires us to bring in a bill, the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022—we even need to do this. I was born in the 1960s, and it was still very firmly in the memory of my parents and their contemporaries and my grandparents. It was still spoken of in very hushed and fearful terms what that horrendous Second World War did to all of Europe and indeed to the world. I really do not understand how this revisionist history can take hold. I would like to echo what the member for Frankston said: the key to this is education. We must never forget this industrial death machine that was perpetrated primarily on the Jewish people but also on anyone that did not follow that obscene ideology of one culture, named as the Aryan culture, being superior to all others and all other cultures and ideologies being subservient—whether it was the followers of Judaism or whether it was Catholics, communists, journalists, the Romani people or the queer community. I simply do not understand, it just does not compute for me as a human being, that any human being can go down that path and think to revere that regime and revere what those horrendous Nazis did. It means that parliaments, we as community leaders, must act to halt this revisionism and point out what hatred that Nazi swastika, the Hakenkreuz, means, especially to our Jewish people.

I was so moved by so many speeches in this debate, particularly from my friend and colleague the member for Box Hill and also my lifelong friend and colleague, the member for Northcote. I remember once in passing, a few months ago, that the member for Box Hill mentioned his father was a Holocaust survivor. I have gotten to know the member for Box Hill quite well, and I have not done the maths, but I think he is about 20 years younger than me. To hear his story of his father as a five-year-old boy having to take refuge with his family in the forest in Poland in -30 degrees—I am just in awe of the strength of his father and their family and what their journey to this country must have been. How proud they must be of the member for Box Hill. For anyone who is watching, if you have not read the contribution by the member for Box Hill on this debate yesterday, please do.

The other contribution that I would commend is that of the member for Northcote, who I also had to do the maths on. I know her husband, Julian Margolis, and the member for Northcote spoke of her late father-in-law, Joel Margolis, who was also a very young person and survived the Holocaust. The other contribution I would commend those watching on the livestream to look at was by the member for Burwood speaking of the bravery of Halina, who I believe is 96 years old. I saw a photograph of her yesterday, and I cannot believe that someone who went through such deprivation, being in Auschwitz at 12 years old, is now still alive at 96 and is still able to hear her truth and to read her truth and that she has told her story.

I have dealt with a lot of traumatised people in my time, particularly after Black Saturday, and I have spoken sometimes about my own recovery from that trauma. It never leaves you, and I do not know—I am just in awe of the bravery of people, like Halina, who can speak about what happened. But she must continue to speak, and I am so glad that we have members in this place like the member for

Burwood, the member for Box Hill, the member for Northcote and on the other side of the chamber the member for Caulfield—also of Jewish background.

I decry this particularly in an election context. I think, as the member for Northcote said yesterday, when we put ourselves forward for public office, we have got a pretty thick skin for the slings and arrows, of having a beard and glasses or a moustache or devil's horns put on you, but I draw the line at a swastika, a Nazi symbol, for anyone, whether they are of Jewish background or not. It has no place in a democratic system. There are a number of people of Jewish background in the federal Parliament, and I express my disappointment and my support for the former member for Kooyong at what he and his family must have gone through—not for losing an election; we can all wear that. That is part of the democratic process. But the swastika should never have raised its ugly head during that campaign.

I have a number of Jewish friends. The Pinski family have just really improved my life. Talking to the member for Northcote this morning, I learned that both of her in-laws were medical researchers. So many of the Europeans of Jewish descent have just added so much to the richness of Australian society and culture. I have become very good friends with David Green and his family—no relation. His daughters, particularly Sarah and Emma, have become great friends of mine and have helped out on my campaigns, and their dad, David, is a Jewish man and resides in South Morang. When Emma and Sarah were at Montmorency Secondary College around the same time as the member for Bulleen—in fact the same year as, I believe—around Montmorency there were swastikas daubed on garden fences. To think of the impact that must have had on them as young people—thinking ‘Are we welcome in our own beautiful, leafy neighbourhood in Montmorency?’.

I am so glad that we have put forward a house amendment that can bring forward the application of this piece of legislation, with very strong penalties, but it is just deeply regrettable, as I said from the get-go, that we even have to legislate in this way. As soon as this bill was introduced that Nazi swastika reared its ugly head around community centres and places of worship where our Jewish community live. This is just not on. I heard the member for Altona yesterday say that we have the alt-right in our community saying that anytime we talk about responding to racism, that is ‘woke inner-city thinking’. Well, it is not woke inner-city thinking. This is about being human and about respecting each other, where we come from and what we believe in and not supporting a dreadful, dreadful regime like what occurred in Nazi Germany.

I am glad that this bill has support on both sides. I really hope that we will see everyone speak on this bill if they want to, and I really hope that we have very few prosecutions on this. But I hope in addition to the penalties that appear in the bill, the significant jail penalties, that there is significant re-education of those people and that they are forced to observe what the Nazi Germany regime did to particularly the Jewish people and all those millions that they killed. Thank you to the committee that came up with this, the bureaucrats and the ministers. I commend the bill to the house.

Mr HALSE (Ringwood) (11:23): I have been listening intently to the member for Yan Yean's contribution, always thoughtful and considered, on a very delicate matter, a matter that so many people have spoken so eloquently on during the course of this debate. As the Minister for Housing said, it brings out the best of this Parliament, which we do not often see. We see the grabs on the news at 6.00 pm, but we do not often see debates of this nature. So I congratulate those who have spoken on this bill. It would be remiss of me not to mention my friend and colleague the member for Box Hill, who is my electoral neighbour in the eastern suburbs of Melbourne, who also sits next to me here in the chamber during question time and who I have got to know quite well. You will not find a more decent human being than the member for Box Hill. It is quite something to hear the stories of individuals in this place. Everyone has a story. Everyone has a unique contribution to make, and to this debate the member for Box Hill has made a significant contribution that will be read not only in its contemporary form but for generations to come when we discuss this really important bill. The courage and bravery for him to tell a story that is so deeply personal and that has so deeply impacted his family should be noted. I note the contribution from the member for Caulfield, who has been a strong advocate on this issue for so many years. I did not hear the member for Northcote's contribution,

but it is something that I will go back and read in *Hansard* and have a chat with her about on the significance to her and her family.

To echo the words of the member for Yan Yean, it is not a pleasure to get up and talk on this bill—that is not the right term to use—but it is something that is right. It is about righting a piece of legislation that we can get better to address a really significant issue in our community. Again, I do not want to be repetitive of the previous speaker, but we hear a lot about ‘woke’ things in contemporary debate, and somehow to be an anti-racist and to stand up against racism is somewhat woke or is often labelled as being woke. That is not what this is at all. We have bipartisan support right across the Parliament for this bill.

I want to just touch upon a few of the particulars of the bill. I feel ill equipped to talk with great authority on this bill given the contributions that have been made, but I want to touch upon a number of the particulars of the bill. Victoria is the first state or territory in Australia to ban the public display of the Nazi symbol. We have heard really poignantly about the swastika as a symbol of culture, of spirituality and of peace that has been used by many faith groups and many cultural groups for generations and generations—an ancient symbol. That is of course not what we are seeking to ban in any way. It is indeed the hateful Neo-Nazi and Nazi symbol, the Hakenkreuz, that is the symbol that we are seeking here through this bill to ban. The bill only prohibits the display of the Hakenkreuz—I hope I have got that pronunciation right—or a symbol that so closely resembles it that it is likely to be confused or mistaken for the Hakenkreuz.

Importantly, as I have said, there are a range of caveats for this amendment—those that can be considered in good faith. Of course we do not want this to impact genuine academic work or artistic work. We have touched upon the religious significance of the swastika symbol to so many communities—and communities in my electorate of Ringwood as well—for scientific purposes or for educational purposes or for publishing fair and accurate information with respect to opposition to those great ideologies of hate, fascism and Nazism and Neo-Nazism and associated ideologies. It is important to note as well that there are exceptions for the display of the Nazi symbol by means of tattooing and for enforcement and intelligence agencies.

The offence is accompanied by powers for Victoria Police to direct a person to remove a Nazi symbol from public display and to apply to the Magistrates Court for a warrant to enter a premises to search and seize a Nazi symbol. I think it was about a year ago that one of the sort of populist TV shows ran a story or a piece about someone who was raising a flag with a Hakenkreuz symbol in their backyard—something that was bizarre and extraordinary—and there was not much to be done. The police force did not have the powers to address that at the time—a very overt example of why this amendment is so, so important. There are a whole range of other things I could touch upon. I know that there are associated penalties with respect to display.

I do want to go back to those from the Hindu, Buddhist and Jain faiths who reside in my district of Ringwood. We see the swastika in my district of Ringwood used in a beautiful and spiritual and cultural way by particular communities, and that is protected and respected. We thank those communities for being part of a process of co-design around this legislation that is deeply important.

We are the multicultural state here in Victoria, but what we are not is the Neo-Nazi state. We see too much of this hatred within our community. If you drive along Canterbury Road or Whitehorse Road, from the city right through to my part of the world, invariably you will see a symbol of white supremacy, a Neo-Nazi symbol that is graffitied on a wall or on a billboard. We have heard about the recent vandalism of corflutes, particularly with respect to the former commonwealth Treasurer but to others as well throughout the federal election.

It is fair to say there are some people who are very confused in their own identity and will display and seek to employ this really hateful symbol. There are others who are malicious in the display of this symbol, the vandalism of this symbol. It is really important that as we consider this amendment and

as it comes into force that we as a government—and I encourage the government; I know the minister will be considering this, and I think there will be broad support across this Parliament—engage in a really thorough education process throughout our community, within our schools particularly, on the importance of this symbol and the history that is attached to it.

I remember doing my bachelor of arts degree and doing a history unit on the Second World War, and we spent the whole year studying this one unit, which was quite unusual in the context of an undergraduate bachelor degree, learning about the history of the Second World War and the great pain and trauma that permeate right through the generations and are a part of the story of a whole community. So I commend this bill to the house, and I look forward to its introduction. It is a good thing for the state of Victoria.

Ms EDWARDS (Bendigo West) (11:33): I am also rising to make a contribution to the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022, and can I begin by acknowledging the speakers that have made a contribution before me. Some of those contributions have been so heartfelt, and it is wonderful to see such bipartisan support for a bill before the house. I think this is when the Parliament works at its very best. I also wanted to acknowledge the great work that has been done by the Legal and Social Issues Committee, which undertook the inquiry into anti-vilification protections, and the work that they did collaborating to ensure that this recommendation was put forward—and then of course the Attorney-General and her department for making sure that this particular recommendation, recommendation 24, was brought to the house and put into legislation. I just wanted to acknowledge the member for Ringwood, because he raised some interesting points, particularly in relation to history.

I was reading an article from the *South Florida Sun Sentinel*. It is probably not a document that people would normally look to, but there was an article in there by a gentleman by the name of Craig R Weiner, who I think captured some important aspects of 77 years ago in our history when the Holocaust happened. Most of us know the historical facts about that period. We know, for example, that roughly 11.5 million people were either murdered, starved to death or died due to inhumane conditions leading to life-taking diseases, of which 6 million of course were from the Jewish faith. We also know that you did not have to be old to be murdered, because 1.5 million of those that died were little children. We also know that you did not have to be Jewish to suffer the wrath of the labour camps or the death camps. In fact you could have simply been a coloured person, a Jehovah's Witness, gay, a Roma or Sinti, physically or intellectually disabled, an intellectual, a priest, a rabbi or a political opponent. Sadly the death, brutality and dehumanising of people seemed to know no boundaries.

However, I think the Holocaust teaches us more than just the historical facts of how and what occurred during this disgusting blight on human history. It also teaches us very vividly and in a very clear way why there are lessons to be learned from the Holocaust and of course from our history. Just to continue with some reference to that article, it is really sad that even today we have extreme supremacist groups marching and committing terror in communities—not just here but across the world. The rise of Neo-Nazism is quite confronting. And why? 'Why?', we ask ourselves—because someone prays to a different god than they do, because someone has a different sexual orientation or different skin colour or ethnicity? It is truly sad that we must all be classified in different file folders rather than all living together in one file folder called 'human beings'. After all, it is the only thing that really matters. If you are a nice person, should anyone care who you pray for or to or what your skin colour or sexual orientation is? I know that I do not.

It is from these lessons that we have learned, and hopefully continue to learn, through the Holocaust and through education that we can all see firsthand what hatred, bigotry, racism, antisemitism and intolerance indeed can lead to. It is from these same lessons that we must learn how critical it is to stand up against all forms of hate and prejudice and to teach our children not to be followers or pretend that they do not know what is going on, as many claimed after the war. Can we as humans teach our kids to be leaders, to stand up and to do the right thing so that bullying and hatred can be put to a stop? These are our many challenges as a society, and these are some of the lessons from the Holocaust:

tolerance, respect for others, understanding, patience and practising compassion over judgement. It is these lessons that we will give our young people in particular the examples to follow in order to achieve what they all want out of life, and it is through the lessons of the Holocaust that we can help our young people and ensure that they continue to learn these life lessons. That is exactly what we are doing here today in debating the bill before the house in relation to the banning of the Hakenkreuz, which is the Nazi symbol of hate.

I think that one of the first lessons that we can learn in relation to remembering the Holocaust and the 6 million Jews that were killed, defamed, demonised and dehumanised as a prologue and a justification for genocide, is we have to understand that the mass murder of these people, of the Jews and the millions of non-Jews, is not just a matter of abstract statistics; these were real people. There is a saying that says whoever saves a single life, it is as if he or she has saved an entire universe, just as whoever has killed a single person, it is as if they have killed an entire universe. That sets the picture for what really happened particularly to the Jewish community in Europe.

This bill is important for many, many reasons, but symbolism goes hand in hand many times with language. Even the term 'Nazi' is emblematic in itself of the horrors of Nazi Germany and the war in Europe, but alongside that language around Hitler and dictatorship and genocide is that symbol that everyone recognises and understands as a symbol of hatred. Many contributors over the last day or two have referred to that symbol. That symbol can instil fear and pain in so many people, particularly the survivors of the Holocaust and their families, and banning that symbol seems such a simple way to prevent the damage continuing for many of those people but also sends a message that we will not tolerate any forms of bigotry or hatred or racism or inequality that are so synonymous with what we saw 77 years ago.

I have many, many Buddhists in my community, particularly at the Great Stupa of Universal Compassion, and I know that for them the swastika, which is not the same really as the Hakenkreuz, is a very important symbol. So we want to make sure that people from other faiths, particularly Buddhists and the Hindu and Jain communities, have their religious and cultural use of the swastika acknowledged for its relevance to peace and harmony. There is a statement in this bill—in fact it is the opening statement in the bill—that reveals the exceptions to the offences and various examples for those faiths. It is really important for them that they acknowledge that the swastika is their symbol but the Hakenkreuz is not. The Hakenkreuz is the Nazi symbol; it is the symbol of hatred.

I am really, really pleased that this bill has come to the house. It does fulfil one of our commitments as a government to implement all the recommendations from that inquiry, and I am really grateful that the committee members have been able to bring this particular recommendation front and centre and that it is one of the first of those recommendations to be implemented. I just hope that it goes some way to making a difference to the lives of the many, many people who were impacted by the Holocaust, to the survivors of the Holocaust and to those who have been more recently impacted by the use of the Nazi symbol for hatred, the Hakenkreuz, in our own communities. It is still unfortunately too prevalent. Banning it is the best thing, and I commend the bill to the house.

Mr T BULL (Gippsland East) (11:43): I rise to make a few comments on the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. I caught a bit of this debate yesterday, and being on table duty today I have heard the contributions of members on both sides of the chamber and certainly commend them. I visited Israel a few years ago with the member for Caulfield, and I know that he has been an extremely strong advocate for this legislation to come through the chamber from the many times he has brought it up in the party room—but I certainly acknowledge the support on all sides of the chamber. I caught the tail end of the member for Box Hill's contribution yesterday, and while I did not hear his whole speech it was a very touching speech from the heart from him as well. So I certainly commend the speakers on both sides of the chamber.

I think that over recent years there has been a growing recognition of how hurtful to people the swastika symbol actually is. I find it incredible and amazing that within our community we still have a very small

element that refutes that the Holocaust even occurred. That is just a disgraceful thought process—that anyone can be in denial about that. But I want to talk just for a couple of moments about, I guess, where I first became aware of the Holocaust. When I went to primary school the whole school, Metung Primary, had seven students, so I probably had somewhat of a sheltered upbringing. But I can remember going into Nagle College in secondary school. It was year 7. I can remember this vividly. We had a person come to talk to us by the name of Sarah Saaroni. I can remember her name to this day, and I can remember elements of her speech. Sarah had travelled down from Melbourne as a Holocaust survivor to address the year 7 students at my school. I can remember sitting there as a naive person with my head spinning, trying to find my feet, going from a school of seven into a school of 700, but I just could not believe what she was saying, and I could not believe the trauma that she had been through in losing the majority of the members of her family. It really got me interested in that element of history—to find out a lot more and understand a lot more about the atrocities that had occurred. That was my first introduction, hearing this woman speaking from the heart when I was in year 7.

Subsequent to that I had the opportunity to visit Israel with a few of my colleagues on a trip organised by the member for Caulfield some years ago. I know other members in this chamber in their contributions have mentioned that they had the opportunity to visit Yad Vashem, the World Holocaust Remembrance Center. We spent the best part of a day there. You see and read of experiences that it is just nigh on impossible to get your head around in relation to what occurred. I defy anybody to be able to go through that centre and not cry. It is just one of the most emotional experiences you could ever have—and then to come back to this great state in which we live. We went through the recent federal election campaign where we saw antisemitism and the swastika rearing its head again on the corflutes of members. I know Mr Frydenberg has been mentioned here. He was probably the main one on the receiving end of this abuse, but to think that that is still going on in our community is just mind-boggling to me.

So whilst we will pass this legislation, and it is clear from the speakers in this chamber that this legislation will go through both houses, the effectiveness of it on the ground is going to be questionable to a degree, because someone can walk past and do what they do, and unless you catch them in that particular moment it is going to be hard to prosecute offenders. But the pleasing element of this is that it sends a very clear message from the Parliament of Victoria on behalf of the Victorian people to the wider Victorian community that this is not acceptable behaviour and it should not be accepted in any way, shape or form. In that regard I think it is terrific that we are sending from all of the different parties and independents that are represented in this chamber a clear voice of unity in relation to this bill. It is for those very reasons that I commend this bill to the house.

Ms HALFPENNY (Thomastown) (11:49): I also rise to make a contribution to the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. Of course the main purpose of this bill is to amend the Summary Offences Act 1966 to make the public display of the Nazi symbol or Hakenkreuz an offence. This bill is the result of a recommendation coming from the inquiry into anti-vilification protections by the parliamentary Legal and Social Issues Committee. It was chaired by the member for St Albans, who is in the chamber at the moment. I commend her and all the other members of the committee for this really important work and also the many organisations and individuals that provided submissions, gave evidence and told of some really most terrible experiences that nobody should have to endure.

The legislation has also been the subject of extensive consultation, and it has been difficult not because there is widespread opposition to this reform but because the swastika symbol was taken—or more likely, or more aptly, stolen—by the Nazis and made their own. It was a symbol twisted into a sign of hatred, violence and vilification when in fact it is an ancient symbol of the very opposite—a symbol of good fortune and wellbeing. Even now it is a sacred symbol for the Hindu religion, Buddhism, Jainism and Odinism, and I see this symbol in many of the temples in the Thomastown electorate, where it stands for peace and for hope. The ongoing use of the religious and cultural swastika will be allowed by faith communities and will not be inhibited by this bill. However, I think in all legislation

and changes to law there are always consequences. And of course, understandably, there were some concerns, but the consultation has meant that everybody is now supportive of this, because we all had the same view—and that was that the Nazis swastika should not be able to be displayed.

Now, some people might ask, ‘Why is the Nazi symbol is so offensive? Why should it be prohibited?’. But it is not just a symbol, it is so much more than that symbol. It is what it stands for, and it stands for a fascist ideology that should disturb all of us who believe in a civil and humane society. And it carries additional pain, horror and trauma in the Jewish community, which bore the brunt of this horrific ideology in Nazi Germany and other places that supported fascism at the time leading up to and during the Second World War. And there are others who have also been murdered, tortured and imprisoned, like the Russians, Romani-Polish people, those with disabilities, queer people, trade unionists and those of colour—and why? Because they were either enemies or the objects of this violent and terrible ideology. This symbol, however, has not been designated to the past with the defeat of fascist Germany in the 1900s. It is an ideology that we have even seen rear its ugly head recently, leading to murders, vilification, assaults and intimidation. And it seems that those that believe this hateful and dangerous ideology of fascism are becoming more emboldened and their support may be increasing, as we have seen increasing reports of the use of the Nazi symbol and also the desecration of sites with this awful symbol.

We need to remind ourselves of what fascism is and what the Nazi symbol is. There was an article in the *Conversation* by John Broich, who attempts to define what fascism is. I would like to go through a few of those points because I think in the last couple of years we really have seen this ideology rear itself again. We need to remind ourselves of what it has done in the past and what it can do also in the future. I will not quote word for word what this article does in defining fascism but just go through some of the points that this academic makes when trying to define what a fascist thinks and why of course it is such a dangerous ideology. He says:

Above all, fascists view nearly everything through the lens of race. They’re committed not just to race supremacy, but maintaining what they called “racial hygiene,” meaning the purity of their race and the separation of what they view as lower ones ...

or even genocide.

That means they must define who is a member of their nation’s legitimate race.

And they then:

... invent a “true” race.

And this is what happened in Adolf Hitler’s Nazi regime, where the so-called Aryan race was created. It really was not based on history or biology or anything in reality; it was made up. Again, fiction was made into facts, and again, we have seen this happen through the last couple of years of the pandemic where there has been a lot of fiction that has actually been made up and put forward as fact.

Fascists believe in the survival of the fittest, and if an economy or a society is not providing for the needs of the people, a fascist will divert attention from those shortages and will talk about finding or creating an internal or external so-called enemy to attack or against whom to display their violence and blame and divisiveness. Important to most fascists is the idea of being patriotic, that there are good people and there are bad people, that the good people are humiliated and the bad people always seem to do better in society—and again we have seen some of that. If these grievances cannot be answered, fascists say, if things remain under the status quo, there needs to be revolutionary change allowing the real people to break free from the restraints of democracy or the law and to get even. And since the law should be subservient to the needs of the people, there is a need to crush liberalism, the fascists believe, and they encourage militias to enforce the fascists’ will, break unions, distort elections and intimidate the people, the police and anybody else. These are some of the tendencies or the beliefs within that ideology, and again they are things we are seeing starting to surface within Australia and throughout the world.

It is such an important time for the Parliament of Victoria to take a stand against those movements, against those beliefs, rejecting division and rejecting views that we should not have social welfare policies. We should be trying to have an equal society where we should be supporting and embracing diversity and gender equality. Fascists oppose all these things. We need to make a stand and ensure that we believe these things and that we protect, support and fight for these things.

In this debate I think all members of the Parliament are in agreement in speaking in favour of this legislation to outlaw or make it an offence to display the Nazi symbol. I would like to give a bit of a quote about what I really feel this Parliament is doing, because it is so much more than a symbol. Even though the symbol is terrible, it is all about a movement, it is all about an ideology. There is a much-used quote. I think it is displayed in a number of the Holocaust museums. I think everybody here would know what it is and would have heard of it before, but I would just like to go through it because what we are doing today is a really significant and important thing. The quote says:

First they came for the socialists, and I did not speak out—because I was not a socialist.

Then they came for the trade unionists, and I did not speak out—because I was not a trade unionist.

Then they came for the Jews, and I did not speak out—because I was not a Jew.

Then they came for me—and there was no one left to speak for me.

Today in this Parliament we are speaking out by banning the symbol of hate and terror, a symbol used to instil fear and division and prejudice, and we are sending a message that we will not tolerate this ideology or those that stand up for it. In closing my contribution on this legislation, I know there will be various fines and even imprisonment and that police will be able to enforce it and make people remove and bring down signs of the Nazi swastika. I look forward to this bill coming into effect. Hopefully this will be one step more against fascism.

Mr McGHIE (Melton) (11:59): I rise today to also contribute to this vital piece of legislation, the Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022. Firstly, I should say I think it is a bit of a shame and it is disappointing that we even have to introduce this bill and debate it in this house, but of course we do that off the back of the actions of some people in our communities—and obviously a minority of people in our communities—taking some serious actions using this particular symbol.

Before I start I would like to note and acknowledge a number of my colleagues' contributions both here today and yesterday—the moving contributions from the member for Box Hill, the member for Burwood and of course the member for Oakleigh, the personal account from the member for Bentleigh and in particular the member for Northcote's personal account of her family's situation. They are really acknowledged. Again this morning, or today, there was the member for Yan Yean's quite emotional contribution, and I really appreciate that from the member. The member for Altona helped us understand that the trauma of these horrors are not some notes in a history book. The trauma of what occurred during the 1930s and 40s is still a lived experience for many of our communities that lived through those horrors but also their families that shared in that generational trauma. There are people alive now that we can talk to and that can share their firsthand experiences, and of course they can be further traumatised by some of the actions that have gone on throughout our community by some of those that seek to terrorise by the actions of using these symbols.

It is only right that we have this legislation today before this house, and it is only right that this house stands in solidarity with these protections for our community. I acknowledge the opposition's contributions on this bill, and it is pleasing to see that we do have a united front on it. The evil that occurred in the 1930s and 40s to innocent people destroyed their dignity and it certainly destroyed their lives. It corrupted the very fabric of society, and it stole the lives and culture of not only the Jewish community but other religions, ethnic groups and the LGBTIQ community.

Nazism also did a severe injustice to the Hindu, Buddhist and Jain communities by appropriating their symbols and fouling their religious symbols for its own sick objectives. The biggest Hindu community

centre in Australia is on the doorstep of my electorate. It serves many of my constituents along with those of many other members, like the member for Tarneit, who also made an excellent contribution on this legislation earlier. Many of my constituents have been worried that this crime against their religious expression would be further prolonged. The Hindu community, along with the Buddhist and the Jain, stands shoulder to shoulder with the Jewish community against Nazi ideology and the fear used through the Hakenkreuz. The Nazis chose a symbol, excavated by German archaeologists, that was similar to the swastika in this campaign of hate. The Hakenkreuz is the most widely recognised symbol historically associated with Nazi ideology and has been the most common symbol used in recent high-profile displays throughout Victoria. A ban on the public display of the symbol is therefore a sensible starting point.

Many of my multicultural communities have been worried that this warranted legislation to ban this hate symbol would adversely impact their religious practice and use of their holy symbols. The religious 'swastika' has its etymological basis in Sanskrit, meaning 'conducive to wellbeing or good being'. So when you walk through the new housing developments in Melton and other growth areas of Melbourne you see new families moving into their newly built houses, blessed through their religious ceremonies, a holy symbol of the swastika bringing goodness and wellbeing to their homes and they themselves bringing blessings to the community that they are moving into and creating. These good families are the polar opposite of what the Hakenkreuz stands for. It is important for these communities to know that this legislation helps this community to reclaim their cultural identity in the midst of those who wish to appropriate their symbols for hate. The Hindu, Buddhist and Jain communities stand together with other people of goodwill and support communities like the Jewish community, which has received harm from the ideology of Nazism and other hate.

The Summary Offences Amendment (Nazi Symbol Prohibition) Bill 2022 introduces a new summary offence to prohibit the intentional public display of a Nazi symbol, specifically the Hakenkreuz. The Hakenkreuz is a symbol of hate and causes significant harm to Victorians, particularly the Jewish community. This landmark reform sends a clear message that the public display of the Nazi symbol has no place in Victoria. The bill will acquit the government's commitment to ban the display of Nazi symbols as recommended by the Legal and Social Issues Committee's inquiry into anti-vilification protections. The bill will create an offence in the Summary Offences Act 1966 which prohibits a person from intentionally displaying a Nazi symbol in a public place if the person knows or reasonably ought to know that the Nazi symbol is a symbol associated with Nazi ideology.

We are proud to deliver this bill, which will make Victoria the first Australian state or territory to ban the public display of the Nazi symbol. The bill fulfils a Victorian government commitment to implement recommendation 24 of the 2021 report of the Legal and Social Issues Committee inquiry into anti-vilification protections in Victoria to ban the public display of this Nazi symbol. It also forms part of the government's broader commitment to introduce a suite of reforms to strengthen anti-vilification protections in Victoria. I would like to thank the member for St Albans, who is in the chamber, for her work on the committee and for chairing the committee, as well as all the committee members for their contributions and providing a great outcome. Of course my thanks also go to the Attorney-General and the Minister for Multicultural Affairs for their and their staff's hard work on this legislation.

We saw scenes in the Grampians in regional Victoria of young idiots trying to intimidate and revive hatred, which needs to be addressed. The re-emergence of fascism, especially during the pandemic, was really concerning. We simply cannot allow the lessons learned to disappear with the new rise of fascist ideology. Our government is committed to protecting the rights of all Victorians to be free from racism, vilification and hatred and to ensure everyone feels welcome and accepted. We know that the harm caused by hate conduct and vilification can be profound and can affect the physical and psychological wellbeing of individuals and often prevent them from feeling comfortable participating in their community. As I said before, we have seen a number of events throughout the state in regard to the displaying of Nazi symbols, and some of those have been referred to in previous contributions,

so I do not think I will go to those now—corflutes being destroyed and damage done with Nazi symbols and things like that, which is just totally inappropriate.

The opening statement for the new division outlines that the bill was designed with leaders from the Jewish, Hindu, Buddhist and Jain communities to ensure it appropriately reflected their views. We recognise that the swastika is an ancient and auspicious symbol of purity, love, peace and good fortune, and we heard from faith groups about its widespread use, including in places of worship, on clothing, in art and architecture and on shopfronts. This swastika is to be distinguished from the appropriated and distorted version of the symbol, also known as the Hakenkreuz, noting that the swastika was also appropriated by the Nazis. The Hakenkreuz became a symbol of the Third Reich, under which heinous crimes were perpetrated against humanity. We have all heard that recounted through some of the contributions, and of course some people in the gallery have given personal accounts through members here who have contributed.

We all know what the Nazis did back in the 1930s and 40s and about the Holocaust and the trauma that has caused many, many people in our community and their families. So it is pleasing that this house is united on this bill. It is important legislation. It is making the rightful move of banning this hate symbol, and it is making it clear that this type of hate has no place in Victoria. I commend this bill to the house and I wish it a smooth passage.

Ms D'AMBROSIO (Mill Park—Minister for Energy, Environment and Climate Change, Minister for Solar Homes) (12:09): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

CHILD EMPLOYMENT AMENDMENT BILL 2022

Second reading

Debate resumed on motion of Mr PEARSON:

That this bill be now read a second time.

Mr WAKELING (Ferntree Gully) (12:09): I am pleased to rise to lead the debate on behalf of the Liberal-Nationals on the Child Employment Amendment Bill 2022. The bill before the house comes as a result of a significant review that has been undertaken by the government of this critical piece of legislation, which effectively protects the employment of children under the age of 15 in the state of Victoria. The bill before the house comes, as I said, as a consequence of that consultation.

By way of background, the regulations around child employment set out the age groups at which different types of children are able to work for profit but more importantly set out a range of protections for children to ensure that they do not face harmful effects in terms of their health or safety, effects to their moral or material welfare or development or effects in regard to their attendance at school. They also protect children from any form of exploitation. I think they are critical areas of legislation because, as we know, children are employed by a range of organisations legitimately, but we need to make sure that actions are taken which are paramount to the health and safety of children.

Within the state of Victoria, as I said, children under the age of 15 fall within the classification of child employment under this act. Any child over the age of 15 is deemed to be an employee but would be entitled to relevant junior rates of pay where they apply. A common misconception is in fact that child employment only relates to children under the age of 14 years and nine months. I do not know the history of why that actually occurred, but the legislation and the reviews actually made it very clear that that is a common misunderstanding by many in the community. In fact it clearly only applies to children under the age of 15.

Children who are aged 11 years and over are currently able to undertake delivery work and are employed in what is known as a 'general industries' area. Similarly, children aged 13 and over can be employed under a general industries permit. That could be in the areas of hospitality and retail work and the like. With respect to the entertainment industry there is no age limit, because as we know, in the entertainment industry television commercials, television shows and movies will use children of all ages. But they are required to have a permit, and that permit sets out particular conditions under which the child is allowed to be employed. I will come to that in a moment.

Children of any age working in a family business where the child's parents or guardians run the business and they are directly supervised by the parent do not require a permit. But having said that, children who work in family businesses, including farms, are only permitted to undertake light work, which means they are not undertaking employment activities that would consider them to be involved in hazardous industries or performing dangerous tasks. In all settings, but particularly in hospitality and in farm settings, there is a range of activities that could well endanger a child's life, and so it is imperative that that work is not undertaken as part of the light work a child undertakes—those activities. It also recognises that providing children under the age of 15 with employment opportunities that do not interfere with their education or pose a risk to their health and safety can have a positive impact on their character and work ethic as well as provide opportunities to meet people and develop their skills. So whilst, as we have said, it is imperative to have restrictions in place, there are positive aspects for some children who are involved in this area of employment—for those under the age of 15.

Currently the act provides for regulations and permits to be issued by a child employment officer. In the 1990s, when I was an employee of the Department of Business and Employment, which is now Industrial Relations Victoria (IRV), I actually worked with a child employment officer and saw firsthand the work they did in issuing permits. Their main area of engagement with industry was particularly in the entertainment industry. I remember on one occasion there was a TAC ad being produced, and as we know in the 1990s there were a number of TAC ads that were filmed. On this occasion a permit was required that allowed a child who was meant to be the victim of road trauma to be laying on bitumen, but the requirement of the permit was that the bitumen had to be cleaned so that the child was not endangered potentially by chemicals on the road. It was just interesting, the level of detail that often would be attached to a permit to ensure the protection of a child as part of their employment. That is important work, but as you would appreciate, it is also laborious, because it is a permit attached to one child in one employment setting. As you would appreciate, there are a range of areas in which children may be employed, particularly in the entertainment area, which could be overly complex, not only for the child employment officer but also for the employer concerned in terms of seeking that permit.

The government undertook a review in November 2020. The review sought to undertake a review of the current 2003 act, and it engaged research. It was highlighted by research by EY Sweeney, and they used that research project to build on the work they did as part of their review. That review sought feedback from a range of stakeholders and employers, particularly in the entertainment industry, and feedback was sought from the community, relevant unions and other interested parties in terms of ensuring we have the best protections in place to protect children but also to streamline the process and to make it easier in terms of the employment of children.

In the entertainment industry, by way of example, it stipulates, out of interest, that a child under the age of three can only work a maximum number of three days between the hours of 6.00 am and 6.00 pm for a maximum period of 4 hours; for three- to eight-year-olds the maximum number of days is four days, working between 6.00 and 11.00 for a maximum period of 6 hours; and for eight- to 15-year-olds it is five days, working between 6.00 and 11.00 for a maximum period of 8 hours. I mention that by way of example because there is a sliding scale of what is appropriate and inappropriate in terms of the amount of work that a child is able to undertake in their duties. It is about making sure we strike that appropriate balance of streamlining the process for employers to make it less cumbersome in terms of the process whilst also retaining that protection.

As someone who was a member of the Family and Community Development Committee's Betrayal of Trust inquiry in a previous Parliament, which focused on child safety, what came out of that inquiry was the need to ensure that in all settings involving children there need to be appropriate protections in place for children who are under the care or direction of an adult. That inquiry focused on institutions, but clearly the findings out of that flowed into education and have also flowed into areas of employment, particularly around working with children checks or what is now under the Worker Screening Act 2020. Those issues have been caught up in this piece of legislation as well, and I think that is important and that is to be supported, because we need to ensure that those findings in those critical areas have been caught up in the legislation.

As part of the review, it was identified that 35 per cent of children in the workforce are involved in retail, 21 per cent in food services and the third-largest area of employment is in the entertainment industry. Permits, for example—in 2018–19 there were over 11 000 permits issued in one year for children. As I said, whilst important, it is administratively cumbersome, particularly if there are multiple permits being sought by one employer, particularly say in the entertainment industry, where there might be multiple children engaged to perform roles in a production and an individual permit is being sought for each child before they can actually undertake filming.

The government, through this process, is seeking to vary the way in which the legislation applies. The first major reform under this bill will be to convert it from a permit-based system to a licence-based system, and what will happen is that under a licence-based system they will be creating two sets of licences, an entertainment licence and a general industry licence. Under the general industry licence there will be one specific person that is nominated to represent that business, and they will be able to seek a licence to employ children. I thank the department for their briefing. It is my understanding from what I garnered at the briefing—and I will stand corrected, if I am incorrect, by the government—that there will be a portal created where employers will be able to upload information on children that they have working. So there will still be a record of the children, but the individual licence-holder will not be required to obtain the permit individually for each individual worker. They will effectively be able to upload that information so that IRV, the department, will be clearly aware of which children are actually engaged in a particular organisation, but administratively the burden will be reduced on those employers from seeking an individual permit for each child that happens to come under their control.

In regard to the entertainment industry there will be a separate entertainment licence, and under the entertainment licence a business will be required to have a nominated officer as well as an employer representative. The nominated officer will effectively be someone within the company's organisational structure that is deemed to be an employer. If you think of a major production company, a film production company, it could be someone in their head office that is the nominated person for representing that business, but that nominated officer may not necessarily have direct access to or direct engagement with children on the set. That is why there will be also an employer representative, who is effectively the delegated person who will be identified and who will have the direct day-to-day engagement with the children on the set. In a smaller production company that could in fact be the same person, but in a large organisation you could appreciate the fact that when productions are being filmed around Victoria or potentially around Australia, for the work undertaken in Victoria a nominated officer would in fact be the person that would have more direct control with that child. Again, under this new licensing arrangement in the entertainment industry they will be able to engage children and upload the details of the children, the work being undertaken, their age and relevant information onto the portal to make it more streamlined for those businesses, because they in the past have had to seek a permit for every child that has been engaged in that setting. That is something that would be, certainly from the feedback I have received, a far more streamlined approach and would be certainly supported broadly by industry.

Also the licence applicant will be required to satisfy a fit and proper person test, and again I think that is appropriate in the circumstances. Not only is this the work that came out of the Betrayal of Trust inquiry, but broadly across the community, broadly across the Parliament, there is a greater need for

ensuring that those who are engaging directly with children meet an appropriate test, and the application of the fit and proper person test is important. That does not necessarily mean that previously children have been exposed, but again this is about ensuring that we have stronger, tighter protections in place, and I think that is eminently sensible.

As part of the new licensing system there is going to be information provided to stakeholders, and I generally say to the government, to the department: with these new streamlined processes, if they pass the Parliament, there needs to be clear education and information provided to industry, to stakeholders and to families to give people greater understanding as to how the system will work and what the protections will be for their child. On the one hand it is important to educate employers and industry on the new changes and how they will benefit them, but equally you need to be educating parents of children, for example in entertainment, that there will be appropriate protections in place, particularly as in the past their child had to obtain a permit to work, and if the permit is no longer required, there still needs to be that information about protection of children as part of this process. We do not want to see a reduction in education.

Another key area of change in the bill is around the definition of ‘employment’, and this recognises that children are often engaged in a variety of different ways and in activities that may not necessarily meet what is known as the multifactorial common-law test to determine an employment relationship. It means that children may not necessarily be remunerated in the usual way of direct payment but could be offered products, merchandise or experiential work rather than monetary payment. I recall in the 1990s dealing with a case where a child was being employed in a fish and chip shop where the owner of the business would not provide payment but provided in-kind fish and chips and a can of Coke and believed that that met the test, and clearly it did not. We had to as a department get involved in that situation. But we do recognise that there are children who are engaged and receive benefits other than simply payment. This bill will provide for that, and it is imperative that the department provide clarity as to how that will work and what will meet the appropriate test, because we do not want employers unnecessarily being prosecuted for breaching the act for non-payment with the provision of other benefits. Whilst it is important that that is recognised, we need to make sure that there is education and clarity around how that will actually apply throughout Victorian workplaces.

Certainly there were questions raised in regard to the employment of children by family businesses and particularly family farms. Children working directly for their parents will not be required to have a permit if they are directly supervised, but there needs to be education in this space as well for family businesses and family farms to ensure that parents fully understand what is required of them and when they do and do not require a permit, because this is a question that often arises: if they are helping Mum or Dad on the farm to move cows, is a permit required? If they are in receipt of a payment because it is ‘pocket money’, is a permit required in those circumstances? I think it is important that through the Victorian Farmers Federation and other organisations this information is clarified for families.

What the bill clarifies is that ‘direct supervision of the child’ means that the child is being supervised by the child’s parent, a person who has parental responsibility—so it could be a carer or a family member—or, for limited periods, another responsible adult who works in the family business. We clarified through the bill briefing that that could in fact be a non-family member who works for the business like a manager in an organisation, but there needs to be an appropriate working with children check in place for that person, and it is obviously only for a limited period. Whilst it is not clarified what ‘limited’ is in terms of a specific time, it has got to be a reasonable length of time that a parent is away from the business for the person to care for that child. Going to the bank, dropping something off and returning to work will be deemed reasonable, but it may not be unreasonable for a parent to say ‘I’m absent for the day’ and to ask a manager in the business to care for their child for that day. No time frame has been specified, and I would perhaps just ask the government, through the department, to ensure that these issues are clarified for the future so that there is greater certainty as to how this will actually apply and play out within the community.

Inherently parents will not leave their child in the care of someone else unless they think that it is safe to do so. Again, the bill provides greater clarity that that can only occur for a limited period, given the fact that if it is not in a workplace setting, that parent may place their child in the care of that particular person outside of the workplace for as long as they choose. So that is accepted, but in a workplace setting it is deemed that this should only occur for a limited period. The bill also says that the minimum age of a person who can supervise a child in a workplace is 18 years. It is not saying that the manager cannot be a 16-year-old, but the manager or the person responsible must be an adult for the purposes of supervising a child for that limited period of time.

The bill also makes some significant changes with regard to compliance. The first area of note is that the bill changes the penalty structure throughout the act, and the penalties have been broadly increased from 100 penalty units for a body corporate to 1200 and from 60 penalty units for all other cases to 240. That has been done in line with the Worker Screening Act. So the penalties have been increased, but what the bill is doing at the same time as an increase in penalties is bringing in a sliding scale of punishment that can be afforded for breaches of the act. Currently under the act, if an employer breaches the act—that is, in terms of employing a child under the age of 15 without a permit—they are either in breach of the act or not in breach of the act, and if they are in breach of the act, the only option available to the child employment officer is to prosecute that business in line with a direct prosecution under the act. There are potentially no other options to actually deal with a breach of the act. Some businesses set out to break the law, but a range of businesses, particularly small businesses, may do it without necessarily seeking to break the law; they identify later that they have broken a law for whatever reason.

This bill is going to introduce powers for a compliance notice and an infringement notice to be introduced, and I think that is inherently sensible because it enables a business to receive a compliance notice or an infringement notice to desist or to receive a fine for undertaking activities which are in breach of the act. Clearly, then, if that business either is undertaking activities that grossly breach the act or continues to breach the act after the issuing of a notice, then it is open for greater penalties to be sought for offences under this act. This is going to be achieved as part of substituting the current child employment officers with authorised officers, and the work will be undertaken through Wage Inspectorate Victoria. I certainly believe that that is a better option for all parties. It is a better option, potentially, for the child. It is a better option obviously for the business but also for the authorised officer, because what it does is it provides the authorised officer the opportunity to work with a business to overcome a problem, as opposed to strictly having to apply a punitive approach. I would certainly hope that as part of the rollout the government adopts a reasonable approach—one of education as well as enforcement. If a business chooses to break the law and makes the decision to undertake activities that endanger children—makes the decision to expose a child to activities which are inappropriate given the age of the child—then I do not think anyone has a problem with the book being thrown at that business. But for others that have breached the act but not done so knowing the full implications of what they have done, this will actually provide a sliding scale. That I believe is going to provide a far more appropriate way of enforcement under the provisions of this act.

The licensing provisions of the bill, the new requirements for supervision during the casting or audition process and also the expanded coverage of not-for-profit entities under this bill are set to commence on 1 July 2023, and the remaining provisions of the bill will come into effect on the day after the day on which the bill receives royal assent. Certainly from the opposition's perspective we do not oppose the bill that is before the house. As I have said, there has been broad support—or there have not been, more importantly, specific concerns raised about the bill—from stakeholders that I have engaged with. It is certainly about making the act contemporary to meet the current needs of Victorian industry as well as provide protections for children.

As I said, the increase in penalties being brought in line might have an adverse effect on business, but again I call on government to ensure that they engage with industry, educate industry, work with industry and work with the community to ensure there are adequate protections and there is adequate

information and adequate understanding across the community as to the role of these new child employment laws.

The employment of children is still important, particularly in the entertainment industry and other areas of the state. It is imperative that we provide a regime that provides the opportunity for businesses to rightly employ children, but equally we need to protect children. It is about finding that balance. I think historically the Child Employment Act has found the balance. The bill before the house makes changes to ensure that it is contemporary but still continues to deliver the protections for children whilst affording those Victorian businesses with the opportunity to employ children, and with that I wish the bill a speedy passage.

Ms HUTCHINS (Sydenham—Minister for Crime Prevention, Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (12:36): I rise to speak on this bill, which amends the Child Employment Act 2003. I acknowledge that the opposition is not opposing this and welcome these amendments that are being brought forward by the Minister for Industrial Relations and Treasurer, which regulate when and how children under 15 can work. This bill continues the government's exceptional record of protecting workers whatever their age and whatever background they come from.

The act sets out not only age but the type of work and conditions that apply to child employment, and it aims to protect children from doing work that could be harmful for them not just physically but psychologically as well. It also takes into consideration their attendance at school and protection of the child from exploitation, which we know all too often can unfortunately happen, particularly for the youngest workers out there. We know that when workers are empowered and they feel supported and safe, they, their families and their employers can all thrive.

Before I move on to the specifics of the bill I just want to reflect on some of the transformative changes that this government has brought about to improve the rights of workers here in Victoria, which is undeniably a factor in the ongoing strength and resilience of our economy. Victorians who work in casual and other insecure jobs will no longer be forced to choose between a day's pay and looking after their health, thanks to our government's initiative of the Victorian sick pay guarantee, which was introduced this year. This is a nation-leading sick pay guarantee pilot scheme for casuals and contract workers, making sure that workers in casualised industries do not have to choose between their health and a day's pay.

We know that in this act in particular the employment of children under 15 is primarily regulated through a permit system. Children aged 11 and over can undertake delivery work where their employer obtains a general industry permit, similar to children aged 13 and over that are able to be employed under general industry permits. There is a lot in this legislation to unpack in terms of not only the permit system itself but also definitions, and amendments in this bill go to clarifying that children providing babysitting services and other domestic services are not covered by the act. It extends tutoring to outside of residential premises so that if it is occurring in places like local libraries, where my own son attended tutoring, or other premises, they will not be covered. It removes the exclusion for door-to-door fundraising, a really important step forward, and it excludes children who appear in the background of news, current affairs and lifestyle shows and documentaries—in their little 15 minutes of fame—as well.

But we know that many of these permits are actually put in place for situations to do with acting and productions, and that is why it is really important that we clarify and make the licensing system simple for employers and families to understand but also, very importantly, make sure that the Wage Inspectorate Victoria, which is another fantastic initiative that was introduced by this government to protect all workers, now has an opportunity, through new sections 18AF and 18AG of this bill, to be able to vary or cancel a permit where exploitation has occurred or there has been non-compliance. They can actually go in and work on improving that situation and making recommendations whilst the permit is cancelled. The wage inspectorate itself, since it was established in 2018, has really been

there to protect the most vulnerable in our workforce and to ensure compliance across the board with employment conditions but also to ensure that rates of pay are very much abided by.

These changes in the bill today build upon the success of the work of that independent inspectorate, which will be responsible for those employers who do not take the rights of children seriously when they are at work. Late last year I was really pleased to launch the youth employment justice report, a significant body of work undertaken by the wonderful people at Westjustice detailing the challenges facing young people in the workplace. The report reiterated the challenges facing young people and how unprecedented some of the levels of underpayment are and how hard it is for even more vulnerable young people, particularly from CALD communities. Westjustice found that young people are commonly victims of wage theft and unsafe work, with discrimination and exploitation especially for those in the workforce in hospitality, for young women and, as I have mentioned, those from CALD backgrounds.

Of 106 young people who received support from the youth employment justice project between 2019 and 2021, 70 per cent needed assistance regarding wage theft, 22 per cent required assistance for unlawful dismissal and 31 per cent were seeking general advice around what their workplace rights were. Of the young people involved in this project, 71 per cent were involved in some form of risky or insecure work, leading to poor employment outcomes. It is just so hard to stand up for your rights in the workplace when you are in insecure work, when you are young and when you do not have the work or life experience to be able to speak up—and quite often if they do speak up, it does come at a cost. As well there was a lack of understanding of employment laws and processes and more general barriers, and for some very young people that are new arrivals to our country, sometimes language can be a barrier.

The challenges are multifaceted. They require both cultural and legislative change. This bill will see the introduction of a streamlined child employment licensing system. This improves on the requirements currently underway. This new system will support employers to apply for one licence to employ multiple children rather than applying for individual permits. This bill will streamline the process and make it easier for employers to comply with regulations. The requirements under a licence will be greater where the risk to children is higher. I think that is a really important aspect of this. Work that is low risk will have fewer licensing obligations, and there will be a proportionate system to make sure that employers respond well to the risks that children may face in the workplace.

We know that lots of children and young people get great benefit from working part-time. For many it can bring a sense of identity and purpose as well as giving them greater financial independence. It can also connect children with different parts of the community and reduce isolation and challenges that they may face in life. Through my time as Minister for Crime Prevention I have seen how meaningful work can bring about a positive change to the lives of so many young vulnerable Victorians. I recently joined my colleague Sheena Watt from the other place to hear about a great program that is being run by the Brotherhood of St Laurence and Jesuit Social Services called Step into Training and Employment which targets young people from public housing to help plan their careers and find a job. I was struck by how young people spoke about their work as a way of helping not only themselves but their whole families. Whilst many of those who had been connected through the program were 18, it was clear to me that young people often need support in getting started in the world of work, and that is often overlooked by programs.

Because work is not without its pressures and challenges, part-time employment must be balanced against a child's educational development and the need for additional safeguards due to vulnerability in the workplace. This is especially true for young people who might be experiencing other vulnerabilities. I sat down recently with the Centre for Multicultural Youth, Swinburne University and the member for Hawthorn to hear about a project through our Building Safer Communities Fund which helps Pasifika young people engage in both education and employment. They talked about the pressures that young people face to start helping their families at a very young age to gain income for the family to survive. This is underscored by many other pressures to take on dangerous work.

This bill is extremely important in protecting young people, in protecting kids. It introduces a streamlined employment licensing system to replace the individual permit system. It simplifies the process, it enhances child protection, it improves overall employment regimes for children and, most importantly, it allows the wage inspectorate to cover and investigate children at work.

Mr D O'BRIEN (Gippsland South) (12:46): I am pleased to rise to say a few words on the Child Employment Amendment Bill 2022. From what I can see from the legislation, looking at the second-reading speech and the work done by the member for Ferntree Gully on the legislation from the opposition's point of view, this is largely sensible legislation that does certainly attempt to streamline and reduce red tape, and I think that is a good thing. I guess I contrast that with some other pieces of legislation we have seen over the years, where this government has made things too difficult both for workers and for employers. But this does seem to strike the right balance from what I can see, with a couple of riders that I might put on that a little bit later.

This bill, I guess, reflects as best it can a modern working arrangement while maintaining the ability for children to get employment. We are thankfully well past the days of sending six-year-olds down the coalmines, at least in this country, and that is definitely a good thing. But as previous speakers have indicated, the importance of children being able to get experience in the workplace is vital. I can only reflect on my own experience as a teenager getting my first couple of jobs. They were critical—although I might add that perhaps the very first one that I got highlights the need for some of the safety measures in this bill. My older brother was a stock agent, and my first pay cheque ever was going to help him out in the saleyards on sale days with cattle sales—

A member interjected.

Mr D O'BRIEN: In Sale, yes; that is right. I went to help out in the school holidays in the saleyards. You get up at 4 o'clock in the morning, weighing cattle, moving them from pen to pen. It is hard work; it is actually dangerous work. Indeed despite the warnings from the other stock agents about making sure that you hold the gate with both hands when you swing it behind the pen of cattle, I still got whacked, as they often do. Some steers kicked the gate as I tried to close it, and the gate collected me right on the noggin and sent me across the other side of the race, which I guess highlights the importance of having some risk-based arrangements in this sort of legislation to ensure that where there is a higher risk children are protected. I was fine, of course, but to my great surprise in doing that casual work in my school holidays, which I just thought was for a bit of fun, I actually got my very first pay cheque from a man by the name of Peter Foster, who was a great fella. He gave me a receipt, a pay invoice, which to this day I have still got. It was for \$70 for casual wages, and as about a 14-year-old boy I thought all of my Christmases had come at once—that I had got this first pay cheque. It was just fantastic. It was not a pay cheque, it was cash. It was 70 bucks, and it was the best thing—

Mr Riordan interjected.

Mr D O'BRIEN: I think it did come in a little brown envelope, member for Polwarth. I think it actually did. It was great.

A member interjected.

Mr D O'BRIEN: No. In those days of course you measured value in CDs, so it was how many CDs you could buy. I could get 2.2 CDs for my 70 bucks or something.

A member interjected.

Mr D O'BRIEN: I am a young fella, yes. But it was a great experience, and it led not long after to getting a part-time job at Pizza Hut in Traralgon. The Traralgon Pizza Hut literally was the busiest in the state—with what was called London Stores down here in Bourke Street Mall. For that period of time it was one of the busiest in the state.

A member interjected.

Mr D O'BRIEN: Well, of course, the oil on the pizza has ruined all my good looks, because the acne was terrible—but anyway. Working at Pizza Hut was a fantastic experience. I know people have varying experiences working in a fast-food store as a teenager, but mine was just brilliant. We had a great crew of people. I would work probably two or three nights a week and then a Friday or a Saturday or a Sunday afternoon shift. It was always a contest to see who got the most hours each week. But it was a great experience teaching me, as the member for St Albans said a moment ago, and giving me the ability to see more of my community and how it works, the ability to learn a bit of responsibility, the confidence that it can give someone in getting their first job and learning about teamwork. At Pizza Hut we had several different teams—front of house, back of house—and I was making pizzas. It is about learning direction from a boss, learning how chains of command work and all of those things. And of course having your own money as a teenager is obviously the main reason that young kids do it. I certainly enjoyed that time.

I think making sure that we have the balance right between protecting children, enabling businesses to employ children where necessary and where appropriate and then making sure that children are protected in a workplace safety sense but also in an industrial relations sense is really good. I must say, in reading this bill I was not surprised that the research that the government undertook indicated that there was a widely but wrongly held belief that children are able to be employed from 14 years and nine months, because since the time I was employed at Pizza Hut that is what I thought the rule was. So it was interesting to hear that and to know that that has changed. What the bill does with respect to the child employment permit system is, I think, a positive. At the moment you have those businesses that want to employ someone under the age of 15 having to have a permit for each individual child. The bill is changing that to a licensing system that allows them to be licensed and to have two different people in two new key roles: the nominated officer and the employer representative with respect to the entertainment licence. This is going to make things a lot easier. There will be businesses who will have dozens, if not hundreds, of permits now for individual children, and being able to get a licence for their business will make things easier. Maintaining a general industry licence so that you have the entertainment and the general industry licence will be a good thing.

The bill also updates the definition of 'employment', which provides some greater clarity, noting that the way children are employed and remunerated often is different to those in the wider workforce, so that is good. Importantly there is no change to the ability of children to work in a family business—that remains important—including on a family farm. They continue to be able to do that without needing a permit or licence provided they are directly supervised. The one change in this respect in the legislation is to ensure that the minimum age of a person supervising a child under 15 must be 18, and that is appropriate. There will be circumstances, I appreciate, where an older teenager might be able to run the milk bar with their younger sibling, so that will cause a few issues, but they will be minor. Generally having an adult around to supervise in those low-risk sectors in particular does make some sense.

The other aspect where I think this is a good change in the legislation is with respect to compliance and basically providing new authorised officers—so substituting child employment officers with authorised officers is the change intended in the bill—with the expanded opportunity to issue compliance or infringement notices. While normally you would not find us supporting strengthening those things as a general principle, in the circumstance where the only option now for child employment officers is to undertake a prosecution, this is actually a good move forward because it allows for a less costly approach and a less confrontational approach not just for businesses but for the government as well. That is a good thing. A less adversarial process and the opportunity for infringement or compliance notices to be issued is a good step, so that is a positive. As I said, overall in this bill that is good.

The only issue that I will raise as a potential concern is, as I mentioned, the risk-based changes with respect to licensing systems. The devil will be in the detail of that, and I think we need to make sure that there is not an onerous amount of red tape or paperwork in doing that, particularly for those lower

risk industries. I appreciate the intention is to make sure that there is an easier process with less requirements in the lower risk industries and sectors, but I would hope that it is not over the top. That is where I have probably one cause for concern, or reserve the position I guess, to see how that comes out. But overall, I agree with the minister's comments that there are clear social benefits and clear economic benefits for children to be in the workplace, and I hope that this bill does indeed strike the right balance.

Mr FREGON (Mount Waverley) (12:56): I rise to add my contribution on the Child Employment Amendment Bill 2022, and I happily follow on from the member for Gippsland South, who I have just learned was also a junior Pizza Hut worker back in the day, so we have that in common. Obviously in my case it was the—

A member: It didn't affect your hair.

Mr FREGON: Well, it is getting there, mate. It is getting there.

A member interjected.

Mr FREGON: No, no. Ferntree Gully was the Pizza Hut in question. It is no longer there—but back in the good old days.

Mr D O'Brien interjected.

Mr FREGON: Well, there you go. So this is good law. It is very gratifying to hear that the opposition will not be opposing it. One may always wish to hear the word 'supporting', but we will keep working on that, and it is good to hear some positive comments from the other side on this. I also acknowledge and congratulate the Treasurer in his role as the Minister for Industrial Relations in the work that he and his department have done in this area and the Wage Inspectorate Victoria. We have not had a significant review of the Child Employment Act 2003 in 10 years, and this is worthy of being done to keep our children safe in any employment that they are in, in relation to it being appropriate.

As I said, apart from my early years at Pizza Hut, I grew up in a family business. It is encouraging to see that there are exemptions for family businesses in this law. For many small and family businesses, like my parents', children grow up in the business. Whether it was a pharmacy like in my case or a fish and chip shop, a milk bar or the local small retailer, on Friday nights, Saturdays and Sundays that is where the kids used to be. I grew up, like many people, assisting from a young age with what I could. I do not think I was getting paid in dollars—probably more like peppermints, barley sugar and jelly beans; I was never a fan of the black ones, but my sister took those. It is important that our kids, when possible, get an opening to working life in a productive and a positive way. So having laws around the employment of children—and I appreciate that we are speaking for the most part here of those aged 12 to 15—is important to make sure that that is protected.

I have had some conversations with the local taekwondo club that I am a member of, and they and a lot of martial arts clubs have a habit of associating younger members of the club in roles of instruction. It is a very important part of those juniors' progression.

Sitting suspended 1.00 pm until 2.01 pm.

Business interrupted under sessional orders.

Members

TREASURER

MINISTER FOR PORTS AND FREIGHT

Absence

Mr ANDREWS (Mulgrave—Premier) (14:01): I rise to inform the house that today the Assistant Treasurer will answer questions for the portfolios of the Treasurer, industrial relations and economic

development. Further, the Minister for Public Transport will answer questions for consumer affairs, gaming and liquor regulation; ports and freight; and fishing and boating.

The SPEAKER: Just before calling for questions, I want to remind members while I have got a captive audience about the use of props. I am not singling any particular individuals out, but members will be well aware of the forms of this place, which say that props are inappropriate—and documents can be considered to be props if they are used incorrectly. I want members to be on notice that they are not to use props in this place. Actually, Erskine May says:

... Members should be sufficiently articulate to express what they want to say ...

without the use of props, and I agree with that statement—and there are people on both sides of the house, I should say.

Questions without notice and ministers statements

HEALTH SYSTEM

Mr GUY (Bulleen—Leader of the Opposition) (14:03): My question is to the Premier. Last sitting week the opposition passed details on to the Premier about the case of 15-month-old baby Lawson, who suffered a seizure at home in Girgarre. In the Premier's response to the opposition not once did the Premier refer to Lawson, his individual circumstance or why there was a failure that led to a near catastrophe for Lawson and his family. Why does the Premier ask for details to be passed on to him when in the case of baby Lawson his response did not refer once to Lawson, his suffering or his circumstance?

Mr ANDREWS (Mulgrave—Premier) (14:03): I thank the Leader of the Opposition for his question. Just before coming to question time I received a bundle of correspondence from the Leader of the Opposition claiming on the covering letter to be all the details of all the cases that have been raised in the Parliament. This was not by choice, this was only after the point that lots of matters have been raised and very few—it is much more about the politics and much less about the patients—

A member interjected.

Mr ANDREWS: Well, I will just come to that, then. Interject, keep coming and we will get to you!

The SPEAKER: Order! Members on both sides!

Mr ANDREWS: Some of them have names: Sarah. Issue? Comments: was booked for surgery, had surgery cancelled. No surname, no address, no hospital, no details of what the surgery was and no dates. I do not want to diminish any patient who has been let down by the system given COVID pressure, but I am sure that there are many, many people with that first name who received care across the health system. The notion that you could provide that and somehow get up here providing lectures on follow-up is beyond me. The Leader of the Opposition has been caught out. He is only interested in the politics. He is not interested in the patients, and that is rather borne out not just by his conduct here today while he has raised these issues but of course his record as he sat around the cabinet table cutting hundreds of millions of dollars out of our hospital system. If you care about patients, then you would provide the details so that we could do what we all want to do, and that is to follow up, provide care, provide support, provide information and learn from any of those errors or mistakes or frustrations or difficulties that those patients have faced.

I will give the Leader of the Opposition a hot tip. I am not taking advice on follow-up from him when he has provided me with a bunch of papers today that do not have the names, addresses, conditions, hospitals or contact details—or even a description necessarily of what the problem is. How might you follow up a letter that has simply got a person's first name? Every year hundreds of thousands of Victorians are treated in our hospitals, and I dare say, there are many with that first name. I am not going to ask our health department to do an entire search of the entire record in order to play the

political games that dominate this low-road Leader of the Opposition. You are not about patients, you are about politics, and you have been caught out.

Mr GUY (Bulleen—Leader of the Opposition) (14:06): Well, after all that, I did ask a question about 15-month-old baby Lawson. In my supplementary, I advise that Lawson's family advised that no government agency and no-one from the government—not the Premier or the minister—or the minister's or the Premier's office have bothered to contact the family since their matter was raised and their full details passed on to the Premier, post question time, from the opposition to the Premier's private office. The Premier's letter to the opposition referred that the establishment of a process to review such instances as this has now been undertaken. If that is true, Premier, how can it be that Lawson's family after two weeks has still not been contacted?

Members interjecting.

The SPEAKER: Order! I warn members if they shout across the chamber, they will be removed from the chamber without further warning.

Mr ANDREWS (Mulgrave—Premier) (14:07): The Leader of the Opposition has got absolutely no right or entitlement to call into question the follow-up of patients when he refuses, as of 10 minutes ago, to provide the details of the patients he pretends to care about. My message to the Leader of the Opposition is: play less of the political games, and let us work together to look after the patients.

Mr Guy: On a point of order, Speaker, on relevance, I asked the Premier a question about a 15-month-old boy whose full details were passed on to him. Not once has the Premier referred in his substantive or supplementary to the details of the 15-month-old whose full details were passed on to him or how the Premier then replied to the opposition around that case. The question and the supplementary were around that issue. I seek for you to bring back the Premier to answering that question.

The SPEAKER: Order! Just to rule on the point of order, I listened carefully to both questions that were asked and to the Premier's answer. He is being relevant to the question that was asked.

Mr ANDREWS: Thank you, Speaker. Also did I reply or didn't I? Get your story straight. If it is good enough to provide the details in full of this patient—and I am more than happy to go back to my office and check out exactly what has happened with that patient—mate, you can provide all of them, lest you be thought to be playing nothing more than political games. If patients are your focus, give us the details of those patients, and we will take care of them. You can be certain of that.

The SPEAKER: Order! I remind the Premier to direct his comments through the Chair.

MINISTERS STATEMENTS: THANK A FIRST RESPONDER DAY

Mr ANDREWS (Mulgrave—Premier) (14:09): I am very pleased today to update the house on our record support for Victoria's first responders. Throughout flood, fire and a one-in-100-year pandemic event, our firefighters, our ambulance paramedics, Victoria Police officers and SES volunteers have sacrificed so much for our state. They have given so, so much in our darkest times. We are of course always grateful for the work that they do and their contribution, their skill, their compassion and their heroism. On this Thank a First Responder Day, on behalf of our government and every single Victorian, we say thank you for all of those qualities and for that courage and service. It is quite amazing. They are the best of us, and it is only appropriate this day and all days that we thank them for all that they do.

Of course it is not just about words, though; it is also about providing substantial support. We are very proud as a government on behalf of all Victorians to have delivered more than 2000 additional paramedics to Ambulance Victoria—not cutting paramedics but boosting their numbers and providing new equipment, more resources and fair pay rather than protracted industrial disputation. Some described it as a war on our ambos. Beyond that we have provided very strong funding for our SES services and CFA and FRV stations, with life-saving equipment and other resources, training—all

manner of other supports to support them as they run towards the danger that the rest of us perhaps would not do. They are the best of us, out there keeping us safe, putting themselves in harm's way, and the least we can do is provide additional resources and supports. And of course if I can finish with the most recent 3135 additional members of Victoria Police funded and delivered by our government—502 police and 50 PSOs funded just a couple of weeks ago.

HEALTH SYSTEM

Mr GUY (Bulleen—Leader of the Opposition) (14:11): My question is to the Premier. Gary from Corryong's mother, Phyllis, is 94. Two weeks ago she had a fall at home and broke her hip and an ambulance was called. By 5.30 Phyllis had been on the floor for 2 hours, so Gary called 000 again, to be told an ambulance had been deployed. As his mother was struggling with the pain and becoming quite agitated, he again called as it had not arrived. Five hours later it did arrive with exhausted and overworked staff deeply apologetic.

The Premier's formal reply to the opposition to the near death of a 15-month-old boy is to not once directly raise the circumstance of the case or the boy in the instance that was referred to him. If provided the details of Gary's mum, Phyllis, will the Premier at least guarantee to Gary and his family that he will have the decency to refer to her and her family and offer them a solution?

Mr ANDREWS (Mulgrave—Premier) (14:12): Firstly, I am not quite sure what the criticism is. Is the criticism that the Leader of the Opposition has not provided anywhere near a full accounting for all the case studies he has referenced but that is somehow my fault? I have written to the Leader of the Opposition and confirmed for him the following: each and every case that he has provided to my office or the Minister for Health's office with details so that those patients can be identified is being reviewed. The commitment is they are currently being reviewed by the Department of Health in consultation with the treating health service. That is what the letter says. The letter may not necessarily refer to the individual circumstances of the case, although perhaps it should have, given you have referred so few of them to us with details—

Mr Guy: It's a template.

Mr ANDREWS: Oh, it is a template apparently now. It is a shame I did not bring that wonderful bundle that you just dropped off to my office with 'Name: Sarah', 'Comments: had her surgery cancelled'—that is it, that is all it says. That is all it says. That is apparently forwarding on for follow-up. That is what you do when you are not—see, this is the problem. He raises these matters in order to score a point in this place. All I am saying to the Leader of the Opposition is: stop trying to score points in this chamber and let us work together and get these people the care that they need. But I cannot possibly be expected to say to the CEOs of every single hospital in the state, 'Can you look for all the Sarahs that are on your list?'. This is ridiculous and shows exactly what the Leader of the Opposition is on about: his gain, not the patient's welfare, not the care that the patient needs, but his interests, not the patient's interests. I just say to the Leader of the Opposition in answer to his question—he asked the question—

A member: Come on.

Mr ANDREWS: You can do all the 'Come on' you want. At the end of the day if you have got concerns, give us the details and we will follow up. And in relation to this matter or any matter that the Leader of the Opposition raises, I will make the commitment and it is our record: we will forward on those details to the Department of Health. The department will speak with the treating hospital. They will speak with the patient liaison officers at that hospital. They will speak with the relevant clinicians at that hospital, and they will make sure that that person or persons receive the best possible care as soon as possible. If, however, the matter is out of time, if you like, or it has already occurred and there have been failings, then the commitment is to learn from that to try and make sure that if mistakes have been made, they are not made again. Providing these things anonymously is all about the politics and not about the patients.

Mr GUY (Bulleen—Leader of the Opposition) (14:15): As Gary says, ‘My mother’s experience is untenable, unacceptable and absolutely deplorable’. There appears to be no end of situations like Phyllis’s being raised here directly with the Premier. It is happening right across Victoria. When will the Premier finally admit Victoria’s health system is facing the worst crisis in its history?

Mr ANDREWS (Mulgrave—Premier) (14:15): So the Leader of the Opposition is now no longer concerned about Phyllis and me following up on that? I am not sure. To put this beyond any doubt to the constituent and her son—

A member interjected.

Mr ANDREWS: Well, you can groan all you want. Provide the details, lest the Leader of the Opposition be seen as someone who is altogether interested in the politics and not interested in patient care. Every worker in our health system is doing their level best with the record funding provided by our government—not cutbacks. Just imagine if we funded health the way this mob did when they were in government, now or ever—cutbacks and closures and political stunts from those opposite. It is all about them. We are putting patients first, and that will not change.

MINISTERS STATEMENTS: SUBURBAN RAIL LOOP

Ms ALLAN (Bendigo East—Leader of the House, Minister for Transport Infrastructure, Minister for the Suburban Rail Loop) (14:16): Last Thursday I joined the Premier, the member for Oakleigh and the member for Clarinda to announce the beginning of construction on the Suburban Rail Loop. As many members in the house know, the Suburban Rail Loop is more than a train line, it is a jobs juggernaut that is going to deliver better public transport, connect communities and also ease road congestion for generations to come.

It was great to join with the first of 8000 workers who will be supported with jobs on the Suburban Rail Loop east section alone, and these are direct jobs, because we know that for every one job on our Big Build program another two are created in the supply chain across a whole range of different industries. This early works package will create 800 jobs as part of the first stage, and some of the workers we met last week were young people—young cadets, apprentices and trainees—who are just starting out their career in this exciting industry.

We are coming off a big range of projects here. We know that across a range of different parts of the state our Big Build agenda is improving safety and slashing travel times; whether it is the Metro Tunnel, removing 85 congested and dangerous level crossings, the North East Link, the Echuca—Moama bridge or the Princes Highway east upgrade in Gippsland, these are projects that are delivering better transport connections and important jobs that are needed now and into the future in our community and economy. Twenty thousand Victorians are supported on the Andrews Labor government’s Big Build projects, and they are jobs, as I said, for a lifetime. Thanks to our Major Projects Skills Guarantee, more than 5 million hours have been worked since 2018 alone by those young apprentices, trainees and cadets.

Victorians know there is a risk because the Liberal-National party have already told them that they will cut this pipeline and they will scrap the Suburban Rail Loop. Only the Andrews Labor government will support these jobs and support these projects.

HEALTH SYSTEM

Mr WALSH (Murray Plains) (14:18): My question is to the Premier. David Edwards’s father, Alfred, died on 5 January in Swan Hill after his family tried in vain to call 000 for 35 to 40 minutes. Alfred Edwards of Swan Hill’s death has been raised multiple times with the government in both houses of Parliament, in public accounts and in the media. David confirms he has had no response from either the Premier or any minister. What has to happen for the Premier or his ministers to personally apologise to David and his family for the failures of the Victorian health system that cost their father’s life?

Mr ANDREWS (Mulgrave—Premier) (14:19): I thank the member for Murray Plains for his question. I will search the record and make inquiries about whether that specific matter has been raised with me—

A member interjected.

Mr ANDREWS: and I will come to exactly that issue in just a moment.

The member for Brighton raised a number of tragic circumstances with me in an exchange at the Public Accounts and Estimates Committee hearing, and again to put it beyond any doubt, of course, as the Premier, as the Leader of the Government, not only do I apologise but I send my deepest sympathies and a commitment of support to any family that has been let down by any part of our health system, any part of our public sector, during these unprecedented times of pandemic, of record demand, of record furloughing and real pressure—real pressure—on our health system. So of course I extend on behalf of all Victorians and personally my apology, my regret, my sorrow, that that has occurred. Beyond the raising of the issue at PAEC, on the issue of whether there was an expectation of a response from me—a written response, for instance—as opposed to processes that would be coronial, potentially, would relate to Ambulance Victoria, could relate to the health service, I am more than happy to chase that up. I do not think we need to have arguments about whether when provided with details we follow up. We have always followed up and we always will, and any suggestion to the contrary is completely wrong—

Members interjecting.

Mr ANDREWS: Well, the shadow minister is in the gallery—wants to be perhaps a member of this chamber—mouthing things at me. At the end of the day—

Members interjecting.

Mr ANDREWS: In the gallery—sitting in the gallery. We are not sitting in the gallery; we are getting on and getting this done. It is a shame that the shadow minister was not mouthing things when her cabinet colleagues were cutting ambulance funding. You know, you lost your voice then too.

The SPEAKER: Order! Firstly, before calling the member on a point of order, I remind our friends from the Council who may be in the gallery not to participate in the proceedings of this place and the Premier not to refer to members in the gallery.

Ms Staley: On a point of order, Speaker, you have referred to the first part of my point of order, but the second part of my point of order is that question time is not an opportunity to attack the opposition. It is a time to answer questions, and the Premier had moved beyond answering the question.

The SPEAKER: Order! The Premier knows it is not an opportunity to attack the opposition.

Mr ANDREWS: I am happy to check whether the family was responded to potentially by the Minister for Emergency Services—

A member interjected.

Mr ANDREWS: Well, I will go and check, because one thing I have learned in my time in this place is I will not be lectured by that little coterie over there—anything but clinicians, anything but patients, all about the politics. You can scream all you want, but you never screamed when you were in the cabinet room, and you cut the budget year after year. Apparently everyone could do more with less and do better when you were a minister.

This is a tragedy. I have apologised. I have acknowledged the pain of this family, and I will chase up who has responded. And if people have not, I will make sure they do.

Mr R Smith interjected.

The SPEAKER: Order! The member for Warrandyte maybe was not in the chamber when I issued a warning to all members about not shouting across the chamber.

Mr WALSH (Murray Plains) (14:23): How many more fathers, sons, mothers or daughters like Alfred, Lawson and Phyllis have to die or face near-death experiences due to failures in Victoria's health and ambulance systems under this government before the Premier finally takes responsibility for the crisis his government has caused?

Mr ANDREWS (Mulgrave—Premier) (14:24): Well, firstly, it is ridiculous to suggest that boosting funding and recruiting thousands of additional paramedics and providing wage justice to ambulance paramedics has caused a crisis. There has been a global pandemic, something that the member conveniently forgets. If this thesis were accurate, one wonders: how was it that we were able to achieve the very best response times on record just before COVID turned up? Gee, was that something that was left to us by those opposite? No, it was not. It was through the hard work of our paramedics. As I have said to the Leader of the National Party and all of his colleagues: we fixed the mess created by them and we will fix the mess created by COVID. Be in no doubt about that.

For the sake of completeness, I am further advised that Stephen Leane, then the acting CEO of ESTA, has spoken to this family. That is my advice. If that is not correct, I will go and check the record. But Mr Leane has spoken to the family, so your suggestions, I believe, are incorrect.

MINISTERS STATEMENTS: MANUFACTURING SECTOR

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) (14:25): Manufacturing remains the cornerstone of our state's economy. It supports 260 000 jobs; it has created more than \$22 billion in exports. Since we have come to government the Andrews Labor government has provided over \$180 million to support the sector. It has created more than 8000 jobs. It has generated almost \$2 billion in private investment. That is why George Weston Foods are investing another \$133 million across the state, moving their flour mill to Ballarat, creating 220 jobs. It is why Nissan Casting is expanding its plant in Dandenong, creating another 40 jobs. It is why Moderna is coming here to manufacture mRNA vaccines—and Moderna joins Seer Medical, 4DMedical, 3DMEDiTech, Planet Innovation and Seqirus in Victoria, putting our state at the forefront of medtech manufacturing. In defence, just this week I was at the Elbit Systems human and machine teaming centre of excellence and in April I was at SYPAQ opening their facility—both in our manufacturing hub at Fishermans Bend—with 280 jobs at SYPAQ, joining Boeing, Leonardo, Siemens in the defence sector down at Fishermans Bend.

This year there is another \$120 million in the budget for the Victorian Industry Fund, including \$40 million for the Victorian Industry Investment Fund; grants and support to the businesses in our manufacturing supply chain; and another \$20 million for advanced manufacturing capability, including support for low-carbon manufacturing grants, including support for digital jobs in manufacturing internships and including further support for the Defence Science Institute and the defence industry workforce development program. Whether it is food or defence or medtech or automotive componentry—you name it—this state is the home of it, and it is because of the secure, well-paid and highly skilled jobs in that sector that we support it so strongly.

HEALTH SYSTEM

Mr WELLS (Rowville) (14:27): My question is to the Premier. Last week in question time I asked the Premier about Adrian, a cancer patient from Rowville who was suffering a stroke, being rushed to Monash Medical Centre and having to wait in the emergency department. The Premier's response in *Hansard* was:

This patient and others like him may well learn from what occurred to him.

Premier, what lessons could Adrian learn given that he had actually had a stroke?

Mr ANDREWS (Mulgrave—Premier) (14:27): I said no such thing.

Members interjecting.

Mr ANDREWS: I thought this was a gravely serious matter—now we are all laughing. For the father of the house to make this sort of allegation—

Ms Staley: On a point of order, the Premier is misleading the house. *Hansard* says:

This patient and others like him may well learn from what occurred to him.

The SPEAKER: Order! The member will know—I am sure the member knows—there are appropriate forms for raising those sorts of matters, and it is not via a point of order.

Mr ANDREWS: Might I just make this point: many of us here, in fact all of us in one way or the other through our immediate family and our extended family, will have been touched by cancer. I find it absolutely outrageous that there would be any suggestion that I or anyone in this place would be disparaging of a cancer patient, let alone one that by all accounts has been let down—

Members interjecting.

The SPEAKER: Order! Members on both sides have been warned.

Mr ANDREWS: No such comment was made. I did not say or intimate or infer that a patient can learn from failings of the system. I have on dozens of occasions made the point that if those opposite simply provided us with details—and I will credit the member for Rowville, who has provided—in fact the member for Rowville I think has provided more information than the Leader of the Opposition did in the bundle of documents I got today, so I am genuinely indebted. Talk it up a bit, team! I am genuinely indebted to the member for Rowville for following up on this matter. What I am not prepared to thank him for is frankly a shameful inference. It is simply wrong. He knows it to be wrong.

Members interjecting.

Mr ANDREWS: The member for Warrandyte, who may have missed this because he is so infrequently here, so infrequently allowed in the chamber because of his appalling behaviour, would know that I have made the comment—and, Speaker, you have heard me say it as well—dozens and dozens and dozens of times: give us the details, because if we need to provide support to the person, we will. Give us the details, because if we can learn from any failings, then we stand ready to do that. I have known the member for Rowville for a very long time and I have an abiding respect for him, but this question and the inference in it, which he knows to be wrong, do him no credit.

Mr WELLS (Rowville) (14:30): Why did the Premier choose to insult and victim blame a man who had had a stroke rather than himself learn from what had occurred to Adrian and fix the problem so that it does not happen to anyone else?

Mr ANDREWS (Mulgrave—Premier) (14:31): I think I have dealt with that in the substantive answer. No such comment was made, and to suggest otherwise reflects more on the questioner than it does on anything I have said in this chamber. I am further advised that this matter was apparently raised with or at least was known by the minister's office before it was raised in question time. The minister's office has I think been in communication with the member for Rowville—and again, I am grateful to him for raising it and providing information—prior to it being raised in Parliament. I am further advised that Monash Health has been in contact with the family. So the notion that anyone is blaming anybody is simply wrong—the notion that I reflected adversely against someone who has been let down by the system—when in fact the record shows that you raised it and we are providing help and support for that person. Your question simply shows that you are all about the politics and not about the patients.

MINISTERS STATEMENTS: ECONOMY

Mr PEARSON (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Creative Industries) (14:32): I am pleased to update the house today that Victoria's economy is once again leading the nation. A week ago today the ABS reported Victoria was well ahead of the national pack in terms of economic activity. Victoria's state final demand in the March quarter grew by a massive 2.4 per cent, double the level recorded in New South Wales and 50 per cent higher than the national average. State final demand is a key measure of economic activity, but it is not just a statistic—it means more people are buying at their local shops or in cafes; more entrepreneurs, small and large, are investing in their businesses and their people; and more job opportunities are being created for Victorians. It is no wonder that Victoria's labour market is roaring. There are almost 3.5 million Victorians in work, an all-time high. The participation rate has never been higher. The unemployment rate is at near record lows. Almost 300 000 jobs have been added since September 2020, smashing our interim jobs target of 200 000 by the end of 2022. Victoria's jobs growth is the fastest in the nation, not just since September 2020 but also since we came to government in November 2014. Our economy grew 50 per cent faster than the Australian economy in 2021 and again in the first three months of 2022; budget forecasts show we will continue powering ahead.

And that has not just happened by accident. We have used Victoria's strong balance sheet to protect the balance sheets of Victorian businesses and households throughout the pandemic, and the latest NAB monthly business survey shows that Victoria's businesses are more confident than the national average. We invested \$44 billion in the pandemic response, including \$13 billion in support for small and medium-sized businesses and their workers, and that has laid the foundations for the strong economic and jobs recovery we are seeing today.

AMBULANCE SERVICES

Ms McLEISH (Eildon) (14:34): I too have a question for the Premier. Forty-eight-year-old Bradley from Mansfield woke last Thursday in severe pain. Three hours later he was still in agony and getting worse, so his wife called an ambulance. He was informed none were available and was offered a taxi, which would have taken an hour to get to him before then making the trip to Wangaratta 100 kilometres away. His wife was so worried about him she decided to bundle him into her own car and drive to Wangaratta hospital. Can the Premier advise how many emergency cases like Bradley's are now being offered taxis to get to a hospital because an ambulance just is not available?

Mr ANDREWS (Mulgrave—Premier) (14:35): My advice is that ESTA and Ambulance Victoria do not provide taxis to what they deem to be an emergency case. So, you see, the member for Evelyn has made an assumption there, and again I will ask Ambulance Victoria to—

Members interjecting.

Mr ANDREWS: Sorry, Eildon—the member for Eildon. Just so we do not get a question next week about what *Hansard* says: Eildon, the member for Eildon. The honourable member has made an assumption about the clinical classification of that particular patient. I am happy, if I am given the details, to ask Ambulance Victoria to correspond with the member and provide a full accounting of what occurred there. But my advice—and I have communicated this to the member for Brighton in these terms just in the last couple of days because I committed to doing so in the last sitting week. He wrote me a note afterwards, and I got a response for him from Ambulance Victoria. Their advice, and I stand to be corrected, but my memory of the letter, having signed it just yesterday, was that Ambulance Victoria confirmed that they do not send taxis to people who are deemed via their ProQA system, their classification system, as an emergency case. There are, however, a number of people—this would be more in metropolitan Melbourne than in regional Victoria—who are not urgent but are less than that. They are still in need of some transportation to get somewhere else, whether it be to a hospital or a GP or whatever it might be—a primary care setting, for instance. That may or may not relate to the circumstances that the member has raised, and I am happy to follow that up. But that is

the advice I have from AV, and that is as recent as, I think, just a day or two ago given that I wrote to the member for Brighton in those terms.

Again, if the member provides me with the details, I am more than happy to follow it up on her behalf and on that person's behalf. If there has been any sense that the system did not work well for that family, I apologise. I would also make the point that our ambulance paramedics right throughout Victoria, not just in metropolitan Melbourne, not just in big regional centres, but in every part of our community, every part of our state—there are more of them—are working extremely hard. They have done an amazing job so far. We continue to back them to do even more and even better, and I genuinely thank each and every one of them and, can I say, their families, because this is a very impactful, often very stressful, very demanding and can be a very tragic profession to be in. They see and are involved in and do things that many of us simply would not be able to do, that sort of work. So I thank them and I thank their families, and I commit to the honourable member that if she provides me with the details, I will follow that up. That is not the advice I have as recently as two days ago, but I am happy to follow it up and get a more contemporary response if such a thing can be produced for the member.

Ms McLEISH (Eildon) (14:38): The case has been referred to the minister for an explanation. Can the Premier ensure that Bradley and his wife will therefore get a full response from the government as to why there were no ambulances available in the middle of the day and why a taxi is considered an acceptable alternative by this government to an ambulance in an emergency?

Mr ANDREWS (Mulgrave—Premier) (14:38): I am not entirely certain that the member has listened to literally a word, a syllable, of what I just said. Again, the substantive question had a bunch of assumptions in it and the supplementary most certainly does. I will just refer, given that those opposite are pretty good at trawling through *Hansard*—go back and have a look at what you did not listen to when it is printed out tomorrow. I will respond in the terms I have just outlined, and if there is any further information that needs to be provided to us to follow this up—more than happy to do it. Ambulance Victoria are doing the very best they can with a lot more funding and support than was ever provided by those opposite. They are doing an amazing job, and I thank each and every one of them. I thank their families for the sacrifice that they make, for all the work they have done and all that they will do, because they have the strong support of this government. That is what saves lives and changes lives, even in the most difficult of circumstances.

MINISTERS STATEMENTS: SCHOOLS FUNDING

Mr MERLINO (Monbulk—Minister for Education, Minister for Mental Health) (14:39): I rise to update the house on how the Andrews government's delivery of 100 new schools by 2026 is creating a jobs boom while giving growing communities the schools that they need. In this year's budget our \$1.8 billion school capital investment is creating 3900 building and construction jobs, 750 in regional Victoria. Since coming into office our investment of more than \$12.8 billion for new schools and school upgrades has created around 17 400 local jobs in the construction industry and created over 156 000 additional student places in government schools. Our commitment of 100 schools is not just on track, it is ahead of schedule. Seventy-five of these new schools have opened or have been funded, with 13 new schools opening in 2023 and 14 new schools opening in 2024. This includes new schools in Bass, in Gembrook, in Kororoit, in Melton, in Tarneit, in Werribee and in Yuroke. When we came into government there was also no land for new schools—the shameful legacy of those opposite—but in this year's budget there is funding for land in the south-eastern suburbs, in Bass, Cranbourne and Gembrook; in the growing western suburbs, in Kororoit, Melton, Sydenham and Tarneit; in Melbourne's north, in Thomastown and Yuroke; and in our regions, in South Barwon.

There are alternatives to 100 new schools. There are those who, instead of building new schools where they are needed, only see land as something to rezone and line the pockets of their dodgy developer mates. That is the record of the Leader of the Opposition. That is the record of those opposite—100 new schools on this side, four new schools on that side. Only the Andrews government will build the schools our kids need.

Constituency questions

CROYDON ELECTORATE

Mr HODGETT (Croydon) (14:42): (6396) My constituency question is for the Minister for Roads and Road Safety. My office has received several complaints from residents who attempt to turn right from Dorset Road into The Gateway, Croydon South, but have difficulty seeing oncoming traffic due to the overgrown foliage on the centre median strip. The visual obstruction of a clear line of sight of approaching cars travelling 80 kilometres an hour poses a major safety issue for road users. There has been a fatality at this exact spot in recent years, which only increases the angst of drivers. My office contacted VicRoads in March this year requesting that maintenance be done on the median strip to improve the safety of road users. To date this request has not been carried out, and my office continues to receive complaints about it. Minister, when will this basic request for road maintenance be undertaken and the safety of residents be given the priority it deserves?

TARNEIT ELECTORATE

Ms CONNOLLY (Tarneit) (14:42): (6397) My question is for the Minister for Creative Industries. In this year's budget \$500 000 has been allocated to help start planning for a future community and performing arts centre in Tarneit. When it comes to things like creative arts there is a perception that is not entirely fair that the arts are the province of inner-city communities and that out in the west in outer suburban communities like mine these kinds of things just are not important. Well, I totally disagree with this. If you go out into Melbourne's outer suburbs, you will find thousands of people who enjoy and love the arts. Their children might take part in dance performances, they might be involved in theatre groups and they might actually be putting on a play with the local school. There is so much opportunity to enjoy the arts, and people living in my community deserve just as much access to the arts as anywhere else in Melbourne, which is why planning and building a performing arts centre in Tarneit is something my community really wants to see. So my question to the minister is this: what benefits will this performing arts centre have for residents in Tarneit and the wider Wyndham community?

OVENS VALLEY ELECTORATE

Mr McCURDY (Ovens Valley) (14:43): (6398) My question is to the Minister for Health, and I ask it on behalf of Olive Lurk of Wangaratta. Last week on the day after her 80th birthday she started to feel unwell and was quite concerned about her health. She called Nurse-on-Call, and they suggested that she get to the doctors fairly soon. It was all booked out, of course, and she did not trust waiting for an ambulance, so she drove herself to hospital when she felt well enough to do so. She ended up waiting in the emergency centre for 2 hours, so she decided to just go home and hope that she got better. As she was leaving a nurse approached her and stopped her from leaving, which was lucky, because she was diagnosed as having had a ministroke. 'The nurses were amazing, but they needed more resources and staff', said Mrs Lurk. I ask the Minister for Health: will he commit to more resources and support for the Northeast Health Wangaratta hospital to ensure people like Mrs Lurk are treated in a timely fashion? This scenario could have got out of hand very quickly, and we urge the minister to take our concerns seriously.

BURWOOD ELECTORATE

Mr FOWLES (Burwood) (14:44): (6399) My question is for the Minister for Workplace Safety in the other place. Will the minister please advise how the Victorian sick pay guarantee will benefit my electorate of Burwood? The Victorian sick pay guarantee gives vulnerable workers a safety net of five days paid sick leave. Eligible occupations include some of the most insecure, such as hospitality workers, food trades workers and preparation assistants such as chefs and kitchen hands, supermarket and supply chain workers, retail and sales assistants, aged and disability care workers, cleaners, laundry workers and security guards. Across Victoria's workforce there are approximately a million casual and contract workers, and among these workers we see an over-representation of women, young

people, temporary residents and migrants. These are our most vulnerable Victorians, working in some of the most insecure occupations. The Victorian sick pay guarantee is another example of our government's core values. The Andrews government always has and always will put people first, and I look forward to the minister's response.

SOUTH-WEST COAST ELECTORATE

Ms BRITNELL (South-West Coast) (14:45): (6400) My constituency question is for the Minister for Health, and the information I seek is: what options are being explored at Portland District Health to replace its ophthalmologist? Dr Robert Harvey resigned as Portland District Health's ophthalmologist and finished in late March, leaving 150 patients on his waiting list in limbo. Dr Harvey resigned because his request to become a visiting medical officer—VMO—which is commonplace for ophthalmologists Australia wide, was denied. No reason was given, and he now practises in South Australia. The loss of Dr Harvey is a huge blow to the Portland region. Greg Malseed, who attended a forum last week in Portland to discuss the impact of the loss of the service at PDH, fears losing the sight in his right eye because of the delay caused by Dr Harvey's loss from Portland. He is already blind in his left eye. His story is one of many from those who are impacted by the loss of ophthalmology at Portland. Dr Harvey remains committed to Portland and wants to return and offer his services as a VMO. I would ask the minister to outline what steps are being taken to return ophthalmology to Portland.

WENDOUREE ELECTORATE

Ms ADDISON (Wendouree) (14:46): (6401) My question is for the Minister for Prevention of Family Violence. Will the minister please advise me how the Central Highlands Orange Door in Ballarat is supporting women and children in my community and the broader region? Family violence and all forms of violence against women continue to cause suffering and tragic loss of life within our communities. I am proud to be part of a government that is implementing all 227 recommendations from the Royal Commission into Family Violence and providing victim-survivors and their families and friends the meaningful support they deserve.

I want to thank the incredible workforce at Orange Door for the work they do and their ongoing commitment and dedication to addressing the scourge of family violence. Thank you also to the staff in support services in our community, including WRISC, Berry Street, CAFS—Child and Family Services Ballarat—CatholicCare and UnitingCare. I look forward to the minister updating me on the crucial work of the Orange Door in Ballarat.

BRUNSWICK ELECTORATE

Dr READ (Brunswick) (14:47): (6402) My question is for the Minister for Planning. Across the road from the north end of Princes Park at 699 Park Street is the site for a proposed large apartment development by Mirvac. A previous development proposed by JWLand was rejected by Moreland council and by VCAT. Apparently this project has to be decided by the minister under the development facilitation program. Many in the local community and many users of the park are concerned about the impact of an oversized development at this site and about overshadowing of Princes Park. Will the minister refer the plans for this development to Moreland council so that he can be informed by their assessment?

MORDIALLOC ELECTORATE

Mr RICHARDSON (Mordialloc) (14:48): (6403) My constituency question is to the Minister for Community Sport, and my question is: when is construction expected to get underway for Mordialloc Braeside Junior Football Club's investment in their female change room facilities? We had the opportunity to visit this wonderful local club in our community—over 25 teams now, a junior footy club in our patch, absolutely dominating—and I got to meet the under-10 girls team. It was blowing an absolute gale out at Walter Galt Reserve—it takes me back to the days. I would never have got out

on the footy field; I had 15 layers on. But those wonderful teams are getting out there. It was East Malvern versus Mordi-Brae. They were doing a great job out there.

Female change facilities are so very important, and encouraging female participation in sport is everything that we support as the Andrews Labor government. More than 1000 AFL girls and women's teams are underway now, and it is an extraordinary testament to the work that has been done across codes. It might have been too cold for some of us, but to see those legends out and about was outstanding. We cannot wait to see construction get underway, and that is my question: when will it get underway at Mordi-Brae?

POLWARTH ELECTORATE

Mr RIORDAN (Polwarth) (14:49): (6404) My question is to the Minister for Energy, Environment and Climate Change, and my question to the minister is: could she direct the Great Ocean Road Coast and Parks Authority to guarantee for the Lorne aquatic club that they will be able to go ahead with their development? They have been waiting 14 years. They received funding from the Geelong city deal of some \$900 000. They have fundraised fantastically through competitions and across the bar—another \$500 000. They have the plans, they have building permits, they have approvals and they have support from the community. What they do not have, Minister, is support from your coastal management authority: they are sitting on these approvals; they are refusing to let them go ahead. The committee, the members and the community of Lorne on the wonderful Point Grey just want to hear back from you, Minister. They want to hear back from the committee. They want to know that after 14 years they can at last get on with building their new aquatic club and fishermen's co-op down on the foreshore at Lorne.

BASS ELECTORATE

Ms CRUGNALE (Bass) (14:50): (6405) My question is for the Minister for Workplace Safety in the other place. Will the minister please advise how the Victorian sick pay guarantee pilot scheme for eligible casual and contract workers will benefit workers, businesses and families in my electorate of Bass? Bass is home to a diverse workforce—casual retail, hospitality, aged care, food trade and trade sales support workers—in Clyde and Pakenham, which extends to and includes the seasonal tourist-driven workers in and around Phillip Island and all of the types of casual work in between, from single parents taking on insecure additional part-time roles to individuals juggling two or more casual jobs. With the introduction of the Victorian sick pay guarantee, what benefits will this scheme provide them and the many other Victorians who work in insecure jobs right across the eligible industries? I look forward to an update on how the Victorian sick pay guarantee will provide a better and fairer outcome for casual workers and other insecure workers.

Bills

CHILD EMPLOYMENT AMENDMENT BILL 2022

Second reading

Debate resumed.

Mr FREGON (Mount Waverley) (14:51): I think where we left off, member for Mordialloc, I was just discussing a conversation I had with Andrew Rozinszky down at the Melbourne Taekwondo Centre in my patch. It also happens to be my club, although I must admit I have not had time to be there for the last 3½ years. One of the ways that they run the club is that when the juniors get their junior black belt, which is usually around the age of 12, part of their responsibility to the club is to then volunteer their time to assist in training the little ones. I have witnessed this within my own family. My daughter did this when she got her junior black belt. It really encourages that responsibility in the younger members of our society to pass on their knowledge. It benefits the little ones because they can see that there are some young people a little bit older than them that have some authority and some

responsibility, and they can see where their practice and training is heading. But obviously in those circumstances we want to make sure that that relationship is safe and secure.

There has been a permit system that has been operating for quite some time. Andrew was mentioning to me that that is quite onerous and that for each of those children, and there are a number of them, they would have to go through an individual permit. So I was very happy to see in this bill that we are removing that individual permit scheme and replacing it with a licensing scheme that will be driven by the premises itself or the business itself. In the case of martial arts, this will be under the general system. There is a separate licence for the entertainment industry, and others have spoken about why that is completely suitable. But for businesses like small clubs, having less red tape and less administration in the normal practice of running their business can only be a help, especially after the last couple of years, which have been tough for everybody.

The new licensing system came up during consultation as a way of improving the efficiency and responsiveness of the child employment permit system. The majority of those permit applications were for employers engaging children in the entertainment industry, such as casting children, as others have said, but some obviously are for things like martial arts clubs. We are changing this to a new licensing system which will introduce a scheme that is more friendly, targeted and risk based and will allow the business owner to have one licence. I think for the general system that will be every two years, and then they will upload the names et cetera of the children with parental consent to a portal system.

I believe the opposition's lead speaker raised some questions about how we let businesses know and how they know what their responsibilities are. These are all very valid questions. The system is commencing from 1 July 2023, which provides sufficient time and opportunity for stakeholders and industry participants to achieve their compliance and also allows for the Wage Inspectorate Victoria to consult widely and to inform businesses or the entertainment industry, those people who are involved, of their obligations and assist with the process. So I think in general, from my discussions, this will be well received.

Just in closing I note that this bill also clarifies the extent of work experience people. Without acknowledging anyone in the gallery, I would like to just mention that at the moment we have a work experience young person from Mount Waverley Secondary College currently helping out in the office of Mount Waverley district by the name of Georgia Kaminis, who is doing a fantastic job, and I thank her for her assistance. It is a serendipitous day that we have people who are affected by the law that we are passing who are sitting and witnessing this law being passed as they go on to, I am sure, bigger, better, brighter things in the years to come.

Look, this is good law. I am glad that the opposition are supporting this. I look forward to seeing it pass in both houses and come into practice in a year's time for the betterment of all.

Mr RIORDAN (Polwarth) (14:57): I rise this afternoon to talk about the Child Employment Amendment Bill 2022, which the opposition broadly agrees with.

Mr Richardson interjected.

Mr RIORDAN: It is not an issue that I am going to get fired up with, member for Mordialloc, and the simple reason is I am a product of child labour. Like many contributors today who have talked about their times at Pizza Hut and others, I grew up in a family business. I represent an electorate that has the largest percentage of self-employed people. It is in fact a very common experience for people in my electorate. Of course one of the great products of child labour in my electorate is the fact that overwhelmingly when kids turn 18 they get to buy their own car, and that is the great highlight that kids in my electorate have. When you also represent, I think, the second poorest electorate by income in the state, you also find that children and young people working are actually an integral part of the way families survive. It is how kids buy those extra pairs of sneakers. It is how kids get to go on school excursions. It is how kids get to buy their footy gear or netball outfits, and of course it provides a

source of revenue for entertainment and other things. Their mobile phones are the big things that people like to spend their money on in this day and age.

Child labour in an electorate like mine is a really integral part of the way families and small businesses survive, whether you were born and bred on a dairy farm—and there is not a dairy kid that has not got in with the cows early in the morning or helped Mum and Dad with the calves—or have an existence like mine, in a shop, where Christmas time was spent unpacking boxes and carting boxes from one shed to another, learning to operate a hand truck and a wheelbarrow and probably illegally driving a forklift. But, anyway, these are the things that young people get to do, and it is important that the government does set some structure around it. It is important that people who have children in the workplace are responsible, that people are cognisant of the risks in workplaces and that they are cognisant of the capacity, concentration and other skills that young people just inherently do not have. While I am certainly a supporter of as little government as possible in people's lives, this is one of the important roles that government can have in setting some structure and some common understanding. This bill largely goes to supporting that. I was pleased to see that rather than making it more cumbersome to have young people experience work, they are doing away with the permit system and moving to a licensing system for an organisation and a business. I think it is a very good idea. I make one proviso on that, and that is the fact that I would hope that any online portal or other mechanism that the government chooses to use for legislation is in fact user-friendly and accessible to people in places like Polwarth and, for those that do not necessarily have brilliant internet connection or are not necessarily able to avail themselves of those technologies, that they can maintain their arrangements with young people in the workplace and not be breaking the law at the same time.

Of course children in workplaces are not always just for the profit and benefit of small business or farms; children are often employed in other areas, most notably in the arts and entertainment sector where there are many opportunities for young people not only to experience work but to make a career and a life for themselves at a very young age. This legislation also deals with that and in fact does make it easier for the providers of those experiences for young people.

When we look at the changes in this legislation, probably one of the more critical elements—while the need for government to be punitive is not always something we look forward to—is that these changes flagged in this Child Employment Amendment Bill actually enable authorised officers to deal with people that may be transgressing the law or not doing things properly, whether that is intentional or unintentional, in a range of ways that are probably much more sympathetic and desirous of a system that acknowledges that sometimes mistakes happen but that that can move more quickly or over time to a situation of reprimand and punishment for someone who is perhaps a repeat offender or who is not choosing to do things properly. We see that change, whereas before the legislation allowed instant prosecution through the courts as the only alternative to someone not doing the right thing. I think this is also an improvement that will provide clarity for those in business.

I mentioned at the start my role of being in a family business. Not only was I brought up in a family business and put to work at an early age, but I did the same to my own children before I came to this career. Of course if I put the kids to work in my current position, I would end up on the front page of the *Herald Sun* as some sort of nepotistic employer. But back in the pre-Parliament days, the opportunity was there to use work as a way to help instruct your children on good work ethic and ways of responsibility—taking some responsibility for themselves and having some reward for their efforts are great Liberal values.

It is important that this legislation is cognisant of the fact that so many small family businesses do have all of their family members involved. Many family businesses are multigenerational. Certainly some of our best family photos at home are with my own kids working alongside their grandmother and their grandmother in the same business that had been around for a long time. They often form great childhood memories. Allowing families to continue those traditions without excessive paperwork and registration is a good thing, but it also does put the onus on families that they have a responsibility to make sure that there is supervision afoot and that basic safety requirements and other obligations exist.

Sadly we see, particularly on family farms, that we can have opportunities where sometimes that supervision is not as it could be, and unfortunately we do see them as sometimes problematic and dangerous workplaces. It is important that we get the balance right, and this legislation, I think, largely does that.

We have talked about the compliance, and this legislation and the way it deals with people that do not necessarily do the right thing does it in a progressive and staged way. The ongoing purpose of the bill is to make clear the fact that children are not always an integral part of the workplace but are an inherent part of the overall work scheme. It identifies clearly that children are those under the age of 15. Young people of course are older than that, and young people can work with less supervision. But what this does is put an obligation on workplaces to make sure that if they have got a young person working, they have got supervisory mechanisms in place, whether that is someone who is of age there or other mechanisms. I think that is an important part of keeping young people safe in the workplace but also making sure that people are aware of, perhaps, the limitations that a young person or child can have. As well intended as they may be, and often are, in a workplace, it is important that those enthusiasms are kept in check from time to time.

This legislation also recognises the fact that remuneration for young people can be wide and varied and that not all children in a workplace are necessarily there to receive a pay packet at the end. There may be some other remuneration. This legislation acknowledges that to be a young person working in a workplace you are not necessarily taking a wage home at the end of the day—there may be other benefits—and it recognises that that can still mean that you are an employee. I do not think that is necessarily a bad thing. All in all, the Child Employment Amendment Bill 2022 gets the balance pretty right. I look forward to seeing if the upper house makes any other amendments, but I am happy to support it in its current phase.

The ACTING SPEAKER (Mr Morris): The member for Frankston.

Mr EDBROOKE (Frankston) (15:07): Thank you, Acting Speaker Morris. It is lovely to see you in the chair this afternoon. Your smile always lights up my life.

The Child Employment Amendment Bill 2022 began as a review of the act. It procured a significant piece of research, which focused on gathering data about the incidence of child employment in Victoria, the types of work children were doing and safety concerns around their experiences in the workplaces they were actually in. ABS data generally only collects information on people over the age of 15 years in the workforce, and there had not been any substantial research done in this area since 2006, so it was well timed. The research found that 35 per cent of the youths that were in this study worked in retail, 21 per cent of them worked in food services industries and the entertainment industry employed almost a third of these people. It is interesting to note that a large number of employees who were unaware of parts of the act were of the belief—and it was apparently a widely held belief—that they could employ children from the age of 14 years and nine months. I had heard that too, and I did not have a chance before speaking to actually check up on that—whether it is an urban myth or it is a legacy issue from the days when we were working.

I come from a household where at the moment I have got two children who have got their first jobs. One might have served you, Acting Speaker. Young Hunter works at the butcher in Bayside shopping centre, the Butcher Club. I love that because he is a 15-year-old kid who is learning—

Ms Green: Kel Knight.

Mr EDBROOKE: He could become Kel Knight. He could be a purveyor of fine meats. He is doing really well at school—exceptionally well at school—but he is learning to work with a trade and opening his eyes to other areas in life that he might like to explore. But also he is front facing and he is doing a lot of the customer service and things like that.

I have got this scheme pretty well down pat because I have got the meat side of the grocery basket done up right there. I have not had any freebies yet, so I do not want to cause any scandals locally. But Rebel Donuts is where my 17-year-old daughter works. I am always first to jump in the car and pick her up from her shift on a Friday and Saturday night because often there are doughnuts there. You do not want them to go to waste; you do not want them to be thrown out. The Ned Kelly is just glazed with a beautiful—I think it is Argentinian—vanilla cream. It is just beautiful. It is so basic but so well done—Rebel Donuts.

But again, you are learning how to cook and how to clean and work to a standard where a boss, a manager, a line manager, a superior is actually saying, ‘This is the standard you’ve got to meet. It will not be personal, but I will call you out if you do not meet that standard, because that is what you are paid to do’. Jobs for youth, as we have heard, are very important.

We have heard a lot about Pizza Hut today, and I just want to share a quick story about the Pizza Hut down in Traralgon, where the member for Gippsland East, I think, worked. A friend of mine did work there, and down in that Pizza Hut they had a dessert bar. In those days it was a never-ending dessert bar or whatever they talk about. So we would go in, we would get the deal and we would have basically dessert for lunch, and that might have been the demise of her career at Pizza Hut in the end, but we took good advantage of it.

Essentially what this act does is review a piece of legislation that should have been reviewed. It has been a long time in the making and is acting on issues that possibly were not even thought about back in the day in 2006. In talking about 15-year-olds, there is also space for children under 15 to work in this act. Although children under 15 years are primarily regulated through the permit system, kids under 11 can undertake delivery work where their employer obtains a general industries permit, and similarly children 13 years and over are able to be employed under a general industries permit.

The changes this act makes, which come out of the review, are to set out the ages, types and work conditions applicable to child employment. It protects children from performing work that could be harmful to their health and safety, impact on their moral or material welfare or development or impact on their attendance at school, and it protects children from being the subject of any exploitation. Exploitation is one of those words that when properly understood is a very dirty word, whether it be with outworkers or children, but certainly I think we have all heard and seen cases of children being exploited. Usually that exploitation involves wage theft or underpayment and involves no OH&S and workplace safety standards because you are taking advantage of someone who is very vulnerable that perhaps would not know what the minimum wage is, would not know what the employer’s responsibilities are and would not know what the employer’s responsibilities are around their occupational health and safety.

Indeed I know when I got my first job I would have done anything. It did not really bother me, but at that time I was working in—I will not say the name of the place—a school supplies warehouse packing boxes and all that kind of stuff, and it was not until I became a firefighter that I became more aware of the OH&S act. Where I was working at that time, it might as well not have existed. We had people falling through roofs of the inner offices of a warehouse, with no ambulances being called because the boss rocked up and said, ‘You look okay. Shake it off. Rub some dirt in it. Off you go’. We just did not know at the time, and we just kept on going. It was not until I saw those workplace accidents and became a health and safety rep myself that I realised, ‘Wow. That was pretty crazy’.

It is legislation like this that is putting that protective boundary, that protective layer, around our kids as they get their first job to make sure that it is a positive experience, to make sure that they have that balance between their academic life and needs when they are going through VCAL or VCE, which is most important, and they are able to keep a job which is safe, without harassment, for a regulated wage and in conditions that are permitted in this legislation.

As a lot of people have said already about this bill, it is a long time coming, but I believe that it does treat some of the issues that were probably not issues back in those days. We have come a long way as far as the way people work goes. We have come a long way as far as delivery riders and drivers go, and I know there is a young bloke up the street from me that is riding a bike for Domino's at the moment with a little Domino's esky on the back. When I was young and when this legislation was first written, we would never have thought that that would be a job. We would never have thought that people would have done that. The closest thing we would have thought that came up to a job that would relate to that would be the paperboy. But again, these jobs are out there, and it is legislation like this that actually needs to keep up with maintaining some regulation and some standards around those jobs—mostly, in my belief, so that children are not taken advantage of, because children are generally the ones that will not know that it is happening and they will not know to ask the questions.

As I said in my first couple of sentences, it is great for kids to have jobs, but the child protection side of this is a big responsibility for the government. But it is also a huge responsibility for the employer, and this piece of legislation clearly sets out what employers need to do to employ children 15 years old and over or under the age of 15 and how to do it safely. I think it goes a long way—the permit system and the reform that has happened to that system—to ensure that parents also can keep an eye on things and know that the employer that is employing their child is doing the right thing.

Certainly the other thing that kids learn from jobs like these are some amazing skills, and in the seconds that I have got left I will tell you about the piece of Wagyu steak, marbled and massaged and whatnot, that was in my fridge the other night. When I went to cook it, I had my hand slapped. Apparently part of my son's wage actually went to buying that Wagyu steak, which he has got an appreciation for now. He has no appreciation for the fact that it is my salt and my garlic and my butter—nothing for me at all—but he is getting an appreciation for a lot of other areas in life, like cooking and work and whatnot, and it is beautiful. I commend this bill to the house.

Mr McGHIE (Melton) (15:17): I rise today to also contribute to the Child Employment Amendment Bill 2022, and this is a very important bill. After working for 23 years as a trade union secretary, I find this bill very important for protecting our kids in their employment. Of course the Andrews Labor government continues to ensure that the regulatory framework to protect Victoria's most vulnerable workers is strong and effective and important. The regulation of child employment is no exception. The Child Employment Act 2003 currently regulates when and in what circumstances children under 15 years of age in Victoria can work. We know that part-time or casual work can have many positive impacts for children—certainly, as said in the previous contribution from the member for Frankston, like learning new skills, gaining some confidence and independence and also earning some money so that kids can purchase things for themselves but also have some entertainment through that money that they earn. And the benefits that they receive through their employment must be balanced against the educational development and the need for additional safeguards due to some vulnerabilities in the workplace.

The current act sets out the age, types of work and conditions that apply to child employment and aims to protect children from doing work that could be harmful or affect their attendance at school and to protect children from exploitation. Of course the age limits for child employment regulation in Victoria align with international labour standards on child labour. There was a review done of the act in 2020–21, and the amendments proposed in this bill arise from that process. As part of the review process we consulted with employer groups, trade unions, industry associations, child welfare groups and other government departments and agencies. That review certainly highlighted opportunities to improve the child employment regulatory regime, particularly with respect to streamlining the permit system and adopting a risk-based regulatory approach. The final amendments aim to ensure that the act and the child employment regulatory scheme remain targeted, effective and responsive to contemporary workplace issues in changing the work landscape. This legislation does not propose to alter the minimum age for work nor to displace a number of important exclusions.

Under the current act the employment of children under 15 years old is primarily regulated through a permit system, provided the employer obtains a general industry permit. Children aged 11 years and over can undertake delivery work, and children aged 13 years and over are able to be employed in other non-hazardous work. Certainly a research report identified that 6 per cent of children under the age of 15 years are currently employed and that 3.5 per cent of Victorian businesses currently or have previously employed children under 15 years. The industries that these kids are working in mainly are retail—around 35 per cent—followed by food services, as we probably all know in the fast-food outlets, at I think around about 21 per cent, and then of course also in the entertainment industry. There is no minimum age for children to work in the entertainment industry, which can include performing, modelling, photographic, television and film work; however, a specific entertainment industry permit is required.

A mandatory code of practice further describes conditions around the employment of children in the entertainment industry, where there may be risks that are deemed to be higher. Certainly children of any age working in family businesses—as has been referred to before in previous contributions—including family farms, are exempt from the permit requirements. Children are only permitted to undertake light work and are excluded from employment in a number of hazardous industries and from performing dangerous tasks. Of course we do not want our kids working in hazardous industries—and I would hope that those industries are not that hazardous, because we would hope that through health and safety they are made safe and not hazardous. We certainly do not want our kids involved in any of those employment areas.

These age limits for child employment regulation in Victoria are aligned, as I said earlier, with the international labour standards on child labour, and certainly Victoria's occupational health and safety laws also ensure that those children aged 15 to 17 years are afforded strong protection in their workplace. Certainly school attendance is compulsory for our kids in Victoria until the age of 17, with exemptions only granted in limited circumstances.

I have got a Melton youth forum, with around about eight to 10 kids attending that forum on a monthly basis. All of them have some type of employment—a lot of them work in these fast-food outlets—and one thing that they have requested of me is to run a local forum for kids to get to know what their workers rights are, because they have no idea what their rights are. They asked me a few questions as an ex-union secretary, and we spoke about that. They are all casually employed—and we saw what happened with casual employees through COVID and the insecurity of casual work—and we talk about wages being kept down. Anyone that seeks to get a wage increase as a casual employee will not likely have contact from their employer the next day for the next shift, because clearly if someone wants to agitate for better wages as a casual, the employer can just not bother to ring them anymore. They do not have to terminate you, they just do not have to ring you. So of course casuals unfortunately are kept under pressure to do work, to come to work sick, to not ask for wage increases and to do what the boss tells them to do. These kids asked for a youth forum around these sorts of things, and that is what we are going to organise in Melton later this year.

But I will say on that that it is pleasing to see the policy of the Andrews Labor government in regard to the sick pay guarantee for casuals. It has been a fantastic policy introduction. Again, we saw through COVID how casual employees were affected and will continue to be affected in regard to going forward if they do not have access to this five days of sick pay. What you see, again, is that casual employees are forced to come to work because they need the money. They need to work; they need the money. They need to put food on their tables; they need to enjoy themselves. They need to have social outings; they need to purchase things. And if they do not go to work, they do not get paid. So this sick pay guarantee is a fantastic initiative by this government. Of course these kids in my youth forum enjoy working. They really do. They enjoy the experience. They enjoy getting paid for it because they want to use that money, as I said, to purchase things and have social outings and also assist their families. A lot of them are from multicultural backgrounds, and some of their money goes towards contributing to the family for food and things like that, so it is really important to them.

So this current scheme requires an employer to apply for individual permits for each child they engage. Our review identified the permit system as one of the biggest issues for stakeholders, who supported a more efficient, responsive and flexible approach. The bill introduces a streamlined child employment licensing system to replace the individual permit system, and it will simplify the process for obtaining permission to employ a child by requiring one licence application. This is done annually for an entertainment licence and biannually for a general licence. Under the current act some employers who engage children frequently, such as those in the entertainment industry, can have hundreds of permits at one time, creating a significant amount of administrative work.

The new licensing system will also enable better targeting of resources to focus on licence-holders in the highest risk areas, who must provide more information and will receive more oversight. This might include increased emphasis on compliance and monitoring and audits. Employers will be able to employ multiple children under the one licence rather than applying for individual permits for each child employed, and they will then inform Wage Inspectorate Victoria of each child who is employed. There will be no cost associated with applying for a child employment licence.

Of course these measures will build on the Andrews Labor government's recent adoption of the new child safety standards and ensure a focus by service providers and employers on children's safety and wellbeing. The Andrews Labor government will always stand up for workers and ensure protections exist, and this is another example of this government ensuring that safe work environments exist and workers receive the protections that they need whilst also streamlining processes for businesses. I support these amendments. I applaud the Treasurer and the Minister for Industrial Relations and his staff, and I commend the bill to the house.

Mr STAIKOS (Bentleigh) (15:27): I also wish to make a contribution on the Child Employment Amendment Bill 2022, and I am proud to speak on a bill that contributes to this government's strong record of achieving carefully balanced reforms. The Child Employment Act 2003, which our bill amends, regulates the employment of children under 15 years of age in Victoria, with the aim of protecting the youngest and most vulnerable in our workforce from exploitation. The government recognised the act needed to be updated to keep pace with changes in the modern workplace, and so we embarked on a reform process that has culminated in this bill. To get the balance right we consulted a wide range of stakeholders, including unions, employers of young people, business groups and industry bodies. I am confident that our proposed changes to the act will make the regulatory scheme more efficient, maintain protections for children in the workplace and support businesses to understand and comply with their obligations when it comes to employing children.

In this state we want our young people to be able to get the best possible start to their working lives, whether that is by ensuring that they have access to an excellent education, to vocational education and training and to free TAFE or by ensuring that they can get a bit of independence, earn some pocket money and supplement what they learn in the classroom with real-world, real-life experience, so long as their education does not suffer and they are not exposed to harm. The landmark research commissioned by our government to inform this bill found that young Victorians generally reported positive experiences of working. They told us they were motivated to work to earn their own money and to gain practical skills and experience.

I know from my own experience the benefits of learning life and job skills and how to manage money from an early age. I worked in my family's coffee shop for a couple of years when I was in my teenage years—they were okay employers, I have to say—and it was kind of how I joined the Labor Party, because Simon Crean was a regular customer; it was up the road from his electorate office. So I certainly have fond memories of that time. That was not the only reason I joined the Labor Party. It was because of reforms like this that I joined the Labor Party, but I suppose Simon Crean coming in—I used to make his long black. In fact I used to make his long black when I worked in his electorate office as well, to be honest, but that sort of spurred me on. I have to say I am pleased to note that under this bill children working in their family's business may continue to do so without needing a permit or licence, provided they are directly supervised by a parent or an appropriate person.

I also believe in the importance of promoting financial literacy to our young people. The community does need to understand how to manage money and how to avoid common financial pitfalls, and we know from research that younger Australians and women have lower rates of financial literacy. Learning to save and budget your first pay packet is a valuable experience. Experts tell us we have already lived through the third industrial revolution and we are entering the fourth. The workforce is experiencing more change in a matter of years than it has in decades. We want our young people to be prepared for the future.

In some ways today's young people will need to possess very different skill sets from their parents' skill sets to prepare for a world filled with technology we may not have even imagined today. But what we know will not change is the need for people skills to be able to communicate clearly and remain calm under pressure. After-school and weekend work can be a very good start, and my electorate of Bentleigh has many young parents and a strong and thriving small business community who I am sure will welcome the balanced approach that we have taken in this legislation.

At present the act is primarily regulated through a permit system administered by the Wage Inspectorate Victoria. Children under 15 years can legally work in Victoria, but in most situations, whether the work is unpaid or paid, their employer requires a permit. This individual permit system is a significant administrative burden. In 2018–19 over 11 000 permits were issued. To reduce this burden the bill introduces a streamlined child employment licensing system which is risk based and targeted to replace the permit system. This new system will allow businesses to become licensed to engage children rather than needing to apply for an individual permit each and every time they employ a child. This will be complemented by key safeguards, such as a fit and proper person test, to ensure protections remain.

It is important when designing legislation to balance risks, costs and benefits and the administrative burden. This bill takes a risk-based approach by ensuring low-risk work is subject to fewer regulatory interventions. For example, it keeps in place existing exclusions for participating in church or religious programs. It ensures that low-risk sporting activities such as coaching and umpiring will remain exempt, while high-risk sports, including gym instruction, martial arts and horseriding, remain covered by the same scheme. It also preserves some exclusions for domestic work like tutoring and babysitting. Under the general licence children will also be able to deliver newspapers, pamphlets and other advertising material from the age of 11, recognising that a paper round, especially in country towns, has been the first job of many Victorians going back decades. These exclusions and exemptions are appropriate and reflect how carefully the government has considered these issues.

This bill provides additional tools to ensure child workers in the entertainment industry are safe on the job. We know the vast majority—95 per cent of permit applications under the current system—come from the entertainment industry, such as casting children in live performances, TV shows and movies. I note that some of Australia's best-known actors, Nicole Kidman and Heath Ledger among them, got their start at a very young age, but it is appropriate to recognise that the entertainment industry has a different risk profile and needs strong safeguards to ensure children are safe and their education is not compromised.

Similar to the current scheme, the entertainment industry will have its own form of licence which will need to be renewed each year rather than every two years as is required under the general licence. We are proposing several new offences to protect young Victorians in the entertainment sector from intimidation, threats and other totally unacceptable behaviour and to protect them from adult content and adult themes such as nudity and drug use. I am sure the parents in this place will join me in supporting these important new sections of the act. The mandatory code for the entertainment sector remains in place and will be reviewed following the passage of this bill, and we propose to increase the penalty for contraventions of the code.

The bill makes a number of other targeted amendments to improve the overall operation of the child employment regulatory regime and, as a result, promote better understanding and compliance across

business and the community. These changes include clarifying the definition of 'employment' to provide greater certainty for businesses about what is covered, making clear that a child employment permit is not required for schoolchildren under formal work experience arrangements and also increasing the minimum age for a person supervising a child under 15 years in the workplace to 18 years. This will address concerns about requiring that children who are still subject to protection themselves in the workplace be responsible for the direct supervision of younger children. There are other changes as well.

The Andrews Labor government governs for all Victorians. We balance the needs of stakeholder groups, we consult broadly and we listen. Through this bill and many others the government has undertaken genuine reform that balances efficiency gains with appropriate safeguards. In two terms we have reviewed and reformed the regulatory system in a whole host of areas: planning, consumer affairs, environmental protection, wage theft, essential services, cladding safety, gender equality and many, many more. This bill continues that very important work. I commend the bill to the house, and I wish it a speedy passage.

Ms HALFPENNY (Thomastown) (15:36): I also rise to speak on the Child Employment Amendment Bill 2022, which basically amends the Child Employment Act 2003. The history of the child employment legislation and the amendments go back to addressing the issue of children working in particular industries, whether it is the entertainment industry or the paper rounds of days gone by and helping in family businesses. The employment of children under 15 years of age is probably one of the very few industrial relations areas of responsibility that the Victorian government has left, since all industrial relations powers were referred to the commonwealth and are no longer with the state. Of course it is important that we the state, with responsibility for children in employment, ensure that the legislation is up to date. As we know, all legislation needs to change with community standards, the test of time and when circumstances come up that show there are gaps, and we always have to look at legislation in order to improve it—to make it better.

In this case there had not been a review or any amendments to the legislation for at least 10 years. Things have changed over that time. It is also important to look at how the legislation was operating and if there could be continuous improvement, which is an idea that the Andrews Labor government is so very wedded to. We always try to see how things can be done better and how improvements can be made, and this is one example—the legislation and amendments we are talking about today. When looking at the legislation following the review there were some gaps found and the need seen for tightening up of definitions. There was a lot of consultation with industry groups and child welfare organisations to look at how we should tighten things up, and the result is what we are discussing today.

There is nobody who would not understand or acknowledge that employment at any age—some form of work—is very important. It provides other skills. It provides life experience. It provides another way in which to connect with other people. There is so much to learn as well as benefit from in working. For adults or children there are still benefits. But children are in a much more vulnerable position, so they need extra protections to make sure they are not exploited. We do not have to go back that far to see children who had to go down coalmines or sweep chimneys because they were small and could get into smaller places. We have come a long way, but we want legislation to make sure there is not child exploitation and we want to ensure that the circumstances that they are working in are safe, that there are good health and safety protections for them and that they will not be exploited in any other way, whether it is through sexual predators or whatever. Our government has done a lot of work in terms of strengthening protections for children to ensure that they are protected from anybody out there that seeks to abuse or take advantage of them.

The amendments that we are talking about today—I will not have a long time to talk about them and I know that a lot of previous speakers have gone into some really good detail and explained very clearly these changes. I will just run through a few and then go into detail just on one or two. The changes include changes to the definition of 'employment'. They are also about replacing the child employment officers with authorised officers and clarifying their powers and positions and rights to

enter; enabling the Wage Inspectorate Victoria to issue compliance notices for contraventions; increasing the penalties for certain offences; and providing for a new system of licensing that allows licences for children under 15 years, in that way also regulating their work and their circumstances. There are also changes to the permit system itself so that rather than one having to apply for permits individually, a permit can cover a group of children working in a particular industry.

It also clarifies things regarding family businesses. I think it was mentioned earlier by a previous speaker that in small business the child is part of the business and not just working for the business. The clarifications in these amendments are about making sure that children in family businesses can continue as is the case but that this is still subject to there being proper supervision and also that the industries in which they are working are deemed to be low-risk industries and not ones where the child could be confronted with serious injury or very big threats to their health and safety.

This legislation really just builds on the work that the Andrews Labor government is doing in terms of ensuring that all working people are safer. There has been a lot of legislation that has been introduced—changes to beef up our health and safety laws to make sure that there are stronger protections in the workplace for working people so that they are able to go home uninjured and do not have to just rely on the workplace or the kindness of the heart of the employer but that there are actually both strong penalties and legislation, which is often rights based, to ensure that their workplace is very safe and people are protected and of course that the health and safety of children is paramount.

Some of the other areas which I have gone through are the compliance notices from the Wage Inspectorate Victoria. Previously there would have to be a prosecution of an individual employer in the event of a breach of a permit or licence. These amendments now provide for infringement notices and the revocation of permits or their putting aside, so it is not just about prosecution—which does not give the same flexibility. One is, of course, that it is a lengthy process through the courts, but also it does not allow for flexibility in order to ensure that the breach can be remedied quickly and also be dealt with quickly. In some cases it may really only justify an infringement notice rather than a full prosecution through the courts.

The area that was mentioned earlier by me and others is the entertainment industry, which is one of the most dominant industries in the employment of children, but there are also a number of others, including ones that will not be covered by the legislation because it just really would not work and is not designed to cover them. For example, the definitions have changed in a number of areas, such as extending tutoring to outside residential premises, so that if it is occurring at a library or other premises, it is not covered. I know in the Thomastown electorate there are a lot of students that volunteer to work with younger students doing tutoring in the libraries, and of course it ought not be that those situations are covered by a permit when they are in public areas. There is supervision there, and the work they are doing is such a valuable contribution to helping other younger children with their studies. I have to say there is so much volunteering and so many young people in the area that do such a great job in looking after others, looking after younger children, looking after those that may need that little bit of extra help. I think the Thomastown electorate and the residents in it are very much into volunteering, being part of a community and part of a place where people can work together for the good of all.

Ms KILKENNY (Carrum) (15:46): It is a pleasure to rise to contribute today to the debate on the Child Employment Amendment Bill 2022. As we have heard, this is a bill to amend the Child Employment Act 2003. The amendments in this bill build on the Andrews Labor government's commitment to children's safety and wellbeing. They follow amendments that were made in the adoption of new child safety standards, where there was a clear focus on getting service providers to focus on and to put in the forefront of their mind children's safety and wellbeing.

The Andrews Labor government is obviously committed to ensuring that our regulatory framework to protect Victoria's most vulnerable workers remains strong and remains effective, and this most definitely extends to children who are working—who are in employment. We know they can be

particularly vulnerable to exploitation, to risk in the workplace, but also to things like wage theft and perhaps not knowing their rights or not being able to assert their rights in the workplace.

This bill actually builds on and adopts a number of recommendations that were highlighted in a review undertaken back in 2020–21. It was a review of the Child Employment Act. Part of that work focused on just gathering data, so finding out, for example, where children are being employed and what their experiences are like. I thought it was quite helpful that that review actually sought directly from children information about their experiences: what has happened to them, what has been working well and how they feel about the system. I think it is important when we are dealing with vulnerable workers that we need to make sure that the regulatory system is fit for purpose; that it is not just a matter of being an administrative burden, if you like, on employers; that it is tailored; that it is effective to this particular cohort of worker; and that it is responsive also to changing industry demands but to the changing nature of industry as well, recognising that there will be different risks in different workplace environments and that different conditions probably need to attach to children who are working in those different areas.

That research told us a number of things. It told us that the retail sector and the food services sector are industries that significantly employ children—the largest number of children in fact under 15 years. Then of course there is the entertainment industry, which is the third largest employer of children under 15. I thought it was interesting that the research revealed that many employers wrongly believe that the age for children to be employed is 14 years and nine months. I do not know where they got that from, but I have had people tell me that age as well. I do not know if that is perhaps a legacy issue from a time gone by, but whatever it is, we are clear that the minimum age is 15 years. Children who are younger than 15 will be regulated under this system.

The research revealed on the whole that children's experiences of working are mostly positive, and indeed we have heard that working can have really positive impacts on children. It is about independence, it is about responsibility, it is about developing new skills and meeting new people and of course earning money as well. My son, Raff, who is now 12, is so keen to work. In fact when he was 10 he wrote up his own little résumé and made us drive him to a local shop where he could submit his résumé and ask them about working. I did not have the heart to tell him that he was completely under age and could not possibly work, but I thought the experience was nevertheless good for him.

Many years ago I worked for a fabulous organisation here in Melbourne called the Australian Children's Television Foundation. By its nature and because of the content it produced, most of its actors were children and are children. In fact I think Nicole Kidman got one of her first starts in one of the series that was produced by the Australian Children's Television Foundation. But it was quite extraordinary to watch those children on set—so young but so capable—

A member interjected.

Ms KILKENNY: It might have been *BMX Bandits*. I think it might have been *Winners* actually—that was the name of the series. These children were so capable, but it was clear that the regulation of their conditions, of their working hours and of their supervision was absolutely critical in making sure that there were safe work practices, and it was taken very, very seriously by the organisation.

The review found also—having engaged with many other stakeholders besides children, including employer groups, unions, peak industry bodies, welfare groups and community organisations—a number of key areas for reform. These centred around the existing permit system and indicated a high regulatory burden and an inability to respond, as I have mentioned before, to different industry conditions. It is a kind of one-size-fits-all approach that perhaps is not working at its best or as effectively as it can. The review highlighted a number of opportunities to improve the child employment regulatory regime, particularly with respect to streamlining that permit system and adopting a much more risk-based regulatory approach.

It will also clarify and update the definition of ‘employment’, which is really important because people need to be clear whether a child is working under conditions that are captured by this regulatory scheme or not. Where they are not, it might be where children are doing formal workplace experience or babysitting. The review also identified that the Wage Inspectorate Victoria could be strengthened, with greater enforcement powers and of course increased penalties for non-compliance. The bill before us picks up on all of those matters that were raised by the review, and obviously the overall aim is very clear. It is to ensure that the regulatory scheme remains targeted and does what it sets out to do, and that is to provide the best protection for children in work but also to find that balance. To enable those children to work and gain that experience, we have to make sure that the scheme is responsive to contemporary workplace issues in a really changing work landscape.

The Andrews Labor government is absolutely committed to ensuring that our regulatory framework will protect Victoria’s most vulnerable workers. As we have heard, that will see an overhaul of the permit system and will put in place a licensing system. Under this system employers will not be required to apply for an individual permit for every child they engage. Instead, in the case of the entertainment industry it will be a single permit each year, and then for other industries there will be a general industry permit that will be applied for every two years. Obviously that streamlines the approach, but I think more important is the information that is then collected, because what that means is that it will become a more risk focused or risk based regulatory approach, conditions can attach to a permit and we will see a much more fit for purpose system in place, which means better protection for the children and better responsiveness to changing industry needs and demands.

The bill will also establish a register of employers with a child employment licence. I think that is important because parents and carers need to know which organisations and which employers are actually complying with the laws for protecting children at work; they are better informed then about whether they should permit their children to work.

The amendments in this bill are intended to make the regulatory scheme, as I said, for child employment much more fit for purpose. It is about strengthening protections for children in the workplace while supporting business to do the right thing. I commend the bill.

Mr RICHARDSON (Mordialloc) (15:56): It is a pleasure to rise and speak on the Child Employment Amendment Bill 2022 and follow the list of speakers on the importance of some of these amendments, which will strengthen the protections and bring the legislation, which has been 10 years in the making, into the modern context as well. It is my understanding it has been a decade since the previous review of this legislation, and it comes at an important time post a global pandemic, when we saw the employment market upended and significant challenges for all Victorians and businesses across our communities. It is at a time when technological advancement in the last decade has been absolutely substantial, and we need to make sure that in the context of changing employment arrangements and outcomes and the way that we are working, including our young people, the legislative reforms and policy areas are contemporary as well.

It is a moment to reflect on how positive children undertaking work in various fashions is on their development and their resilience and how that strengthens their outcomes into the future as well. It is a really important outcome. We have all got our own lived experiences and different examples that we can draw on. For me personally, it was at a young age painting lines on roads out in the south-east—statcons, chevrons, metre-by-metre lines—or at the Footscray fruit and veg market, where 38 kilometres of forklift lines did not paint themselves. I was never let loose on the lines, actually; I was the stencil boy at the time. The knees are a bit shot now, and the back, but it was a great opportunity to participate in work and build my resilience as a young person and as a teenager—getting up at 5, getting out on the tools and working on those sites for sometimes 10- to 12-hour days and doing night shifts as I went through uni as well. It was a really important example of the benefits that work can provide, but we also need to make sure that wages, conditions and support for young people are protected. I think my sister, who undertook tutoring and dance teaching at a younger age, was another example of those opportunities that work can present as well. It is important that we balance those

opportunities and the enthusiasm of our young people to get out and take on the world and build their resilience and capabilities with those absolutely necessary protections.

Some of the key elements that I am really keen on in this bill are about strengthening the definition of employment, those greater protections for those that are mentoring young people and also the Wage Inspectorate Victoria. As we enter the final seconds before the matter of public importance, I know the Speaker will be back for this wonderful contribution, so I will cover off a bit more on the Wage Inspectorate Victoria and some of those protections when we are back after the MPI. But this is a really important bill, and I do not yet commend it to the house, because I am not yet finished.

Business interrupted under sessional orders.

Matters of public importance

REGIONAL INVESTMENT

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

That this house notes that the Andrews Labor government has invested more than \$36 billion in regional Victoria, the largest investment of any government in Victoria's history, and further notes:

- (1) the average annual investment under the Andrews Labor government is 2½ times the average under the previous government;
- (2) the 2022–23 Victorian budget is the second largest investment in regional Victoria in the state's history, and 35 per cent of the new asset/infrastructure investment in the budget is in regional Victoria; and
- (3) the 2022–23 Victorian budget provides a record \$2.9 billion investment in health infrastructure, of which more than \$1 billion is invested in regional Victoria.

Ms THOMAS (Macedon—Minister for Agriculture, Minister for Regional Development) (16:02): This is indeed a matter of public importance today, to ensure that the people of this great state absolutely understand our government's commitment to the people of rural and regional Victoria. I am going to use this opportunity today not just to spend this time talking but to demonstrate with real commitment what our government is doing to invest in rural and regional Victoria.

Our government is a government that governs for people wherever they live, from Mildura to Mallacoota, from Wodonga to Warrnambool and everywhere in between. We want to ensure that rural and regional Victoria continues to remain the best place to live, work and invest, and that is why this year's budget brings our government's total investment in regional Victoria to \$36 billion. That is more than five times what was invested by those on the other side when they were last in government. On average each of our budgets has invested 2½ times more than the average investment of the previous government, and this year's budget of course is true to form, delivering \$5.7 billion for rural and regional Victoria. This is the second largest single investment in our state's history, following the record \$8 billion that was invested in the COVID stimulus budget of 2020.

These investments are not just words on the page. These are investments that are delivering schools, health care, better transport. They are upgrading our roads and our railways and making sure that our communities in rural and regional Victoria have the services and the infrastructure that they need in order to continue to thrive. These projects also are creating jobs, once again, right across rural and regional Victoria. Ninety thousand jobs have been created in the regions.

A member: How many?

Ms THOMAS: Ninety thousand jobs since we came to office in 2014. Total employment across regional Victoria now exceeds pre-pandemic levels, and our regional unemployment rate of 3.4 per cent is the lowest in the nation.

What we have seen in the last year or so is the largest single migration of people from the CBD to rural and regional Victoria. We have had a net migration of 20 000 people—and is it any wonder,

given the jobs that we are creating? The Minister for Transport Infrastructure and I well know that central Victoria is indeed an absolutely terrific place to live, work and invest, and there are plenty of job opportunities there right now for anyone thinking of making the move. Of course, against this backdrop we now have the announcement of the 2026 Commonwealth Games. For the first time the Commonwealth Games will be held across four sites, and they will all be in regional Victoria—in Geelong, in Bendigo, in Ballarat and in Gippsland. This is going to be an absolute further boost to the regions, and we look forward to welcoming the very many visitors, the athletes, their coaches and all the staff. We look forward to the opportunities that the Commonwealth Games will present for so many young people to grow new skills as a consequence of the Commonwealth Games. That is going to be brilliant.

As I said before, this year's budget alone invests three times more than the average annual investment the coalition made when they were last in office. But the comparisons do not stop there. A massive 35 per cent of new infrastructure and asset investment in this year's budget is going towards rural and regional projects. For comparison, if I may, the National Party has been out and about crowing about their 25 per cent guarantee of infrastructure investment for regional Victoria. But let me tell you what that means in practice. Let me tell you, when you cut through the spin and you cut through the fabrication, what it means. The National Party is actually promising to cut infrastructure spending in rural and regional Victoria, and why would we be surprised by that? Because we know nothing speaks louder than their previous record in government and what those on the other side did. Their legacy in rural and regional Victoria is one of cuts and neglect. That is what the National Party did, because really when push comes to shove the National Party in this state will do whatever the Liberals tell them to do. That is what they do. They are there as handmaidens to the Liberal Party.

So let me say this. I understand that those on the other side like to tell everyone that they stand up for country people. Well, let me tell you this. The country people that I speak to know better than that, and they know that those on the other side are condescending in their attitudes towards country people, that they will say and do whatever their Liberal puppetmasters tell them to do and that they will bow at the slightest pressure in order to maintain their own self-interest, their own seats here in this place. That is all they care about. That is all they have ever cared about.

We saw this too, I might say, at a federal level. The member for Murray Plains is in the house. My question, which he may like to answer in his contribution, is: when did he stand up to the former Nationals leader Barnaby Joyce when we saw him as minister absolutely neglect Victoria—\$7 billion of regional development invested by him or committed by him, and how much was coming to Victoria?

A member interjected.

Ms THOMAS: That is right—zero. So where were the Victorian National Party in standing up to Barnaby Joyce and the federal National Party. They were not there. Rather than stand up for Victoria and demand our fair share, the member for Murray Plains stood by Barnaby Joyce and his pork-barrelling in New South Wales. We will always stand up for rural and regional Victorians here in Victoria. This budget alone invests \$2.3 billion in regional infrastructure, including \$1 billion for health infrastructure. That is over a third of our government's total investment in health in this budget. This funding is delivering the Barwon women's and children's hospital, acute care beds in Shepparton and a rehabilitation facility in Mildura. There is funding also of course for the upgrade of every special school in Victoria that has not yet been upgraded. Following this year's budget, that will mean that every special school in the state will have been upgraded by our government.

Our funding in this budget is delivering new V/Line trains, built here in Victoria, and we are rebuilding and resurfacing vital road infrastructure. We all know, because we have heard it directly from the member for Murray Plains himself, that if elected a coalition government will cut funding to rural and regional Victoria—because they are committing only 25 per cent.

Members interjecting.

Ms THOMAS: It is a guaranteed funding cut from those on the other side.

The SPEAKER: Order! Members interjecting should be in their places.

Ms THOMAS: Can I tell you that the communities of Shepparton, Morwell and Mildura have also tired of the neglect of those on the other side who purport to speak on behalf of country Victorians, and they have voted in hardworking independents who have demonstrated that they can much more effectively represent the interests of their electorates.

I did want to talk about my own portfolio of regional development. This year marks the 20th anniversary of a signature Labor Party policy and commitment, the Regional Jobs and Infrastructure Fund, a fund that was implemented by a former Premier and former Minister for Regional Development, the Honourable John Brumby. We are so proud of what the RJIF has delivered across rural and regional Victoria. Indeed since we were elected in 2014 more than \$700 million has been committed to more than 1000 projects across the state.

What I want to do is explain a little bit about the methodology that we use in regional development and how we ensure that we get real bang for our buck when we are making investments in rural and regional Victoria. It is good to see that the member for South-West Coast is here in the house at the moment because I do want to talk about the south-west. Let me give a couple of examples. Recently I was in Timboon—such a beautiful part of the world.

Ms Britnell: Not my electorate.

Ms THOMAS: All right, the member for Polwarth then—you know, in Polwarth, the south-west coast.

Members interjecting.

The SPEAKER: Order! There are members on both sides of the house that should be in their places.

Ms THOMAS: As I said, they are only interested in themselves and whether I get their electorates right. I was in Timboon. With funding from our regional jobs fund, Timboon Fine Ice Cream have been able to tap into new markets and grow their business. This is a third-generation dairy farming family that is value-adding, and of course the south-west coast, as we all know, is a premium producer—it is Australia's powerhouse when it comes to dairy. But what is really important is that we continue to see value-adding to our primary produce here in Victoria. That is where we will generate the jobs.

We are also supporting Berry World through the jobs fund. They have rebuilt their cafe and restaurant and cellar door after they were destroyed in 2020, with some support from our government. So you have got those projects. We are also investing in the Twelve Apostles trail, linking Timboon to Port Campbell. The foreshore at Port Campbell is being upgraded with, once again, support from our government, and with a \$6 million investment indeed.

A member: How much?

Ms THOMAS: So \$6 million to support the revitalisation of the Port Campbell town centre.

Members interjecting.

Ms THOMAS: I said 'Port Campbell'—Port Campbell town centre. Can I also say that we have also invested to support the unlocking of housing lots in Timboon and Simpson. I am using the south-west coast as an example to show how we are strategically making investments in business and infrastructure projects that will generate jobs across the whole region and play to the region's strengths. This is the strategic approach that we take to regional development, unlike what we have seen from those opposite, who pork-barrel in their own seats in order to get themselves re-elected, because at the end of the day that is all they are interested in, and we have seen it time and time again.

Let me speak also, if I may, about the Latrobe Valley. Our government has always stood by the people of the Latrobe Valley, and it always will. We created the Latrobe Valley Authority in response to the closure of the coal generation power facility down there. Since its inception and with the support of this government we have seen more than 4000 jobs created down in the valley, with a \$2 billion investment from this government. So once again the LVA is helping us plan a transition from fossil fuel energy to new industries, be they health care and community services, be they tourism, be they advanced manufacturing. Only an Andrews Labor government will invest in rural and regional Victoria. Only the Andrews government, with 18 rural and regional members, will stand up for country people in this state.

Mr WALSH (Murray Plains) (16:17): I rise to speak on the matter of public importance from the minister at the table, the Minister for Regional Development. Firstly the Latrobe Valley Authority creating 4000 jobs—my understanding from the recent upper house inquiry about the Latrobe Valley was that the CEO could not actually commit to having those jobs created. So I think the minister should go and get her facts straight on a whole range of things that she has spoken about.

Regional Victoria have thought for a long time that they have been missing out on their fair share when it comes to the Andrews government. With that in mind, the member for Gippsland South commissioned the Parliamentary Budget Office to do an analysis of the budget to actually look at whether the perception that people had in regional Victoria about not getting their fair share was true or not. The Parliamentary Budget Office has proved that regional Victoria is not getting its fair share when it comes to capital expenditure, infrastructure expenditure, in regional Victoria. If you go through the 2022–23 budget, budget paper 4 (BP4), you look at the columns and you add it up, you will see that when you separate out rural and regional projects and those labelled as metropolitan or statewide projects, only 13 per cent of the capital spending could be directly attributed to the regions in the 2022–23 budget.

If the minister that moved this motion actually wants to prove the 35 per cent she talks about, we would welcome the Parliamentary Budget Office looking at those figures, because it is the tangible spend in the budget that is important, not necessarily the allocation. If you go to the budget papers and you go to BP4 and you look at page 65, half a billion dollars of that spend is for the Barwon women's and children's hospital. And then you actually look at the forward estimates, and there are no numbers. There is TBC, TBC, TBC, TBC. There is \$500 million in the first column, but there is no allocation across the forward estimates. That is the sort of stuff that is in the budget papers that people are concerned about.

And you might ask: why does that matter? Because if you go back to the 2016–17 budget, BP4, page 49 in that particular budget paper, the Andrews government allocated \$50 million to the national proton beam therapy centre. It was announced in the budget with a whole heap of fanfare—\$50 million of expenditure. Nothing has ever happened, nothing has ever been built; that just disappeared out of the budget. That is why when quoting the budget papers, as the member opposite said, you have got to look behind them—to know how deceitful this government can be around these particular issues. If you look at the two regional health projects that are in the budget, one of those is a \$500 myth—phantom funding—because there is no money across the forward estimates.

If you look at some of the other projects, the Central Gippsland region water corporation has 11 new projects in the budget. Six of those have no spend allocated in the 2022–23 budget. If you go to BP4, page 111, there is no funding allocated in the budget for six of those projects. If you go to the Goulburn Valley Water corporation, there are 26 new projects in the budget but 16 with no actual funding in this year's budget. So there is a lot of phantom funding in the budget that the government is talking about there. People that are unkind—and I am never unkind—would say this government is all headline and no deadline when it comes to actually delivering on their promises, but I would not be so unkind to say that when we talk about these things.

A member: Has that been tested?

Mr WALSH: That has been tested. It has tested very, very well in your electorate, mate; you just wait and see.

As I said at the start, the member for Gippsland South asked the Parliamentary Budget Office to have a look at this discrepancy between regional Victoria and metropolitan Melbourne, so for asset investment excluding Australian government funding for regional versus metropolitan Melbourne, because it is important that we are talking about the Victorian allocation to infrastructure, not the commonwealth allocation to infrastructure. With a lot of projects, particularly in regional Victoria, it is a significant investment in its own right. They had some criteria they set out about particular things, but it was to look at the asset spend in the budget between metro and regional statewide, and basing it back to individual suburbs and locations they came up with the numbers for what the split is. The number that jumps off the page for people out of that particular report is in figure 10, where it says the asset investment per person is \$15 268 in Melbourne but only \$7142 in regional Victoria. That is from the Parliamentary Budget Office. This is not a myth or phantom funding from the other side of the house. They are not numbers that we have done. It is actually from the Parliamentary Budget Office.

Now, I know the government will try to discredit the Parliamentary Budget Office. They do not like IBAC. They have cut the funding to IBAC because they do not like what is going on at IBAC. They have gone to war with the Ombudsman. If they try and dispute the Parliamentary Budget Office on these figures, they are going to go to war with another independent agency here in Victoria. This is about independent analysis of the Victorian budget. For the Treasurer and the Minister for Regional Development and Minister for Agriculture to stand up and use the numbers they are—they need to put their numbers to the test with the Parliamentary Budget Office to make sure they are real into the future.

If we talk about commonwealth investment, the Parliamentary Budget Office found that there is more commonwealth investment in regional projects than there is in metropolitan projects—so thank you very much. There has been a lot of criticism from the Andrews government about the federal government. But thank you very much to Darren Chester, when he was the infrastructure minister, and thank you to Michael McCormack, when he was the infrastructure minister, for what they have done for regional Victoria, because if we did not have the commonwealth government putting the money in, we would be a lot worse off.

If you look at some of the projects that are in the budget that the Andrews government lays claim to, such as the Regional Rail Revival upgrade for the Bendigo–Echuca line, which the member for Bendigo East talks about a lot, \$158 million of the \$175 million for that project actually came from the commonwealth government. If you look at the Gippsland line upgrade, \$447 million of \$531 million came from the commonwealth government. If you look at the rail revival for the Shepparton line, \$320 million of \$400 million actually came from the commonwealth government. If you look at the Warrnambool line, member for South-West Coast—I know what towns are in your electorate; some others may not, but I know what towns are in your electorate—\$208 million of \$260 million came from the commonwealth government. If you go to the Waurn Ponds track duplication, \$754 million of \$899 million came from the commonwealth government. So there is more than \$2.1 billion of the \$2.5 billion investment that the Andrews government lays claim to that has actually come from the commonwealth government.

When we, the Liberal and National parties, have given a commitment that 25 per cent of the state spend will actually go into regional Victoria, that is a real number that will make sure that regional Victoria will have the infrastructure it needs into the future. What we have seen with COVID is that a lot more people want to move out to the regions. They have seen the advantage of living in regional Victoria, and we as regional Victorians need the infrastructure to make sure that we can give the services to the people that live and come out to live with us. That is why the 25 per cent is so important—to actually make sure that we have that infrastructure.

If you go through the budget papers further, you will see that Regional Development Victoria, a core plank of the Andrews government, as the minister said, actually had its budget cut by \$87 million this

year. If you look at Agriculture Victoria, not only do we not have a department of agriculture anymore—we just have AgVic—but AgVic had a further \$47.5 million cut in this year's budget. Both sides of politics are very proud of the export capability we have, particularly in our agriculture sector, our education sector and some of our high-end manufacturing sector. Wouldn't you have thought that the trade and global engagement part of the government budget, with COVID, might have been boosted to help us with more exports—might have actually been boosted to help us find other markets so we do not have the reliance on China that we have had in the past? But no, trade and global engagement suffered a \$46 million cut. Over the last two years that program has been cut by nearly 50 per cent. So for the government to say they are investing record funding into these sorts of programs that help regional Victoria, they are just plain wrong.

The fire services levy has rated on every property in Victoria. It raises approximately \$800 million this year for the fire services. We know the government hate the Country Fire Authority; the Andrews government have gone to war with the CFA just to appease Peter Marshall. It is all about appeasing Peter Marshall. Of that \$800 million that is raised, there is only \$11.1 million that goes into asset and expenditure for the Country Fire Authority. Yes, it goes into the paid firefighter part of it, but it does not go into the CFA volunteer part of it.

I suppose if you look at projects around regional Victoria that the Andrews government has funded and made an absolute mess of, the Minister for Transport Infrastructure would know very well that I am going to talk about the Murray Basin rail project. The Murray Basin rail project—

A member interjected.

Mr WALSH: You thought that might have been the case? The Murray Basin rail project was going to be a once-in-a-generation upgrade of the freight railway lines of north-west Victoria to standardise and upgrade those lines to make our transport system far more efficient. \$220 million from the state government, \$220 million from the federal government—and they made an absolute mess of the project. Thank you, Michael McCormack, for putting in another \$200 million to fix up the mess of the first half of the project. But the second half has never actually been started. The freight trains from Mildura now take longer to get from Mildura to the port than they did before this project started. So \$600 million was effectively blown, and the train takes longer to get to Melbourne. The commonwealth government—Michael McCormack—put that \$200 million in and said, 'We'll put another \$5 million on the table. If it's matched by the Victorian government, we'll do the business case to look at what needs to be done to finish that particular project'. The Andrews government has refused to put that \$5 million in, and at the Public Accounts and Estimates Committee the other day the Minister for Transport Infrastructure effectively walked away from even pursuing the commonwealth government for that \$5 million.

Ms Britnell: Not even interested.

Mr WALSH: Not even interested. No show, your honour. She was not interested in doing that at all. So we will not be lectured by the Andrews government, not by any of the people on the other side of the house about what they are doing for regional Victoria, because if you actually go to the independent Parliamentary Budget Office report—and I am using it as a note, I am not using it as a prop—it sets out, chapter and verse, how regional Victoria has been short-changed by the Andrews government. I come back to that particular figure of the asset investment per person for regional Victoria versus Melbourne: \$15 268 per person is invested in infrastructure in metropolitan Melbourne and only \$7142 is invested in infrastructure in regional Victoria. That number is less than half of what is spent in Melbourne. I cannot see how those on the other side of the house can argue against the Parliamentary Budget Office report, which sets it out so very, very clearly. So I would like the Andrews government people that are going to speak on this bill, that are going to make rash claims based on the bits of paper that are put in front of them by some staff member somewhere, which they probably do not really even understand at all, to actually submit their bits of paper to the Parliamentary

Budget Office. Let us see where the truth lies, because I have faith that the Parliamentary Budget Office is the truth, not what we are told from the other side of the house.

Ms EDWARDS (Bendigo West) (16:31): He could not even make 15 minutes. I am really pleased to speak on the MPI today. It is not very often I get a chance to make a contribution when there is a matter of public importance before the house, but this one was very important for me as a regional member. Of course when there are 18 members from regional Victoria on this side of the house there is a little bit of competition to speak on those matters, so I am really, really delighted to be given the opportunity today. As the Minister for Regional Development said in her contribution, regional Victoria is going great guns. There is absolutely no question. The investment in regional Victoria, particularly over the last few budgets, has been our second highest, I think, in the history of the state. Of course, as has been mentioned also by both the Premier and the Minister for Regional Development, it is five times what the previous government spent.

Now, for 11½ years I have been a member of Parliament, and I well remember those four years when the coalition was given the privilege of government, from 2010 to 2014. What I remember from those four years is constantly hearing complaints from constituents about cuts to education and cuts to health. I also remember very clearly that the youth unemployment rate in Bendigo was the highest it had ever been in its history, and that is an absolute reflection on those opposite. Why weren't those on the opposite side, particularly The Nationals, advocating then for better services for regional Victoria? Why weren't they increasing funding back then? They were nowhere to be seen, and they are still nowhere to be seen. There has not been a National Party candidate in Bendigo West since 2010, and like the Liberals, we only see them when it is the eleventh hour before an election, and even then their presence is very, very minimal.

Their narrative is one that we have heard time and time again, and it is a fallacy: it has been proven wrong time and time again. I think the political narrative that they continue to roll out is nothing more perhaps than a desperate attempt to regain relevance or maybe, just maybe, a desperate attempt to regain their party status. When it comes to advocating for regional communities The Nationals only do what they think will benefit them at election time. Outside of that their silence is deafening. In fact I saw the Leader of The Nationals up in Bendigo a couple of times over the last few weeks, and I thought, 'That's a bit odd'. Then I thought, 'Oh, no, actually it's not—it's an election year'. It is six months out from an election, and there he is—he pops up. It is absolutely incredible. I was looking at Twitter before, and I came across a very interesting little piece of information: the word of the day, which I thought fitted nicely with those opposite and particularly the Leader of The Nationals.

A member interjected.

Ms EDWARDS: Yes—struthonian:

... one who ignores unwelcome facts and buries their head in the sand. From the Latin 'struthio', 'ostrich'.

I wanted today to dispute everything that those opposite say about our investment in regional Victoria, and my focus in the short time that I have available—it is a very, very long list I have—is to give everyone a bit of a tour of the Bendigo West electorate and a bit of an idea of the amount of investment that has been put into my electorate. It is not an exhaustive list, because there are a few things that I have missed, I am sure, and some that are still to come.

I thought I would start with Maldon—beautiful Maldon, Australia's first notable town—a beautiful historic town in my electorate: \$4.5 million for the streetscape works, including the undergrounding of the powerlines; upgrades to the Bill Woodfull Recreation Reserve; \$1.7 million just last week for the Porcupine Village rebuild; an upgrade to the RSL; an upgrade to the Maldon Athenaeum Library; and an upgrade to the Maldon Primary School, with a new outdoor oval and outdoor play space.

Then we go across to Newstead. We funded Renewable Newstead. We funded streetscape works in Newstead. We funded a primary school upgrade for the Newstead Primary School, kinder upgrades and an upgrade to the Pyrenees Highway to Newstead. We have also funded an upgrade to the old

train station and the old goods shed, which have become a beautiful art space for the Newstead art community.

Let us go across to Guildford. We reopened the Guildford Primary School and included funding for upgrades at that school, a beautiful, historic school. We funded streetscape works in Guildford and CFA station upgrade works.

At Campbells Creek: a primary school upgrade, an inclusive playground and a walking-cycling path along the creek. There are streetscape works in Campbells Creek, a CFA station upgrade and a new community events centre.

Across to Chewton: lighting at the reserve, upgrades to the Chewton Primary School and streetscape works. We removed the old pine forest plantation, which the former minister for the environment might remember. We also included the Monster Meeting site on the heritage list and included it in the Castlemaine Diggings National Heritage Park.

Across to Harcourt: we built that La Larr Ba Gauwa mountain bike park—an amazing, amazing mountain bike park that is attracting so many visitors and tourists and mountain bike enthusiasts. We built a new kinder in Harcourt, co-located with the primary school. We built female-friendly facilities at the Harcourt Recreation Reserve and an all-abilities playground at the centre of Harcourt, and we upgraded the Harcourt Valley Primary School.

Castlemaine: there is a long list here. The Barkers Creek pavilion upgrade also has female-friendly facilities. We made upgrades to the Winters Flat Primary School, Castlemaine North Primary School and Castlemaine Primary School and built a new Castlemaine Secondary College, a new Castlemaine Men's Shed and a new, inclusive all-abilities playground in Victory Park. There is \$6 million for the Castlemaine Goods Shed for use by the Castlemaine State Festival and the community. We relocated the goldfields historic steam train works from Maldon, with a new shed in Castlemaine. There are upgrades to Loddon Prison and \$6 million to upgrade the Castlemaine Art Museum, and there is the Regional Health Infrastructure Fund for the Castlemaine hospital. There are upgrades to the Pyrenees Highway in the centre of town; the female-friendly facilities and pavilion upgrade at Wesley Hill reserve; new netball courts; heritage funding for Buda, the Theatre Royal and the Market Building; funding for Buda to start their master plan; disability access and a lift at the community house; lighting at Camp Reserve; a community SES upgrade and a Castlemaine Library upgrade.

We will go across to Marong: there is funding for the Great Stupa, including infrastructure funding, a new library—an interfaith library—and the ILLUMIN8 festival, which I was at on Saturday night; upgrades to the Marong Primary School, which we just opened; and planning for a new ambulance station.

In Maiden Gully there are traffic lights at Edwards Road, an upgrade to the Maiden Gully Primary School and funding for Marist College.

I have not even got to Bendigo. I will just point out a few of the important infrastructure upgrades in Bendigo. First and foremost, we started the new Bendigo hospital and we finished the Bendigo hospital. Now there is \$60 million on the table for a new day rehabilitation centre to be located at the site of the old hospital. There is the Bendigo Stadium upgrade. Bendigo TAFE has been completely rebuilt: \$60 million for the McCrae Street campus, a new Food and Fibre Centre of Excellence and a new Health and Community Centre of Excellence. There is a new courthouse—\$152.4 million—and of course the GovHub. And then there is funding to the schools: Bendigo Senior Secondary College, California Gully and Victory Christian College and upgrades to Bendigo Special Developmental School, and we built a brand new school at Kalianna. These are just some of the investments in my electorate.

For those opposite to say that we have neglected regional Victoria is an atrocity. I know and I remember their four years in government, when they spent very, very little in my electorate and we were always banging on the door asking for more. And what did they do? They cut services, they cut

funding to health and to education. Jobs were hard to come by, and I know for a fact that our public servants were very, very angry and very, very upset because of the cuts to the public service. It is only a Labor government that will invest in regional Victoria, and with 18 regional members on this side of the house, we know how hard we work in our electorates to make sure that regional Victoria gets the funding it deserves. For those opposite to say anything other than that is absolutely not true.

Ms BRITNELL (South-West Coast) (16:41): I rise to speak on today's matter of public importance, and I find it absolutely fascinating that this government is trying to claim it has been investing record amounts in regional Victoria, because I probably do not even have to say anything, I can just list the lived experience of a regional Victorian, particularly one who lives right on the outskirts of the regions, right towards the South Australian border. I will not start on roads, but I am pretty confident I will spend a bit of time on roads, because the further away we get from the tram tracks, the worse our roads get, and that is the real, lived experience of regional Victorians.

But I am not just going to go on without evidencing what I will state as fact, and I am not going to use my work, I am going to use the work of the Parliamentary Budget Office: a report that was completed in April this year. It clearly shows in black and white the reality of how metropolitan Melbourne under this government has been faring versus the regions. I tell you, it has got it here in black and white that regional Victoria is not getting its fair share. I will go to some of the information in this document. I will take you to page 2 of the document, which talks about the asset investment per person. In the document it highlights that in metropolitan Melbourne the amount per person is \$15 268, as against regional Victorians, who get \$7142.

The situation is that the document talks about how most projects, particularly in regional Victoria, have a lot of funding that comes from the federal government. In fact the federal government have done all the heavy lifting. When you look at what the document says and when you look at 'Asset investment of \$100 million or more, excluding Australian government funding'—that is the federal funding—\$79 billion has been invested in metropolitan Melbourne versus \$11 billion in regional Victoria. Now, that means that people in metropolitan Victoria were invested in around 114 per cent more than those in regional Victoria. So again, this report demonstrates that the government have been trying to say they are investing in regional Victoria when in reality they are taking the federal money, they are putting it in the budget and they are portraying this as the money that Victorians are getting from the Victorian government when they have actually been getting most of the investment that has happened in regional Victoria from the feds.

I will take you to an example in my electorate of South-West Coast. In 2017 the Premier made a flying visit to Warrnambool—and I mean literally a flying visit; he did not actually travel by our roads or our rail—and he came to spruik that the government, his government, would invest \$114 million in the Warrnambool line. The reality is that \$104 million of that \$114 million was federal money. Now, he said that work would begin in 2018 and would take 12 to 18 months, meaning it would be completed by 2019 at the earliest. Here we are in 2022, and guess what? It is not complete. That line upgrade we are now told should be completed by the end of this year at a cost of not \$114 million but \$252 million. This is just one project which this current state government has managed and blown out the cost of. That is a contribution from the federal government of \$226 million of \$252 million—\$26 million, just 10 per cent, by the state. So the people of country Victoria are not fooled by this state government saying they are investing, because they can see the reality is it is not the state government.

The government likes to confuse the way things are reported, and even in the *Weekly Times* today there is an article pointing out how the government, in the way they have structured the budget, are making it hard for anyone to be able to make sense of the budget for key maintenance measures for roads. The VicRoads annual reports are published in a way that makes it almost impossible, and it is blurring its budget numbers. VicRoads has been subsumed into the mega Department of Transport, and so its financials cannot be analysed, the article talks to. VicRoads has changed its performance measures from reporting the number of regional roads and kilometres maintained to the square kilometres maintained. It is just making it impossible to compare the two measures. And why do you

think they need to do that? They are fudging the figures. They are trying to fool Victorians into believing they are actually doing more than they are doing.

I look at the figures in the budget books. If I take you to budget paper 4 and we look at the projects under the Department of Health, the new projects part of the budget, this government talks about \$2.9 billion in health in the 2022–23 budget for health infrastructure, with \$1 billion of that being in regional health. Well, this is where it gets really good, because we have here ‘Barwon Women’s and Children’s Hospital (Geelong)’. It is a project that is supposed to cost \$0.5 billion. So let us see what it says they are going to invest in that project in the first year, which is 2022. Nothing—there is nothing there. It says ‘TBC’. The next year after that, what is the next figure they are going to put into this project of building a very important hospital that they have talked about and spruiked? ‘TBC’—nothing. And then we go out into the next year. The figure there again is ‘TBC’. Even under ‘completion date’—to be confirmed. If I turn over the page and I look at Melton hospital, clearly under the \$2.9 billion into health in the metropolitan area, well again, there is nothing there. It says the project is going to cost \$900 million, but if you look at the next figures of 2022, 2022–23 and forward, there is nothing. Not a single dollar has been allocated. So these are the sorts of figures that the government is trying to claim they are using to tell us stories, but there is actually nothing there to back it up.

I might go to budget paper 3. Let us have a look, because this government also says that it is spending \$12 billion more this year in health. Well, it is really not that hard to read. It is not research, it is not analysis, it is just reading. And if you go to the output summary by the department’s objectives and go down to the 2021–22 figure, the total figure, last year on health \$27 billion was spent. If you go to the next column—this is how you read budgets; it is not that hard; anyone who has run a business has to do this every day—2022–23, the total figure at the bottom is \$25 billion. Twenty-seven, 25—it was 27 last year; it is 25 for this year. That is a \$2 billion cut. It is as simple and as clear as that.

But we hear from this current government that they are actually investing \$12 billion more. Well, let us analyse that for a minute. It is just deception. It is absolute, clear deception, because what they are really doing is telling us about dollars that they have already spent. \$3.5 billion out of that \$12 billion is allocated in the budget that has already been spent, and this includes \$1.3 billion already spent on PPE and COVID programs; more than \$1 billion already spent on rapid antigen tests—well, they have already been stuck down someone’s neck and in the bin; and more on vaccinations—well, they are in people’s arms and gone. The federal government are the ones that put most of that money forward. This is absolute smoke-and-mirrors budgeting on behalf of this government, and it is spruiking, not the truth. It is a government that makes absolute false statements.

I am just going to end on the roads, because when I hear the government saying they are doing an amazing job of our roads in regional Victoria and claiming that our complaints about the roads are our fantasies, I think that is absolutely insulting. Our crumbling roads, our massive potholes, our dangerous shoulders are a result of the government not spending the right amount of money in the area of maintenance and road management. They want to reduce the speed rather than fix the roads properly.

This is a government that is absolutely trying to deceive Victorians, particularly regional Victorians. But it is our lived experience in regional Victoria. Our roads that we drive on that are failing, our rail that is not getting the investment it needs and not taking us where we need to go in a timely manner like the city gets makes it so easy to discredit this government. This is deception at its grandest. When you look at the government saying in Parliament yesterday, ‘We’re not cutting Portland health’ but we have not got the services we had two, three, four months ago, it is nothing short of being deceptive to the people of regional Victoria.

Ms SETTLE (Buninyong) (16:51): I am really pleased to rise to speak on this matter of public importance (MPI), because it really is incredibly important to me. I have lived most of my life in regional Victoria. I have raised my sons there. I have managed our family farm and spent a lot of time in regional Victoria. I have watched a few governments come and go, and I know which side of the house has protected regional Victoria as we have gone along. Sadly we have had to listen lately to

those opposite playing politics with patients' lives continually in question time, and now, I cannot believe it, they are playing politics with the lives of people in the regions, people that matter to me, that I stand beside every day.

The contribution from the member for South-West Coast talked about lived experience. What makes me giggle, I have to admit, on that note is that we have 18 regional members of Parliament on this side of the house. In addition to that we have two fantastic independent regional MPs. It seems to me that the lived experience of people in the regions—they are expressing that at the ballot box, and they keep doing that again and again.

We have heard a bit from the other side about the Parliamentary Budget Office's report. There were some comments made that we would in any way denigrate their work. We would not do that. We do not need to do that. Very clearly they state in the report that these figures that they have delivered relate to projects under \$100 million, so those on the other side are cherry-picking their figures. I have a lot of agriculture in my electorate, and one of the fine industries in my electorate is the Bacchus Marsh cherry picking. So if there is ever a need for a job from any on the other side, please come along and let me see if I can help you out, because really, what you have done here is a whole lot of cherry-picking.

We have heard this line about the comparison of spend per head—35 per cent of the new total estimated investment is in the regions. If you compare that to the population, 23 to 25 per cent of the population is regional, which means there is more per head. But of course those on the other side are busy cherry-picking to save their own political careers. The 2022–23 state budget was the second-largest investment in regional Victoria in our state's history. Can I let that sink in? It was the second largest. But what I want you to think about is who delivered the largest.

Ms Richards: Who?

Ms SETTLE: Who? This government delivered the largest regional budget in this state's history. The Liberal-Nationals commitment to 25 per cent funding for regional Victoria would actually stand as a cut. It is pretty extraordinary that they are proposing a cut right here and now, but you know, you sit back and think, 'It's in their DNA. Perhaps they just instinctively cut things'—like they have here.

Over the past eight years we have invested an average of \$4.5 billion per budget in regional Victoria, and that compares to those on the other side, when they were in, investing \$1.8 billion per budget. Two and a half times that amount we have spent on average, year in, year out, and we have spent that on health, education and jobs—things that matter to people.

This government cares so much about regional Victoria that it has come up with an extraordinary novel idea, which is to hold the Commonwealth Games across the regions, thereby putting an enormous infrastructure investment into regional Victoria. When this was announced—and it was announced in Ballarat, I am proud to say—we stood there with the people from the Commonwealth Games, and they said, 'This is a new model; this is a new way that we can deliver this across the world', because they could see the huge advantage that it would give to regional Victorians and they will be using this model around the world. The Commonwealth Games is a \$2.6 billion investment in the regions.

We have, as I say, invested very heavily in health, and I know that my good friend and colleague the member for Wendouree will talk about the investment in Ballarat Base Hospital. It has just been extraordinary to watch it grow out of the ground. That is half-a-billion-dollar investment in Ballarat's hospital, which I am delighted about, having had one of my children rushed there by a very good ambulance from my rural home in Ararat. The service there was just extraordinary. But it is really important things like, you know, making our paramedic stations 24 hours. I had the absolute delight with the member for Melton to open the 24-hour station that is now in Ballan. It is not just about investing in those big regional centres, which of course we do and are very proud to do; we make sure that everyone across the region can get to that service.

A little bit in the same way for me, what has been fantastic has been the investment in education and schools. In my electorate obviously there is part of Ballarat and bigger townships like Bacchus that will be coming into Eureka. But what I love the most is that in my time this government has invested \$9.5 million in Woody Yaloak Primary School—there are four campuses—in Smythesdale and Ross Creek. And it has invested in small primary schools: Linton Primary School—\$1 million—Cape Clear Primary School and Darley Primary School. This government does not just invest in the big centres, though we do that exceptionally well; it has been shared across regions, because we know that absolutely every Victorian deserves the best start they can get, so we have continued to invest.

One particularly close to my heart has been our investment in free TAFE. I know how much of a life changer TAFE can be; it certainly was for me. When I came off the farm I went and did a course at TAFE. This government's investment has just been extraordinary. In Ballarat alone, at Fed Uni, it has doubled female participation—doubled it—by having free TAFE. That is making a real difference to people's lives in the regions.

We understand the absolute value of agriculture. As I say, I come from a hundred-year-old proud farming family, and I know that this government is aware of the importance of agriculture. I see it again and again. I was incredibly proud to be asked to chair a review which looked at agricultural training. But our commitment is very strong in all aspects when we look at developing agriculture. In my electorate alone, 21 per cent of Victoria's eggs come from Golden Plains, but we have also, as I say, got the wonderful fruit and veg of Bacchus Marsh. There is a pork industry as well as a potato industry closer to Ballarat. So agriculture is very important in my electorate, and this government has invested \$3 billion in agriculture—investments which have seen the industry grow 32 per cent in that time. Our investment has seen the industry grow, and that is so important to all of regional Victoria.

There is so much to say. I am a bit like the member for Bendigo West; we have not got enough time to talk about all of the wonderful things. But one thing I will say is the member for Ripon likes to crow that no-one in her district remembers what the Kennett Liberal government did to them when they ripped out the trains from Ararat and Maryborough or cut jobs. I do not agree with that. I lived in Ararat in 2010 when the Libs got in, and the fear was palpable. We knew what was coming. It was going to be cuts again and again and again. But as a concession to the member for Ripon, I will not concentrate on the Kennett government. Let us just look at the last coalition government. In 2012 when the member for Murray Plains was the Minister for Agriculture he oversaw more than 500 job cuts from the ag department and shut down no fewer than seven regional offices, one of those in Ararat in the seat of Ripon. When last in office the opposition slashed core livestock biosecurity funding in half. Biosecurity is so important in the farming communities.

Those on the other side have not delivered for regional Victoria. That is why there are 18 Labor MPs in regional Victoria and two fabulous independent MPs in regional Victoria. We have invested \$36 billion in rural and regional Victoria—five times more than those on the other side. They can cherry-pick the reports as much as they want, but people in regional Victoria know and see all that this government has done to invest in them, and I am proud to stand on this MPI.

Mr RIORDAN (Polwarth) (17:01): I am rising to speak on the matter of public importance (MPI) today that has seen our government colleagues get very excited and proud of the product in their own electorates. Despite the rhetoric from the other side, pork-barrelling must be alive and well. I am pleased to hear that some of the members who are claiming to be from regional Victoria have this great amount of activity happening in their electorates. Let me make it very clear: that is not the experience of the overwhelming majority of representatives from country Victoria. One only has to look at a map of Victoria to realise it is not a big grey dot in the middle of the state of Victoria and a dot at Bendigo and a dot at Geelong. It is not that; it is the whole state. And everyone in Victoria deserves the opportunity to make sure that the healthcare needs, the educational needs and, most importantly, the road and safety and infrastructure needs in their communities are being well looked after.

It is really clear that this budget has a lot of filibustering in it. Clearly it has got some pork-barrelling because some of the members are quite happy with it, but for members that represent areas like mine, for example, we are well and truly aware that we have had trains promised to go to Warrnambool. New VLocity trains were promised in 2018 and then fell out of the budget, and now they have reappeared magically—perhaps because, good heavens, it is another election year so they put them back into the budget. We know this government has a nasty habit of putting things into budgets, mentioning grand visions and then sort of reassessing them afterwards. Probably the best example is a \$500 million—half a billion dollars—example in this budget. They have gone and put my trains back in, so that is nice until probably after November, but this government has become so brazen in its misleading budgets that we can go to budget paper 4 and the big one in there of course is the Barwon women's and children's hospital. This is a big slab of what this government says it is going to spend in rural and regional Victoria. It is a big slab of its big commitment to health care, yet they are so unable to commit to this project that they have not even done what they have done in the past, which is to put the figures in and then remove them. They have not even gotten around to putting the figures in the budget. They are just TBCs—to be confirmed. What sort of government is game enough to go out and tell people about its investment but then not even put it in the budget papers?

Of course their ability to sort of bend the truth on how much they are actually spending in rural and regional Victoria is not only identified by us in the opposition, it is not only identified by many in communities who get told projects are happening but find endless delays, it has also been identified by the Parliamentary Budget Office, who have done an analysis of recent budgets, and much of this holds true for this current budget. One line in particular caught my eye, and that line is:

... the budget does not explicitly identify all significant Australian Government funding contributions.

This is important because what this government is not telling Victorians and what it does not make at all clear in the budget is that so much of what is happening in rural and regional Victoria, such as the upgrades to the Warrnambool line, such as the Murray Valley rail improvements and such as other highways—the Western Highway, Princes Highway West—and other significant projects that rural and regional Victorians rely on, is actually being paid for by the federal government. If it was not for the federal government, rural and regional Victorians would absolutely be so much worse off.

I refer also to a project such as the Geelong city deal. The Geelong city deal is a huge amount—a couple of hundred million dollars worth of federal government funds which will go into Geelong and will actually go into very important projects in my electorate along the Great Ocean Road, and yet this government is sitting on that money. I have raised now on numerous occasions one of the significant Geelong city deal projects, which is of course the upgrade and development of the Point Grey area. There is many millions of dollars sitting there; it was given to this government many years ago, and it is still sitting there. It is most likely being used to prop up the many holes in the budget, but it is sitting there, propping them up. Not only has the money been committed, but this government are refusing to spend the money that the federal government is giving to them. They are hiding it in the budget. They are not acquitting it properly, and country Victorians are paying the price. That is because this government just does not have the cash and it does not have the resources to properly fund and look after the infrastructure that we are so desperate for in country Victoria.

One of the elements of this MPI today of course is the government wanting to tell us how much they are spending on rural health. This chamber has heard time and time again in recent months about how Victorians and particularly country Victorians are being let down. But let us just look at budget paper 3, which highlights this government's commitment to health. The government is reporting a \$2 billion cut to health. Where are they getting this magical 'We're spending all these extra billions'? I mean, clearly they are making it up. I will just run through some of the things, for your benefit, Deputy Speaker. Admitted services, a cut of a million dollars, from \$15 million down to \$14 million; non-admitted services, a cut. Emergency services—for heaven's sake, in the middle of, as the Premier so often tells us, a one-in-100-year pandemic—

Mr R Smith: Wicked.

Mr RIORDAN: a wicked, virulent pandemic that is causing so much grief, he is actually cutting emergency services by \$100 000. He has got residential aged care, one of the areas that has clearly suffered throughout the last couple of years—a cut there. Aged support services have almost half the allocation in the budget this year, from \$102 million down to \$67 million. Member for Warrandyte, that is a massive reduction. We have got ambulance non-emergency services. I mean, for heaven's sake, we heard in question time today about ambulance services having to use taxis, and no wonder—there is a cut in the budget for that. Drug prevention and control, cuts. Drug treatment and rehabilitation, a massive cut from \$300-odd million down to \$272 million. We have got mental health community support services. I mean, can you imagine, after two years of lockdowns, when mental health is front and centre of community concern, this government has seen fit to cut that. We have got health protection, \$1.5 billion cut down to \$446 million. For heaven's sake, please tell me, government, that that money has not been taken to pay for tunnel costs that are overblown—that \$28 billion that is a complete overrun through mismanagement—that you are not taking money from health protection to pay for overblown tunnel costs. I mean, that is almost immoral. Emergency management, \$17.1 million down to \$12.9 million—and on and on the list goes.

This is not opposition interpretation of the budget, it is there in black and white. It is the budget that this government has produced, and it speaks to the very heart that this government is a mix of smoke and mirrors. It very much runs on the philosophy of 'if we say it enough, it must be true'. And if they keep saying it and if the Premier gets up day after day and keeps telling us that it just is not so, then he must be right. It just does not go like that, because in the end you cannot disguise it, ultimately, in the budget. As hard as you try, you cannot disguise it, member for Mordialloc. You cannot disguise it.

The Parliamentary Budget Officer has probably got less hair than what I have now with the stress of trying to compile what this government does with its budget. As I said, he even identifies himself that the budget fails to explicitly identify where the money is coming from, and in fact he went on further to say that not only was all the money that the fantastic Morrison government fed in to keep this show afloat for the last eight years, but the Parliamentary Budget Officer went on to say that the budget also excluded projects that the government had not done business cases for. Well, heavens above, that is a conga line of cases. I mean, the North East Link, WestLink, all sorts of stuff—link, link, link! There is no link to facts, there is no link to proper probity in this budget and this government is out of whack.

Ms ADDISON (Wendouree) (17:12): I have never heard so many fallacies in my life—mistakes based on unsound information and unsound arguments that are being put forward that have no foundations in the truth, no foundations. It is a fairytale, what you have just shared, a fairytale full of fallacies. We are going to talk about facts because fallacies and fairytales do not run a government. Facts and finances run it.

Mr Riordan: No, that's true. They're not doing a good job.

Ms ADDISON: You have had your go, and you have created this—

The DEPUTY SPEAKER: Order! Through the Chair.

Ms ADDISON: Sorry, Deputy Speaker. The member for Polwarth has had 10 minutes to have his go. I am now going to have my go for 10 minutes, and I am going to talk about why I believe that the 2022–23 budget is the most outstanding budget for regional Victoria. I am going to go through that, and what we are going to understand is we are going to actually talk about some facts rather than go into this lovely fairylane where we just keep saying the same thing over and over again.

I would really like to thank the Minister for Regional Development for submitting this matter of public importance (MPI), because it really is an opportunity to address fallacies and fairytales. That is what we are going to do. I agree wholeheartedly—

Mr Riordan: So let's talk about the truth.

Ms ADDISON: Through the Chair, the member for Polwarth has had his go. It is now my turn, so he needs to listen, okay? I did not shout out once during his contribution. I was very restrained because I knew I was going to get my go. It is called rebuttal.

I wholeheartedly agree that the Andrews Labor government has invested more than \$36 billion in regional Victoria—the largest investment of any government in Victoria's history. It is also the case that the average annual investment under the Andrews Labor government is 2½ times the average under the previous government. It is also the case that the 2022–23 Victorian budget is the second-largest investment in regional Victoria in the history of our state—even probably when it was a colony, prior to federation. I reckon they never had a budget as good as this in colonial Victoria—even during the gold rush. And 35 per cent of the new asset infrastructure investment in the budget is in regional Victoria. They are facts, not fallacies, and that is what this matter of public importance is about. That is what I want to talk about. I want to talk about how the Victorian budget that was handed down by the Treasurer this year did provide a record of \$2.9 billion in health infrastructure, of which more than \$1 billion is invested in regional Victoria.

This is a great MPI topic, and I am delighted to have the opportunity to make a contribution following on from the Minister for Regional Development, the member for Macedon, following on from the member for Bendigo West and following on from the member for Buninyong—strong women of regional Victoria who are passionate advocates for their electorates and regional Victoria.

I too am a proud regional Victorian. I come from a long line of regional Victorians dating back to the 1850s and have ancestors buried in the north-east and the north-west and in Geelong and in Ballarat. I was born in Ballarat, and I have lived there for the greatest part of my life. It is a fantastic place to live to raise a family. I know this from firsthand experience. I am raising my own family, with Mike—our girls—in Ballarat because we think it is the best part of regional Victoria, the best part of Australia, to raise a family. My mum still lives in my childhood home, and I only live a couple of kilometres away. I love Ballarat and all it has to offer. It has an energy and a vibrancy that continues to attract new residents and tourists from across the state, across the country and across the world. Over the last two decades Ballarat has been transformed, going from being cold to being cool, with bustling bars, cool cafes and raved-about restaurants. We have Mars Stadium that can hold a crowd of 14 000, that hosts AFL games, A-League games, Super Rugby and NRL. We have a world-class basketball and sports and entertainment centre, a brewing centre of excellence and a gin distillery, with another one coming. We have great schools: Federation Uni—TAFE and the university. We host a spectrum of events, including the Ballarat International Foto Biennale, and as it has already been mentioned, the Commonwealth Games are coming to Ballarat—who would have thought?

I have such strong memories, as I am sure a lot of people do, of watching the 1982 Commonwealth Games in Brisbane and could only have dreamt of Ballarat hosting them, but this is not an accident. Ballarat can and will host the Commonwealth Games because of the investments made by Labor governments. Ballarat will have the commonwealth's greatest athletes racing at Mars Stadium because of the Andrews Labor government. We will have boxing at the Ballarat Sports and Events Centre because of the Andrews Labor government, and we will have T20 cricket held across Ballarat because of our commitment to rec reserves and community sport.

But Ballarat was not always like this. When I grew up in Ballarat it was far from this. It was known for being pretty old, bold and cold. I grew up in the suburb of Ballarat, and for the first 25 years of my life my community was represented in this place by members of the Liberal Party. Ballarat suffered years of neglect during the Kennett years and consequently, in 1999, local champion, Labor's Karen Overington, won the seat, and it has been held by Labor members ever since. What a difference having state Labor governments has made to Ballarat. Through the great leadership of Ballarat's favourite son, Steve Bracks, of Bendigo's John Brumby and Wangaratta's Daniel Andrews, Labor governments have invested in Ballarat and transformed it into a vibrant regional city and the capital of western

Victoria. Under state Liberal and Nationals governments Ballarat did not get the investment it deserved. There was no Wendouree train station. There was no GovHub. There was no Goods Shed development at the Ballarat railway station. There was no shared bike path along Sturt Street. There were no traffic lights across dangerous Sturt Street intersections, including out the front of my old school, Loreto College. It is the Andrews Labor government that has invested in these community infrastructure projects to create jobs and make Ballarat a great place to live and work. It is the Andrews Labor government that has invested \$500 million for the Ballarat line upgrade, and we are delivering \$60 million to the Keep Ballarat Moving project to upgrade bottleneck intersections and reduce congestion, particularly in our growing suburbs to the west. It is Labor governments that have invested \$8 million at Ballarat High School, \$15.5 million at Mount Rowan college and \$11.7 million at Phoenix college. The reason for Ballarat's incredible transformation is Labor governments—and Ballarat is in the regions if you have forgotten that. We know that when regional centres like Ballarat and Bendigo and Shepparton and Geelong and the valley are thriving, then so is Victoria.

But there is more to do, and that is what we are going to do. We are going to keep delivering for regional Victoria and keep delivering for Ballarat. We are redeveloping Ballarat Base Hospital at a cost of \$541 million to give patients and their families the world-class health care they deserve close to home.

We are building the X'Trapolis 2.0 trains at Alstom in Creswick Road. We are lighting up Lake Wendouree so more residents can enjoy it on our dark mornings and our early evenings. We are building an early parenting centre, and we are establishing a food bank to address food insecurity. We are creating a safe space trial in western Victoria.

We are going to invest \$3.2 million to make sure that LGBTIQ+ individuals who are most in need of support have a safe place to go, because that is what we do in the regions. We know that for people who identify as LGBTIQ+ it can be very difficult in the regions, so what are we going to do? We are going to invest in regional Victoria, and we are going to support them.

We are going to build a brand new animal shelter that will take pets in from Ballarat, from Hepburn, from Moorabool, from Golden Plains, from the Pyrenees, from Ararat and from the Central Goldfields, because that is what we do. We support regional Victoria. We support all of these different pockets.

It is also about making sure that we have fantastic services. It was a great honour to be a board director of Ballarat Health Services and the great work there. I had both my children there. It is a fantastic place, the Ballarat Base Hospital. I am so thrilled that in this budget we are investing \$6.5 million to buy a surgical robot for Ballarat. It is great news for patients. It is great news for the recruitment of doctors. We are also replacing the old radiotherapy equipment to deliver better cancer care for our local community close to home.

This government is about supporting the regions. It is about supporting Ballarat. It is about building a community where people want to live. It is not about fallacies; it is not about fairytales. It is about facts. Come to Ballarat and see the facts. We are delivering for regional Victoria.

Ms CUPPER (Mildura) (17:21): I rise to speak on the matter of public importance (MPI) submitted by the member for Macedon. It has been nice hearing people's regional stories about the intergenerational farming families and the stories close to home. I had thought I was a fifth-generation Mallee girl, but then I looked at the family tree again and realised that I am sixth generation, and my little boy is seventh generation, so that is something I am really proud of. Of course Mildura has independent representation after having a long run of different representation. I like to think we have gone from warm to hot.

Ms Addison: So hot.

Ms CUPPER: Yes, that is true. The minister notes in the MPI that the Andrews government has invested more than \$36 billion in regional Victoria; that the 2022–23 budget was the second-largest

investment in regional Victoria in the state's history, with the regions receiving 35 per cent of the state's asset and infrastructure investment; and that \$1 billion of the state's \$2.9 billion health budget was spent in the regions. It is true that that information is impressive when considered overall. But for our region to be reassured by that we need to know how it has been distributed, and we need to know that we have received our fair share of that very impressive and substantial pie.

Over the past 3½ years, just to get it off my chest, I have sat in this seat and listened to ministers statements and members statements celebrating funding for bigger and better rail services for regional areas. With all due respect, from our vantage point it has always been hard to share in that celebration. We were visited by a Senate candidate in the lead-up to the federal election, and we said that one of the most deep, pressing and enduring issues for our community was the passenger train. This Senate candidate kind of cut across the conversation and said something along the lines of 'Don't talk to me about passenger rail. We've had to use shuttle buses for months during the upgrades'. She missed the point. She missed the point entirely, and she also lost a vote. But in fairness, waiting a couple of months for upgrades is going to be felt as the height of inconvenience for a region that can take its service for granted. The idea of having to wait 29 years and counting for a basic essential service is just so alien to people in other regions that they can barely even hear what you are saying. Nine out of the 10 major regional cities in Victoria have a passenger train service connecting them to Melbourne, and we do not. While the government seems to instinctively recognise the need and the value of passenger rail to everywhere else in regional Victoria, we are required to justify it over and over and over and over again. The burden of proof always sits with us.

Our most recent attempt at proving our case was the north-west Victoria regional passenger transport study commissioned by Mildura Rural City Council and recently released in draft form. It found that a passenger train service—surprise, surprise—between Mildura and Melbourne was needed and that the service should be reinstated. One respondent to the study said:

It would also allow me access to a toilet as well as not having to transfer out of a wheelchair onto a bus seat, or having to crawl up—

the steps—

... as the V/Line bus lifts often don't work ...

The study is handy to have, but it is frustrating that we are required to fund our own research to demonstrate what should be obvious and intuitive. We are a long way from Melbourne, but everything is relative. Geographically we are a small state. Broken Hill is twice as far from Sydney as Mildura is from Melbourne, and Broken Hill has half our population, but nevertheless the New South Wales government accepts its responsibility, its basic moral responsibility, to provide this essential public service to its most isolated citizens. This latest study by the council will be a helpful resource in the fight, but as I said, the fact that we have to fight at all is an insult and a wound. We are Victorians too, and our region contributes billions of dollars to the economy. We pay our tax. We farmed a desert. We are not looking for luxury items, just the basics.

A few years ago my chief of staff was talking to a former Victorian state candidate, and they were comparing the political dynamics of their respective electorates. She had a regional electorate. She was rattling off different issues that were pressing for her electorate and gave the example of a turning lane on the highway. Stephen asked her, 'Is there an example of where your community has been deeply wronged?', and she thought for a moment and said, 'No'. Research confirms that. We know from evidence that the sense of grievance in the Mallee is significant. In that way we are an outlier among every other regional part of the state, and that grievance comes from neglect over many decades by successive governments.

One of the two main symbols of that neglect was the cancellation of our train service. The last Vinelanders ran on 12 September 1993, when I was 13. Two days before the service was axed passengers were waiting on the platform at Spencer Street station ready to board the train to Mildura, and an announcement was made that there had been a landslide on the track. The cancellation was

very last minute, but conveniently there were buses all ready to go. Suspicions about the landslide claim were aroused when it was realised that the landslide had not interfered with the Melbourne-bound service that same night, and then a leaked document from train controllers working that evening prompted an investigation. It was found that the landslide story was a hoax. There was never any explanation given as to why the community was misled, but it was strongly suspected that the government wanted to avoid any protest, like the one that had occurred at Bairnsdale, when the service was withdrawn a couple of days later. So for us in that context it was not just the cancellation of the service that created such a deep sense of collective trauma and grief but the way it was executed with such utter contempt for our community. They did not just take our train, they took our voice too, and to that extent we will not feel like Victorians again until we get that service back.

The attention our electorate has been given this term has been extraordinary in historic terms. The return of Mildura base hospital to public management, the installation of air conditioning in public housing and the funding of a residential drug and alcohol rehab and detox facility were hard fought for for years but never realised until this term. We thank the Andrews government for listening and delivering on these things. With every funding breakthrough we move a step away, slightly, from our culture of grievance towards a culture of hope and optimism and possibility, but we are starting from a very low base, and there is much more to be done to restore our sense of being a valued part of Victoria and to make us feel included and supported as an equal partner in Victoria's success and prosperity.

But the reinstatement of our passenger train service is not the only way to ensure Mildura receives its fair share of the Andrews government's historic and impressive tranche of regional investment. Another way would be to fund a new Mildura Base Public Hospital. The master plan will soon be completed, and this will provide clear evidence of what is needed. The 2022–23 state budget allocated a considerable amount of money to hospital upgrades and redevelopments. I understand there are other hospitals in the state that are asking for an upgrade or redevelopment and that the government needs to manage scarce resources and not everyone can have a pony, but I would like to make a case for why a redevelopment of our hospital is particularly urgent, and it stems from the unique way our hospital came into existence. We were just one of two regions in the state to have a public hospital privatised. It was in the heyday of neoliberalism, and the Kennett Liberal government was keen to stretch its legs. Our community was told that if we wanted a new hospital building, we had to agree to a fully privatised one—privatised management, privatised design, privatised build and privatised ownership. As they say, the rest is history, and history records it was a disaster.

Decades later the Andrews Labor government took the first steps towards remedying that fatal mistake by announcing in 2019 that the private contract would not be renewed and the hospital would finally be brought back to public management, and for that, truly, we are eternally grateful. For the first time in 20 years a community board was established, staff were entitled to salary packaging and a new CEO was appointed with a focus on patients and not profits. It was quickly identified that the building which was designed to serve shareholders was poorly equipped for patients and staff. Its design presented clear and present risks to the quality of care. It undermined the ability of our exceptional hospital staff to provide the level of care that they are capable of.

Earlier this year the Leader of the Opposition came to Mildura to promise a new \$750 million Mildura Base Public Hospital if the coalition was elected to government this year. A funding promise is good, but it is only a promise. Only a government can deliver it. Funding a new Mildura base hospital building would override those last remnants of the Kennett legacy at our hospital, it would ensure that our electorate receives its fair share of the Andrews government's record spending in the regions and it would help to restore our region's sense of belonging in the state—because we are Victorians too.

Mr CHEESEMAN (South Barwon) (17:31): I must say I have listened very intently to the member for Mildura for her passionate representation in this place during this debate but indeed throughout the course of this term. In reflecting on that passionate contribution and seeing her advocate firsthand for her community here in this place, it is in stark contrast to what we see when we see the National Party effectively claiming that they own that seat and the lack of passion that they bring to this place for the

interests of that community. I would very much like to just acknowledge and thank the member for Mildura for her passionate contribution.

It is my pleasure to rise this afternoon and make my contribution on the member for Macedon's matter of public importance. In reflecting on that MPI and listening to her contribution and all the contributions made by some fantastic Labor members in this place, I must say I take a very long-term view about what the Labor Party does when we are given that great gift of government here in this place. As someone who is a passionate regional Victorian, someone who lives in Torquay—a part of the fantastic Surf Coast and indeed a part of the broader Geelong community—when I look around my community, I see some absolutely remarkable investments that the Andrews Labor government has made in our region.

If I reflect just on the budget alone, handed down just a few weeks ago, a very key component of that Andrews budget was the half a billion dollars that we are putting into a women's and children's hospital. We are doing that because Geelong is a fantastic place to live, it is a fantastic place to invest and it is a fantastic place to raise a family, and so many people are moving to our region because of the wonderful attributes of our community, with the Armstrong Creek growth community and indeed many other suburbs that are growing very, very quickly, often with first home buyers. Those first home buyers are going on of course and having families of their own and contributing to the broader Geelong region, and we want to offer to them a fantastic health and hospital system, a system geared up to deliver for their needs for many years to come. But not only do I reflect on that, I reflect on the Andrews Labor government's Big Build agenda, which is delivering for our region. It is delivering the infrastructure that we need.

I am very pleased to see my friend the Minister for Public Transport here today, because we are making some very, very profound investments into the broader Geelong region. I must say all of regional Victoria is indeed experiencing significant investment made by our government, unlocking the capacity of our regions to contribute to a growing state that of course is very much, in so many ways, powering the national economy—and I would say, very clearly, that regional Victoria is absolutely contributing. Indeed when I reflect on regional Victoria over the last 30 or 40 years, what I see is community after community that is growing and that is adding productive capacity to our economy.

If I reflect on Geelong, over the last 40 years the Geelong community, the Geelong economy and the Geelong population have more than doubled. I must say, in reflecting on Ballarat and in reflecting on Bendigo, that those stories are indeed very much true for those communities as well, and that growth and that contribution to the state economy are very much fuelled by investments that Labor governments have been making into those communities. When I look at Geelong, as I say, the population of Geelong over the last four decades has grown, and when I reflect on the key infrastructure that has been delivered through that period of time, almost all of it has been delivered by Labor governments recognising the productive capacity of infrastructure for those communities, making those investments and creating partnerships with other levels of government to make sure that we are driving that investment and driving the economy to put in place the infrastructure that those communities need.

Not only do we do that from an infrastructure perspective, though, we also invest in the productive capacity of those communities by investing in people. Indeed we do that through those profound investments in our education system to give our kids the very best start to life to make sure that we give the options to kids when they go to high school so that they have the sets of skills they need to be able to meet the needs of a growing community and for future jobs. We make sure that we invest in our TAFEs because we recognise that for a growing state with a growing infrastructure burden what we need more than anything else is people with the skills to be able to deliver that infrastructure, and we make those investments in our TAFE sector because we recognise that those investments in people ultimately mean that our economy can grow, that we can prosper as a nation and that we can be the engine room of the Australian economy—and that is exactly what we do.

When I reflect, though, on the consequences—which has happened a few times in my life—of electing state Liberal governments, what I see time and time and time again, every time we see the Liberals and the cow cockies that are the National Party elected to this place and to government, is that they take a meat axe to the very services that Victorians need. Whether it be to have a war on our ambulance service, whether it be to privatise our TAFE system or whether it be to sell off and privatise our schools, at each and every occasion that we see the Liberals given that great gift of government, they do what is in their DNA, which is to make cuts. They make cuts to the very foundations of our community. They deny, particularly in our regions, the money that our regions need to grow to be able to contribute to the Victorian economy.

When I look around Geelong there is no evidence whatsoever of any investments that they made when they were given that great gift of government after the 2010 election. All they did was make it hard for our TAFE sector to deliver the skills that they needed, and in fact the Gordon TAFE almost had to close. We saw cuts to Barwon Health. We saw the very important regional service delivery of Barwon Health and the Barwon hospital, which deliver not just for Geelong but further afield, experience profound cuts. At every opportunity when we see the Liberal Party and the National Party given that great gift of government, they make cuts.

When I look at this budget delivered by the Andrews Labor government I see record investment, and I see that record investment built year on year on year. When we are given that great gift of government we make those investments in our regions and in our peri-urban areas. We make those investments—we do that. When I look around this chamber it is no wonder Labor's numbers in this chamber continue to grow—because the Victorian community are backing us. They are backing us in the regions.

Mr T BULL (Gippsland East) (17:41): It is a pleasure to rise and make a contribution on the matter of public importance relating to regional infrastructure spending, and I will just pick up where the member for South Barwon left off when he was talking about cuts. In this year's budget papers Regional Development Victoria has suffered an \$87.1 million cut—it is there in black and white; Agriculture Victoria, another cut of \$47.8 million; trade and global engagement, another cut of \$46.3 million. It is interesting that those line items did not make it into the previous member's speech. That is interesting.

I will move on now to this year's budget papers in relation to rural and regional spending, and 13 per cent of capital spending can be attributed to the regions in the budget that was announced just a few weeks ago. As we have seen in this chamber today, we have gone back and forth with different things being quoted by this side and different figures being quoted by that side, and we have had isolated projects being quoted by government members as they have stood up. But rather than listen to this side or that, let us have a listen to an independent source, and that independent source is the Parliamentary Budget Office. They released a report this year titled *Asset Investment Excluding Australian Government Funding: Regional vs Metropolitan Victoria*. Now, it is all well and good to stand up and mention isolated projects, but the PBO found that:

Asset investment per person in metropolitan Victoria was around 19% higher than regional Victoria.

And this includes Australian government funding. If that is not damning enough, here is the key: when the PBO could exclude Australian government funding they found that for asset investment per person on major projects of \$100 million or more the Andrews Labor government invests \$15 268 per Melburnian and just \$7142 per regional Victorian. Now, that is an independent set of eyes going over these budget papers. It is an independent set of eyes. If we do not want to recognise what the PBO is saying as an independent authority on this and we want to go with the claims from the government members, let us get your detailed figures into the PBO—as I think the member for Murray Plains might have mentioned—and let us get that assessment. Rather than refute those figures, let us let them have a look at the alternate figures being suggested and let them assess that.

One area of interest is that there have been some funds in the budget papers to be spent in rural and regional Victoria over recent years where they have been tagged but the funds have actually never

been spent. In this year's budget papers, for instance, we have the Barwon women's and children's hospital in Geelong. It has been announced that there is going to be a \$500 million investment into regional Victoria, but there is none of that money in the out years. There is just 'to be confirmed' written there. Now, hopefully it does eventuate—absolutely hopefully it does; it is an important project—but there is no certainty there. And I raise that because if we have a look at, for instance, the 2016–17 budget, there was a \$50 million allocation to the national proton beam therapy centre. It was announced there in that budget with 'TBC' next to it, and it was never built—and that would have been included in regional spending.

I can go on and on and on. We had an announcement in the Latrobe Valley for 2400 vehicles per year, and 500 jobs were announced with much fanfare, but nothing happened. It fell by the wayside and it never eventuated. We have regional hospital projects and we have got water corporation projects announced in this year's budget with nothing in the out years. Given the history and that some of these rural budget announcements never come to fruition and never eventuate, that is an area of concern.

Then we read on the front page of today's *Weekly Times* the headline 'Road to nowhere: figures hidden on maintenance spending for regional routes'. What we want to do is have some open and transparent assessment of that. We need that data put out and released, as has been done in the past, so we can have a look and see in black-and-white figures what that level of investment and spending is—again, another area of concern.

But I will go back to the PBO just for a minute. On top of what I mentioned before, it also found that on regional projects overall—and this was the finding—they are more likely to receive federal government funding. That was the PBO's finding. If we read the budget papers, we have state Labor saying 'Haven't we done a good job in the regions', but the PBO has highlighted that it is predominantly federal funding. If we have a look at some of these projects—and the Leader of The Nationals mentioned this earlier in his contribution—things like in my electorate \$531 million for the Regional Rail Revival, stage 1 of the Gippsland line, \$447 million of that came from the feds. Thanks, Darren Chester, for that. We have highway duplications in the east predominantly funded by the feds. But without going through all those different projects, the bottom line is that for over 80 per cent of these projects that are funded the money has come from the federal government. It has not come from the state government at all.

We talk about rural and regional spending. It got that bad a couple of years ago that when the capital investment budget paper came out with a little map of Victoria showing where the capital expenditure was around the state my electorate of Gippsland East actually had the index over the top of it because there was nothing there at all. The index was over the top of it. Then we also will not forget that in 2015, when we had the Stronger Country Bridges program announcement—the name of the program was the Stronger Country Bridges program—10 of the 48 bridges were built within 4 kilometres of the electorate of Mulgrave. I am assuming the government probably counted that in their regional spend, which is very, very interesting.

Our commitment to a 25 per cent regional infrastructure guarantee is not a cut, it is a significant improvement over the 13 per cent that is already spent—figures that are backed up by the Parliamentary Budget Office. It will deliver at least a quarter of all the new state government capital into the regions, a per capita equitable share, so that the regions are certainly getting their fair share. This aligns with, I guess, the commitment that was made the other day that we will deliver a number of projects that our regions have been waiting for for quite some time.

I also mention on top of that commitment these funding cuts to the department of agriculture and the funding cuts to regional development. I heard the minister trying to explain the funding cuts to the department of agriculture on ABC radio, and there was just no reasonable excuse or explanation given that made any sense whatsoever in terms of saying why that had occurred, what services were being impacted and the rationale behind it—it was just basically a blank page.

We also have the issues around the CFA. You know, we have \$800 million being raised out of the fire services levy and \$11.1 million going into the Country Fire Authority, and I have certainly got CFA brigades down in my electorate that are waiting for significant investment. Lakes Entrance and Metung are just a couple, but it is the same all around the state.

I will just finish off, Deputy Speaker, by taking up a comment that you might have made when you were speaking around the Nats turning up late on occasion in Bendigo West. I think you will be interested to hear that when I was standing for my electorate and my community was looking for bipartisan support, we actually ended up with a Labor candidate who was a nurse—and I think she was from Bendigo—coming into my electorate to stand. Three weeks before election day her nomination was announced. So when you talk about the Nats maybe turning up a bit late to put their hat into the ring on a local candidate scheme, I do not think we have ever been as late as announcing our candidates three weeks prior to the election like the Labor Party did in Gippsland East. The candidate turned up once before the election for a day, giving no local community groups or interest groups an opportunity to secure any commitments whatsoever. There was not one commitment made in my electorate from a candidate who turned up for one day in the three weeks before the campaign. So I will just say what goes around comes around, and that needs to be taken into consideration as well.

Ms CRUGNALE (Bass) (17:51): How fabulous it is to rise and speak on this matter of very public importance now that I have got all my notes sorted—not that I am reading my notes. How wonderful also was our 2022–23 budget for our regional and rural communities, the second-largest investment ever in our state’s history. As we have heard, we have allocated 35 per cent of new asset investment to regional Victoria, and this was confirmed by Treasury analysis—

A member interjected.

Ms CRUGNALE: Why? What happened? Okay, keep going. Thirty-five per cent, not 25 per cent, so a very stark contrast to the Liberal-National commitment of 25 per cent funding for regional Victoria, which one can only eloquently describe as a cut really. It is not something I would be pushing in Bass, that is for sure, and not something that if I was a candidate for those opposite I would be jumping up and down spruiking as a commitment. So the 13 per cent claim from The Nationals is a slight grand work of fiction—fraudulent perhaps, deceitful for sure. Did they not count anything under \$100 million? Their analysis fundamentally excludes smaller projects and contributions from the commonwealth and is unlikely to also include partnerships with local councils, with a view to understating the level of investment that is occurring in regional Victoria—sleight of hand, if you will. It is no wonder trust was a key election platform in the federal election. So let us look at some objective facts, you know, as I wear my dad’s suit, which is probably 50-something years old. He only went to grade 2, but from an early age he taught me to fight fair, to fight with the facts, admit when you are wrong and give credit where it is due, also adding in things like learning from your mistakes and always looking out for your neighbour.

The Andrews Labor government has invested \$36 billion in regional Victoria since 2015, five times more than the previous Liberal-National government. Regional Victoria is receiving 40 per cent of the record \$2.9 billion investment in health infrastructure in our latest budget. Over the last eight years we have invested an average of \$4.5 billion per budget in regional Victoria, around 2½ times the \$1.8 billion per budget under the previous government. We have invested more than \$700 million in the Regional Jobs and Infrastructure Fund, supporting around 13 000 jobs and delivering over a thousand projects. Regional Victoria will be a big winner from our \$2.6 billion investment in hosting the 2026 Commonwealth Games, with upgrading of sporting infrastructure, affordable housing and other infrastructure upgrades.

Regional Victoria was also left out of the former federal Liberal-National government’s \$7 billion regional development plan—an appalling omission, one could say, and aren’t we so very thankful that they have gone. The former Prime Minister can obviously focus on Sydney, where he belongs.

The 2022 budget invested \$5.7 billion in regional Victoria. There is a lot going on across our whole state—\$300 million for the Regional Health Infrastructure Fund, providing another \$30 million for the Regional Jobs and Infrastructure Fund and, as I said earlier, delivering the Commonwealth Games for regional Victoria.

I might just quickly talk about roads actually, given that we have the Minister for Roads and Road Safety in the house. Yes, the Regional Rail Revival program—great name but slightly full on—is upgrading every passenger rail line across our state. We are getting on with the Geelong fast rail and the Melbourne Airport rail, which will benefit Gippsland and the Pakenham line, because you will be able to just go straight through and not change trains and get to the airport. We have invested almost \$1.2 billion in building new trains for regional Victorians, and the modern VLocity trains, as the minister well knows, are running on almost every regional train line.

On roads, we are upgrading the Western Highway, South Gippsland Highway, Princes Highway east and west and Barwon Heads Road. All our projects are designed to make travel easier for everyone, from the Metro Tunnel to level crossing removals and the West Gate Tunnel. The new Pakenham line train station is being designed to improve the Gippsland V/Line services as well. We know in the recent budget the Bass-Kilcunda corridor project resonated magnificently—not just with the local community of Kilcunda but the wider region as well—and that \$7.8 million will get us pedestrian-operated traffic signals, refuges, dedicated turning lanes and fix up that service road. But it is more than a road, this particular project, because we have thousands of people coming down and visiting our beautiful coastline to enjoy the spectacular sea and landscape, local produce, music, food, whales, stars and really immerse themselves in nature and take time out.

I might just sort of rattle off the education side of things as well. Obviously as part of our budget we invested \$1.8 billion in school infrastructure, and what we see in terms of the regional aspect is we have got Bass Coast Specialist School, which will receive \$1.9 million to upgrade and modernise their school, including with new permanent facilities; East Gippsland Specialist School gets at least \$6.7 million; South Gippsland Specialist School in Leongatha gets \$3.6 million; and Warragul & District Specialist School at least—and I love the ‘at least’ bit—\$6.5 million. If we backtrack just slightly, I recently opened the Cowes Primary School \$5.5 million gym, so they can actually fit all their students into it, but it is a shared facility, competition grade, and again that one has resonated throughout Phillip Island. Then we also opened earlier this year the new Bass Coast College at San Remo—that was around \$50 million—and the senior campus back in 2020. That does not even begin to measure the upgrades across all our schools.

I might quickly talk about the renewables as well and the investment that we are doing there—not just locally with Sustainability Victoria working in partnership with Gippsland Community Power Hub, where our centres like Coronet Bay, Corinella and Venus Bay are all benefiting from solar and battery power, but with our \$40 million for offshore wind projects funding that will drive jobs in the regions and bring forward the next wave of renewable energy opportunities. We have kickstarted three major offshore wind projects—Star of the South, Macquarie Group and Flotation Energy—through the Energy Innovation Fund. These projects will bring thousands of jobs to the Bass Coast and Gippsland regions and help our state reach its target of 50 per cent renewable energy by 2030. The best winds in the country we have down there on the Bass Coast and perfect locations for offshore wind projects.

On the tourism front I could certainly rattle off a whole heap of stuff. It was wonderful to have the Premier down recently announcing \$5 million from the Regional Tourism Investment Fund. There are a few more announceables coming soon as well, but this particular one provides new accessible boardwalks and a sky box for an elevated viewing experience over the beautiful Sunderland beach and penguin parade.

I might also rattle off a few of the partnerships given this opportunity to talk about the great stuff that is happening in Bass Coast. With council—this is because of our grants program which supports our growing suburbs in the peri-urban council areas—we have got new lights at Inverloch, Dalyston and

Phillip Island footy clubs; new croquet pavilions at Wonthaggi and Phillip Island; soccer pavilion upgrades at Newhaven and Wonthaggi; cricket nets and clubrooms for the Inverloch Stingrays; the Guide Park play space; the Kilcunda skate park; and kindergarten inclusive outdoor areas in a number of schools. The Wonthaggi Life Saving Club, we are funding all of that—it is not in partnership yet. The Cape Paterson surf club was a partnership, three tiers of government, done and opened. We have the Guy Road shared pathway, the Phillip Island Early Learning Centre expansion and kinders. We have got boat ramps as well; Inverloch, Rhyll, Cowes and Mahers Landing are all progressing really, really well.

In the literally 1 minute that I have left I cannot even start talking about health, but we do have a great health building—massive, \$115 million, which I am sure those opposite counted because it was over \$100 million. It was great to have the Premier down in Wonthaggi. He met with about 200 of the workers on the site and also a whole heap of staff from Bass Coast who have been doing an amazing job in the last couple of years.

Just to reiterate and to make it really clear, we are delivering the second-largest investment in regional Victoria in our history, which includes 35 per cent of total new asset and infrastructure investment. Only the Andrews Labor government can be trusted—I thought I had 25 seconds left. *(Time expired)*

Bills

CHILD EMPLOYMENT AMENDMENT BILL 2022

Second reading

Debate resumed.

Mr RICHARDSON (Mordialloc) (18:01): The numbers are a bit thinner in the chamber than when I left the Child Employment Amendment Bill 2022, but there is no less interest as the member for Bass concludes the matter of public importance. At the time I was talking about the importance of these reforms 10 years after the last recommendations and changes were brought forward, the importance of making sure that we are modernising in an environment where we have seen a global pandemic and the impacts that has had on employment outcomes and the way we get around our state and those impacts but also the technological advancement in a decade and what that has changed in terms of the way we are working and getting around our local communities. There are really important reforms in this space that will take effect from mid July 2023.

I wanted to reflect on a couple of areas that I highlighted before the interruption of debate for the matter of public importance. At the moment there is a significant administrative burden that was learned about during those consultation and engagement phases with industry and the particularly disproportionate impact that is felt in the entertainment industry, with some hundreds of permits at a time creating a significant administration burden. We know how impacted the entertainment industry has been over the last two years of the pandemic. The Victorian government's support in funding and support during those times was unprecedented. We had to do all we could to save as many jobs and make sure that the industry was viable coming back out of COVID, so reforms like this in this licensing space for those permits are just one element of a range of things the Victorian government needs to do to support our entertainment industry. It is one key critical element as well.

I think it is really important in the context of people working under the age of 15 that we are always child safe in all our legislation and all our engagement, and I was really encouraged to see that a key feature and element of this bill in the new licensing system will enable better targeting of those resources to focus on licence-holders in the highest risk areas. There is nothing more fundamental than the protection of our kids, whether it is at work, in our society, in our communities, in our schools or across every single part of our state. Making sure that resources are channelled towards making those oversight arrangements more targeted in the emphasis on compliance and monitoring audits than in lower risk areas just makes good policy sense, and making sure that our kids are safe in workplaces is a Labor reform and a Labor focus. That is a really critical element. The current levels of protection for

children in the workplace will be enhanced under the new system by a really critical element, the inclusion of a fit and proper person test and the creation of new roles for nominated officers and employer representatives in the entertainment industries. These employer representatives will have responsibility for ensuring compliance with the act and licence conditions. So that is another key element, that fit and proper person test—a legal definition to make sure that at all times we have a standard that is set and that the industries are complying with that expectation as well.

Critically, and building on that work, the bill provides for a public register of all employers with a child employment licence, which will enable parents and other persons interacting with child employees to assess a given workplace's compliance. That is a public representation and an ability for our communities to understand and assess those standards and make sure that at all times our kids, parents, guardians and grandparents always have that oversight. So that is a really critical element as well.

We had that interruption in the bill, and before I hand over to the member for Burwood for some great reflections as well—he looks ready to go, but he has got a couple of minutes to wait—I will say there is an important test around the requirements for auditioning for a role or participating in the casting process and working with children. It is a clearance to ensure they are in a safe setting. That is a standard process that we see across the board, and all that compliance work is really important.

Before I conclude my remarks, I want to make reference to the work that was done on the Wage Inspectorate Victoria to set up that statutory authority in July 2021. It is responsible for having a team focused on supporting children in this area and making sure that some of the most vulnerable, the kids in our community who are working and undertaking those responsibilities, are protected from a wage standpoint as well. We have seen as a labour movement and as a union movement the work that has been done to ensure that working people are protected and their wages and conditions are protected. That is the heart and essence of Labor values, and they are on display in this bill once again. It is something that we should be very proud of in the work that we do and in the tangible changes that we can make in legislation to protect the conditions and wages of all Victorians and to make sure that they are safe and that they are properly remunerated as well. I was really pumped up about that element of the bill and the work that has been done and that dedicated team of the Wage Inspectorate Victoria.

Finally, making sure that the minimum age for persons supervising a child under 15 years old is raised to 18 years old, I think, makes complete sense, from the engagement and consultation that was done, so that those who are requiring protection themselves do not then have that burden and responsibility for young people as well. This is a great bill—a decade in the making from previous reforms—at a time where we see substantial changes in our labour market and impacts on certain industries. To reduce that administrative and compliance burden but make sure that safety for our kids is always at the heart and soul of all those elements is really critical as well and a really important piece of work that has been done by the minister's team. We commend them—the staff and the department—on their work and for everything that they have done. We commend the bill to the house.

Mr FOWLES (Burwood) (18:08): Once again with timing perfection to the second from the member for Mordialloc. He absolutely put it back over the bowler's head with that one. I am delighted to make a contribution this evening on the Child Employment Amendment Bill 2022. Clearly this is an area that is an important area for government to have a role in. It is important for government to have regulatory purview over the employment of children because clearly they are a unique cohort, a vulnerable cohort, and need a special set of protections around them. It is only appropriate that it is a Labor government of course that is bringing forward these protections. We know just how important it is to make sure that workers of any age are given the appropriate protections and that their needs, whether as a cohort or an individual, are properly addressed by employers.

There is a bit of background here which I know some other speakers have traversed, but I just want to cover a couple of things because they lead me into what I will say next. We know that part-time and casual work can have positive impacts for kids. We know that they gain self-confidence and they get new experiences, and these are ultimately very, very positive things. This bill does not seek to regulate

kids working on family farms or in family businesses. They are probably the circumstances where most of us would encounter younger kids in particular working. But we do know that the benefit of those experiences needs to be balanced off against their educational needs as well as their safety in the workplace, and so whether it is doing a paper round or whether it is other types of employment, it is important to manage those competing tensions.

I was at school with an actor. He was an actor on *Neighbours*, the soon-to-be-defunct Australian TV drama. He had a great deal of difficulty managing his load in terms of education and work commitments. I think there is definitely a challenge, particularly for those kids who are employed in the entertainment industry, which has at its core a pattern of work that is blocked and intensive and then has breaks in between those periods of work. If you are working on movies or even in churn-them-out Australian soaps, there is undoubtedly an impact there. It is important that any legislation that seeks to protect children working in that environment—any legislation that seeks to protect those children—balances off those two potentially competing goals.

The act sets out the types of working conditions that apply to child employment and seeks ultimately to protect children from doing work that could be harmful, from doing work that could result in their exploitation or, importantly, from doing work that could affect their attendance at school. That is the act. Then a review kicked off in 2019, in the term of this Parliament, and a significant bit of research was brought about, which gathered data about the incidence of child employment in Victoria and the type of work that kids were doing as well as the experiences they were having when they were at work. It is as a result of that review—that very detailed, sensible, methodical work—that we find ourselves debating this bill this evening.

It is fair to say it is not a particularly controversial piece of legislation, because it is, as all good Labor bills are, evidence based. We have gone and sought the evidence. We have gone and taken a scientific view, and I have many times in this chamber spoken about those in other parts of the chamber who might not take a scientific view to policymaking. But in this case we have gone and done the research, done the work, established a proper evidentiary base for making amendments and come forward with a series of amendments that I think balance off the risks we are trying to mitigate and the onus on employers to help us manage those risks. The duty, to be clear, is on Parliament and the government to manage the risks for those kids, and to the extent that we ask employers to assist us with that, we have an additional duty to make that compliance with the lowest level of onerousness possible. That is where we have balanced it.

One of the amendments that is important is the moving from individual permits for each child being employed to a streamlined child employment licensing system which gets rid of that individual permit system. It allows that permission to be granted by way of a licence to the employer, and that licence is renewed annually in the case of entertainment employers and every second year in the case of general licences. That means there is no longer a permit for each child. There is no longer that additional paperwork, that additional regulatory intrusion into the onboarding process of an employee. As long as the business has complied with the rules and is a valid licensee, it can go ahead and do that.

One of the enhancements you can do when you introduce a licensing model rather than an individual permit model is that you can introduce things, and we have, like a fit and proper person test and making sure that there are new roles for nominated officers and employer representatives—so making sure that the licensees and their nominated personnel have responsibility for the obligations of that employer under the act and are aware of those obligations. When it is an individual permitting system, it will always be seen as ad hoc. When you are a licensee with an annual or biennial renewal time frame, I think you are going to take those compliance obligations more seriously. That is a standing basket of obligations, and it is important that we recognise that that is a very good enhancement under the bill we are bringing forward today.

The other thing it does is it allows us to provide a public register of all employers who hold one of those licences. I have often heard it said that sunlight is the best disinfectant. I am not sure that sunlight

is the best disinfectant, by the way. I mean, Dettol is pretty good and there are other disinfectants I quite like. But sunlight is not bad, right? It is good on most bacteria and certain funguses, or fungi, like you, member for Mordialloc—he is a fun guy. There is your evening zinger, folks. It is after 6 o'clock and it is game on—don't you worry about that.

Members interjecting.

Mr FOWLES: I have got more, do not worry. I have got all these mushroom jokes about backbenchers being kept in the dark.

Anyway, we bring forward a bill that allows for that register to be made public, and that makes it very easy for a parent or guardian of a child to very quickly check whether a prospective employer is in fact licensed to employ children. That is a really important threshold test. Again, under the permit model that is not an easy thing to achieve—finding out whether they have been issued a permit in the past or whatever. But by creating that public register you do have the ability to expose that employer to that little bit of public scrutiny to enable people to find out whether in fact they are valid licensees. That is an important threshold test, particularly because we are now introducing some obligations on the licence-holders around the authorised persons, working with children checks and the like.

I think it is important to note what the bill and the amended act ultimately will not do. We make really clear that this is not about babysitters in domestic employment arrangements, where you get the neighbour at random to look after your kids for 2 hours. This is not an activity that you need to be licensed for. Neither is tutoring, a very common activity undertaken particularly by senior secondary students for younger students, and that also applies if it is in a third venue, not just in your home—like if it is in a library—and there are some amendments around that. But what it does do is include in the matrix door-to-door fundraising by kids, because the evidence collected demonstrated that there were some special risks attached to that and we felt it was important to bring that into the regime.

I mentioned earlier kids on farms and kids in family businesses. It actually does not much matter whether you are working in a family business or another business—there are undoubtedly good and positive opportunities for kids to be employed, and to be employed when they are a bit younger—but the special risks that attach to that cohort and the special vulnerabilities that attach to that cohort do need a regulatory response. I think the response—and I thank the minister for bringing it forward—that has been constructed in this bill does balance those competing objectives well and makes sure that, as long as the employer is a licensed employer, they can go ahead and employ children without feeling a particularly onerous regulatory burden on the way through. With those further thoughts, I will conclude my contribution there and wish the bill a very speedy passage.

Ms CONNOLLY (Tarneit) (18:18): I too join my colleagues to rise and speak on the Child Employment Amendment Bill 2022. This bill makes a number of really important changes to the Child Employment Act 2003, which is responsible for regulating the employment of children under 15 years of age. We know that for lots of young people it is at around about this age that they start looking for work and their first part-time job—although indeed I certainly learned something new when I found out that, contrary to popular belief, the legal age of employment is not 14 years and nine months, as I had always believed. I think that idea comes from my early days and the sorts of part-time jobs that I had. In reality, children aged 11 and over can work delivery jobs with a general industries permit, and children aged 13 and over can work more broadly under the same permit. Of course this age threshold does not exist for children working in the entertainment industry, which often calls for child performers and actors—who fortunately are protected under this act—with a specific industry permit as well as a mandatory code of practice which regulates the industry when it comes to the workload of child employees.

When I cast my mind back—and I feel like as each year passes it is some years ago now—to my own teenage years, I remember when I started looking for part-time work for a little bit of extra spending money whilst I went through high school. In preparing for this bill, I cast my mind right back to my

first real job outside of babysitting some of our family friends' kids. The first job that I had I think was when I was about 14 and nine months, because it was a time when I was starting to learn how to drive. I remember I would drive our Ford Falcon to the back door of Target—or 'Tarjay', as some like to call it. I remember being employed there. I think it must have really only been about 6 to 10 hours a week. I remember spending lots of endless nights during what was the Thursday late-night shopping shift when I used to do a stint in the fitting rooms or lay-by, which were always very quiet on those occasions. I cannot say I enjoyed it a great deal. I much preferred to be on the cash register talking to people, but that was really how I started off and I learned a lot in that job. Having your first job is actually really important.

I then went on to work, funnily enough, for many years right up until I finished school, turned 18 and went on to uni, at one of my favourite part-time jobs—a sushi train. It was one of the first sushi trains. I remember it was in Coolangatta, at the southern end of the Gold Coast. I think it was one of the first sushi trains that had ever popped up, and it was this new eating sensation that was happening in these surfy towns. Lots of surfers would come in and they would load up their plates to a ridiculous amount depending on how long they had spent out in the surf. I remember, having spent some months living and studying in Japan, having to say things like 'irasshaimase' and 'gochisousama deshita' and being able to hand the bill to them pretty quickly. It was all pretty chaotic as people were chowing down sushi back then. But these sorts of experiences are really important for young people, and I certainly appreciated the benefits of this work. I learned what it was to earn a fair day's pay for a fair day's work. I learned skills that were invaluable that I feel like I continue to use every single day even here in this place—things around communication. I might not be speaking the Japanese language, but there is certainly having good manners and talking to colleagues on both sides of the house as I come to work each and every single day.

There is no doubt that workplace relations have changed drastically in the past—my staff have written here—25 years since I was a teenager, and when it comes to very young teenagers getting their first taste of the workforce they might not be fully aware of their workplace rights and entitlements. They, I would I have to say, are much more vulnerable to being exploited by their employers. When I cast my mind back to Target and the sushi train, I could not honestly, hand on heart, say that I knew the appropriate hourly wage that I was supposed to be paid, only that I trusted my employer to pay me that correct amount. That is exactly why this act exists. It is to protect young people in the workforce from experiencing exploitation and misconduct from their employers.

I come from a very multiculturally diverse community, and it was very interesting having a conversation with the outgoing Sri Lankan Consul General just yesterday. He was on his way back to Sri Lanka, and I wish him and his family all the best as they return to their home country. He raised an issue around students coming over—and I think this does apply even to children who have grown up in Australia and are going to their first job—and getting a job, wherever that may be. They are actually really quite vulnerable because they do not know Australian workplace laws and what they are entitled to be paid and how they are entitled to be treated. They are much more vulnerable to being exploited by employers. That is why this act and legislation of this type is just so important to protect workers, whether they are local or whether they are from overseas and spending a period of time here. We would not be a Labor government if we did not actually believe in and support strong frameworks to go ahead and protect our most vulnerable workers, and children—whether they are around 15 years or indeed aged 11 or 13 depending on what industry they can work in—are no exception. I would say the younger they are, the more vulnerable they are.

I have been to plenty of schools and had talks to young people in grades 11 and 12 about the importance of becoming a young adult and responsibilities like voting, enrolling to vote, but also as they go to embark on their first job the importance of understanding what their workplace rights are and what they are entitled to as an hourly rate and ensuring that most importantly—and a lot of young people do not do this, and I certainly did not—they check their payslip to make sure they are being

paid correctly and that money is being transferred into their bank account at the end of each week or fortnight when they get paid.

In 2020 Industrial Relations Victoria actually undertook a review of the act, consulting widely with stakeholders to go ahead and assess improvements that could be made to the bill in order to keep it up to date with the workplace challenges of the 2020s. The bill implements several of those recommendations, and perhaps the biggest change this bill makes is the simplification of the child employee licensing scheme. Under the current arrangement an employer has to apply for a permit each and every single time they hire an individual child employee under the age of 15. This can be pretty onerous if you are an employer that is regularly employing young people. Remember I talked about those industries like deliveries; it might be delivering what I hate getting, the junk mail in my letterbox. But we are also talking about fast-food franchises or local grocery shops.

The bill makes this process easier and indeed more flexible for employers by allowing them to apply for a streamlined child employment permit, which replaces the individual licence with a 12-month licence and allows them to employ one or more children. Of course this does not mean that the safeguards, importantly, around hiring children will be weakened. Wage Inspectorate Victoria will continue to monitor licence-holders in sectors where there is high risk of wrongdoing, and those employers will be required to provide information and receive more oversight—and that is really important, to receive more oversight—in addition to existing safeguards like the fit and proper person test.

This will ensure that whilst it will be easier for workplaces to hire children, there will be sufficient oversight to ensure that those kids being employed are working in a safe and fair workplace environment. This is really important in communities like mine because quite often for children from multiculturally diverse backgrounds, their parents may not indeed know what Australian and Victorian standards are when it comes to safe and fair workplace environments. Again, that is why I say learning that information while at high school is just so important.

This is a great bill to bring before the house, and there are so many things I can talk about. It brings back lots of great memories of the time that I spent working at, like I said, my favourite place in hospitality, the sushi train, and in light of speaking a couple of Japanese words here I will finish up by saying ‘Arigato gozaimasu’.

Ms GREEN (Yan Yean) (18:28): That is fantastic. It is great to join the debate on the Child Employment Amendment Bill 2022. I am not sure why, I did not quite catch it at the end—oh, now I know. The member for Tarneit just talked about her work at the sushi train. She said ‘Arigato’, and yes, I know what that means in Japanese because I have been skiing. Now I have reconnected to why she mentioned that.

It gives me great pleasure to engage and to speak on this bill. It is only Labor that really connects and understands why this area needs to be regulated. It makes me sad that I have come to this debate not being certain about whether those on the opposite side of the chamber are supporting this bill or not opposing it, but I can remember over many occasions anything that has been around child employment or regulation of child safety in the workplace has frequently over my 20 years in this place been condemned, particularly by the National Party, as overt regulation and not necessary.

I think now I have been in this place for 20 years, and I will be finishing up in November. I do not necessarily want it to be seen as just a trip down memory lane, but as a child that grew up in regional Victoria in Warrnambool and Mildura, I just want to tell my stories of when I began employment. My first job was at 13 years of age. The legal age was 14 and eight months, but my dad was a good man of the church—we were Catholics; I went to Catholic schools—and he said, ‘Darling, a good friend of mine has a milk bar, and he’d like to offer you a job’. And I thought, ‘That’s great. I’ll get money’. I had been assisting my sister with her paper round, but I thought, ‘Yes, I’d love to work in a milk bar’. I loved that job, and I loved the other young people that I got to work with. But I did not like the man that owned the milk bar.

The man that owned the milk bar had a gambling issue, and he frequently took cash out of the till to go and bet with the SP bookmaker that was at the shop a few doors up. His wife would do the till at the end of the day, and when she would say that the till was short, he would say, 'The girls took the money'. So I, another girl, Janine, who was in the same year as me at school—I am still friends with her to this day—and a couple of other girls that also went to the same Catholic college that I went to, actually three others, were all condemned. This man was being dishonest—dishonest to his wife, dishonest to the business—and we were blamed. But because most of us were under-age, we had no protection.

I also have horrific memories of Saturday lunchtimes being really busy working in the milk bar. The disagreements that happened between this father of three children and his wife would escalate, and he would beat her. She had dual black eyes, and she would be working in this large milk bar. We would hear him beating her outside the milk bar, and their three children, who I think were six to 10 years old, would come in and attach themselves to me or one of my teenage colleagues saying, 'Help, help! Dad is bashing Mum'. This was the sort of thing that we contended with, so I and my friend Janine left that job. The other thing was that this man who owned this milk bar had wandering hands. It was not enough that he used his fists to beat up his wife and potentially his children and said that we were being dishonest with money when in fact he was the one using the money out of the till.

Then we went to work in another family business that was on the beach, and it was beach kiosks. We loved this family. They were great people to us. However, they were still not paying award wages. They paid us slightly under, but it was like, 'Well, okay, we don't give you as long a break and we won't pay you as much, but we'll give you free drinks and hot dogs'. But also there was not enough concern about health and safety. My friend Fran's dad, Barry Doolan, worked for the Department of Labor and Industry and my friend Janine's dad, Kevin Goodger, was a shop steward with what is now known as the Health and Community Services Union—he is a life member of the Health and Community Services Union—and he reported what was happening with us as young workers. So Barry came in as an inspector from the then Department of Labor and Industry and ensured that we were getting paid properly. But then we were told, 'Well, you're not getting your free drinks and hot dogs anymore because you caused the intervention of the regulator'. It just distresses me that some of these things might still occur now.

When I moved to Mildura I actually worked in a supermarket, a large chain—I will not name the chain—and I was sacked unlawfully from that supermarket. The reason I was sacked was that I was considered one of the senior juniors—whatever that means—who collected the money from the check-outs and took it into the office, and the manager of that supermarket and the office manager were involved in an illicit affair and as a 15-, 16-year-old I would come in and disturb them. They did not want anyone to know about that, so I was sacked. But when the manager went on leave the assistant manager re-employed me, and it was the first time I joined a union. I have got to say in respect of the SDA—the shoppies union—it was not called a union, and I was not quite sure why I was in it, because it was called the Shop, Distributive and Allied Employees Association. As a 16-, 17-year-old I was not quite sure, but I did know then that they were there to assist me. Not only do young people need unions, they actually need governments to look after them. I tell those stories not to sound like Methuselah or someone senior who has been in this Parliament for a long time but because I still hear those stories from young people.

I want to commend the member for Melton—I grew up to be a union official, and so did he. He said today in his contribution on this bill that his youth council have done a program to ensure that their young people know what their rights are at work, because there are still adults who do the wrong thing by young people and do not pay them properly. I want to commend the Minister for Workplace Safety and others that are responsible for the current ad series at the moment which is highlighting how young people still get exploited at work. You hear these stories, 'Oh, Australians don't want to work, they don't want to do this and they don't want to do that', but young people do not get paid to come to work and be abused.

I am particularly proud that this bill refers to children in the entertainment industry. I read recently that the horrendous actor from *Hey Dad...!* who was a paedophile and abused young actors on that show that I watched as a teenager and thought was a wholesome series has been looking at getting out of jail. But the things that he did to those young actors are still impacting those young actors as adults. I commend our government and I commend the minister for ensuring that we are trying to keep young people safe. We should never as a Parliament remove ourselves from ensuring this regulation, and I commend the bill to the house.

Ms SULEYMAN (St Albans) (18:38): I too rise today to make a contribution on the Child Employment Amendment Bill 2022, and I am very pleased to join the many speakers on this bill who have already made strong contributions in this house. As we know, our children are our future, and we have an obligation to protect children in our state. I know that this legislation is really important because it is about protecting our children and giving them the opportunities to be able to work and begin the transformative and important parts of their journeys and their lives through experiencing the beginning of work, which is really, really important. Our government continues to ensure that there is a regulatory framework to protect Victoria's most vulnerable workers in a strong and effective way. The regulation of child employment is no exception, because children and their families deserve no less.

I recall my first job, which was as a waiter and a kitchen hand at Highpoint Shopping Centre out in the west. I was so grateful when I was successful in getting the job and so grateful to the small business owner, a Lebanese family, who operated a cafe restaurant at Highpoint Shopping Centre just downstairs where the Hoyts entertainment area was. That job gave me the experience to begin my journey. It gave me my first opportunity. I worked there for a few years, and I was able to save up and purchase my first car. It was so exciting. So I am forever grateful to that family-run business in Highpoint that gave me an opportunity when I was 15 to be able to work. It was difficult work, but it was extremely rewarding to be able to meet so many people and to be given that confidence at that age.

Members interjecting.

The ACTING SPEAKER (Ms Settle): Order! There is very audible conversation in the chamber. Thank you.

Ms SULEYMAN: Thank you, Acting Speaker. As I was saying, it is not just about working but it gives you those life experiences and the confidence at such a young age to be able to work and to be in a team environment with other colleagues and also see how businesses actually operate. So that was a really grounding experience for me, and I continued on in my journey in the hospitality industry at the time. So, as I said, a big shout-out to the family that gave me my first opportunity.

This legislation does not propose to alter the current minimum age for work or remove several important exclusions. Under the current act employment of children under 15 years old is primarily regulated through a permit system, and what we want to see is that we cut the red tape and provide employers with a general industry permit for children aged 11 years and over who can undertake the work. Children aged 13 years and over are able to be employed in other non-hazardous workplaces. There is no minimum age for children to work in the entertainment industry, which can include performing, modelling and of course television and film work in that particular industry. However, specific entertainment industry permits are required, and a mandatory code of practice further prescribes conditions around the employment of children in the entertainment industry where it is deemed high risk. It is really important to make sure that there is a blanket protection over that particular industry where, as I said, it is deemed to be of high risk and also—where the vast majority of working children are currently employed, as we know and as I just said was my own experience starting off working—in the hospitality and the entertainment industry.

Children of any age working in a family business, including family farms, are exempt from these permit requirements, and that makes common sense. Children are only permitted to undertake light work and are excluded from employment in a number of hazardous, dangerous industries from

performing these sorts of tasks. Again I say that makes pretty much common sense. These age limits for child employment in Victoria are aligned with the international labour standards on child labour.

We need to have a balanced approach. We want our children to be able to experience employment and be able to foster the experiences of working in a team environment and build those confidence skills that really are important for later on in their journey. But of course it has to come in balance with school attendance, which continues to be compulsory for children in Victoria until the age of 17 years. So we want to make sure that there is that balance between providing education, making sure children are attending school, and getting that experience as well. Both education and work provide the building blocks for our kids to succeed in the future, so I am really pleased to see those protections are in place so that we can ensure that kids do receive the appropriate education and also an introduction to employment.

I need to add that recently my niece—and it is timely for me to share this story—who is 12 at the moment and is very active, of course, approached me a couple of weeks ago and said, ‘I’m ready to work. I’m ready to work in government, work in an office and be a manager. I could work in the legal system’. I said, ‘Well, you’re only 12 at the moment, so I think you need to look at what you can do’. So she immediately jumped for joy and said, ‘Well, I can volunteer’. That was another aspect. Children, when they get to the ages of, I think, 10, 11, 12 and onwards are very eager to participate in the workforce. It is wonderful to see that, to see that they are both committed to their education and eager to be in the workforce and are putting themselves out there. That is not only when it comes to work experience, which is one aspect that in my office we are very passionate about. We strongly advocate to local schools to have work experience students, because we know, in particular when you are starting at those ages, you can be a little bit vulnerable. They receive that confidence boost, and I see when they walk into my office that sometimes they are shy, but immediately with appropriate supports and training they are happy to continue on and they actually want to stay working in the office. I think that is really important because it is part of being productive. It is a positive introduction to the workplace.

One story that I do have is of a work experience student who entered my office. He did not really want to continue on with his studies, but through my office he continued on and completed year 12, and today he is working for a major bank. I am really, really happy about that story, because he said, ‘Doing work experience in your office actually changed my journey and my life’, and they are the stories that touch me really deeply as a local member: making a positive difference in someone’s life at a young age. The environment, the workplace, also is crucial.

Today we are not only protecting our kids. We are giving them the opportunities in workplaces but also providing that important education. This legislation is making sure that our child employment laws are up to date and fit for purpose so that kids can gain key skills like independence and earning an income, but it is protecting them and safeguarding them at the same time. I commend the minister for this bill and everybody who has also assisted in the preparation of this bill, and I commend the bill to the house.

Mr KENNEDY (Hawthorn) (18:48): It gives me great pleasure to speak on the Child Employment Amendment Bill 2022. The changes introduced in this bill will ensure that the regulations around child employment are updated and fit our times. We know work can have many positive impacts for children. They learn new skills, gain confidence and independence and of course the biggest appeal is the opportunity for children to earn pocket money for themselves. One of the aims of this bill is to ensure that the benefits from work are appropriately balanced against children’s educational and developmental needs. It also looks at safeguards so children are protected against any vulnerability in the workplace.

This takes me back to my years—29 or 30 of them—as a school principal, and I can remember at school assemblies one of my lines in addressing particularly the senior years in the school was to avoid what I said was imbalance in the two parts. What are the two parts? Part-time work and parties.

Certainly I am sure parties and part-time work are an important part of growing up, but it is when they get out of balance—particularly in the case of children who would have every reason to divert time towards their studies and so on.

It is an interesting thing in the latest development of VCAL and what have you—a committee that I was very pleased to chair—that a lot more thought has been given to students who want to leave school earlier, and whilst it is fairly politically fashionable to say, ‘Maximise the time you spend at school to the end of year 12’, in a very small number of cases it does not follow. In fact it can be quite dangerous for some kids to be just forced to stay at school—not many, but a small number. The opportunity to take on some employment can be a lifesaver for some kids. It might be problems in the classroom, but it could also be problems at home or problems of self-esteem in terms of making some sort of progress in what might be seen by them as something of an alien world.

I was always a bit hesitant about the two ‘parts’—the parties and the part-time work—and I know it is not a simple matter. It is something that I suppose really needs the guidance of families in some ways more than the school as such. I am pleased to be talking about this, and it certainly has brought back memories of students who just undertook far too much part-time work, ones who were very able in the classroom but in one sense robbed themselves of opportunities—the short-term gain of pocket money and that sort of thing and the long-term pain of perhaps missing out on other academic aims or whatever might have been there. What I used to say was that too many parties and too much part-time work were often not in the interests of students, or most students. As I said, it is a conversation I have had many times, and I am heartened by the fact that this bill acknowledges these particular considerations.

Why do these changes need to be made? The changes proposed in this bill follow an extensive review that was conducted in 2019. It started with an extensive piece of research that gathered data about the prevalence and nature of child employment in Victoria. This investigation looked at the kind of work children are doing and at their experiences in the workplace. The research found that the three biggest employers of children under the age of 15 were retail and food services followed by the entertainment industry. One of the interesting discoveries was that many employers were unaware of the act and thought that children could only be employed if they were 14 years and nine months old or older. Three issues were identified: the lack of clarity around the meaning of employment, the high regulatory burden associated with individual permits and the inability of the current system to respond to dynamic industry needs.

We come now to the licensing reforms. One of the key reforms in this bill revolves around the licensing arrangements. The current scheme requires an employer to apply for individual permits for each child they engage. The review identified the permit system as one of the biggest issues for stakeholders, who supported a more efficient, responsive and flexible approach. The bill introduces a streamlined child employment licensing system to replace the individual permit system. It will simplify the process for obtaining permission to employ a child by requiring one licence application annually for an entertainment licence and biannually for a general licence. Employers will be able to employ multiple children under the one licence rather than applying for individual permits for each child employed. There will be no costs associated with applying for a child employment licence. Current levels of protection for children in the workplace will be enhanced under the new system by the inclusion of a fit and proper person test and new roles for nominated officers and employer representatives, who will also have responsibility for ensuring compliance with the act and any licence conditions.

The bill also provides for a public register of all employers with a child employment licence, which will enable parents and other persons interacting with child employees to access a given workplace’s compliance. The new licensing system will also enable better targeting of resources to focus on licence-holders in the highest risk areas, who must provide more information and will receive more oversight, including an increased emphasis on compliance monitoring and audits than in low-risk areas. Certain decisions made by Wage Inspectorate Victoria about a licence, such as the decision to

cancel or suspend a licence, will be reviewable by the Victorian Civil and Administrative Tribunal to ensure procedural fairness.

The act sets out the age, types of work and conditions applicable to child employment. It explicitly aims to protect children from work that could be harmful to their health and safety or impact their welfare in any way or their attendance at school. We do not want our children to be at risk of any form of exploitation. To that end the bill makes a number of other targeted amendments to improve the overall operation of the child employment regulatory regime, including an amended definition of employment to provide greater clarity and certainty for businesses about what is covered, and as a result it promotes better understanding and compliance. The amended definition clarifies that children providing babysitting and other domestic services are not covered by the act; that will be a bit of a relief for a few of us. It extends tutoring to outside of residential premises so that when it occurs in a library or other premises, say, it will not be covered. The bill removes the exclusion from door-to-door fundraising as the risks to children in this setting are high and excludes children who appear in the background of news, current affairs, lifestyle, documentary or educational programs where they are not given directions about how to appear in the program.

There will also be a new requirement for children who are auditioning for a role or participating in a casting process to be supervised by a person with a working with children clearance, to ensure that they are safe in the setting. Other changes include making it clear that a child employment permit is not required for formal work experience arrangements.

This bill will ensure that the regulations that guide the employment landscape for our children remain responsible to the contemporary workplace and provide effective protection. I think it has a great deal of balance, it is practically oriented and I think it represents an advance in the employment of children. Therefore I commend the bill.

Ms COUZENS (Geelong) (18:58): I am pleased to rise to contribute to the Child Employment Amendment Bill 2022. For many children the opportunity to work is exciting and is a great opportunity for them to earn a bit of pocket money. Whether it is taking up some part-time work or working after school casually or on weekends, many children see that as a great opportunity for themselves to save up a bit of pocket money, to learn new skills and to gain confidence and independence in that workplace. But we do know that children are vulnerable and can be exposed to things that are inappropriate. As I think the member for Yan Yean mentioned earlier, children in the entertainment industry, as we know, have had experiences that are totally inappropriate. The act does set out the age and types of work and conditions, which is really important to ensuring that young people are not left vulnerable in the workplace. With the benefits for young people—young children—of being able to gain employment, I think those opportunities should be there, but they should be covered by the act to ensure that they are safe and secure in that.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

ST KILDA PRIMARY SCHOOL

Mr SOUTHWICK (Caulfield) (19:00): (6406) My adjournment is to the Minister for Education, and the action that I seek is a commitment to funding a new community hub at the St Kilda Primary School, which would ensure that the school could run its mental health programs, have a facility for a gymnasium and physical activity and also house students for assemblies and general gatherings. I was at the school last week, and it was pouring with rain. They were about to have an assembly and I said to the school principal, Sue Higgins, 'How will they actually conduct that assembly? Where will they house it?'. Sue said to me they would normally have all of their assemblies outside because of the size

of the school and the lack of a facility to house the kids, but because of the rain they would be doing it via an intercom and the kids would have to listen to it in their classrooms. Obviously that is substandard.

This school, St Kilda Primary School, in fact with the new boundaries will not be directly in my electorate, although a number of my students do attend. It sits very much in between Prahran and Albert Park, but it is a school that we can all be very proud of. It is a school that has kids from all backgrounds, and it is a school that does so much in contributing so many valuable programs. It provides kids with Indigenous education, it has done a lot of stuff around climate change and has done a fantastic program educating kids on environmental programs and climate change. They have kids with special needs and very vulnerable kids—kids at all ends of the spectrum.

The school has worked with the Department of Education and Training, and the school in fact went through 13 different proposals to develop up this community hub. The Deputy Premier on 22 May 2019 said that they were going to allocate money, but the money was diverted to classrooms rather than the hub that had initially been developed and worked through. So this hub is still outstanding despite many commitments and understanding that this would happen. This hub would literally change the school and what they are able to do. This hub would provide the ability for the community to use it outside of school hours as well as the school themselves. At the moment the school facilities are substandard. They do not have a facility of this nature. They do not have a recreational facility, a gymnasium or a meeting facility, and it is a school that is in desperate need of this. I would ask the minister to fund this much-needed school. As I said, the member for Albert Park has given a commitment, the department of education knows about it, and it is time it got funded.

TARNEIT ELECTORATE FIRE SERVICES

Ms CONNOLLY (Tarneit) (19:03): (6407) My adjournment is for the Attorney-General and Minister for Emergency Services in the other place, and the action I seek is that the Attorney-General join me in Tarneit to visit the wonderful Tarneit FRV and Truganina CFA brigades that service our wonderful electorate. Having had the pleasure of working closely with them over the last four years, I have to say these brigades are a fantastic bunch of volunteer and career firefighters who work their absolute guts out to keep our community safe from fires. As the Attorney would be aware, both of these brigades have benefitted from the support of our government, with Tarneit FRV receiving a brand new fire station that opened in 2019 thanks to a very significant investment from our government. This station is now home to a fantastic brigade of career firefighters who were previously attached to the Hoppers Crossing brigade.

The same holds for our wonderful Truganina CFA, an all-volunteer brigade. I have met many of those fabulous men and women, and I have to say the way in which they have banded together over the last couple of years during lockdown and gone on to assist our community in their time of need has been absolutely outstanding. Truganina CFA's new station is now finally on its way. We are building a brand new fire station in my electorate thanks to a grant from our government to the CFA to purchase land. In addition to this, the brigade has also received over \$184 000 from the volunteer emergency services equipment program over the years, along with a \$70 000 grant for a new tanker, which was funded in 2019 and which I was very lucky to hand over the keys to. Our community has been very well supported when it comes to our emergency services, and it would be a great opportunity for the Attorney-General to meet with these brigades and see firsthand the work that our government has done in this space.

MONSBENT

Ms RYAN (Euroa) (19:05): (6408) This evening I wish to raise a very urgent matter for the Minister for Energy, Environment and Climate Change regarding a local manufacturer in Benalla, a mainstay of our local economy. Monsbent is a subsidiary company of D & R Henderson. It is a Benalla-based particle board manufacturer. They employ 110 people. It has operated since 1985 in Benalla and is one of our town's largest employees—

Mr Wynne: Employers.

Ms RYAN: Employers—thank you, Minister. In the past 20 years the company has struggled with compliance with its licence, as it believes the licence limits that were set by the EPA were too low for technology to be able to achieve. As a result, the company has sought on a number of occasions a review of its licence, but the EPA would not agree to undertake that action. They have since sought to work with the EPA to fix non-compliance with their emissions licence. The company sought external advice, and in 2020 they proposed to install technology—best practice air filtration and wet scrubbers—which I am advised would have seen them actually be able to comply with those licence limits in 2021. That solution was rejected by the EPA on the basis that it was not best practice. After rejecting the company's solution to comply with its licence conditions, the EPA prosecuted Monsbent and its director in 2021 for a breach of its licence. Monsbent agreed to the EPA's preferred solution of installing a wet electrostatic precipitator. In discussions with the EPA the company was led to believe, and they understood, that they would not be prosecuted as they were actually in the process of installing that technology, which was going to take 18 to 24 months, in order to achieve compliance.

On Friday Monsbent's owner and director, David Henderson, was advised by the EPA that the regulator would no longer be providing regulatory cover or any assurances regarding prosecution, is now considering options and that changes to the EPA's environmental legislation could result in criminal charges against individual directors. Monsbent has asked the EPA to amend its licence to combine the limits of both chimney stacks on the site in order to create an overall site limit that would enable them to keep operating one chimney while they install that technology to comply. My request to the minister is that she reviews this situation with the EPA urgently to see what can be done in order to, quite frankly, save this company and the jobs that it provides in Benalla. If that cannot occur, Monsbent will look to permanently close next week, putting 110 people in Benalla out of work and threatening the viability of D & R Henderson's entire operation in Benalla.

SUBURBAN RAIL LOOP

Mr RICHARDSON (Mordialloc) (19:08): (6409) My adjournment this evening is to the Minister for Transport Infrastructure, and the action I seek is for the minister to update my community on the progress of early works for the Suburban Rail Loop and how the project will benefit my constituents in the Mordialloc electorate. The Suburban Rail Loop project is a substantial project in our local community that will bring generational change in the way we move around our communities in the future. The early progress works that will get underway will be the start of that project as tunnelling goes all the way through to Box Hill—26 kilometres of twin tunnels all the way through to Box Hill will connect those employment precincts and those educational hubs and reimagine how we get across our community with public transport. Just think, a trip from Cheltenham to Clayton will be 10 minutes on the Suburban Rail Loop from that interconnection at Southland, transporting up to 8000 passengers daily once the trains are running in just over a decade to come. It will create thousands of construction jobs and train the next generation of apprentices, trainees and cadets, who will have a pipeline of works.

It goes with substantial investment in our local community. In eight years of the Andrews Labor government we have seen a huge transformation in my local community. Level crossings were not being removed on the Frankston train line until Labor was elected in 2014. The Mordialloc Freeway was lines on a *Melway* and thought too hard for anyone to deliver. The Melbourne Metro rail tunnel was put on the shelf and not even considered by the previous Liberal-National government. Today we see a very different outcome: the will, the effort and the drive to invest in our state—the engine room of the nation for jobs creation, prosperity and confidence for the future. We have had 16 level crossing removals on the Frankston train line and 11 new stations, and that will go to 20 level crossing removals and 13 brand new stations by 2025. We have completed the Mordialloc Freeway—decades talked about, delivered by an Andrews Labor government: 54 000 vehicle movements each and every day, taking pressure off our local roads and getting my community in Kingston and Greater Dandenong home safer and sooner.

The Melbourne Metro rail tunnel is just a couple of years away. We saw how transformational the city loop was for our communities—the Melbourne Metro rail tunnel will take it to a new level. Then the Suburban Rail Loop is something that Victorians voted for. My community is so excited about that future vision to connect all major train lines—the Frankston line all the way through to Box Hill. It is truly extraordinary policy. We are really keen in my electorate to know the progress of those early works and how the Suburban Rail Loop will deliver those generational benefits and outcomes for the Mordialloc electorate.

LONG SERVICE LEAVE

Mr M O'BRIEN (Malvern) (19:11): (6410) My adjournment matter is directed to the Minister for Industrial Relations, and the action I seek is for the minister to urgently investigate what appears to be a gross failure by a Victorian government agency, Monash Health, to observe the Long Service Leave Act 2018 to the detriment of one of my constituents. Parliament amended the Long Service Leave Act in 2017 to reduce the qualifying period for long service leave from 10 years to seven years. The government stated:

Employees will be able to take long service leave after seven years' service on a pro rata basis ...

My constituent Mr Tim Whitbourn was employed as director of shared services by Monash Health at the time. In 2019 Mr Whitbourn sought advice from the Victorian Public Sector Commission on the long service leave changes. He was informed, 'Our understanding is that changes to the Long Service Leave Act apply to executives in public sector entities'. On the basis of the legislative change and the advice provided by the VPSC, when Mr Whitbourn resigned from Monash Health in May 2020 after nearly nine years of continuous service he was paid \$66 978 for accumulated long service leave as part of his termination payment. But six months after Mr Whitbourn's departure Monash Health sought the repayment of every cent of the accumulated long service leave payment he had received.

Victorian workers may well ask what the point is of changing the law to allow for the pro rata long service leave benefits after seven years when the Labor government's own agency, Monash Health, believes this law does not apply to it. Remember, the government changed the law two years before Mr Whitbourn left Monash Health after nearly nine years of service. Remember also, the VPSC advised the statute change meant public service executive contracts did not need to be individually updated given this was a whole-of-government change.

My constituent has done the right thing. He believed this government when it said long service leave now accrues pro rata after seven years. He believed the VPSC when it advised the statute change applied to public sector executives. Now my constituent is being chased by Monash Health because six months after he left their employment they say that as an executive with nearly nine years service he is not entitled to a cent of long service leave benefit.

In the classic movie *A Few Good Men* Colonel Nathan R Jessup famously said, 'I don't know what the hell kind of an outfit you're running here'. The Minister for Industrial Relations may face a similar challenge. I call on him to urgently intervene and ensure that the government's long service leave promise made to Victorians such as Tim Whitbourn is kept by Monash Health.

ENERGY POLICY

Ms THEOPHANOUS (Northcote) (19:14): (6411) My adjournment is to the Minister for Energy, Environment and Climate Change. The action I seek is a review of the Victorian energy upgrades (VEU) program to better incentivise an uptake of electric systems and new technologies to support more Victorians to make the choice to reduce their gas usage. A key pillar of the Victorian climate change strategy from the start has been the transition to a decarbonised energy sector. That means decreasing demand for gas in households and businesses. This is something that I have been pursuing with my community and within government. I have previously called for a review of the plumbing regulations to remove the requirement for solar water heaters installed in new homes to be gas boosted, something the department is now actively exploring.

Locally I have also worked to ensure our social housing developments are completely gas free, and my office has engaged with thousands of residents and businesses to promote the uptake of solar, batteries and the VEU. Across our suburbs, businesses, organisations and homes are taking up these opportunities to reduce emissions and lower power bills. As the largest energy efficiency scheme in Australia the VEU has already made a significant impact to reduce emissions, locking in 6.7 million tonnes of emissions reductions this year alone. This is the first time a state has acted to change energy use in homes and businesses at this scale.

However, the current VEU program includes subsidies and rebates for some energy-efficient gas appliances and systems on the basis that they reduce emissions compared to other systems. Initially this has played a role in improving energy efficiency and reducing emissions in Victoria, particularly when coal-fired power played a larger role in the energy network. However, thanks to Labor's rapid transition to renewables, all-electric systems have become more efficient and affordable, we have greater penetration of renewables across the network and, thanks to policies like our offshore wind targets and a new federal Labor government, things are only set to accelerate. We have also seen the rapid advancement and introduction of new tech that is becoming increasingly affordable to businesses and households—and frankly people want it. These are massive achievements made more significant when you consider Labor delivered them in the face of a national Liberal government that actively sought to stymie climate action.

We now have the opportunity to refresh the VEU program to further reduce domestic gas use and better reflect the emergence of new technologies. This aligns closely with our ongoing work under our climate change strategy to remove barriers to all electric developments and dovetails with our gas substitution road map, which is currently underway. Together this work will give consumers more choice about how they source their energy needs. When I became the member for Northcote I committed to actively being a voice for my community. While others are more interested in running slogans and sowing division, my focus remains on delivering tangible, impactful reform for Northcote.

MORWELL BUS SERVICES

Mr NORTHE (Morwell) (19:17): (6412) My adjournment matter is directed to the Minister for Public Transport, and the action I seek is for the minister to review and expand town bus services in the township of Morwell. We are all acutely aware of the benefits of transport and public transport services in communities like mine, where there is high disadvantage. We do currently have reasonable bus services and a well-respected operator in Latrobe Valley Bus Lines, but there are some key parts of Morwell where connectivity is an issue. This includes the Baptcare Heritage Manor residential aged care facility and Maryvale Private Hospital, which are both located on Maryvale Road, Morwell. Local bus users have expressed to me that they would like to see stops at these two locations.

During a visit to Maryvale Private Hospital just last week I was able to view construction of two additional surgery theatres and more beds, meaning the hospital will have approximately 65 beds once the current project is completed. Obviously this will lead to more patients, more clinicians, more surgeries, more staff and more visitors. Lee Garwood, who is the chief executive officer of Maryvale, and his team have done a brilliant job in making these impressive improvements to Maryvale Private Hospital; however, it is imperative that visitors and family members, clinicians and employees have public transport options to attend this growing facility. On the other side, Baptcare Heritage Manor has 96 beds, and whilst there is a bus stop a few hundred metres away from the facility, it is not an easy walk for someone who might have a disability, who is aged or who is limited in their mobility.

In my view and that of others, route 21 could continue along Maryvale Road, stopping at Baptcare and Maryvale Private Hospital before turning back and reconnecting with the existing route into Hannah Street. This would potentially only add 2 or 3 minutes to the route, but importantly the bus would stop at places where there are high volumes of people. In addition, routes 21 and 22 could have additional span to better connect with the intertown service, route 1, which services towns from Moe through to Traralgon. If you use Friday evening as an example and the Morwell bus interchange at Commercial

Road as the interchange location, the last stop for the route 1 Traralgon via Morwell service is at 9.32 pm. In comparison, the last stop at this location for the route 21 Morwell service is at 6.45 pm, and the route 22 Morwell service has its final stop on a Friday at 7.03. pm. So it would make sense to expand routes 21 and 22 to later in the day to better align with the existing route 1 services.

In closing, I seek the minister's support in undertaking a review of Morwell's bus services and in doing so request that he extend the route 21 service to pick up Baptcare Heritage Manor and the Maryvale Private Hospital along with increasing the span of the routes 21 and 22 Morwell services to link in and connect better with the route 1 intertown service.

BASS ELECTORATE ROADS

Ms CRUGNALE (Bass) (19:20): (6413) My adjournment is for the Minister for Roads and Road Safety, and the action I seek is an update on the continued investment in roads in Bass Coast and South Gippsland as part of the next road maintenance season, including the repairing, rehabilitation and resurfacing of roads across our area.

I would like to acknowledge that since 2014 the Andrews Labor government has rebuilt or resurfaced nearly 12 000 kilometres of roads across regional Victoria as part of the \$464.7 million invested in maintaining regional Victoria's road assets in the 2021–22 road maintenance blitz, out of a total investment of \$762.6 million statewide. We saw multiple projects happening in my electorate of Bass and neighbouring Gippsland South. From the works on the Bass Highway at Wonthaggi to Korumburra-Wonthaggi Road at Kongwak, from the Princes Highway at Trafalgar to the South Gipps highway at Stony Creek and the Strzelecki Highway at Mirboo North and Leongatha, the blitz on regional roads has delivered great economic benefits to the community and supported the creation of local jobs. I welcome an update from the minister on our continued investments in the road maintenance season in my electorate and surrounds. I would also like to thank the crews who have worked tirelessly to rehabilitate, repair and resurface some of our state's busiest and more important transport and travel routes.

COMMONWEALTH GAMES

Ms VALLENCE (Evelyn) (19:21): (6414) The matter I raise is for the Minister for Tourism, Sport and Major Events, and the action I seek is that he facilitate the inclusion of International Shooting Sports Federation (ISSF) target shooting in the 2026 Commonwealth Games and that these sport competitions be held in the Yarra Valley region at the competition-grade facilities in Yering.

Target shooting is a truly inclusive sport that has both women and men competing equally as well as para athletes. It has been a Commonwealth Games sport on 13 occasions. Australia has claimed 175 medals in this sport during this time, more than any other nation. Indeed sport shooting has Australia's fourth-highest Commonwealth Games tally for an individual sport, posing a very promising prospect for more Aussie medals in 2026. I have visited the Yering complex, the home of Melbourne Gun Club (MGC), where I have had the privilege of watching athletes in this safe, inclusive and high-performance sport who have competed at Olympic Games, Commonwealth Games and world cups. The Melbourne Gun Club, Target Rifle Victoria (TRV), the clay target association and Shooting Australia are all advocating for the inclusion of competitive target shooting in the 2026 Commonwealth Games, and the Yarra Ranges council is advocating for the competition be hosted at the Yering facility.

Mr Wynne interjected.

Ms VALLENCE: Yering—yes, Minister. The 2026 Commonwealth Games would not be truly regional games if they did not give equal opportunity to all Victorian regions, including the Yarra Valley. Given the excellent facilities already existing at Yering, it makes sense to enable this opportunity for our region. This would provide a much-needed economic boost and support tourism in our region to recover and rebuild. Yering hosted sport shooting at the 2006 Commonwealth Games

and since that time has had extensive upgrades to not only the sporting infrastructure there but the disabled access, including disabled toilets.

Whilst Yarra Ranges has unfortunately been overlooked by the Andrews Labor government as a preferred regional hub, it appears the games guidelines specify that where sports cannot be accommodated in a designated hub they can be held in other locations, and Yering is the only complex in Victoria that meets the Commonwealth Games criteria for ISSF target shooting. MGC is working together with TRV to further develop the site because TRV has identified the Yering site as its preferred location to invest the \$1 million in state funding it has been allocated for a state facility. This would be ideal for the 2026 games, adding an indoor facility, and would also host offices for the Australian Institute of Sport and the Victorian Institute of Sport. I am informed the process to expedite this project is already underway with the Department of Environment, Land, Water and Planning Port Phillip region planning and approvals and DELWP direct leasing and is supported by the Yarra Ranges council. I would like to thank the volunteer committee of Melbourne Gun Club, including Dallas Ball, Craig Henwood and Ben Reed, who work hard to support women and men of all ages and abilities competing in this sport.

SCHOOL BREAKFAST CLUBS

Ms KILKENNY (Carrum) (19:24): (6415) My adjournment matter is for the Minister for Education, and the action I seek is an update from the Minister for Education on the school breakfast club program being run at local schools in my community, specifically the number of breakfasts and also lunches that have been served at participating schools. There are many of them: Banyan Fields primary, Belvedere Park primary, Carrum Downs secondary, Kananook primary, Patterson Lakes primary, Patterson River secondary, Rowellyn Park primary, Seaford North primary, Seaford Park primary, Seaford primary and Skye primary.

We know that students come to school hungry—in fact statistics tell us that as many as one in seven children arrives at school with an empty stomach—and we know that without breakfast growing kids cannot learn or concentrate to the best of their ability. We want all kids to reach their full potential, so making sure they have a healthy breakfast at the start of the school day is a really smart and practical thing to do. We have also seen that it builds social interactions and connections, with kids joining together for breakfast. I am delighted that schools in my electorate are offering healthy breakfasts and lunches to students, whatever their circumstances. It is making a real difference. I look forward to an update from the minister on the progress of the school breakfast club program at my local schools.

RESPONSES

Mr WYNNE (Richmond—Minister for Planning, Minister for Housing) (19:25): My ambition was not achieved today, but I will do my best. The member for Caulfield raised a matter for the Minister for Education seeking support and funding for the St Kilda Primary School to construct a hub in that beautiful school that I know very well for its excellent educational outcomes for our community.

The member for Tarneit has requested the Attorney-General—as the Minister for Emergency Services in this context—to visit the CFA brigades in her electorate, who do magnificent work, to see what she kindly called the magnificent investments that have been made in her region. We know just what important work those brigades do.

The member for Euroa raised a matter for the Minister for Energy, Environment and Climate Change relating to a particle board manufacturer, Monsbent, in Benalla—I for other reasons know of that business from its earlier stage, actually—seeking a licence review by the EPA in relation to some pretty important issues that they are confronting there. I will make sure that the minister is made aware of that, because obviously the jobs there are very important.

The member for Mordialloc has raised a matter for the Minister for Transport Infrastructure seeking an update on the early works program for the Suburban Rail Loop, which by any measure is going to be a city-changing project for this state, and I am sure the minister will be delighted to give an update.

The member for Malvern has raised a matter for the Minister for Industrial Relations in relation to one of his constituents who was an employee at Monash Health and sought to have his long service leave—

Mr M O'Brien: Entitlements honoured.

Mr WYNNE: entitlements honoured. Yes, that would be the correct word. Clearly there are some issues that you have outlined there, member for Malvern, and I will make sure the Minister for Industrial Relations is certainly made aware of that and will follow that up—absolutely.

The member for Northcote has raised a matter for the minister for energy in relation to what has been her consistent advocacy as the local member in relation to transitioning, effectively, out of gas and into renewables. I mean, we have a very ambitious target of 50 per cent by 2030, and one of the ways that you can get there is to transition out of gas, as she rightly indicates. She advocates for a review of regulations. Clearly the uptake of solar has been very significant, and indeed as part of the Big Housing Build, the record investment we are making in social housing, as I have reminded the house on a number of occasions, we will build over 15 000 units and they will be free of gas, which is fantastic.

The member for Morwell has raised a matter for the Minister for Public Transport seeking further consideration of the town bus services in Morwell, effectively extending some of the routes to some of the key welfare and aged care facilities—Baptcare, to name one in the area—and I will make sure that request goes to the minister.

The member for Bass raised a matter—there she is—for the Minister for Roads and Road Safety seeking an update on the road maintenance program that has gone into the South Gippsland area more generally, but particularly right across her region of Bass, and I know the minister will be delighted to give her such an update.

The member for Evelyn has raised a matter for the Minister for Tourism, Sport and Major Events seeking support for target shooting to be part of the Commonwealth Games offering going forward, and she points to the Melbourne Gun Club and others who have a facility, I think, at Yering.

Ms Vallenge: Yering in the Yarra Valley.

Mr WYNNE: Yering—and I will make sure that the minister is made aware of that request.

And finally, the member for Carrum has raised a matter for the Minister for Education seeking an update on the breakfast club program. I mean, what a significant program. No child should have to go to school with an empty stomach. It is a terrific program, and I very much look forward to the minister providing her with an update on how many schools have taken up this program.

Mr M O'Brien: An update on the uptake.

Mr WYNNE: An update and an uptake—and we give little kids a decent feed when they go to school. Deputy Speaker, I am sorry, I did my best—but there you go.

The DEPUTY SPEAKER: Thank you, Minister—10 minutes over time. The house now stands adjourned.

House adjourned 7.32 pm.