

**PARLIAMENT OF VICTORIA**

**PARLIAMENTARY DEBATES  
(HANSARD)**

**LEGISLATIVE ASSEMBLY**

**FIFTY-NINTH PARLIAMENT**

**FIRST SESSION**

**THURSDAY, 18 AUGUST 2022**

Internet: [www.parliament.vic.gov.au/downloadhansard](http://www.parliament.vic.gov.au/downloadhansard)

By authority of the Victorian Government Printer



## **The Governor**

The Honourable LINDA DESSAU AC

## **The Lieutenant-Governor**

The Honourable JAMES ANGUS AO

## **The ministry**

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

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

**Speaker**

The Hon. JM EDWARDS

**Deputy Speaker**

Ms N SULEYMAN

**Acting Speakers**

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

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

The Hon. DM ANDREWS

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

The Hon. JM ALLAN

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

The Hon. MJ GUY

**Deputy Leader of the Parliamentary Liberal Party**

Mr DJ SOUTHWICK

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

The Hon. PL WALSH

**Deputy Leader of The Nationals**

Ms E KEALY

**Leader of the House**

Ms EA BLANDTHORN

**Manager of Opposition Business**

Ms LE STALEY

**Heads of parliamentary departments**

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

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

*Parliamentary Services:* Secretary: Ms T Burrows

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

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

**PARTY ABBREVIATIONS**

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

## Legislative Assembly committees

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

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

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

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

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

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

### **Privileges Committee**

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

### **Standing Orders Committee**

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

## Joint committees

### **Dispute Resolution Committee**

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

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

### **Electoral Matters Committee**

*Assembly:* Ms Hall, Dr Read and Mr 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, Mr Fregon, Ms Sandell, Ms Staley and Ms Suleyman.

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

### **Integrity and Oversight Committee**

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

*Council:* Mr Grimley.

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

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

*Council:* Ms Crozier and Mr Erdogan.

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

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

*Council:* Mrs McArthur and Ms Taylor.

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

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

*Council:* Ms Patten and Ms Watt.

# CONTENTS

---

ANNOUNCEMENTS	
Acknowledgement of country .....	3229
JOINT SITTING OF PARLIAMENT	
Legislative Council vacancy.....	3229
BUSINESS OF THE HOUSE	
Notices of motion .....	3229
DOCUMENTS	
Treasurer and Assistant Treasurer.....	3229
2021–22 annual reporting arrangements .....	3229
Documents .....	3229
BUSINESS OF THE HOUSE	
Adjournment .....	3229
MEMBERS STATEMENTS	
Werribee River Association .....	3230
Windfall gains tax.....	3230
Epping-Wollert Nepalese Community .....	3230
Health system.....	3231
Melbourne Airport rail link .....	3231
O’Shea Road, Berwick .....	3231
Yuroke electorate schools.....	3232
Tamanno Zavqieva.....	3232
Energy policy .....	3232
Laurie McQuade.....	3232
COVID-19.....	3233
Wendy Hart.....	3233
Dragons Abreast Patterson Lakes Pink Lotus .....	3234
Energy policy .....	3234
Bentleigh electorate schools .....	3234
Vermont Secondary College .....	3234
Eastern Football Netball League.....	3235
Suburban Rail Loop .....	3235
Health system.....	3235
Gap Road, Sunbury, level crossing removal.....	3235
<i>Our Promise, Your Future: Victoria’s Youth Strategy 2022–2027</i> .....	3235
Directed Technologies .....	3235
Diamond Valley Vietnam Veterans.....	3235
Battle of Long Tan commemoration .....	3236
Vietnam Veterans Day.....	3236
Transport and health infrastructure .....	3236
Bill Chandler .....	3236
Edithvale Primary School .....	3237
Schools funding .....	3237
BILLS	
Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022 .....	3237
Second reading.....	3237
MEMBERS	
Minister for Police .....	3269
Absence .....	3269
QUESTIONS WITHOUT NOTICE AND MINISTERS STATEMENTS	
Health system.....	3269
Ministers statements: political donations .....	3270
Health system.....	3270
Ministers statements: Suburban Rail Loop .....	3271
Health system.....	3272
Ministers statements: Suburban Rail Loop.....	3273
Health system.....	3274
Ministers statements: Suburban Rail Loop.....	3275
Dental services .....	3275
Ministers statements: government performance.....	3277
CONSTITUENCY QUESTIONS	
Murray Plains electorate .....	3278
Northcote electorate .....	3278

Croydon electorate.....	3278
Yan Yean electorate .....	3278
Polwarth electorate .....	3279
Frankston electorate .....	3279
Forest Hill electorate .....	3279
St Albans electorate.....	3280
South-West Coast electorate.....	3280
Cranbourne electorate .....	3280
<b>BILLS</b>	
Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022 .....	3280
Second reading.....	3280
State Sport Centres Legislation Amendment Bill 2022.....	3286
Second reading.....	3286
Third reading.....	3303
Environment Legislation Amendment (Circular Economy and Other Matters) Bill 2022.....	3304
Second reading.....	3304
Third reading.....	3305
Residential Tenancies, Housing and Social Services Regulation Amendment (Administration and Other Matters) Bill 2022.....	3305
Second reading.....	3305
Third reading.....	3305
Justice Legislation Amendment (Police and Other Matters) Bill 2022 .....	3305
Second reading.....	3305
Third reading.....	3305
Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022 .....	3306
Second reading.....	3306
Third reading.....	3306
<b>ADJOURNMENT</b>	
Hampton Park recycling centre and transfer station .....	3306
Early childhood education .....	3307
Myrtleford Football Netball Club .....	3307
Ashwood High School bus services .....	3308
COVID-19 vaccination .....	3308
Thornbury Primary School .....	3309
Parliamentary integrity.....	3310
Eltham electorate business support .....	3310
Crowley–Lalors–Ayres roads, Healesville .....	3310
Power saving bonus program .....	3311
Responses.....	3312



**Thursday, 18 August 2022**

**The SPEAKER (Ms JM Edwards) took the chair at 9.32 am and read the prayer.**

**Announcements**

**ACKNOWLEDGEMENT OF COUNTRY**

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

**Joint sitting of Parliament**

**LEGISLATIVE COUNCIL VACANCY**

**The SPEAKER (09:33):** I have to report that the house met yesterday with the Legislative Council for the purpose of choosing a person to hold the seat in the Legislative Council rendered vacant following the death of the Honourable Jane Garrett MLC and that Thomas McIntosh has been duly chosen to hold the vacant place.

**Business of the house**

**NOTICES OF MOTION**

**The SPEAKER (09:33):** General business, notice of motion 34, will be removed from the notice paper unless the member wishing their matter to remain advises the Clerk in writing before 2.00 pm today.

**Documents**

**TREASURER AND ASSISTANT TREASURER**

*2021–22 annual reporting arrangements*

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Housing) (09:33): I table, by leave, a letter to the Speaker and the President about the 2021–22 annual report arrangements.

**DOCUMENTS**

**Incorporated list as follows:**

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

*Subordinate Legislation Act 1994*—Documents under s 15 in relation to Statutory Rule 65

Victorian Inspectorate—Report 1 July to 31 December 2021 under s 30Q of the *Surveillance Devices Act 1999*.

**Business of the house**

**ADJOURNMENT**

**Ms BLANDTHORN** (Pascoe Vale—Leader of the House, Minister for Planning) (09:34): I move:

That the house, at its rising, adjourns until Tuesday, 30 August 2022.

**Motion agreed to.**

**Members statements****WERRIBEE RIVER ASSOCIATION**

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations, Minister for Trade) (09:35): I rise to acknowledge to the house the great work of my community and environmental activists of the Werribee River Association. The Werribee River, or Weariby Yallock as the Wadawurrung people named it, is a truly beautiful waterway that travels through my electorate and on to neighbouring suburbs in the western region. The Werribee River is special to the local community and is home to much unique wildlife and biodiversity. Local families enjoy picnics, ride their bikes and walk their dogs along the river, and I know from my interactions with constituents that people truly appreciate having access to such a wonderful natural space in their backyard.

The Werribee River Association for the past 40 years have volunteered time and effort in caring for the river and its surrounds. From tree planting to crucial clean-up projects and policy advocacy, the volunteers of the association have truly given their all and have inspired others young and old to follow in their footsteps along the way. It truly was an honour to recently join the volunteers to mark their 40-year milestone and to celebrate the launch of their history book *Werribee River Association: 40 Years of Waterways Protection*. It is fantastic that there is now a book which formally recognises these many decades of work. Thank you to John Forrester, Lisa Field, Meghan Hopper and all the volunteers, past and present, for your passionate commitment.

**WINDFALL GAINS TAX**

**Mr WALSH** (Murray Plains) (09:36): I want to raise the concern of farmers that live close to country towns in my electorate who are going to have their financial plans destroyed by the Andrews government's new housing tax, the so-called windfall gains tax. These are not rich Melbourne property developers who may have had lunch or dinner with the Premier at the Flower Drum. They are ordinary hardworking families who have worked all their lives to build up an asset that the Andrews government now wants to snatch away from them. They cannot get straight answers from the State Revenue Office as to whether they will be in or whether they will be out. They are getting conflicting advice from their accountants as to what it will mean for them when it is triggered in their particular area. They believe it is an unashamed grab for their savings to pay for the Andrews government's cost overruns on Melbourne infrastructure projects, which is currently \$28 billion and counting, and they are very firmly of the view that they should not have their life savings snatched away by the Andrews government to pay for these cost overruns. They want to see the whole process around this new housing tax re-examined so their lifetime savings are not taken away.

**EPPING-WOLLERT NEPALESE COMMUNITY**

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Minister for Environment and Climate Action, Minister for Solar Homes) (09:37): I rise to congratulate the Epping-Wollert Nepalese Community on their enormous contribution to the local community and Victoria more broadly. Last week I had the opportunity to attend the fantastic Teej Mela festival in Epping, a delightful cultural celebration dedicated to women and family. Hundreds of families were in attendance. The Epping-Wollert Nepalese Community in Mill Park provide a safe and culturally familiar space for their members. They provide a place to gather, rejoice in their achievements and celebrate their Nepalese heritage.

The Epping-Wollert Nepalese Community was founded in 2017, and their achievements in the short term are impressive. Earlier this year they organised a COVID vaccination pop-up clinic. They have also run many blood donation drives, bringing together the whole community for the benefit of all Victorians. They have also established a school for their younger members, teaching the Nepali language and traditional dancing. In addition to this they are empowering women through several education programs such as self-defence classes. These amazing achievements enable this community to build confidence to participate more actively in the wider community. I would like to thank the

Epping-Wollert Nepalese Community for their hospitality during their Teej Mela festival. I would also like to congratulate president Roslina Maharjan, the rest of the leadership team and volunteers for their tireless work and valuable contribution to our local community.

### HEALTH SYSTEM

**Mr SOUTHWICK** (Caulfield) (09:39): Yesterday's announcement of a Liberal-National focus on fixing the health crisis and diverting \$35 billion into hospitals that are falling apart versus a railway line to nowhere is a clear choice for Victorians. I am very proud that this all started at Caulfield Hospital, a hospital that is over 100 years old, a hospital that repatriated 18 000 war veterans and has hardly seen a dollar spent on it since, a hospital that is in desperate need of repair and will only be repaired under a Guy government after November. This is a clear choice for all Victorians.

We have a hospital that has an old breezeway that has been cordoned off for safety reasons. We have a hospital that has a hydrotherapy pool that has been closed for two years and was providing essential rehabilitation for so many of my locals. What we will do is consult with Caulfield residents to ensure we get the best outcome in hospital and healthcare services for them. The choice is clear in November: do you want the health system fixed or do you want more budget blowouts and overruns by a government that cannot manage money? There is a \$125 billion blowout on the Suburban Rail Loop before a shovel has even hit the ground. This is a government that is tired and cannot manage money, whereas the Liberals will fix the health system.

### MELBOURNE AIRPORT RAIL LINK

**Mr CARROLL** (Niddrie—Minister for Public Transport, Minister for Roads and Road Safety, Minister for Industry Support and Recovery, Minister for Business Precincts) (09:40): There will never be a better opportunity to connect Melbourne's north-west to Victoria's rail network than through the Melbourne Airport rail link. The suburbs of Airport West, East Keilor, Keilor Park, Avondale Heights and Keilor are desperately in need of better public transport options, and as the local member and Minister for Public Transport I am intent on fixing this 100-year access gap. This is evidence-based best practice in transport planning, with additional market segments and value capture, that will fix the 100-year gap.

In 1925 the City of Keilor public transport committee first proposed electrifying the Albion East line, with subsequent planning studies in 1930, 1934, 1935, 1954, 1956 and 1975. Then in 1976 the very first member for Niddrie spoke passionately about electrifying the Albion East line, and today the Andrews government is electrifying the Albion East line through the airport rail link.

Imagine this: a train station on the border of Airport West, Keilor Park and Keilor East, walking distance from four bus routes, walking distance from four schools, with the employees that work at Melbourne Airport and a local member that is the Minister for Public Transport and a hardworking, dedicated member who wants to get this thing done for the local residents. This aligns with global best practice, employee catchments, school students and locals that deserve the best quality public transport in Melbourne's north-west, which is only 15 kilometres from the GPO. This is the time to make it. As Gough Whitlam once said, 'It's time', and I am committed to making this happen.

### O'SHEA ROAD, BERWICK

**Mr BATTIN** (Gembrook) (09:42): This week the Andrews Labor government came out to celebrate the opening of a new road, O'Shea Road down in Berwick. However, the road is still only about three-quarters complete. The lights are not on; the road is not completed; it is not open. The second lane is not available to be used yet, and there were people walking on the road rather than being able to drive on it. And the disappointing part is we have been asking the government to come out for such a long period of time to meet Jay, Mick Suttie, Dale Purton, Ray Micallef, Jarrod Lawrenson and John Organ—and the list goes on—people that have raised genuine concerns around the construction of this road, including a sewerage stack at the back of someone's house. When these people asked why they were not consulted on it, the government said, 'You were', but they were not. Then when

they got a document through, it said, 'If you are building a two-storey property next to this sewerage stack, make sure you don't have any windows at the back of the property'. That is a bit late with a double-storey house that is already 12 years old with windows at the back of the property. There are houses along the edge of O'Shea Road where they asked the engineers what it will be like with the amount of lights that have been put along O'Shea Road, and the response from the engineers was, 'The good thing is your backyard will be lit up like the MCG every night'. These are things that the community was concerned about. They appreciate the fact that a road is getting done, but there was zero consultation, and the impact on their lives is going to be horrific.

### YUROKE ELECTORATE SCHOOLS

**Ms SPENCE** (Yuroke—Minister for Multicultural Affairs, Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Youth) (09:43): Recently I had the pleasure of touring the construction sites of two new schools in our community, Mount Ridley Special School and Merrifield West Secondary. It was great to see construction works progressing well, and when these two schools welcome their first students for term 1, 2023, they will be the eighth and ninth new government schools to open in our community over this term of the Andrews Labor government. I would also like to acknowledge two fantastic inaugural principals. Leanne Sinnadurai has been a committed educator within specialist school settings for over 20 years. She is doing a fantastic job ensuring the first specialist school in our community develops a great culture right from the start. An experienced international educator, Lian Davies is bringing her experience in individualised learning and tertiary education pathways to the first and much-anticipated secondary school in Mickleham. I welcome both of those inaugural principals.

### TAMANNO ZAVQIEVA

**Ms SPENCE**: I would also like to share the great news that Tamanno Zavqieva, a Craigieburn student at Hume Anglican Grammar, has been awarded second place in the year 10 to 12 category in the 2022 Parliament Prize. This year's Parliament Prize saw 675 entries from 145 schools across Victoria. In a members statement titled 'Cancer comes in fruity flavours' Tamanno highlighted the harmful effects of vaping in adolescence and called for government to fund a collaboration of the public health sector and industry groups to raise awareness on the health risks of vaping. Tamanno's statement was well researched and delivered with passion. Her speech— (*Time expired*)

### ENERGY POLICY

**Dr READ** (Brunswick) (09:45): The people of Europe are experiencing what may well be Europe's worst ever drought. You can walk across the Loire River, France's longest river, in places, and Britain has hit 40 degrees for the first time. Lismore was under water a few months ago, and with the fires we had in Australia a couple of years back, we know that we must accelerate our efforts against human-induced climate change. With two-thirds of Victoria's electricity coming from brown coal from a fleet of three ageing power plants that break down regularly and are expensive to maintain, it is time for governments and all parties to be honest—and to be honest particularly with coal workers and with members of the Latrobe Valley community. Energy analysts and people in the Latrobe Valley understand that the coal plants have to retire, and no-one seriously expects that any of them will be running well into the 2040s, when the last is scheduled to close. So I draw members' attention to a bill in the other place from the Greens, a private members bill which I am not allowed to present here, which sets an end date for the burning and mining of coal in Victoria for 2030 and increases Victoria's renewable energy target for 2030 from 50 per cent to 100 per cent.

### LAURIE MCQUADE

**Mr BROOKS** (Bundoora—Minister for Child Protection and Family Services, Minister for Disability, Ageing and Carers) (09:46): I rise to acknowledge the sad passing of Mr Laurie McQuade and give my condolences to his sons, Glenn and Darren, and all of his family and loved ones. Laurie was born in 1935 and was loved by the community of Watsonia and neighbouring communities for

his immense contributions to the Country Fire Authority and St John Ambulance. Having joined the CFA Plenty brigade in 1965 and later transferring to the Yarrambat fire brigade in 1971, Laurie was an active volunteer member of the CFA until his passing in July this year. Throughout his 57 years with the brigade Laurie held many key positions, including firefighter, apparatus officer, second and first lieutenant and community safety roles. In 1998 his hard work and dedication were recognised through his induction as an honorary life member of the CFA.

Laurie also joined the St John Ambulance Diamond Valley division in 1981, providing first aid at many community events not only in the Diamond Valley but across the state, especially wherever a Collingwood match was being played. Laurie held positions of private and corporal officer, later becoming divisional manager. He contributed over 27 300 volunteer hours within St John's and was made a member of the order of St John in 1995, later being promoted to an officer of the order, in 2001. In 2012 Laurie was proudly awarded the National Emergency Medal for his contributions with St John's and the CFA during the 2009 Victorian Black Saturday fires. Laurie will be remembered by his community for his reliability and willingness to drop everything and help others. He has left a legacy for his sons and his family to be immensely proud of. Vale, Laurie McQuade.

### COVID-19

**Mr WELLS** (Rowville) (09:48): This members statement condemns the Andrews Labor government's incredible disrespect for Victorians stranded in New South Wales after borders shut last year, with the Premier showing no compassion and offering no compensation—not even an apology—completely rejecting the Ombudsman's recommendations. The Ombudsman found that the border permit system was downright unjust, even inhumane. Only 8 per cent of the 33 252 applications to cross the border were ever approved, most never received a response and many applications were closed without being considered. The Premier's tone-deaf reaction will be sadly familiar to the residents who spoke to my office.

Peter and Bev, in their 80s, bought a house in Rowville to be close to their children. The sale of their New South Wales home settled just as the border shut. While living on the mercy of the new owners, rent was simply unaffordable for them as pensioners. Adding to the stress, both Peter and Bev needed regular medical care. Despite full vaccination and negative COVID tests, their applications were delayed time and time again. Another Rowville resident travelled to New South Wales to sell the family business, but the permit system was revoked before they could return to Victoria. Being asked to vacate their New South Wales rental property but being unable to travel home was extremely stressful, as they faced being homeless and unemployed after the sale of their business.

### WENDY HART

**Ms KILKENNY** (Carrum—Minister for Corrections, Minister for Youth Justice, Minister for Victim Support, Minister for Fishing and Boating) (09:50): Starting in 1981 with a six-month-old baby stowed away in a pram, Wendy Hart has safely crossed children and their children across the busy Seaford Road at the corner of Railway Parade through scorching heat, rain, hail and shine as the smiling, waving school crossing supervisor. After an extraordinary 41 years of service Wendy decided it was time to hang up the hi-vis, blow that whistle for one last time and take her well-earned retirement. Wendy's last shift was Friday, 29 July, from 3.00 pm to 4.00 pm. I was absolutely delighted to join Wendy and her two daughters on her last day. At her corner she was farewelled by so many regulars—tooting their horns, waving, shouting out words of thanks and best wishes. The local fire brigade even did a drive-by with lights and sirens. This is what community is all about. Yes, we will miss Wendy—her big smile, her wave and that big hat—but 41 years is an extraordinary length of time and an incredible commitment. I know she will remain a really valued member of the Seaford community, still part of the Seaford Girl Guides and a wonderful local, and her handprint forms part of the beautiful artwork on the Seaford Road rail bridge built as part of the Level Crossing Removal Project. Thank you, Wendy, for your extraordinary dedication and your genuine and overwhelming love for the local community.

**DRAGONS ABREAST PATTERSON LAKES PINK LOTUS**

**Ms KILKENNY:** Congratulations to Dragons Abreast Patterson Lakes Pink Lotus for recently celebrating five wonderful years of supporting women and men after a breast cancer diagnosis. Happy birthday, and congratulations to all.

**ENERGY POLICY**

**Mr NORTHE (Morwell) (09:51):** I rise today to make some comments with respect to the Greens' recent announcement that all of Victoria's coal-fired power stations in the Latrobe Valley should close by 2030. Understandably I have received plenty of feedback on this harebrained idea, with many people extremely angry that Melbourne-based Greens would seek to introduce legislation that would cause untold emotional, social and economic harm on a community already dealing with its own unique challenges, including the proposed closure of the native timber industry by the same time frame. Now, I am not saying the transition from non-renewables to renewables is not a noble objective or that it should not happen, but it is the way we get there that is important to my community. We have the situation whereby the government is driving the car at high speed down the highway to close down Latrobe Valley-based coal-fired power stations, and the Greens are sitting in the back seat screaming at the government, 'Are we there yet? Are we there yet?'. It is not just workers impacted by Greens policy; it is contractors, subcontractors, suppliers, businesses and the wider community.

Subsequently, they should answer the following questions, so we know the real impacts upon the Latrobe Valley. Has an economic, social or regulatory impact statement been completed? Where are the replacement jobs and what are they? Will there be a diminishing of disposable income across the community? Will there be mental health impacts as a result of this legislation? Will energy supply security be guaranteed? Will energy costs rise? Will the grid cope with this plan? These and many other questions ought to be answered by the Greens before they come out with city-based, harebrained policies that hurt regional communities like ours.

**BENTLEIGH ELECTORATE SCHOOLS**

**Mr STAIKOS (Bentleigh) (09:53):** One of the things that makes me most proud to be a member of this government is that since we were elected in 2014 every single one of the 82 special schools from every corner of the state has received major funding for an upgrade. In my electorate that means that all three of the special schools are being rebuilt from top to bottom. Over at Southern Autistic School we have completed stage 1, and we are currently undertaking stage 2 of that rebuild. At Berendale School we completed the hospitality wing a few years ago, and now we are merging Katandra School and Berendale School onto the Berendale site and turning that school into a P-12 school, which will provide better outcomes for the students. Over at Bayside Special Developmental School we are just completing the final stage of that rebuild. These are all things to be very, very proud about, because those of us on this side of the house believe that students with special needs should have the same opportunities as every other student in Victoria. We know that the most important thing when it comes to education is the quality of teaching, and we know that we have high-quality teachers in this state, but what also helps is ensuring that we have the best possible facilities at our schools, whether they are special schools or mainstream schools, to lay the foundation for a top-class education.

**VERMONT SECONDARY COLLEGE**

**Mr ANGUS (Forest Hill) (09:54):** Last Friday evening I attended the Vermont Secondary College annual school production, this year entitled the *Drowsy Chaperone*. It was an excellent production, including live music, and I congratulate all the students, staff and other people involved.

**EASTERN FOOTBALL NETBALL LEAGUE**

**Mr ANGUS:** With the end of the Eastern Football Netball League season fast approaching, I want to put on record my thanks and congratulations to all the amazing volunteers who work tirelessly each week, as well as before and after the season, to keep the clubs going and the teams on the field or court. Within the Forest Hill district there are three tremendous EFNL clubs, namely, East Burwood, Forest Hill and Vermont. Each club has dedicated volunteers who are the heart and soul of the club. With senior finals still to come, I wish all the teams involved in the finals well. I also congratulate the junior teams that have contested and, in some cases, won the premierships recently. Congratulations to all involved.

**SUBURBAN RAIL LOOP**

**Mr ANGUS:** Today's revelation from the Parliamentary Budget Office that the actual cost of the proposed Suburban Rail Loop is likely to be more than double the original \$50 billion estimate again shows the inability of this Labor government to budget properly and manage money. The headline on the front page of today's *Herald Sun*, '\$125b loop hole', is a good summary of this thought-bubble project. This is just another example of Labor's complete incompetence.

**HEALTH SYSTEM**

**Mr ANGUS:** The mismanagement and neglect of Victoria's health system continues and is very clear for all Victorians to see. Every day there are new revelations about how the system is failing and patients are being let down, in some cases tragically, whether it is a 9-hour wait to be seen at the Royal Children's Hospital, as was the case recently, an elective surgery waiting list of around 90 000 people, delays in ambulance response times or no ambulance response at all.

**GAP ROAD, SUNBURY, LEVEL CROSSING REMOVAL**

**Mr J BULL (Sunbury) (09:56):** I was absolutely delighted to welcome the Treasurer to my electorate last Friday to tour the Gap Road level crossing site, meet with local traders and have an informal catch-up. Thank you to the Treasurer and his office for arranging the visit, and he is welcome back to my electorate anytime.

***OUR PROMISE, YOUR FUTURE: VICTORIA'S YOUTH STRATEGY 2022–2027***

**Mr J BULL:** On International Youth Day last Friday the government was able to launch the Victorian youth strategy, a Victorian first. It is something that, as the former Parliamentary Secretary for Youth, I am incredibly proud of. The youth strategy is a framework that will help shape a positive future for young people in my electorate and right across the state. We are also absolutely delighted to ensure through the strategy that young people are empowered to address issues that affect them, ensuring that their voices are heard at every level of government. I want to take this opportunity to acknowledge the hard work and the tireless advocacy of the Minister for Youth, the Parliamentary Secretary for Youth, her office, the minister's office—Matilda, especially, at the department—and most importantly, the more than 2000 young Victorians who contributed to the strategy.

**DIRECTED TECHNOLOGIES**

**Mr J BULL:** I was absolutely thrilled to welcome the Minister for Innovation, Medical Research and the Digital Economy in the other place to Tullamarine last week to Directed Technologies to meet with workers within that company to talk about mobile connectivity in the area—a terrific visit. Thank you very much to the minister for coming.

**DIAMOND VALLEY VIETNAM VETERANS**

**Ms WARD (Eltham) (09:57):** Thank you to the wonderful Diamond Valley Vietnam Veterans for their significant community memorial service on Saturday. Veterans in the community gathered together to pay their respects for those fallen and remember the difficult challenges our Vietnam veterans have faced both during the war and since. Thank you to all of those who contributed to the service, including Simpson Barracks chaplain Isaac Khan, DViets member Paul Mann and Max

Bovalino for his speech on his insight into the Vietnam War and the decades that have followed. Viewbank College students Remy Giuliani and Lachlan Deane are to be applauded for their performance of Redgum's *I Was Only 19*, as is Caitlin Davey for her singing of our national anthem. The DViets are to be applauded for their ongoing work in the community supporting veterans, and I thank all who helped organise Saturday's service.

#### BATTLE OF LONG TAN COMMEMORATION

**Ms WARD:** Since the 50th anniversary of the Battle of Long Tan the Lower Plenty Bears have held a Vietnam veterans round in recognition and respect of the service of these veterans. Each year this day gets better and better, and the Bears are to be commended for all they do to make this day such a success. I want to acknowledge the hard work and kind heart of Grant Barden, who pulls this event together every year. I also want to thank Montmorency-Eltham RSL president Glen Ferrarotto and senior vice president Andrew Hall for passing on to me a sapling descendant of the Lone Pine, which I was able to donate to the Bears and is now planted near their oval. Thanks to the kindness of the level crossing removal authority both Lower Plenty and Panton Hill players were able to give 50 seedlings to the Diamond Valley Vietnam Veterans in recognition of the 50 veterans who have passed away since the DViets formed.

#### VIETNAM VETERANS DAY

**Ms WARD:** Today is Vietnam Veterans Day, and I do pay my respects and acknowledge their service and thank them for all they have done for our country. Lest we forget.

#### TRANSPORT AND HEALTH INFRASTRUCTURE

**Mr FOWLES (Burwood) (09:59):** The Suburban Rail Loop is a fantastic win for communities right across the east, linking commercial, health and education precincts. It is going to connect the Belgrave and Lilydale lines to every major train line in the state, and unlike others, we believe that investing in health care and investing in our transport system are not mutually exclusive.

Only an Andrews Labor government will listen and act on what the community wants. That is why, alongside the Suburban Rail Loop, we are proud to have invested boldly in our healthcare system. We did not feel the need to shelve one of the most important rail infrastructure projects this state has ever seen while we invested heavily into building a world-class health system. Only an Andrews Labor government is able to chew gum and walk at the same time. That is why we are building the Metro Tunnel. We have also built the Victorian Heart Hospital. That is why, while we are delivering more than 400 new paramedics, we are also building the airport rail link that our state so badly needs. And while we have removed 65 level crossings, we have also established new public elective surgery centres, including one in Blackburn. And there is more to come.

I have said it before, and I will say it again: physical mobility oils the engine of social mobility and inclusion. With investment in health and investment in our public transport system we are guiding our state to a very bright future. The Suburban Rail Loop is the infrastructure project the east needs. It is the infrastructure project the state needs, and it absolutely should not be left to wither and die on the shelf by those opposite.

#### BILL CHANDLER

**Mr KENNEDY (Hawthorn) (10:00):** For Bill Chandler OAM the Habitat Uniting Church in Canterbury was overflowing with mourners, including the member for Bass and me, in celebration of an active life well lived. Bill was a member of my senior men's group, which gathers in a Maling Road cafe every Wednesday for coffee and chatter. He was good on the chatter, and others were happy to listen. It was refreshing to be with such a bright and optimistic disposition, albeit, as one eulogist suggested, a disposition that did not appear to suffer self-doubt. Amongst many diverse pursuits and achievements Bill was an architect, planner, urban designer and author who generously contributed skills and energy for others, especially, but not only, for fellow residents in his beloved Surrey Hills. I



cite his countless letters to the editor, valued contribution to the highly successful local climate action group Lighter Footprints and even his appearances at Josh Frydenberg's office and his challenge as a Kooyong independent candidate in the 2019 federal election. I extend condolences to his loving and proud wife, Ros, and family. Farewell, Bill, you good and faithful servant.

### EDITHVALE PRIMARY SCHOOL

**Mr RICHARDSON** (Mordialloc) (10:02): I want to give a big shout-out to Edithvale Primary School and the wonderful campaign that they have initiated to support people experiencing homelessness. It has been about five years since Edithvale Primary School came together with an initiative to support others in need and some of the most vulnerable members of our community. They do a non-perishable food drive but also a bake-off of hundreds, if not, some might say, thousands of cupcakes that they sell amongst the school community—some of the best varieties going. It shows the values and support of our students and our community under the leadership of principal James Whitla and that care, comfort, nurture and compassion in the Kingston community. This is a great example of supporting others in need. I have committed to about 100 cupcakes. I do not know if I will eat all of them at once—after five years you can probably see that I have trained off a bit—when I have to consume some of the cupcakes that come from Edithvale Primary School. A big shout-out to the Smith family. They are a wonderful family who do all the baking and all the effort, so we really appreciate all the work that they do. The funds raised go to important causes like the Chelsea Community Church of Christ, who do a great job connecting people—social interaction with others. Social inclusion is so important for people who experience loneliness or isolation, and that is what this funding is all about—supporting people to connect. It is supporting people who need that extra comfort and care, and it is a great initiative by Edithvale Primary School.

### SCHOOLS FUNDING

**Ms HUTCHINS** (Sydenham—Minister for Education, Minister for Women) (10:03): Deputy Speaker, the Victorian government is committed to growing educational opportunities in the outer western suburbs, as you would know. We have invested \$12.8 billion over the last eight years in Victoria to deliver more than 1850 school upgrades and open 75 new schools, with an additional \$1.8 billion in our recent budget to build more schools and improve the existing ones. I am very proud of our commitments that we have delivered and that are underway across the outer west, including \$10 million for Copperfield College; \$25 million for Exford Primary School; the construction of Deanside Primary School, which has just been completed and opened; \$31 million for Staughton College; \$35 million for the new Springside West Secondary College; \$19 million towards Burnside Primary School; the construction of Eynesbury Primary School; \$10 million to upgrade Parkwood Green Primary School; construction of a new secondary school and specialist school in Aintree; a new primary school in Brookfield; construction of a primary school in Rockbank; \$7.5 million for Taylors Lakes Primary School; more than \$20 million for Taylors Lakes Secondary school; a brand new build at Victoria University Secondary College in Cairnlea; and so many more schools to ensure Victorian children have the bright future that they deserve. We are investing hundreds of millions of dollars in funding the education space in the outer western suburbs. As a proud westie I know that these are historic investments.

### Bills

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

*Second reading*

#### Debate resumed on motion of Ms KILKENNY:

That this bill be now read a second time.

**Mr M O'BRIEN** (Malvern) (10:05): I rise to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. The purpose of this bill is to implement 13 recommendations

from the Victorian Law Reform Commission's report *Improving the Justice System Response to Sexual Offences* especially in relation to consent and sexual offences. The bill also seeks to elevate image-based sexual offences into the Crimes Act 1958 from the Summary Offences Act 1966. That has the effect of meaning they become indictable rather than summary offences, with consequent impacts on maximum penalties. The purpose of the bill is also to introduce or temporarily continue measures to enhance court efficiency.

There is no question that sexual offending is a scourge in our society. In just 2021, Victoria saw 4431 reported instances of rape, 5919 instances of indecent assault, 512 instances of incest, 3274 instances of sexual offences against children and 926 other sexual offences. That is just what has been reported. That is just what we know about, and of course we do know, sadly, that sexual offending is under-reported. Those statistics—those tragic figures, tragic as they are in themselves—do not even begin to capture the full scope of sexual offending in our community, so we do have an obligation, all of us as a Parliament, to do more and do better to try and end sexual violence. And there is no doubt that sexual violence is often gendered. It disproportionately affects women, and it disproportionately affects children. We need to be very conscious of that, and we need to ensure that the law is amended to keep up with the nature of what is actually happening in our society.

There is no question that this bill contains some measures that are worthy of support. There is no question that this bill contains some measures that are well intentioned. In the course of this debate I will refer to some concerns that have been raised by stakeholders that indicate that the government may not quite get the outcomes that it seeks from some of the measures in this bill because of the way in which it is drafted. I will state at the outset the opposition will not be opposing this bill, but we will put those concerns on the record and we will encourage the government to seriously consider them.

When I quote the Victorian Aboriginal Legal Service, when I quote the Criminal Bar Association, when I quote Liberty Victoria—the old Victorian Council for Civil Liberties—and when I quote the Law Institute of Victoria (LIV), I am not talking about organisations that are known for being alarmist and I am not talking about organisations that do not bring a respected view to the table in terms of legal matters. Each of those organisations has expressed some very serious concerns about aspects of this bill. I think it is incumbent on the government to consider those concerns that have been raised and to respond to them—respond to them in the course of debate in this place but also, I would suggest, respond to them in terms of considering amending the bill in the other place, because this Parliament agrees on the need to better reflect the reality of what is happening in our community to better protect the people who are victims or potential victims of sexual violence. But if the way the bill is drafted will not have that effect, if the way the bill is drafted could actually be counterproductive in some instances, it is not good enough for the government to just assume that they have got it right. So I will raise some of those concerns during the course of this debate, because we are talking about very respected voices in legal policy in this state who have all expressed some concerns.

Let me talk about some of the issues where I think there is general agreement, because as I said, there are many measures in this bill which are worthy of support from right across the Parliament. In relation to part 2 of the bill, clauses 3 to 19 deal with what is now known as stealthing. Now, the term 'stealthing' is not actually used in the bill, but it is what is commonly used to describe conduct where one party in a sexual encounter surreptitiously removes a condom or fails to wear one when they had agreed that they would. As a consequence of that the other partner is put at some risk—potentially risk of pregnancy or risk of sexually transmitted disease.

What this bill does is insert new section 36AA into the Crimes Act 1958, and it provides that circumstances in which a person does not consent to an act include where the person engages in the act on the basis that a condom is used and, before or during the act, the condom is removed or tampered with or the person who was to use the condom intentionally does not use it. Effectively the surreptitious removal of a condom or a failure to wear one when that had been agreed vitiates consent. Effectively it is a very serious proposition, because a lack of consent then has other consequences for the actions of that person. I do think this is something that the Parliament should agree on. I think it is an appalling

breach of trust, but it is beyond a breach of trust; it is actually a breach of the law. It should be a breach of the law, and we support making these changes to provide that stealthing will be an offence, because it vitiates consent.

Let me take you to one of the issues where I think I understand what the government is trying to do. The government comes from a good place in this particular amendment, but there is real concern that it is going to be counterproductive. The government changes the definition of 'consent' in section 36 from meaning 'free agreement' to 'free and voluntary agreement'. Legislation is not a press release. Legislation is not improved by throwing in more adjectives. It is not about 'Free and voluntary sounds better than free, so let's go with that'. When you change the definition of something in a statute, courts are going to assume you mean something by it. What is gained by adding the words 'and voluntary' to the definition of 'consent'? You cannot have free agreement that is involuntary. That does not make any sense. Free agreement must be voluntary. So why do you actually put the words 'and voluntary' into it? Just throwing in adjectives, throwing in synonyms, does not actually aid the definition. I will quote this at length because this is a very important issue. The Law Institute of Victoria (LIV) have provided me with their feedback on this matter, and I will quote them verbatim:

The LIV considers that the addition of the word 'voluntary' is wholly unnecessary as it adds nothing to the definition of consent from a legal perspective. Involuntary acts do not constitute free agreement under existing law.

Even so, the amendment carries significant risks. One grave yet real risk is that it will create a new legal meaning of the term 'consent' that is different to, and more onerous than, the existing definition. This is because the act of creating a new legal definition of the term to replace the existing definition clearly signals that the prior legal meaning of the term is defunct. Thus, when called upon to interpret the meaning of 'consent' under the new provisions, courts will be drawn to conclude, in accordance with the principle of statutory interpretation against superfluity, that it has taken on a new meaning, distinguishable from the existing meaning because of the addition of 'voluntary'. As the existing meaning encompasses voluntariness, courts may be required to conclude that 'consent' under the new section 36 imports a higher standard of voluntariness than it previously did.

This could create several deleterious consequences for the administration of justice.

I could go on, but what the LIV is saying is that the courts are going to assume that we as a Parliament are meaning to change the definition of consent by throwing in the words 'and voluntary'. What is the purpose of it? It is really not clear, even when you look at the explanatory memorandum. The government said:

New section 36(1) clarifies that *consent* means free and voluntary agreement.

Clarifies? It does not actually clarify it, because 'free' has always meant 'voluntary'. It cannot be free and involuntary. It goes on to say:

The word 'voluntary' makes clear that agreement cannot be obtained through coercion, threats or other inappropriate means, and will reinforce that involuntary bodily reactions are not an indication of consent.

Coercion, threats, duress—all of these things vitiate 'free'. If something is obtained under coercion or under duress, it is not free. That is what the law currently is. For the purposes of courts who might have to look at this in the future and look at these debates in the future, the onus is on the government to make it really clear: are they changing the meaning of consent, are they changing the definition of consent, and why are they doing it? Because courts will look to this debate in the future to try and understand what this government had in mind when it changed the definition of consent and put in the words 'and voluntary'. Personally I think it is entirely redundant. 'Free' means voluntary. 'Voluntary' means free. There is absolutely no benefit in this other than throwing confusion into the law, and what we know is that when the law is unclear it tends to be victims of crime who are the ones who pay the price, because a lack of clarity in criminal law tends to lead to miscarriages of justice. Either innocent people get convicted or victims do not get justice. The government needs to think very carefully about this. I understand the tendency to want to throw in adjectives to things to make them appear stronger, but we are talking about legislation that is going to be used to determine whether the victims get justice,

whether innocent people are convicted unfairly, and the government has an obligation to get the technical details right on this.

There are further changes to consent. New section 36 sets out a number of circumstances in which a person does not consent to an act that include:

... just because they do not resist the act verbally or physically.

I have no problem there.

... just because they consented to—

a different act with the same person ...

the same act with the same person at a different time or place ...

the same act with a different person; or

a different act with a different person.

Again, all perfectly reasonable. New section 36AA sets out further circumstances in which a person does not consent. These include but are not limited to where:

the person does not say or do anything to indicate consent to the act ...

That is effectively already in the legislation. If you look at section 36 of the Crimes Act 1958, subsection (2)(1) provides that circumstances in which a person does not consent to an act include but are not limited to where:

the person does not say or do anything to indicate consent to the act ...

For all the talk about affirmative consent models, I would say it is already there. I think there has been a lot of progress in the law and law reform over many years, and very welcome progress in the law and law reform over many years. I would say we have already got an affirmative consent model to some extent, so I do not think that element changes things all that much. The bill also says that somebody does not consent where:

... the person submits to the act because of force ... harm ...

or fear of force or harm. Again, you cannot freely consent to something if it is under threat of force or fear or harm, so I think that is probably just repeating what is already encompassed by the definition of consent in the first place. A person does not consent where:

the person submits to the act because of coercion or intimidation ...

Unlawful detention is mentioned.

... the person is overcome by the abuse of a relationship of authority or trust;

the person is asleep or unconscious ...

et cetera. So again, it probably sets it out in more detail, but I do not know that those aspects of the bill lead to a major change from what the current definitions of consent particularly are.

Where I think we have seen a significant change, and this has brought about some commentary by some respected legal agencies, and I will put those into the record as well, is new section 36A regarding a reasonable belief in consent. It says:

Whether or not a person (A) reasonably believes that another person (B) is consenting to an act depends on the circumstances.

I think there is no problem there. Everyone would understand that consent is obviously dependent on the circumstances at the time. It goes on to say new section 36A(2) provides:

A's belief that B consents to an act is not reasonable if, within a reasonable time before or at the time the act takes place, A does not say or do anything to find out whether B consents to the act.

The consequence of this change is to put an onus on a person to say or do something to find out if the other person consents to the act. Currently, before any change to the law, the law provides that a person

does not consent to an act where a person does not say or do anything to indicate consent to the act. So this is taking it, if you like, a step further, and it requires the person, who is presumably the person who will be complained about, to be able to demonstrate that they have said or done something to find out that the other person consents to the act. This has led to some concern from a number of organisations. The Victorian Aboriginal Legal Service say in their briefing paper:

VALS does not support the proposed amendments to the definition of consent, because they do not strike an appropriate balance between the **rights of victim-survivors** and the **rights of the accused**.

Additionally, the proposed framework for consent is **overly complex and confusing**, meaning that there is a high risk that juries may become confused, and a high risk of judicial error and miscarriage of justice.

David Hallowes SC is the chair of the Criminal Bar Association of Victoria, and he had an op-ed in the *Age* newspaper of 11 August 2022. He posed the question: have you ever woken a partner with a kiss? In the context of this new requirement for a person to say or do something to determine consent, he went on to say:

Either no steps were taken to ensure consent in the example of a waking kiss, or the accused and/or complainant cannot recall the steps taken. Yet, the proposed changes to the definition of consent seeks to make a blanket rule to cover all possible situations.

That might seem to be an example of which you would say, ‘Well, in the real world nobody is going to make a complaint to the police about being woken up by a kiss by their partner next to them’, and that may well be true. But we need to frame the law to take consideration of a range of possible future events. I do not know that it is the government’s intention in circumstances such as the one outlined by Mr Hallowes SC in the *Age* that that would be regarded as a sexual offence. If that is not the intention, then I think the government needs to explain what actions that person who seeks to wake their partner up with a kiss would need to do. Do they need to wake them up first? Does observing what a person does count as saying or doing something? There is a lack of clarity in this. I do not raise these issues to be difficult; I raise them because they have been raised by very reputable legal organisations. They want to get it right, and we all want to get it right. I raise these questions because they have been put on the public record by, as I say, very reputable people. When we do change the law, the last thing we want to do is have it lead to uncertainty, which then makes it even harder for victims.

**Ms Ward:** It’s quite simple: don’t do it if you don’t know. It’s that simple.

**Mr M O’BRIEN:** I take up the interjection—‘Don’t do it if you don’t know’—and I accept that. As a principle, that is a very sound one. So the question is, in the example put by Mr Hallowes: if you wake your partner with a kiss, do you have to wake them up first before you kiss them every morning?

**Ms Ward:** That’s ridiculous.

**Mr M O’BRIEN:** The interjection is ‘That’s ridiculous’. That is the example that the chair of the Criminal Bar Association of Victoria has put in the newspaper, and if the government believes that there is a perfectly logical response to that example, then I would invite the government to put that on the record in the debate. Do not shoot the messenger, member—do not shoot the messenger. This is what the chair of the Criminal Bar Association has put, and it deserves to be answered. We do not want to see an important law relating to sexual offences turned into a joke because the government has got the drafting wrong. Nobody wants that.

*Members interjecting.*

**Mr M O’BRIEN:** Well, because the Law Institute of Victoria say they do not support aspects of this. The Criminal Bar Association of Victoria say they do not support aspects of this. The Victorian Aboriginal Legal Service say they do not support aspects of this. Liberty Victoria say they do not support aspects of this.

**Ms Ward:** What do the women say who have been subjected to these experiences? What do those women say?

**The DEPUTY SPEAKER:** Order! Through the Chair, member.

**Mr M O'BRIEN:** My job as Shadow Attorney-General is to tease out the concerns that have been put on the record about this government's bill, and if the government is more interested in yelling at me than actually responding to what reputable legal organisations have raised as serious concerns, that gives me more cause for concern. This should be something that this Parliament is willing to work on together to get right. But if we are going to devolve into tribalism, where anybody who dares to question a government piece of legislation or a piece of drafting is suddenly going to be seen as being anti-women—I am raising these concerns because I am interested in getting the law right, and if the members opposite were interested in getting the law right, they would be answering the questions rather than yelling at me.

**Ms Ward** interjected.

**The DEPUTY SPEAKER:** Member for Eltham, can I request that you do not interject at this point, please. Member for Malvern, through the Chair.

**Mr M O'BRIEN:** Yes, Deputy Speaker. The Victorian Aboriginal Legal Service also noted in their briefing paper:

An affirmative consent model that requires the accused person to do or say something to obtain consent may reverse the burden of proof. VALS does not support reverse onus provisions, as they have the potential to undermine the presumption of innocence and the right to a fair trial, as set out under the *Victorian Charter of Rights and Responsibilities*.

That is a serious issue that VALS raises, because we have always had the presumption that an accused has no obligation to give evidence. An accused person is entitled to remain silent, and the onus is on the prosecution to demonstrate the elements of the offence. In this, the legislation would seem to be removing that right that an accused has—that historic and traditional right—to remain completely silent, because under this bill there does appear to be an onus on the accused to explain what they said or what they did to determine consent. If it is the government's intention that that right to silence is to be removed to some extent, again I think it is important that the government be very clear on that in its contribution, because courts will certainly be looking to these debates in the future to try and determine what the legislature's intention was. I would be concerned if we were to be removing the ancient right of an accused to silence, but that does seem to be the outcome from the way in which this new section is drafted. So I have read onto the record the Victorian Aboriginal Legal Service's concerns, and I look forward to the government's response on those matters.

On to perhaps less controversial changes—hopefully less controversial changes—the changes to image-based sexual offences: the government has taken these out of the Summary Offences Act and put them into the Crimes Act, which makes them indictable offences. What does that mean? It means that you are looking at more serious penalties, so from two to three years maximum in terms of a number of offences. It also means that police would arguably have greater investigative powers, because when they are investigating indictable offences they generally have more powers than they do if they are investigating summary offences. I understand from the bill briefing—and I am very grateful to the Attorney's office for the bill briefing—that it was the primary motivation behind the decision to move image-based sexual offences from the Summary Offences Act to the Crimes Act. It is not so much about increasing the penalties, even if it does that; it is more about providing police with greater investigatory powers.

It also deals with what is known as 'deepfake porn', which is I think where people's faces are digitally manipulated and put onto the images of other people engaged in pornographic acts to give the impression that it is that person who is engaging in those acts. Of course this all turns on the question of: is something contrary to community standards of acceptable conduct? That is always an issue. It is probably easy in some ways for the Parliament to put in a catch-all term like that and leave it to the courts to actually determine what community standards of acceptable conduct are at a particular point

in time. There has been some feedback from Liberty Victoria, the Law Institute of Victoria and others. The LIV says, and I should quote them so I am not misquoting them:

While the LIV supports efforts to tackle IBSA—  
image-based sexual abuse offences—

... it cautions against pursuing a strategy that primarily relies on criminalisation to reduce its incidence. The LIV does not consider criminalisation to be an effective strategy to what is a complex, gendered phenomenon that is being increasingly perpetrated by children and young people—many of whom are ignorant of the gravity of their actions and the fact that those actions may be criminal. The LIV submits that criminal justice responses should be weighted in favour of rehabilitation and education, rather than on deterrence—a position supported by sentencing principles.

This is a vexed issue. You can see that the LIV is saying that often it is young people who might engage in this sort of conduct, but it is a criminal offence—it should be a crime—and I do support ensuring there are proper criminal sanctions in place. What I would say is that I would hope that police and other prosecuting authorities would reserve prosecution for the sorts of cases where there is malicious intent involved, because where there is ignorance involved—and the feedback, whether it is from the LIV or Liberty Victoria or the Victorian Aboriginal Legal Service, is that often there is no malice involved in some of this conduct, it is stupidity, it is ignorance and it is young people who do not realise the gravity of what they are doing—this is one of those areas of law where I think we do rely on prosecuting authorities to bring an element of sense. There will be some actions which by their nature—the malicious motivations or the harm that is done—do deserve to be pursued criminally. There will be other opportunities perhaps where diversion, education and rehabilitation might be the better outcome for everyone.

To those who say that these perhaps should not be crimes, I disagree. I think the sort of harm that can be put onto individuals through image-based sexual offences can be heinous, and it is appropriate that these be elevated into the Crimes Act, but the way in which individual cases are dealt with does obviously need a good dose of common sense along the way.

There are a number of changes to jury directions in part 4 of the bill. There has been some concern that the changes to jury directions complicate what is already a very complicated area of the law. Having read through some recent Court of Appeal and even High Court decisions, so many of the appeals there are based on the adequacy or otherwise of jury directions given by judges in criminal trials. I understand what the government is seeking to do with these measures. I would just ask the government to be very, very careful that the government does not make so complicated what is already a very complicated area of law, which might just simply lead to more confusion, more appeals and more delays in finalisation of matters, which is in the interests of nobody—not the system, not complainants and not defendants either.

The opposition will not be opposing this bill. We will be potentially looking at amendments in the other place in line with some of the concerns that have been raised by reputable legal organisations, because I do think that there is a unanimous view that our sexual offences laws can be better and should be better. We just need to make sure we get the detail right so that we do not inadvertently make life even harder for those who are most deserving of our protection—victims of sexual offences.

**Ms HUTCHINS** (Sydenham—Minister for Education, Minister for Women) (10:35): I am proud to be speaking on this bill today, because ensuring women have the right to sexual and reproductive justice is a really important step in our state's continued effort to achieve gender equality. In response to key findings from the Victorian Law Reform Commission's (VLRC) report *Improving the Justice System Response to Sexual Offences*, this bill adopts an affirmative consent model, which means a person must confirm they have received consent, shifting scrutiny from the actions of the victim-survivor to those of the accused. Consent must be communicated; it cannot be assumed.

This bill also amends laws to make it explicit that stealthing—that is, removing a condom without the other person's consent—is also a crime. An underlying factor that plays a critical role in the occurrence

of stealthing is gender and power. Stealthing breaches trust. It jeopardises people's sexual and reproductive health. It can cause significant harm and trauma, including sexually transmitted diseases, unplanned pregnancies and psychological distress.

The opposition have critiqued some of the definitions that are here in this bill, particularly around the general amendments regarding the definition of 'consent' and new section 36AA(1). I will just put on the record that our wording around this is absolutely consistent with other jurisdictions, and that is why it is reflected in this way in the bill. There are other states that have forged ahead in this space and done a tremendous amount of work that has been in place for some time, and those laws have been tested. We are basically falling into line and being consistent with other jurisdictions on that definition.

In my previous portfolio as Minister for Victim Support I was constantly amazed by the passion, the expertise and the dedication of victim representatives of the Victims of Crime Consultative Committee. Members of the committee continued to be so generous in sharing their time and their very, very personal lived experiences, which have been absolutely instrumental in developing these laws. I thank them for their very, very committed time and their passion. The committee has been with us on this journey to reform since the VLRC released its report *Improving the Justice System Response to Sexual Offences*, and from my experience developing, introducing and passing the Victims of Crime (Financial Assistance Scheme) Bill 2022, I know how powerful their voices are. So a big shout-out to all of the members of the committee, in particular Cathy, Melinda, Sandra, Thomas, Jaylee and Russell, for their work.

The VLRC's *Improving the Justice System Response to Sexual Offences* report also highlights the need for wideranging reform. It found that sexual offences are widespread and are significantly under-reported. Many of us as MPs have heard firsthand accounts from women who have come to us to report in the confines of our offices but were too afraid to make a claim with the police. Even when reports are made, many cases do not make it to court, and even fewer result in a conviction.

This bill is just the beginning of a long reform journey, and we know education is central to the conversation. As announced in the 2022–23 state budget, the government will work with local organisations and specialist services to deliver community-based consent education. We are very proud of this commitment. This will complement existing education initiatives like the Respectful Relationships program, which runs in schools. The Royal Commission into Family Violence identified the critical role that schools and early childhood have in creating a culture of respect to change the story of family violence for future generations, and in 2016 Respectful Relationships education became a core component of the Victorian curriculum from foundation to year 12. It is being taught at all government and Catholic schools and many independent schools. We know that changes in attitude and behaviours can be achieved when positive attitudes, behaviours and equality are embedded in our education settings.

Just as with other major social and health issues such as smoking and reform in road tolls, evidence shows us that gender-based violence can be prevented by working with the whole of our community. All secondary school students learn about and explore the relationship between gender and power, consent, the way gender stereotypes and behaviours can lead to unhealthy relationships, or coping strategies for people in situations where they need them. This consequential education means that we can make lasting change and create a more equal and respectful community and prevent this sort of sexual abuse from happening.

I also would like to acknowledge the work of Respect Victoria. They have been undertaking efforts to stop violence before it starts by changing the culture that allows it to happen. It is a mammoth task which they are taking on with a vengeance. I also acknowledge the work that has been done by so many women's health organisations out there that have been working in this space for so many years.

In addition to legislating affirmative consent there is an unequivocal enshrining of stealthing as a crime, which this bill includes. There are stronger laws to target image-based sexual abuse, which



includes taking intimate videos of someone without their consent and distributing or threatening to distribute intimate images, including deepfake porn—it is absolutely astounding how widespread this is amongst particularly teenagers across our state at the moment.

As the VLRC recommended, the bill will take the existing offences from the Summary Offences Act 1966 and elevate them to the Crimes Act 1958, where they can be tried at higher courts and with higher potential penalties where appropriate. It includes a new provision for prosecution for historical sexual offences, including the new jury directions to address common misconceptions about sexual violence and proof beyond reasonable doubt. It requires respectful questioning of complainants in sexual offence trials and strengthens pre-trial cross-examination protections for complainants. This is something that I heard time and time again as Minister for Victim Support—it was strongly, strongly needed. It empowers complainants to participate in applications for disclosure of their confidential communications, and it protects health information in sexual offence cases.

We know that this is hard work. Keeping perpetrators accountable and ensuring victim-survivors have justice does not happen in a vacuum. I would like to acknowledge the hard work of our women's family violence, sexual assault and feminist organisations, who have educated so many on affirmative consent and continue to fight for the protection of women's sexual and reproductive rights and for the protection and safety of women. I would also like to acknowledge and thank the continued work of the Victim Survivors' Advisory Council, led by Jennifer and Geraldine. VSAC represents the lived experiences of people of different ages, genders and demographics all across Victoria. For over five years this council has played a crucial role in our government's reform agenda in family violence and gender-based violence. As they advised me in my previous role as Minister for Prevention of Family Violence, I am very thankful for their openness and honesty and fearless advice as well. I recommend support for the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022.

**Ms KEALY (Lowan) (10:44):** I rise today to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. This bill has three main elements to it, although there are other aspects of amendment included in the legislation. Those three purposes are firstly, to implement the 13 recommendations of the Victorian Law Reform Commission's report, *Improving the Justice System Response to Sexual Offences*, especially in relation to consent and sexual offences; secondly, to elevate image-based sexual offences into the Crimes Act 1958 from the Summary Offences Act 1966—then they become indictable rather than summary offences; and thirdly, to introduce or temporarily continue measures to enhance court efficiency.

The past two years of the pandemic have had a dreadful impact on the sexual safety of women and children right across Victoria. We saw a record number of sexual offences in Victoria in 2021, the very most recent data that is available, with 9620 offences recorded against mostly women and children but also men as well. It is just an indictment on this state that we would allow loopholes in legislation and that we would allow decisions around lockdowns and restrictions which were known would have such an incredible impact on the mental health of Victorians and on the opportunities for family violence to be dreadfully exacerbated and on the opportunities for sexual assault to be exacerbated—and that this was never taken into consideration. I am very angry that these impacts of lockdowns and restrictions were not taken into account when the lockdowns and restrictions were put in place, because there is more than just the spread of a virus. There is actually the spread of an epidemic of sexual violence against women and children that arose from those mandates.

There was also in 2021 a spike in incest and a spike in sexual offences against children. There was a record total number of sexual offences in Victoria, which includes rape, indecent assault, incest, sexual offences against children and other sex offences. So while we are seeing legislation come through today, what I call for, for any future government, is that when you are making critical decisions which you know are having a secondary impact on sexual assault and sexual violence and you know are having an impact on the mental health of Victorians, that is immediately taken into consideration to make sure that that harm is minimised, because the result of this is not something that is just a number. These are thousands of Victorians who have been sexually assaulted in the past year, many of whom

need not have been sexually assaulted—it was just they were in a scenario that was put upon them by the Andrews Labor government.

*Members interjecting.*

**Ms KEALY:** I note the interjections from Labor MPs, who seemed to be defending the fact that you can make mandates for lockdowns and restrictions and turn a blind eye to the impact they have on sexual violence in the home. That is absolutely disgusting because the statistics actually show that there was a massive increase. It has been on the record—there are many, many research papers around it. It had a direct impact on the rate of family violence, it had a direct impact on the rate of incest and it had a direct impact on sexual violence against children, and that is wrong; that is very, very wrong.

**A member** interjected.

**Ms KEALY:** I agree—it is totally offensive, because it should never, ever have happened.

I strongly support the changes in this bill in regard to stealthing. I note that Labor's Sex Work Decriminalisation Bill 2021 amended elements around stealthing so that stealthing for sex workers was no longer an offence. Therefore I welcome the fact that stealthing will again be seen as an offence not just for sex workers but also for women and men across the state. I have spoken to women who have been the victims of stealthing. They were in an environment where they had consented to a sexual activity and then found out that the man had removed his condom and were then left feeling complete and utter guilt and the weight of uncertainty around whether they had a risk of pregnancy or whether they had a risk of getting a sexually transmitted disease. There is the guilt around just having sex in the first place because they feel like it was an enormous violation of not just their sexual safety but their emotional safety. And that the respect from someone who you enter an intimate relationship with would be abused in that time when you should be most respectful of each other's company—it is disgraceful that that happens. Absolutely there should be many, many more efforts made to stop these issues from occurring in the first place, but we also need to make sure we have got the legislative framework to back them up. So I am pleased to see that Labor have seen the error of their ways in removing stealthing from the Sex Work Decriminalisation Act 2022—the bill was debated in this chamber in October of last year. It is welcomed that stealthing will again be an offence and has been broadened beyond sex workers to also include all Victorians.

The second main element of this legislation is around consent. This is very, very important. There are issues which have been raised by the Shadow Attorney-General in his lead speech, and I back those up. There are significant concerns that have been raised around the legislation by highly respected institutions, including the Law Institute of Victoria. Their concerns and the issue I have around it is that it may actually inadvertently create a heavier threshold for women to prove consent—as opposed to what the intention is—because:

... the amendment carries significant risks. One grave yet real risk is that it will create a new legal meaning of the term 'consent' that is different to, and more onerous than, the existing definition. This is because the act of creating a new legal definition of the term to replace the existing definition clearly signals that the prior legal meaning of the term is defunct. Thus, when called upon to interpret the meaning of 'consent' under the new provisions, courts will be drawn to conclude, in accordance with the principle of statutory interpretation against superfluity, that it has taken on a new meaning, distinguishable from the existing meaning because of the addition of 'voluntary'.

We need to make sure that in this legislation we are not inadvertently enhancing the threshold, making a higher threshold and making it more onerous for women to seek justice when they have been sexually assaulted.

I would also like to refer to the image-based offences. This is being used as a tool to circulate porn or images—it might be the deepfake porn of putting somebody's head on existing pornographic images or videos. It is circulated with usually the one intention of humiliating and demoralising and making a woman feel like they have less power in a relationship, whether that relationship actually exists or not in an intimate sense. That is something that is absolutely unacceptable, because it is not just about

that instantaneous breach of a woman's right to control where her images are retained and where they are circulated and what she consents to around that. It also has enormous long-term impacts of guilt and shame, particularly for younger teen women who feel so much guilt about knowing their parents might see an image, that somebody they actually like or have a relationship with at school might see an image, that somebody in their workplace, for example, might see that image or a sibling might see the image. This just causes so much mental harm—and a weight of guilt—to that individual that they are too often led down a terrible path of mental ill health. Not often but sometimes this leads to suicidal behaviour, self-harm and sometimes completion of suicide. We cannot have that happen. We cannot have a situation where there is risk of women harming themselves and men harming themselves because somebody has circulated an image without their consent.

In the short time I have available I want to reiterate the Liberals' and Nationals' commitment to rolling out a program in Victoria based around the New South Wales sexual assault reporting option program. It is about online reporting immediately after an event has happened. It is an informal approach. I note the member for Brighton is in the chamber. He was a big supporter of this campaign and I congratulate him for bringing this to the party, and we have been able to support that.

Women deserve to have every opportunity to make sure they are safe. We need to make sure, whether it is in legislation, whether it is around providing new electronic devices for informal reporting, whether it is around changes to legislation or making sure that we sign up to the work plan to strengthen criminal justice responses to sexual assault, the Liberals and Nationals will be behind it.

**Ms D'AMBROSIO** (Mill Park—Minister for Energy, Minister for Environment and Climate Action, Minister for Solar Homes) (10:54): I rise to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. This bill is a crucial step in stopping all forms of violence against women. Sexual violence still remains disturbingly prevalent in our state, impacting the safety of women in our communities. For too long the scrutiny in sexual assault matters has rested on the victim.

The onus and the burden of sexual assault matters have rested on the victim. Sexual violence is gendered. Victims are overwhelmingly female, and the perpetrators are overwhelmingly male. The judgement and stigma towards victim-survivors is powerful, both in the courtroom and outside in society. Whether it be from the trivialisation of sexual violence or the belittling of victim-survivors who do speak up, victim-survivors are left questioning 'Was it just a misunderstanding? Was I not clear enough? Was I giving mixed messages?' Strong power imbalances are stopping victim-survivors from coming forward.

We know that this leads to significant under-reporting of sexual violence, and we know that even when they are reported, conviction rates for sexual offences remain unacceptably low. Only one in 23 rape cases that are reported results in a conviction. This bill draws a very clear line in the sand, strengthening our sexual assault laws, providing additional protections for victim-survivors and ensuring that we are holding perpetrators to account for their actions. This bill shifts the scrutiny from victim-survivors onto the perpetrators. Unfortunately we have already seen detractors attacking the bill with simple, reactive and hyperbolic statements, claiming that it will send people to jail for kissing or that now the presumption of innocence is dead—defective statements that highlight exactly the culture and the old ways of thinking that we need to change, and of course the time for change is now. While this bill is just the beginning of a long reform journey, this bill is also an important step in addressing sexual violence and harm across the state.

This bill implements an affirmative consent model, making it clear that everyone has a responsibility to get consent before engaging in sexual activity. Right now under the existing law the prosecution must be able to prove that the accused perpetrator did not have a reasonable belief that the complainant was consenting. The onus is on the victim-survivor to have clearly shown that consent was not given. The focus and the scrutiny in sexual assault cases should not be on what the victim-survivor did to show non-consent. We know from the Victorian Law Reform Commission (VLRC) report that

complaints continue to be questioned on outdated notions about whether they fought back or said no. In a trial it should not be a matter of just, 'What did the victim-survivor do to say no?', but more importantly, 'What did the accused person do to make sure that the other party was consenting both before and during the sexual act?'. This bill ensures that there is a very clear requirement for active consent to be given. The bill will require that for a person's belief in consent to be reasonable that person must have taken steps by saying or doing something to find out if the other person consents. Simply, it must be clear.

The bill adds two new provisions that strengthen the definition of 'consent', making it clear that consent can never be assumed. Firstly, the bill provides that a person does not consent to an act just because they do not resist the act verbally or physically. This is an outdated, ancient definition of 'consent' that will no longer apply. Secondly, the bill makes it explicit that consent is not assumed just because of previous sexual behaviour. Consent is required for each individual act and cannot be assumed just because a person has previously consented. We know that many victim-survivors feel obliged to continue with an act simply because they said yes before. The new provisions will help to overcome pervasive rape myths and stereotypes that the research has shown still impact assessments of consent. Given their significance the government will review the operations of the consent reforms. It is important to allow the new provisions to be applied in practice before review of their effectiveness can be undertaken. This review will also be able to draw upon experiences and learnings in other jurisdictions that have recently undertaken affirmative consent reform.

The bill will add five new circumstances where there is no consent. These will address cases where a person submits to or engages in a sexual act due to force, harm or a fear of force or harm of any kind; coercion or intimidation; abuse of a relationship of authority or trust; false or misleading representations about payment for commercial sexual services; and agreement that a condom will be used when in fact it is not used, removed or tampered with. This of course is widely known as stealthing. These new circumstances recognise the real and often significant power imbalances that exist in relationships. They recognise that harm can be more than just physical. They recognise that the causes of coercion and intimidation in relationships are complex and nuanced. Our consent laws must move beyond outdated stereotypes and outdated understandings of relationships. These new circumstances better reflect reality and the barriers preventing reporting of and conviction of sexual assault. Harm is not just physical. It can include physiological and economic or financial harm and even subtle emotional manipulation which can continue to stigmatise and affect victim-survivors for many, many years.

We know this is especially the case in situations of family violence, where we know perpetrators use coercive and controlling behaviours. They are, however, not just unique to family violence and are features of sexual violence that occur in other settings. One of the new provisions captures situations where a person abuses their position of power in such a way as to cause the other person to feel that they have no choice but to submit. We recognise that consensual relationships can exist where there is some power imbalance, but this provision targets circumstances where that power is abused. The bill makes it clear that if force, harm or any conduct causing fear occurs, consent cannot be given.

I want to make a particular note of the new provision that outlaws stealthing. The bill will make it clear that a person does not consent to an act if they are engaged in the act on the basis that a condom is used and either it is intentionally not used or, before or during the act, it is intentionally removed or tampered with. Stakeholders and those in the community more broadly have made it clear how important this change is. This conduct can cause significant harm and trauma, including sexually transmitted diseases, unplanned pregnancy and psychological distress or fear. Fundamentally the removal of or tampering with a condom without consent is a violation of bodily and sexual autonomy.

Ultimately the goal is to stop sexual violence before it happens in the first place. The changes outlined in this bill are significant, and we do need to ensure that Victorians, especially young adults and teenagers, are aware of the importance of consent. These reforms, when understood, have the potential to change people's behaviours and attitudes, profoundly supporting our efforts to prevent sexual

violence in the first place. We have already announced in the past budget that the government will work with local organisations and specialist services to deliver community-based consent education. This will ensure affirmative consent is understood, supported and adopted by Victorians, helping to create real societal shifts and change in the perceptions of consent. This, alongside programs such as Respectful Relationships in schools, will help embed a culture of consent and respect in young people across the state. This bill is an important opportunity to formally redefine the meaning of consent and by extension shift community attitudes towards sexual offences.

These reforms are long overdue. This bill fulfils one of the recommendations from the VLRC's *Improving the Justice System Response to Sexual Offences* report, but more than that, it fills a gap in our justice system that victim-survivors, advocates and activists have been fighting against for a long, long time—and I thank them for their advocacy and contribution in the consultation process for this bill. The legislative gap has meant that many instances of sexual violence have gone unreported and unconvicted. This has perpetuated the stigma, the trauma and the suffering of survivors.

In the last few seconds that I have, I do want to thank the so many wonderful women in this government who have gone such a long way in getting this legislation here for us to debate and hopefully pass. This is the strength of the voice of women in government, and we should never forget that. With that carries the experiences of friends and families and relationships that we all have across the board, but ultimately it is this government as a whole that has brought forward this legislation. I commend the bill to the house, and I hope that it passes without any amendments.

**Mr NEWBURY** (Brighton) (11:04): Today is a watershed moment in Victoria. Today this Parliament is seeing legislation that will set a new community standard—a new community standard that will change cultural norms in the ways we can act to stop and prevent sexual violence, not just the things that we can do to assist with reporting but to change cultural standards in a meaningful way at law, and that is what counts. That will make the difference.

During one of the early lockdowns two young girls were raped in one of the local parks in my community, and, without going into details of the crimes, consent was a significant issue. I spoke to one of the victims' family at the time, and her story broke my heart. It was when I first met Chanel Contos, who has been described as—and I think it is probably even an understatement to describe her as—'a young trailblazer who sparked a national reckoning with sexual consent'. We talked about these laws, about these issues and the need to change cultural norms in this space. I spoke to her last night after the journey since, and she is more than happy for me to put her words into *Hansard*: 'Switching the narrative from "no means no" to "only yes means yes" will have a significant effect on reducing sexual violence. The concept of no means no isn't good enough when we don't teach girls and women how to say no. These proposed laws are an important step towards reducing violence in our community, and I hope we see them replicated across Australia'. I think it is important to take a moment to acknowledge Chanel and her work on consent, and the way that she as a young person posted on Instagram about consent. Some of her friends at the time shared her post about issues that they had experienced in terms of sexual violence. She then started a petition amongst young girls—schoolgirls—that today has 45 000 signatures and almost 7000 girls sharing stories of sexual violence. Children are sharing personal stories like that of the girl who was raped in my park.

There are so many strong women who have been behind what we are seeing today who have said we need a new cultural standard, and we need to move from thinking that the concept of no means no is good enough and at law to say that only yes means yes. This bill will have a profound impact on our community, on women and on young girls. It will also have a profound impact on what we teach boys. So I am so proud to stand here today having spoken with Chanel when that horrible incident happened in my park. Being able to bring her into the Parliament and inviting all of you to be briefed by her on these issues, to then help her meet with the executive in New South Wales after the briefing here and then to do the same in the federal government was important. Her comments calling for laws of this nature to be rolled out across Australia are such important calls, because what we are doing today is going to make a difference in Victoria. But we need to make that same difference across Australia,

and I would say to every member in this place it is now not just good enough to help the girls and teach the boys in Victoria. We now need to use our collective voices to continue these reforms in whatever way we can across Australia.

**Ms SPENCE** (Yuroke—Minister for Multicultural Affairs, Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Youth) (11:11): I rise in support of this very important bill, which will strengthen our approach to consent and provide better protections for victim-survivors of sexual offences. Can I at the outset acknowledge the member for Brighton's contribution, Chanel's work and his acknowledgement of the profound impact that this legislation will have. They were very, very insightful words that he shared with us. This bill is particularly important to me as Minister for Prevention of Family Violence, as Minister for Multicultural Affairs and as Minister for Youth because all of these portfolios have intersections with this legislation—from prevention and education to response and of course recognition of the gaps in the existing legislation.

The sad and alarming fact is that sexual violence, abuse and harm are pervasive in Victoria. One in four Australian women over the age of 15 has experienced sexual assault in their lifetime. For some in our community the statistics are even more alarming. Experiences of sexual assault are higher for young women. In 2016 young women aged 15 to 34 accounted for more than half of all police-recorded sexual assault victims. Women with disabilities are two times more likely than women without disabilities to have experienced sexual violence. These rates of sexual violence in our community are completely unacceptable.

At the outset I want to acknowledge the incredible courage of all victim-survivors of sexual violence. Some have shared their stories with us, but many are simply unable to. Every one of these victim-survivors demonstrates bravery that they should never have had to do. We know that victim-survivors of sexual assault delay reporting or may never disclose their experiences. In fact 83 per cent of Australian women did not report their most recent incident of sexual assault to the police. For those sexual assault cases that are reported, only one in 23 results in a conviction. Misconceptions and stigma about sexual violence can result in victim-survivors fearing that they will not be believed, and it is a key factor in women identifying that their experience was sexual assault in the first place. Stigma, shame and discrimination often lead women to not seek appropriate support services when they are victims of sexual assault.

The Royal Commission into Family Violence told us that sexual violence and harm is a common form of family violence and often an indicator of heightened family violence risk and that one in three women has experienced physical and/or sexual violence perpetrated by a man that they know. That is why it is so important that this bill recognises the experience of victim-survivors, making it clear that there can be no consent in circumstances of family violence where a person submits to a sexual act due to force, harm or the fear of force or harm of any kind.

Importantly, this bill introduces the new affirmative consent model. The Victorian Law Reform Commission's report told us that previous reforms to sexual offences law, although significant and important, did not go far enough. The bill addresses those concerns by making clear what consent is, what it is not and the circumstances in which there is no consent. The current law requires the prosecution to prove that an accused person did not have a reasonable belief that the complainant was consenting. Our reforms mean the accused must show active steps were taken to gain consent in every case. This makes clear that consent must be communicated; it cannot be assumed. It represents a fundamental shift away from outdated perceptions. It means questions such as 'What was she wearing?' change to 'What did he or she say?'.

Despite previous reform efforts, there has remained a focus on the complainant's actions or behaviours rather than the accused's actions, and this bill changes that. The amendments introduce new circumstances in which consent cannot be given. We heard from victim-survivors that their capacity to consent was often worn down over time through previous acts of family violence, including an ongoing pattern of coercion and control, and this bill makes it clear that a person cannot consent to a

sexual act because of force, harm or fear of such harm or of coercion or intimidation. The reforms also provide protections for those who have been exploited by people who have power over them, such as in relation to their care, protection or access to health or other services. The amendments also go some way to protecting sex workers, who until now have had limited protections against sexual violence when perpetrators have sought to exploit them by not paying for their services. Importantly, the bill makes the non-consensual removal, non-use or disruption of a condom a crime.

As I mentioned earlier, experiences of sexual assault are higher for young women aged 15 to 34. While legislation is important, we also recognise that the law can sometimes be a blunt instrument, so to change attitudes and behaviours that give rise to sexual violence and harm we need to invest in prevention and education early on, which is why I am pleased as Minister for Prevention of Family Violence we have committed \$4 million to delivering community-based consent education. This will complement our legislative reforms on the ground to make sure that young people better understand consent and better understand sexual violence, how to seek support and their responsibilities under the new law. Programs will be created and piloted by specialist sexual assault family violence and youth services, and they will be tailored to young people from diverse backgrounds who are confronted with unique barriers, experiences and stigmas. Sexual Assault Services Victoria, Youth Affairs Council Victoria and Safe and Equal will provide advice to funded organisations on program implementation and develop resources to make sure that communication of the new legislation is clear and consistent.

Engaging with young people is the key to cultural change in the long term and to breaking the cycle of sexual violence once and for all. Seven years ago we held the first ever Royal Commission into Family Violence. Since then we have been unwavering in our commitment to end family and sexual violence in Victoria. These reforms build on our nation-leading work and over \$3.7 billion of investment to end all forms of family violence. The bill has been informed by the lived experience of victim-survivors and by the expertise of sexual assault and family violence organisations and justice and legal stakeholders. I want to thank all victim-survivors of family and sexual violence who have shared their stories with us with the greatest of bravery. Their contributions have made a real difference in the building of a justice and support system which is accessible and safe for all.

We are committed to preventing and responding to sexual assault and to keeping victim-survivor voices at the heart of everything that we do. We know that there is still plenty of work left to do, and the Andrews Labor government is committed to doing it. For too long victim-survivors have lived, too often silently, with the weight and trauma of sexual violence. Today we deliver reform to assist them in getting the justice they deserve. I commend the bill to the house.

**Mr SOUTHWICK** (Caulfield) (11:19): It is a pleasure to rise and speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, and at the outset I want to commend my colleague and friend the member for Brighton for bravely speaking up about something that I know he feels very personally about and that he and I have both worked very closely on: to change the laws to protect women and to ensure that women have a voice and women feel supported and that women are supported at every single stage through the process of sexual assault. On 18 April 2021, a few weeks after a conversation that the member for Brighton organised for members of Parliament with Chanel Contos to talk about sexual reporting and ensuring that informal reporting of sexual assault was something that could be changed in Victoria, where we listened and we asked questions, we went to Dendy Park to say that the Liberals would support a policy that provided informal reporting for women. At that press conference just coincidentally a woman by the name of Nadine came past and she said, 'What are you doing? What's with all the cameras?'. I explained it to her, and she said that she was a rape victim 20-plus years ago, was not supported and did not feel comfortable to come forward and shared how important these laws would be. After that discussion she not only gave her story to us but shared with ABC and everybody else why it was important to be able to have such laws to ensure, when women finally had that opportunity to come forward, they could do it on their terms. That is what informal reporting has always been about, women's terms—not to do it on police's, the law's or the justice system's terms but to do it on their terms. For many it might not even lead to

prosecution, but it is about being able to have a conversation, put the information on record, get the support and then allow that victim to have that opportunity of being able to be heard and to run the process in their way on their terms.

I am very, very pleased. This is a great day. There are times when we do argue and fight, and this is not one of them. This is one for which we are absolutely on a unity ticket, when it comes to these things. We really, absolutely are, despite individuals that may interject in terms of what they might think of me. I can tell you about this stuff from having a young daughter and having seen people who experienced rape and certainly talked to me. Having a young son, we talk about this stuff all the time. We had a conversation on the legislation about stealthing, which quite frankly I did not understand. When Chanel Contos invited me to go onto a Zoom with a number of attorneys, I asked him about it as a young 20-year-old boy, and he explained it all to me. It then gave me the opportunity to contribute and listen to the discussion about what is happening around the state, and that is why this is so important. The figures are alarming: one in three women and one in five men in Australia have been victims of stealthing, but it is not a criminal offence everywhere in Australia—one in three women and one in five men. That has got to change. That has to change.

Despite one's politics and despite one's views on this stuff, we need to be on an absolute unity ticket. As the member for Brighton said before, there have been campaigns around 'no means no'. What Chanel Contos quite rightly said is it is about 'yes'. It is about giving permission, not having somebody feel that there is peer group pressure about what is going to happen or that they are in a vulnerable, difficult situation at the time and then live a life of fear, uncertainty and regret. Women quite frankly need to be supported, and as I say, there are men that have also experienced that stealthing situation who also should be supported. This is important. It is an important change. It is about education, but it is also about consequences. We need to educate more. I commend Chanel Contos and her crusade to educate, to inform and to change the law—to ensure that we do these things that support everybody, that educate everybody and that make changes not for today or tomorrow but for a lifetime. That is why I support these changes today. It is a big day. It is an important day. It is legislation like this that certainly gets me up every day, because I think in here sometimes we talk about trivial things, but today this is not one of them.

**Ms WILLIAMS** (Dandenong—Minister for Mental Health, Minister for Treaty and First Peoples) (11:26): Today it is my great pleasure to rise in support of the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, which as we have heard from a number of speakers now will deliver critical improvements to the way our justice system operates to support victim-survivors of sexual violence. As we have heard from others' contributions from both sides of the house, sexual violence is an insidious issue. It is still far too prevalent in our community, and moving through the justice system—we have all learned from our constituencies, I think—is still far too traumatic for victim-survivors. At the outset I want to make one point really clear: this bill is not just about the sterile machinations of our legal system, it is about people. It is about people who have been unnecessarily traumatised by something that should never have been able to happen to them in the first place.

I want to get out of the way a bit of negativity to start with, I guess, and that is to reflect on some comments made by the member for Malvern, who was very quick to tell victim-survivors, predominantly women, what they should and should not regard as assault. But here is what I think the member for Malvern needs to remember, and that is that victim-survivors and in actual fact most women know exactly what sexual assault is and how it makes them feel. For too long victims have been silenced by the kind of attitude that was demonstrated by the member for Malvern. It is not good enough in this day and age—it is just not. And the reality is it never was good enough. It was never good enough, which is why we are still talking about the rates of sexual violence being perpetrated in our community that we are today. It is why we still in our constituency offices come across these stories, why we still see that trauma every day and why that trauma is still being lived out in our communities each and every day, often silently. In contrast though, I want to commend the



contributions in particular of the member for Brighton and also of the member for Caulfield—people, I know, who spoke very earnestly and genuinely in their commitment on this issue.

One in five women, as we have heard, have experienced sexual violence since the age of 15. We know that for some women those statistics are even worse. If she is Aboriginal, a woman with a disability or from a culturally and linguistically diverse background, those statistics are even more alarming than what I think as a baseline is an alarming statistic. Victim-survivors of sexual violence are sadly a very significant proportion of our community. They are our family members and our friends and they are in this place, and we should never forget that. They have always been out there, and they have always been in this place. Today and every day they have been out there and in this place, and we should never forget that. So thank you to those in this place who have been so respectful in their contributions, because that makes a world of difference when we know we are having these discussions among those who have lived through the very issue that we are talking about. Thank you.

As we have heard, 85 per cent of victims of sexual violence will not report their experiences to police. Half of victims will never report it to anyone. I want to acknowledge each and every victim-survivor of sexual violence in our community—as I have outlined, many who live silently with this trauma every day without us ever knowing, without anybody ever knowing. This reform is wholeheartedly for you. I also want to thank all of those victim-survivors who participated in the consultation on this bill. I know that this advocacy, the sharing of personal trauma, comes at an enormous personal cost. It is not easy to reach out and convey to a virtual stranger something that has been so damaging to you and to share an experience that has fundamentally changed you, especially to a minister or an MP, let alone the public at large, through these processes.

I want to thank those who made that effort and acknowledge that each of those conversations take some time to recover from. We should never be flippant about the courage of sharing one's story and the personal cost of sharing one's story. Reliving your own personal trauma to ensure that others never have to experience that trauma is one of the greatest acts of public service that I can imagine and one of the greatest acts of generosity. For anyone watching today—and I know some will be who have been tracking this legislation and advocating for it for a very long time—I know listening to these debates in itself can be traumatic and triggering. I hope that you know support is available, and I hope that you have some pride in the fact that the Victorian Parliament is now seeking to take such an important step forward.

We cannot talk about this bill without talking about the context within which it arises. Eighty-seven per cent of victims of sexual violence experience that violence from someone known to them. Forty-six per cent of women who experience sexual assault do so from an intimate partner. This is rarely an issue perpetrated by a stranger lurking in the shadows. It is so often perpetrated by people we know: our friends, our colleagues, indeed sometimes even our family—people we trust. In these debates we often hear much discussion around justice and rights and freedoms. But women's rights are human rights, and that is what we are talking about today: the rights to live safely, to bodily autonomy, to respect. Man or woman, any victim, any member of our community, need to know that they have the right to determine what can and cannot be done to them, and consent is a key part of that.

While it is absolutely a gendered issue most of the time, we also in that frame should acknowledge that the leading law and order issue in our state at the moment and the leading contributor to death, disability and illness for women is violence against women. It is the leading cause of death, disability and illness for woman aged between 15 and 45. This kind of violence—often we are talking about it as family violence, but often inherent within that is a fair component of sexual violence—occupies the overwhelming majority of our police time, and from that there is an entire service system that needs to then step in and deal with that trauma as well. I was recently in Phillip Island speaking to an officer there who was telling me that family violence or gendered violence call-outs are about 85 per cent of his work. That is alarming. Sadly it not unusual that that is the case for Victoria Police across our state.

Often within those stories—and I reflect on this as a former Minister for Prevention of Family Violence—the sexual violence elements do not really get much of a mention. The emphasis is on so many other acts of coercion and violence that often the sexual violence that can be inherent within those relationships is overlooked. But it is there a lot of the time, and so it pays to remember that as well. It is obviously why six years ago we held a Royal Commission into Family Violence and it is why we have invested over \$3.5 billion to implement every single one of its recommendations. We knew it would not be easy work and we knew it would not be quick, but it had to be done.

One really important outcome of the royal commission is the shift in the conversation that it has led to—the shift in the conversation around a great many things but in particular around gender equality. The royal commission took gender equality and gendered violence out of an academic frame and made it a mainstream conversation, and I think that has been absolutely for the better. It has linked attitudes to outcomes. It has told us that attitudes towards women count for outcomes for women—that those two things are directly linked. That conversation has enabled the Gender Equality Act 2020 and a gender equality commissioner. It has enabled Respectful Relationships and mandatory consent education to be rolled out in every Victorian government school. And now it has enabled a bigger conversation about sexual violence, something that in many respects was slower to emerge. It was still stigmatised. People still found it uncomfortable and difficult to grapple with, but over the last 18 months we have heard loud and clear that the community are ready to have this conversation and they want to have it now. We have heard about wonderful people like Chanel Contos and others who have brought this conversation to our doorsteps and made sure that we are having it in this place, in these corridors, and that, most importantly, we are having it in this chamber, where we can make meaningful changes.

On the back of great personal tragedy, injustice and heartache victim-survivors have brought this issue to us and with great bravery. They showed us that gender inequality is still deeply entrenched in all aspects of our communities—in our homes, our workplaces, our university campuses, our courts and also our parliaments. As many of us marched across the country in recent times we said ‘Enough’. Now, though, most importantly, we are acting. We are making the change that so many have called on us to make. As we know—I have only got a few seconds left, and I am not going to waste them going through the details of the bill—this is an affirmative consent model that, as the member for Brighton said, makes it clear that ‘no means no’ is not enough. This is about affirmative consent, and this will make real and meaningful change for many across our community. I commend the bill to the house.

**Dr READ** (Brunswick) (11:36): I am pleased to be able to speak on behalf of the Greens on this important bill, and from the outset I would like to acknowledge and thank the many survivors and advocates who have campaigned for change, particularly Saxon Mullins, who was a driving force for the introduction of these laws around Australia through sharing her story on *Four Corners*. Her bravery in speaking out is inspiring.

The reforms in this bill respond to the Victorian Law Reform Commission’s 2021 report *Improving the Justice System Response to Sexual Offences*. That in turn followed similar reviews and legislative reforms that had already occurred in New South Wales, Tasmania and the ACT and that are underway in Queensland and WA, so there is some national uniformity on updating and improving the law’s response to sexual violence. Most of us would agree that criminal law continues to fail victim-survivors of sexual violence and that disproportionately affects women and children. One in five women in Australia reports that they have experienced sexual violence. It is estimated that over a quarter of girls may have experienced some form of sexual abuse, and of all sexual offence victims recorded by the Victorian police for the most recent 12-month data available, 86 per cent were women.

These statistics may be sobering, but they are still an understatement of the prevalence of sexual violence in our community. Consider that the Victorian Law Reform Commission noted that about 87 per cent of people who experienced sexual violence do not report it to the police, and part of the reason for the under-reporting is that too many victim-survivors have been completely let down by the justice system. For example, where establishing an offence is focused on whether the accused had a

reasonable belief in the other person's consent, this too often shifts the focus onto the victim-survivor's behaviours and what they did or did not do to indicate consent. While examining this question may be currently necessary in a legal sense, I completely understand why a victim-survivor of a horrendous crime may feel being questioned about their own actions would simply be too traumatic. On the other hand, the law reform commission found that establishing whether the accused had actually done anything to find out whether the other person consented was rarely considered in sexual offence trials, so there is an obvious inequality here. The Victorian Greens support the shift in this bill to a model of affirmative consent to require a person to take active steps to confirm that they have received consent for sexual activity.

Others today have well summarised how the definition of consent will be extended and applied, so I will not repeat this in my contribution. One aspect that I will focus on, however, is the listing of stealthing as a specific circumstance where a person does not consent. Stealthing defined as 'the act of tampering, removing or not using a condom where there was a belief a condom would be used' is a relatively new concept, and until recently there were no data on the frequency of this behaviour. Dr Rosie Latimer during her PhD studies at Melbourne Sexual Health Centre published the first study of this sort in the scientific journal *PLOS One* four years ago, and I am proud to say I worked on the study with her. More than 2000 women and gay or bisexual men attending the centre over a two-month period completed a questionnaire asking about their experience of stealthing. Four per cent of women and 3 per cent of gay men were attending the clinic on that day as a result of a stealthing episode, but almost a third of women and one in five gay men had experienced it at some time in their past. So even bearing in mind that this survey was conducted in the waiting room of the Melbourne Sexual Health Centre, stealthing is clearly a common practice, and with this legislation it is about to become a crime. Three-quarters of women in this study felt that their partner was intoxicated at the time, raising the importance of alcohol and other drugs in impairing judgement. Also there is the propensity for alcohol to contribute to stealthing via erectile dysfunction, which is associated with increased unprotected sex. For more details on this please read this study in the open-access journal *PLOS One*. None of these points, however, make it any less important to obtain consent and to communicate about these issues before and if necessary during sex. They do emphasise the need, though, for considerable communication and community education about this change to the law. The Greens are also pleased to see stealthing is explicitly included rather than referred to somehow indirectly.

The bill also amends Victoria's existing image-based sexual offences—those related to the production, distribution and threat to distribute an intimate image. Like many sexual offences, these disproportionately impact younger people, people with disability, First Nations people and LGBTIQI people. We are further pleased that the bill addresses the impact of the offence on the latter group by specifying that intimate images will include an image that depicts the breasts of a transgender or intersex person identifying as female. I would note, however, that as I and my Greens colleagues have heard from Equality Australia and from the Victorian Pride Lobby, the language of 'transgender or intersex person identifying as female' is not inclusive. This language was adopted as it is consistent with laws in the ACT, New South Wales, Northern Territory, Queensland and WA. However, not all of these jurisdictions allow people to identify as non-binary or use self-defined gender markers like in Victoria, meaning that these provisions are not a great example for our state to adopt. A more inclusive provision should include 'all people with breasts as well as the chest area of transgender men and non-binary people'. The Greens will look to amend this language in the upper house.

While the Greens support this bill, we want to acknowledge that this is a challenging area of law reform and there are a number of legitimate concerns from legal experts and others. The Victorian Greens recognise that the law is an imprecise and imperfect instrument. Unfortunately, rarely does it alone influence behavioural change, and rarer still does it ever eliminate a problem. Too frequently it contributes to the creation of new or unforeseen problems. As the Minister for Victim Support noted in her second-reading speech, our goal should ultimately be the eradication of sexual violence. While the reforms in this bill are important, the criminal justice system will not achieve this. This was recognised both by the Victorian Law Reform Commission and Liberty Victoria, whose submission states:

Often the criminal justice system is ill-equipped, even with the best endeavours of legislators, judicial officers and legal practitioners, to provide just outcomes that are fair to complainants and accused persons. Sexual offences cases are often fraught, regularly considering events having occurred a long time ago, in circumstances where there is often limited if any corroborative evidence, and where there is often a clear conflict in the evidence of the complainant and the accused person in circumstances where the fact-finder needs to be satisfied beyond reasonable doubt of the elements of the offence. In part, that is why other avenues such as restorative justice may provide the best outcome for both complainants and accused persons in some cases.

Liberty Victoria has also contacted my office with some concerns about how the changes to sexual offences in this bill will work in practice. They noted that:

It is our view that attempting to use the criminal justice system to drive changes in sexual behaviour is fraught, especially given the potentially punitive penalties for being found to have committed sexual offences.

They have flagged that the amendments may disproportionately affect teenagers and young adults who are in the often messy process of exploring their sexuality and relationships. They have also raised concerns that these amendments risk undermining the presumption of innocence, which is a fundamental principle in our justice system, by placing such a focus on the actions of the accused.

I have also heard from LGBTIQI groups that such changes may inadvertently criminalise some of the specific sexual circumstances encountered by these groups where at the same time there is no question of issues with consent. While we support the bill, we do acknowledge that these are legitimate questions that should be raised and discussed when undertaking major criminal law reform, and we think it is appropriate that all MPs work with the Attorney-General in the other place in clarifying specific issues and clauses in the bill.

We also understand that the reforms in this bill are the first stage in the government's response to the VLRC report and that they have recognised that there is much more to do to address sexual violence and empower victim-survivors. So we look forward to seeing further consultation with victim-survivors, victim-survivor advocates and key stakeholders to ensure there is a full response, because in many ways changing a law is easy compared to the broader work that needs to be done. Unfortunately this bill is just a first step—it does not represent the end of sexual offending and sexual assaults—there will be more reforms needed, and the road to cultural and behavioural change will be a long one. We support this bill, but we further support all of us in politics continuing to work together towards the eradication of sexual violence.

**Ms RICHARDS** (Cranbourne) (11:46): I am pleased to have the opportunity to rise today to make a contribution on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022 and recognise that this bill makes changes to the Crimes Act 1958 to introduce a suite of reforms that are important to deliver justice for victim-survivors of sexual violence. Before I continue, I am going to flag with those in the house and those potentially listening at home that there are, as part of these contributions, inevitably mentions of sexual violence, assault, stealthing and family violence. These are really incredibly difficult subject matters, and I implore people to just be cautious about how they listen to the material that is being debated and also pay credit to the victim-survivors and victim-survivors' family members and know that this legislation, this bill, and our contributions—and I say 'our contributions' meaning all of our contributions—do very much have concern with victim-survivors at the heart of the way we speak about important reforms.

This bill is a significant step towards justice and protection for the community against sexual violence. This government's law reform agenda has put nuance, sensitivity and the reality of sexual violence front and centre, and it shows in this bill. I do think this is probably one of the days when we see the best of us, when contributions are cautious and considered and do very much take account of the pain that so many people have endured as well as our evolution as a community. I reflect on my own evolution, and I think of the evolution of many of us as we understand much more about what was not just complex but what was unacceptable behaviour and what we now know to have been unacceptable behaviour all along. But perhaps many are having to keep our minds open, and I know in my own case, with the young people in my life, the way that they have challenged us, challenged me and

challenged many of the people in their lives about some of the long-held preconceptions we have around what is acceptable and what is not. So this legislation and the debate are a credit to, for many of us, the young people who are in our community, take leadership and challenge us all the time, reminding us that we can do better.

I think that the contributions from the Minister for Mental Health, who was the speaker just before me, and the member for Brunswick were really important, but I do want to also highlight the current Minister for Prevention of Family Violence and the important work that she is doing not just in her current portfolio but in the portfolio she has had for a long time in considering how to make sure that our culturally diverse communities are also listened to and empowered to make decisions that are appropriate. That was a really important contribution as well. We heard from the Minister for Energy. The way she spoke about having women at the decision-making table is one of the most powerful reasons for change. We see that in this Parliament all the time. We certainly see it here. Having women in the Parliament, having women at the cabinet table makes a difference. I am going to pay credit just for a moment to the many people who have brought this bill to us. I thank the Attorney-General but also the Minister for Women for the contribution she made earlier and the work that has gone into this; also the Minister for Corrections—I will be a little bit smoother with her title in the future, I promise.

This bill implements an affirmative consent model and ensures the definition of consent is to a free and voluntary agreement. It criminalises the despicable and, frankly, disgusting practice of stealthing. I was interested to hear the contribution from the member for Brunswick. I am appreciative of the opportunity to be able to explore that a little bit more, and I pay credit to his professional experience and the work that he has done in a previous life. It is important to consider some of the research, and I think that that was compelling as well. The bill includes a new interpretive provision to facilitate prosecutions for historical sexual offending and introduces a range of reforms to address jury directions, questioning of complainants and disclosure and pre-trial protections for complainants in sexual offence trials. Importantly, this bill will also assist the courts to address backlogs by extending COVID-19-related measures to open courts and court security.

Of course our government held a Royal Commission into Family Violence and has adopted every recommendation. It is just one of the most extraordinary and progressive decisions. I know jurisdictions around the country and around the world have looked to the way that Victoria has responded to what we know to be the greatest law and order challenge of our time. This year's budget committed \$46.9 million to support victims of sexual violence and harm.

I have spoken often about the role my mother played, who is 90 now and a bit crook but still continuing to learn a lot about the world—to learn the ukulele in fact. She was one of the really early family violence workers and was at the coalface for the City of Monash over many years as I was growing up. Again, she was challenging us and our understanding of what family violence means and what sexual violence means—a woman well ahead of her time. I do pay credit to the many women who have had to take us through our understandings and challenge us. I really cannot emphasise enough the importance of the young people in our lives and in my life and some of the really difficult conversations I have had and have had to be party to, where we have discussed what is normalised and what behaviour is acceptable. This legislation is something that we can leave as a really important legacy to our future generations, a legacy where we do recognise change is really important.

The bill is a recognition that there is no place for sexual violence of any kind in Victoria—again, that understanding from the Minister for Mental Health about what family violence is. When I was growing up there was this idea of stranger danger, of a person that we did not know being the one that was most likely to be a perpetrator, or there was this dramatic event—that sort of understanding, like what we would see in a movie or read about in some sort of salacious report. But actually it is so much more important—so much more implicit than that, so much more dangerous and so much more prevalent. The data is extraordinary. One in 23 rape cases that are reported result in conviction. Sexual violence continues to be prevalent. It is unacceptable. It is an imposition on our safety, and as we heard before,

it is an imposition on our health and it is an imposition on women's futures because it is most likely women and children who are at risk.

This bill is the beginning of a long journey, and it does acquit several critical Victorian Law Reform Commission recommendations. I can see the work that the Attorney, the minister's office and departments have put into this response is something that we can be very proud of, because it is looking at how we can recognise the reality that family violence and intimidation manifest in many forms and can involve psychological abuse, economic or financial abuse, reputational harm, harm to families and harm to community relationships.

It touches the lives of too many people in the community that I represent, and I do pay credit to Relationships Australia, who I know have done a power of work in Cranbourne, and also to the Orange Door in Cranbourne. Also I would like to recognise the Sikh Australian Support for Family Violence group. The SASFV defines itself with the goal of creating healthier, happier families. Jasbir Singh Suropada is somebody well known to so many in our community, and he is doing really important work that has a good, sound foundation in science, in fact and in best practice. I would like to thank not just those victim-survivors but the stakeholders. We have moved on so much further than being able to refer to somebody as a sister or a daughter; we actually are people. We do not need to be referred to by our relationships to men. We are people, and we have the right to be safe.

**Ms WARD (Eltham) (11:56):** It is terrific to follow on from the member for Cranbourne and her great contribution, and she is absolutely right: women do deserve to be seen as their own entities, not in terms of their relationships with others. It is true that those with power rarely understand what it is like to be without power. Those who have grown up unconscious of power vested to them solely through the chance of their gender do find it difficult to understand powerlessness. I would urge those opposite to understand what powerlessness looks and feels like.

I am going to talk about an experience I had as a young teenager that I know will be reflected in probably any woman in this place, sadly. At 13 I am at the MCG and I am queuing up to get a hot bucket of chips. There is a bloke behind me, and he decides to rub his groin against my backside. I move. He continues. He persists. I am stuck in a crowd of people. I am 13 years old. I have no voice. I do not know how to say stop. I do not know how to say I do not want this. I do not know how to alert people around me to what I am experiencing. I feel powerlessness. I feel shame. I feel embarrassment. It is an unpleasant experience. We are not taught as young girls how to articulate our feelings ourselves. We are not taught power as young girls. We are not taught assertiveness. We are taught obedience and we are taught to put the feelings, the rights and the needs of others ahead of ourselves. It takes years for women to be able to find our voice, and many women never find that voice, because they are never given that opportunity to empower themselves or feel empowered by people around them. The experience I mentioned was not my first sexual assault and it was not my last, and I know that this is the same as pretty much every woman in this place. We will have experienced a form of sexual assault throughout our lives through men exploiting their own sense of power and their knowledge of women's powerlessness.

I want to go to the member for Malvern and the example that he gave of a partner not knowing whether to kiss a sleeping partner when they woke up the next morning, which I said to him was ridiculous and he continued to go with. In the example given when one person is asleep, a person cannot give consent when they are asleep. This is current law. We are not changing that. It is a ridiculous example, and you know what it is? It is what we call gaslighting. It is when we say, 'No, no, no. You're not right. This isn't what you think. No, no, no. That's not right'. Stop gaslighting women. Stop telling women that their experiences are not right. The member for Malvern took on board my comment 'If you don't know, don't do'. Well, that is it. This is it in a nutshell: if you do not know, do not do. If you are in a relationship with someone where you think they are going to go to a police officer and accuse you of assault because you have kissed them while they were asleep, maybe it is a relationship you should not be in. Maybe that is not a relationship of trust. I would ask those opposite to actually be more guided. I

take on board the comments of the member opposite around the bar association. Let us talk about blokes talking about the rights of other blokes. We are talking about the rights of women to be safe.

I will come back to this example, but I want to talk about the bar association. Let me talk about recent commentary by one of our judges in this state. Let us talk about ‘Intoxication is not an excuse for the purposes of the tribunal’ and that the victim ‘put herself in that position’ and that ‘There’s an old adage that you can’t profit from your own malfeasance’. This judge suggested that when this victim called a sexual assault crisis line the next day she had ‘buyer’s remorse’. A member of our judiciary has these views. So if you want to talk to me about the bar association’s views, I am going to say: ask the women who are the victims. Ask them their views. Ask them how they feel. Ask them what happens to them day after day after day. Consent needs to be clear. If you do not know that consent is given, stop. If you have got any doubt, stop.

I will go back to the member for Malvern’s example. In this hypothetical person B—the person who has been kissed while asleep—needs to make a complaint about person A’s conduct. Examples such as the one given are rarely raised as complaints, and this is why it has not been an issue. Disputes about consent and sleep most often arise when the complainant wakes up thinking that the person penetrating them is their partner when it is someone else and the accused says they thought the complainant had already woken up and was consenting. Often in these cases the alleged act involves penetration rather than sexual touching or even in fact kissing.

Can we just not rely on these gaslighting examples to undermine the need for women to be safe, because women do need to be safe and it is clear that they are not. On both sides of this chamber we have had conversations around the fact that women remain unsafe in our communities. Here in this state, here in this country and around the world there are still men who are abusing their positions of power and taking custody of women’s bodies in any way they see fit. We know this is wrong, we accept this is wrong. It is terrific work that has been done by this government and the ministers responsible and their staff and the department—the extensive consultation that they have done to work through how we can make our laws clearer and how we can give victims a pathway to be heard.

I will go back to the example I gave of me at the MCG. How under the current law could I have shown that I did not give consent when I did not say anything? When I moved away, the only person who would have known I was moving was the perpetrator. How do I prove that I did not give consent? There is no way under the current laws that I could do this. We have to create a structure that makes sure that women’s voices can be heard, can be believed, and that people—perpetrators—are held accountable for the crimes that they commit.

I know that those in this room who talk to young people know that they have had enough. We know that young women have said ‘Stop’. We know that they are standing up to assaults that are happening on our university campuses. We know that they are standing up to the assaults that have happened in Parliament House in Canberra. We know that they are standing up to assaults that happen at work, that happen on trains, that happen on trams, that happen in bars—that happen everywhere. They are saying, ‘Enough’. They are saying, ‘Give us the tools, give us the power to hold people accountable who are perpetrators of sexual violence against us’. That is what this government is doing. We are absolutely putting in place the tools that will help us to hold these people to account—and if you do not like it, if you do not agree with the law, do not do it. Do not do it. Make sure that you know that consent is given. Do not come up with ridiculous reasons as to why consent is grey. We are trying to take out the grey. We are trying to make it really clear cut. You need to be in a relationship or a position where both parties know what is going on and both parties know that consent is given. It is as clear as that.

For those opposite to go down this path of ‘Oh, you are only making things worse’—we are not. We are not, because things are actually bad now. Things are bad now and they need to be improved, and this government has stepped up and done the work, done the consultation, to get us to this point where we can make things better, where we can make our laws stronger and where we can protect the rights of women and in fact everybody in this community.

I am glad that those opposite have agreed with us on the position of stealthing because it is wrong. It is absolutely wrong. It is completely a form of assault, and it needs to be illegal because it is wrong. The unintended consequences—or even sometimes the intended consequences—of what can happen to women and indeed male partners in these circumstances are quite profound. So I congratulate the government for this work. I congratulate the ministers involved because it is terrific legislation that deserves to be supported, and I plead with those opposite to stop gaslighting.

**Ms HALL** (Footscray) (12:06): I am very pleased and proud to make a contribution to this bill, particularly following my friend the member for Eltham, who I think perfectly articulated the issues of power and powerlessness and gaslighting that diminish the experiences of victims. I am going to begin my contribution by noting the context of my contribution. My contribution to this debate and to these important reforms comes from my perspective—my generation, my gender, my understanding of the impact these reforms will have. So if I speak predominantly about the impact on women—of course I note from the outset that these reforms will protect all genders, including gender-diverse Victorians—it is simply because I identify as a woman, and my understanding of the issues and my response is informed by that. In saying this, we know that sexual assault is predominantly a gendered crime and that women are overwhelmingly the victims and men are overwhelmingly the perpetrators. These reforms are fundamentally about driving cultural change and shifting the impact and legal burdens from victims to create clarity and to acknowledge that for too long consent has been an issue that has been subject to gaslighting and issues around gendered power in our community.

When I reflect on my teenage and university years, I think that culturally we have come a long way. The clarion call for my generation was ‘No means no’. Now we are saying ‘Only yes means yes’. My generation was the first to experience the scary emergence of date rape drugs and the horrifying entitlement that came with that. I recently watched a documentary on Netflix about the Woodstock ’99 music festival. I was absolutely shocked to be reminded of the victim blaming that framed issues around sex and consent and the validation of sexual assaults that took place, often by older men who influenced younger generations of men to say that if a woman was dressed in a particular way or had had too much to drink or was impacted by drugs that somehow she was to blame for the assaults that occurred.

The Me Too movement exposed the epidemic proportion of sexual assaults that have gone undealt with because the legal process is inherently so challenging to victim-survivors. Now is the time that in law we shift from ‘no means no’ to ‘yes and only yes means yes’. I am particularly proud as the Parliamentary Secretary for Youth of the current wave of feminists who have helped to shift the focus squarely to the cultural problems we have with consent in Australia. I was proud to join my Labor colleagues in last year’s March 4 Justice where collectively women and their allies said enough was enough when it came to sexual violence in Australia and sexual violence being tolerated and swept under the carpet. Sexual violence continues to be an unacceptably prevalent social, criminal and human rights issue.

These reforms will shift scrutiny from victim-survivors onto their perpetrators and make it clear that there is no place for this behaviour in Victoria. They include amendments that will adopt an affirmative consent model and provide better protections for victim-survivors of sexual offences. Conviction rates for sexual offences remain unacceptably low. Only one in 23 rape cases that are reported result in a conviction, plus we know that under-reporting is a serious problem because many victims would rightfully think, ‘Why would I put myself through this horrible ordeal?’. Certainly the anecdotal experience is that others who have spoken to me about assault have made decisions not to pursue a retraumatising legal avenue.

This bill makes a number of changes to the Crimes Act 1958 and other acts. Of course, and we have spoken about this at length, it implements an affirmative consent model, including amending the definition of consent to be ‘free and voluntary agreement’, something that the member for Malvern delved into in a particularly unfortunate way, as the member for Eltham has spoken about. It makes it clear that stealthing—condom non-use or tampering—is a crime. It amends image-based sexual offences to better recognise the seriousness and broaden their application to gender-diverse victims. It



includes a new interpretive provision to facilitate prosecutions for historical sexual offending. It introduces new jury directions to address common misconceptions about sexual violence and proof beyond reasonable doubt. It requires respectful questioning of complainants in sexual offence trials, strengthens pre-trial cross-examination protections for complainants, empowers complainants to participate in applications for disclosure of their confidential communications and protects health information in sexual offence cases.

We have already seen detractors publicly attacking and trivialising this bill. They have claimed that people will go to jail for kissing their partner, that it will kill romance, that teenagers will be inhibited from discovering their sexuality or that the bill will end the presumption of innocence. This is creating unnecessary panic, and some of the comments and articles actually reflect the old ways of thinking that we need to change—that women are demanding need to change. However, many people, and especially the younger generation, have made it clear that they will not stand for this anymore and that archaic attitudes and victim blaming are done. We have listened to them, and we are driving these reforms for them.

Basing a lack of consent on the amount of resistance offered rather than a lack of positive communication is outdated and has long been replaced by communicative standards in other Victorian legislation. This bill will also make clear that a person does not consent just because of previous sexual behaviour. New objectives will reinforce that consent cannot be assumed and it must be communicated. I had the great misfortune of being in the chamber when the member for Lowan was making a contribution. She blamed the government for sexual assaults that occurred during the pandemic. What a disgraceful thing to do, to blame anyone other than a perpetrator for a sexual offence. We have had enough of excuses for perpetrators. We have had enough of victim blaming. We have had enough of blaming a woman for what she was wearing. We have had enough of hearing about how much she had had to drink. We have had enough of hearing about the choices she might have made in the past. It is offensive to hear that these important reforms are being diminished and trivialised by some. It is time for a cultural shift now.

I am very proud to support this bill, and I think the contributions today show that as a government across all realms of our culture in Victoria we want to move forward and make change. I am really proud to be part of a government that has 50 per cent women sitting on these benches and more than 50 per cent women sitting around the cabinet table. What does that mean in reality? Here, on actually a historic day, I am so proud that we have moved on beyond the kind of culture I grew up in, where women were routinely blamed. Women now have a government that is making changes that will benefit generations of women to come. I commend this bill to the house.

**The DEPUTY SPEAKER:** Before I call the next speaker, can I take this opportunity to welcome to the house Senior Venerable Thich Phước Tấn from the Quang Minh Temple. Thank you for being here.

**Ms ADDISON (Wendouree) (12:16):** I too am very proud to rise to speak in support of the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, and I agree with the member for Footscray that this is a historic day for our Parliament. I am honoured to have the opportunity to speak on this, and I am honoured to follow so many incredible women who I admire so much. I want to thank the Minister for Women for leading our speakers today. I really welcomed her explanation of the changes to the definition of ‘consent’, and I really admire her commitment to making lasting change with regard to gender violence as the former Minister for Victim Support. I really want that to be noted, because I think it is so important. And then to follow on as well from the Minister for Energy, the Minister for Prevention of Family Violence, the Minister for Mental Health, the former Minister for Prevention of Family Violence, the member for Cranbourne, the member for Eltham and the member for Footscray—this is what happens when you elect strong, determined women to government. Today marks 100 days until the election, and I hope that we see more women elected to this place, not only our excellent Labor women candidates but women from across the political

spectrum. Women's voices matter, and women's representation is vital to ensuring women's experiences are heard. This cannot be underestimated.

This bill contains critically important amendments which will improve sexual offence laws, better support victim-survivors and shift scrutiny onto the perpetrators, where it actually belongs. I want to thank the Attorney-General, her ministerial office and the Department of Justice and Community Safety for the work they have done to bring this bill to the house. I wish to recognise the considerable effort that has gone into drafting this legislation and thank them for their work; it is appreciated.

This is significant legislation, important legislation and legislation that I strongly support. Extensive stakeholder consultation is an important part of drafting any bill, but I believe this is especially the case for this important bill. The reforms being considered in the chamber today are the result of consulting with broad-ranging stakeholders, including the courts, specialist services, policy and advocacy bodies and many, many more in our community. The reforms have also been informed by an extensive investigation by the Victorian Law Reform Commission in addition to other relevant research, and the reforms are fundamentally shaped by the lived experience of victim-survivors. I am incredibly thankful to them for their contributions. I too welcomed the opportunity to hear from the very brave and the very courageous Chanel Contos with the Labor women's caucus, and I would really like to thank the Minister for Corrections for organising that meeting because it was incredibly powerful and very, very worthwhile.

This bill implements a number of key legislative recommendations from *Improving the Justice System Response to Sexual Offences*, the 2021 report of the Victorian Law Reform Commission. It additionally improves criminal procedure laws relating to the operation of courts and the experience of victim-survivors within the justice system. Firstly and crucially, it considers and amends the definition of consent within our laws. Let me be clear, consent means free and voluntary agreement. This agreement must not be assumed, and as such this bill introduces the affirmative model of consent which has been discussed, making it clear that active steps must be taken to ascertain consent before engaging in a sexual act. Such steps are inherently contextual and could be fulfilled verbally or nonverbally and a reasonable amount of time before an act, which could in most cases be immediately prior. The core principle here is that consent must be communicated. It must be affirmed not assumed. An affirmative model of consent will mitigate circumstances under existing law whereby prosecutions can be impeded on the grounds of reasonable belief that the complainant was consenting. Consent needs to be confirmed. It cannot be simply assumed. Reasonable belief should require saying something or doing something. This is not a novel concept, and it is vital that it is reflected in our laws.

The bill also presents several circumstances under which consent is not present. These amendments, with additions to existing circumstances within the Crimes Act 1958, are non-exhaustive but play a crucial role in reinforcing what consent is and what consent is not, because there is not consent when submission occurs as a result of force or harm or fear of force or harm, because there is not consent when it occurs as a result of coercion or intimidation, because there is not consent when a person is overcome by the abuse of a relationship of authority or trust, because there is not consent when the agreement comes from false or misleading representation about payment and because there is not consent when there is an understanding that a condom will be used but it is instead intentionally tampered with, removed or not used at all.

All of these circumstances are significant. However, I want to address the last in particular. The bill makes it clear that stealthing is a crime. If there is an agreement explicit or implicit about the use of a condom, then consent is contingent upon that. Stealthing is reprehensible, and it is already a crime. It poses a significant health risk through the potential for pregnancy or the transmission of infection, but it also violates a person's autonomy over their own body and their choices. The seriousness of this offence deserves clear recognition in our laws, and this bill does this by making it explicit that the conduct can be prosecuted as rape or sexual assault.

Additionally, this bill makes critical amendments which target image-based sexual offences. Most will be moved into the Crimes Act in order to elevate them from summary to indictable offences, reflecting the seriousness of image-based sexual offences. This conduct involves taking and distributing or threatening to distribute intimate images without consent. It is a growing problem that is under-reported to police, yet abuse can cause significant harm. This bill will improve related laws in several additional ways, including amending the definition of an intimate image to better protect people of diverse genders, including digitally altered images as well as images taken with knowledge but without consent, enabling court-issued disposal orders for intimate images, increasing maximum penalties to three years imprisonment and extending protections offered to complainants such as provisions to suppress their identity.

Indeed, addressing the experiences of victim-survivors throughout the justice system is another critical aspect of this bill. Pre-trial cross-examination protections will be strengthened, magistrates will be required to make additional considerations before granting leave for cross-examination of victims of sexual or family violence and, if leave is still granted, they must provide their reasoning. Ground rule hearings will be mandated prior to questioning all complainants in sexual offence matters, so that the court can consider how to fairly and effectively meet the needs of the witness.

Protections for the confidential communications of victim-survivors will be strengthened, including by expanding these to cover health information and ensuring that their concerns are considered in applications for sensitive records. Additionally, improved jury directions will be required in sexual offence trials to address common misconceptions and these directions encouraged to be made as early as possible, while trial judges will also be required to explain the meaning of ‘proof beyond reasonable doubt’ in criminal trials.

This is a comprehensive and crucial bill. It contains further reforms around removing outdated language from legislation, including references to ‘chastity’, a term from the 13th century, and clarifies timing-related concerns in the prosecution of past offences. It will also extend provisions that combat court backlogs, supporting the use of remote access and digital technologies in effective justice.

In closing I wish to thank the women’s health organisations across our state but particularly in my community of Ballarat. I wish to thank Ballarat Centre Against Sexual Assault and Women’s Health Grampians for the important work they do within my community. These stronger laws will make Victoria better and fairer, not only for women and girls but for all Victorians. I welcome the introduction of the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022 and commend the bill to house.

**Mr FOWLES (Burwood) (12:26):** It is common practice in this place for people to say ‘It gives me pleasure to speak on bill X or bill Y’. I do not think anyone could really purport to genuinely take pleasure in having to address some of these matters, because the crimes we are seeking to legislate in relation to today are so heinous, so confronting, so enormously upsetting, that even speaking about them certainly fills me with some dread. I want to thank the member for Wendouree for her passionate contribution. I know these are really difficult matters to address in a public forum. I know that the subject matter of this bill is enormously confronting. Nonetheless we are tasked as legislators in this place to address the full gamut of human behaviour, no matter how bad it might be.

I want to spend a bit of time in my contribution today on one particular aspect of this bill which has not been particularly well traversed by other speakers. I offer absolutely no criticism of that. I merely say that it has not been the focus necessarily of some of the contributions. It goes to the new section we proposed to introduce: ‘36AA Circumstances in which a person does not consent’. The bill provides that:

Circumstances in which a person does not consent to an act include, but are not limited to, the following—

It lists a range of things, but I want to draw the house's attention particularly to subclause (m), which says:

... the act occurs in the provision of commercial sexual services and the person engages in the act because of a false or misleading representation that the person will be paid ...

Now, this government, under the leadership of the Minister for Education, who is at the table, has done extraordinary work in protecting sex workers because we agree that sex work is real work and we think sex workers ought to have safe workplaces as well. That very, very important work has been widely welcomed by those people employed in the sex work industry. I had the pleasure recently of meeting with an advocate from Sex Work Law Reform Victoria and spent a little bit of time discussing with him some of the challenges that professional sex workers face in Victoria and indeed perhaps right across the nation. He had a recent and difficult experience in debating the Sex Work Decriminalisation Bill 2021. I accept that that is not the bill before the chamber, but it is in fact on a related topic. He gave a submission to the Boroondara council about it and was drowned out by anti sex worker voices, including my prospective opponent in Ringwood, Cynthia Watson. That was a pretty unedifying display of sitting councillors seeking to tear down the person delivering the argument, not tear down the argument itself. Their stance on this very important legislation was shameful because it just did not accept any of the realities of sex work and did not accept what we know to be the reality—that through decriminalisation we have made sex work and sex workers safer.

Under this bill, as I have outlined, we criminalise false or misleading representations about payment for commercial sexual services because that is a condition precedent for consent if you are a sex worker—quite obviously it is. We replace what was the lesser offence of procuring a sexual act by fraud. We elevate it so that in some situations the conduct of asserting that you will pay for a sexual service and then not in fact making that payment could be considered rape or sexual assault. My discussion with this advocate, Matthew, was enlightening, because he said it is frequently reported by people who work as private escort type workers. They are not typically in a formal setting like a brothel or an establishment-type setting. They tend to work privately. They are call-out workers, if you like; they provide those services at different locations. He reported a significant pattern of behaviour whereby people ring their banks post transaction and seek to have the transaction nullified by dishonestly asserting to the bank that it has been made fraudulently. The behaviour of banks routinely on these matters is to automatically side with the procurer of those services, not the provider of those services. There is an operating presumption inside banking that in fact people providing sex work services are the ones to be disbelieved and their clients are to always be believed. It actually extends, terrifyingly, to even the provision of other banking services. I will have some more to say about this another day perhaps, but I will flag for the benefit of the chamber that there is some reprehensible conduct going on inside the financial services industry in Australia which means that people who are full-time sex workers or whose chosen profession is that of sex work cannot get home loans at particular banks and cannot even, astonishingly, open savings accounts with particular financial institutions. As I say, I will have more to say about that in future.

It astonishes me that there is still this stigmatisation of sex workers by the Boroondara council, by my prospective opponent in Ringwood and by others, which seeks to devalue them and devalue their work and provides this operating assumption that what they are doing is in some way immoral or unethical or allows people to validly assume that they are somehow dishonest in what they are going about doing. Nothing in fact could be further from the truth. It is an outrage that people are engaging in this sort of conduct to steal from sex workers, and it is an entirely appropriate response by the government that we are expanding the definition of when consent is not given to include false or misleading representations about payment for commercial sexual services. It is the case that most sex workers do not work on the street or in brothels—they engage in that private escort work—and that non-payment of service fees is an ongoing problem. That is not just an issue for female sex workers; it is an issue for male sex workers as well. By criminalising that conduct we take, once again, a very important step to making the workplaces of sex workers safe workplaces because sex work is real work and sex workers ought to have the benefit of the protection under law that other workers in other industries

have as well. On this side of the chamber we do not moralise, we do not seek to pass judgement on those career choices. Others may, but we say that if you are a worker and you are being paid for your work, you ought to be able to do that work in a safe way.

I have spent perhaps a little bit more time on that matter than I intended, but I did want to just quickly go to a couple of other matters in this bill. One that has been the topic of discussion in this chamber today is what is known in common parlance as stealthing, namely the removal of a condom during sexual intercourse or purporting that a condom is there when in fact it is not. This is a form of sexual assault that is insidious and under-reported because it comes under the veil of consent, namely that the sex act itself is consented to. It is important to criminalise this conduct because it radically changes the relationship between the two people who are engaging in that act. Whilst the act *prima facie* might be consented to, it is consented to quite necessarily on a precondition, in many cases, that a prophylactic be worn. This bill seeks to eliminate this egregious behaviour that sees people seeking to take advantage of that conditional consent and distort it for their own purposes into broader consent. I commend this bill to the house.

**Ms CONNOLLY** (Tarnet) (12:36): I too rise to speak on the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. This bill certainly does deliver on our government's commitment last year to introducing affirmative consent laws, in line with the Victorian Law Reform Commission's report *Improving the Justice System Response to Sexual Offences*. The last year has shown us just how much more work we have to do in order to combat sexual violence in this country. Survivors like Grace Tame, Brittany Higgins and Saxon Mullins telling their stories has helped create what I think is a very powerful momentum for change. Indeed 2021 could be said to be the year that Australia had its Me Too movement. In this space we have made some really great progress in protecting survivors of sexual violence. In 2019 we moved to protect the victims of institutional child sex abuse by removing the protection of the confessional seal. In 2020 we sought to protect the privacy of victims of sexual assault by prohibiting the publishing of material that identifies them as a victim of sexual assault. And, yes, we rectified issues in the bill and empowered those survivors to go ahead and tell their stories themselves or have them told with their consent without court permission. It is important to get the balance right, but more importantly there is still so much more work to do.

Listening to some of the stories and experiences that have been shared here in this chamber has really made me reflect on my past when growing up. I remember there was clear advice—and it is not advice that we will be giving to our 11-year-old daughter—that came from my father, who thought he was trying to protect his two daughters. The advice in our family was: if you never intend to go ahead and have sex with a partner that you go home with, you should never go home with them in the first place. And that was drilled into us as young girls. I understand Dad was thinking he was doing the right thing, but that was the only advice—the only advice—we were ever given when it came to interactions with partners and men and being alone with them in a room or going home with them.

I think about the advice that I hope to give to my daughter. She recently had the experience as an 11-year-old of having words spoken to her at primary school by a young boy, who probably had no idea what he was saying. I will not repeat it here in the house as it is highly inappropriate, but that coming out of the mouth of an 11- or 12-year-old—as he continues to get older it can only be considered as sexual violence or sexual violence language spoken to young girls. Now, my daughter, Emily, was very, very frustrated when this was said to her. It was really highly offensive language. She did not really know what it meant. She was so frustrated she was crying. I said to her, 'Are your feelings hurt?', and she said, 'No, they're not hurt. It's the injustice that he gets to say that and he gets to get away with it, and we all know it's wrong'. I told her to go and talk to the school. Her immediate reaction was that the school would not do anything—he does this kind of thing all the time. This is a really young kid in year 6. He does this all the time. They never do anything about it. My husband's reaction was to brush it off with, 'Oh, you know, things are said; you just have to brush it off'. I sort of reflected on that, because my daughter, 11 years old, was saying, 'But that doesn't seem right, that I have to brush it off and he's allowed to say that'.

We have since called the school, and I was pretty proud of my daughter. She went up to the principal and repeated the exact language that this kid had said to her, and I am hoping that the school will in fact take some action or explain to that young man that that sort of language is no longer appropriate and that continuing to say things like that can only be deemed as some kind of sexual violence or sexual violence language towards women. But what shocked me is that that happens at such an early age, and the reaction of someone like me, whose dad thought he was doing the right thing in saying, 'If you don't intend to sleep with a guy, don't go home with him, because as soon as you go home with him you've actually given him consent'—which is so wrong. The whole thing about thinking that he was giving us the right advice on that was so wrong. But having grown up in that kind of environment and then with my daughter coming to me and saying, 'Well, why isn't anything done about this? Why isn't the school taking action or why aren't any parents taking action?', I thought, 'You know what? That is right'.

This bill is about taking the right action. For far too long we have heard survivors of sexual violence and rape telling us that things need to change, and it is really a good thing to see us taking another step in the right direction with legislative reform. This legislative reform is going to strengthen our sexual assault laws, and it is going to give Victorians greater control over their own sexual experiences.

It seems more than ever that this right is under threat, with the Supreme Court in United States overturning *Roe v. Wade*, stripping women right across the United States of a protected right to abortion access. In some of these states we are seeing attempts to ban the use of contraceptives and birth control pills; worse, they are even talking about banning pregnant women from divorcing and leaving their state. This is really quite extreme language. I have an 11-year-old girl who really does hear a lot of the news and a lot of the discussion that is across the media because it is constantly on in my household. She is hearing this and has even asked me why we are going back to the olden days when women were not allowed to access an abortion and died at home trying to do it themselves. It is really difficult to have those conversations with girls like Emily at that age. But today I can go home to her and say we did something really good in this place to change things for women right across this state.

The bill we are debating today is all about protecting Victorians—men and women—in sexual encounters. Affirmative consent is all about sexual partners having a very clear and very explicit understanding that they both want to engage in sexual conduct. I remember catching a bit of, I think it was, *Q&A* or *Insight*, and it was just a fleeting moment where a young schoolboy, who I thought would be old enough to know what consent was, asked, 'What is consent? How can it be given?'. I was quite shocked at that because I thought it would be pretty obvious. I feel it is pretty obvious for a woman what that is, but in hearing the young man—my 9-year-old son will very soon grow up to be the age of that school student—I was quite shocked to hear that they needed to hear that explicit explanation of what consent is. I feel this bill is helping to do that.

We all know sexual offences in the Crimes Act 1958 all require proof of the element of consent and that an act was done without consent. There is a whole section of the act that contains a non-exhaustive list of instances where consent is not given, and this includes instances such as a person being affected by alcohol or by not understanding the sexual nature of the conduct. I grew up in an era where I think Rohypnol was being added to drinks to knock out young women—young university students like myself—to essentially rape them without them ever knowing or ever being able to raise it or identify the perpetrator.

In the time that I have got left—and I know I have talked a little bit about what is happening at home and the conversations we are having at home—I do want to say that I am really proud that this bill is coming through the house. I am very proud that all sides of this chamber will be supporting it. It is a very important step forward. It is a very important step forward for survivors of sexual violence, and it is a very important step forward in going ahead and prosecuting perpetrators of sexual violence and of rape. I commend the bill to the house.

**Ms COUZENS** (Geelong) (12:46): I am very pleased to rise to contribute to the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022. We have heard some fantastic contributions from our side of the house today, and it makes me very proud to listen to government members talk about this really important bill. I do want to thank all the ministers that have been involved in making sure that this has come to this place. The amount of work that has gone into this is fantastic. I think we have already heard—and I am going to say it again—that the government having so many women sitting on this side really does make a difference. I am very proud to be part of a government that listens to women but has so many women putting their thoughts forward as well.

We are implementing critical improvements to the way in which justice is delivered for victim-survivors of sexual violence. Sexual violence continues to be an unacceptably prevalent social, criminal and human rights issue. The reforms will shift scrutiny from victim-survivors on to their perpetrators and make it clear there is no way for this behaviour in Victoria. They include amendments that will adopt an affirmative consent model and provide better protections for victim-survivors of sexual offences.

In my electorate I know there is very strong interest. Women's groups and different women who have contacted me over the period that I have been the local member have been asking about this bill and what is happening with it. Many of those women have been victims of sexual assault and have been advocating very strongly for change. The March 4 Justice rallies really brought home the amount of support there is for this issue amongst not just women and girls but the general community and how important it is. Obviously there were some very high profile situations with women that stepped forward—very bravely stepped forward—and told their stories, but we know there are thousands of other women who have not brought their stories forward publicly, who are very much reliant on government to introduce legislation like this. It obviously is too late for them, but it will be in place for women and girls in the future. So this is a really important bill for those in my community.

As I said, a lot of women have come to me and spoken about their experiences. We know that so many women have experienced sexual assault. For probably every third or fourth woman I speak to, their issues are around sexual assault, and often they have not reported that because they see what happens to other women. They see what magistrates say: they had had too much alcohol or they were wearing provocative clothing—ridiculous comments that actually make women feel like they have not got any hope of pursuing a court case through going to the police, having their story heard and having their experiences acknowledged. Yes, that often happens with the police who are involved, but then women hear about things that happen in the court and do not feel confident. I know I have heard lots of stories from the Sexual Assault and Family Violence Centre in Geelong, who do an incredible job. They provide wraparound support for women that have been sexually assaulted and do an enormous amount of work with those women. They are saying too that a lot of those women do not pursue any legal recourse for fear of what is going to happen. The perpetrator can be quite threatening to them and other family members can be quite threatening to them, but also having to stand up in court is very difficult for a lot of those women. We have made a lot of reforms in that space, but we still have a long way to go to give women some confidence that they can pursue these issues.

I do really want to acknowledge and thank the many victim-survivors who have contributed to where we are today by telling their stories and their experiences. I understand the difficulty in doing that, but the fact that they have stepped up and provided that evidence, I suppose, of what it means to them and how they have been impacted is just so important. To have a government that listens and then responds in putting this legislation, this bill, together is really, really important. We need to continue down this track, and I know that there is a lot more to be done.

This bill makes a number of changes to the Crimes Act 1958 and other acts. It implements an affirmative consent model, including by amending the definition of 'consent' to be a free and voluntary agreement. It clarifies circumstances in which consent cannot be given and makes clear that a person cannot have a reasonable belief in consent if they do not say or do anything to find out if there is consent. It makes clear that stealthing, condom misuse or tampering, is a crime. It amends image-

based sexual offences to better recognise their seriousness and broaden the application to gender-diverse victims. It includes a new interpretive provision to facilitate prosecutions of historical sexual offending. It introduces new jury directions to address common misconceptions about sexual violence and about proof beyond reasonable doubt. It requires respectful questioning of complainants in sexual offence trials, strengthens pre-trial cross-examination protections for complainants, empowers complainants to participate in applications for disclosure of their confidential communications and protects health information in sexual offences.

In Victoria there is no place for sexual violence, and we do need to drive that cultural change. I think this is a great start to helping women and girls feel more confident that as a government we are taking action to deal with this important issue. We know sexual violence continues to be prevalent, and this is an unacceptable imposition on our community safety, particularly the safety of women. Sexual violence can cause long-term serious harm to victim-survivors, and we know that. I mentioned earlier having spoken to many, many women about their experiences, and the impact on them and their lives is so enormous. It affects their whole lives, for the rest of their lives. For many women it does not allow them to live what I suppose we would consider a life of being able to go to work and have a social life. Many of the women I speak to, particularly older women, say that it has just destroyed them and made their lives unbearable really. So we will be able to go back to those women and tell them that this government cares about what is going on, that it is very concerned about the issues that they have raised and that it will continue to work on this really important legal aspect of what it means for women when they are sexually assaulted and have to go through the processes with the police and through the court system.

We need to really push that cultural change, because cultural change is what will help as we move forward, where young children learn respectful behaviours and they learn what is acceptable and what is not. That is a really important issue in our communities, that we are sending the right messages to young children, particularly young boys, as they grow up and that women do have the right to say no and mean no. This legislation will go a long way to addressing that. I commend the bill to the house.

**Ms GREEN** (Yan Yean) (12:56): It is a great privilege to follow my friend the member for Geelong. As the member for Burwood said, we generally get up and say that it is a privilege to join a debate or it is a pleasure to join a debate. This is not a pleasurable debate. This covers really difficult subject matter, and I just want to offer my understanding and my support to victim-survivors and to those who listen to them every single day—the counsellors at the centres against sexual assault, the police officers that have to take statements, the prosecuting legal people and the DPP, parents and friends. It is not easy to live this, and it is not easy to hear it either.

I particularly want to give credit to my childhood friend Anne, who is actually on WorkCover because of the stress that she has experienced in not being treated well in a workplace where she has been dealing with young people and their experience and suicide prevention—and prior to that she worked as a school nurse talking to kids about their health. The stories that she has told me are absolutely harrowing—of young girls and their first sexual experiences, having no idea that they had been assaulted, and of the boys that they had been with having no idea that they were doing the assaulting.

I am glad this bill is being supported by all sides of the house, but it is disturbing to me that there have been so few speakers from the other side other than the government. The opposition say they are voting for this today, but the measure of their commitment to this will be—if they are ever on the government benches again—whether they do not cut police budgets, they do not cut victim support, they do not cut funding to women's health services, they do not cut back resources in schools and they openly commit to Respectful Relationships being taught in schools, because this is not divisive. It is absolutely necessary, and the nonsense culture wars that have gone on around this debate from the opposition have been shameful. The opponent that they put up against me last time was a supporter of conversion therapy. Her mission was to get rid of Respectful Relationships. This has no place. When you vote for something like this, which is changing consent, you must actually show on the ground that you mean it—that you absolutely mean it.



I am really proud to be part of a government that puts gender equality first and foremost. It is deeply shameful that the World Economic Forum just released its 2022 global gender gap index—

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

**Business interrupted under standing orders.**

**The SPEAKER:** I would like to acknowledge the mayors from our interfaith councils who are in the gallery today, and I am sure members will be on their best behaviour.

### Members

#### MINISTER FOR POLICE

*Absence*

**Mr ANDREWS** (Mulgrave—Premier) (14:02): I rise to inform the house that today the Minister for Corrections will answer questions for the portfolios of police, crime prevention and racing.

#### Questions without notice and ministers statements

#### HEALTH SYSTEM

**Mr GUY** (Bulleen—Leader of the Opposition) (14:02): My question is to the Minister for Health. When will all sick or injured Victorians presenting at hospital emergency departments be able to wait to be seen inside the hospital and not outside in tents?

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:02): I thank the Leader of the Opposition for his question. The COVID pandemic has resulted in unprecedented pressure on our healthcare system. What we have done throughout the pandemic is to work with our healthcare workers to look at ways in which we can manage the pressure that they are experiencing. Unprecedented times call for innovation and some changes to the way in which we are managing and supporting patients. I want to firstly acknowledge the discomfort that this has undoubtedly caused—absolutely, I understand that. But I want all Victorians to understand that every decision made in our healthcare service is based on the acuity of the person and the condition they present with.

Our ambulance off-load teams are an initiative driven by Ambulance Victoria in consultation with our healthcare services. It is about ensuring that we can off-load patients from ambulances and keep them in the care of paramedics and nurses so that those ambulances can get back on the road responding to those 000 category 1 life-saving emergencies. This model of care, the ambulance off-load, is only applied to category 3, 4 and 5 patients. Those that present at our emergency departments—the sickest people—are treated; category 1 patients that present at ED, 100 per cent of the time. I have talked about this before, but it looks like I will continue to talk about it. This COVID pandemic has caused significant pressure, and indeed it has been this winter where we have seen significant illness—

**Mr Guy:** On a point of order, Speaker, on relevance, I actually asked the minister for a date as to when Victorians will cease having to present at an emergency department by waiting in a tent. I asked the minister for a date.

**The SPEAKER:** The minister is being relevant to the question.

**Ms THOMAS:** Thank you, Speaker. The point is that the ambulance off-load teams have been put in place in order to get our ambulances back on the road delivering their life-saving emergency care to category 1 patients.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:05): How many Victorian hospitals have tents established to manage patient overflow because underfunded emergency departments are full?

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:06): The premise of the question is completely wrong. Our government has invested more, and we continue to

invest in expanding ED capacity right across the state. There are a range of reasons why we have put in place some innovative solutions at the moment, but I want to make this point: every patient that arrives at our hospital is under the care of a highly qualified paramedic or nurse or other clinician. I make this point: unlike those on the other side, we will never attack our healthcare workers. We will back them in every step of the way.

#### MINISTERS STATEMENTS: POLITICAL DONATIONS

**Mr PEARSON** (Essendon—Assistant Treasurer, Minister for Regulatory Reform, Minister for Government Services, Minister for Housing) (14:07): I rise to speak on, you guessed it, Victoria's donation laws, because pleading ignorance is not an option, even if some members of the house might think it is. As I informed the house yesterday, there are a few simple rules surrounding the disclosure of donations. These rules are so simple that it is safe to say if you were to dodge the rules, it would be obvious that it was a deliberate attempt to rot the system.

You can disclose a donation by heading to the Victorian Electoral Commission website. Once you are on the website you can head to the disclosure page. You can then choose to view donations by financial year. Each disclosure item gives you detailed information about the donation. It gives you, for example, the suburb, the state, the party, the recipient, the date and of course the amount of money. You can find similar information on the Australian Electoral Commission's website, and if you were to do so, you might stumble across some familiar names when doing such a search on the AEC website. Here is an interesting one—a donation of \$100 000 from Jayburn Pty Ltd in 2017 to the Liberal Party. Who was the secretary of Jayburn Pty Ltd in 2017, I wonder? It was Mr Jonathan Munz. Now, \$100 000—that number and that name sound very familiar—could it be that this was the same Liberal donor that the Leader of the Opposition tried to enter a dodgy deal with? Let me take you back to the VEC website. In 2021 a donation of \$4000 was made from GSA Capital Pty Ltd. Who is the secretary of GSA Capital? Again, Mr Munz. So can the Leader of the Opposition answer this: is there anyone not on these lists that should be?

*Members interjecting.*

**The SPEAKER:** Order! The member for South Barwon is warned.

#### HEALTH SYSTEM

**Mr GUY** (Bulleen—Leader of the Opposition) (14:09): My question is to the Minister for Health. Reports have emerged this morning of chaos at the Box Hill Hospital due to chronic government underinvestment. An 83-year-old stroke victim was forced to wait 17 hours outside in a tent, despite the minister just previously saying the sickest patients do not wait in any tents, where she was then attended to by paramedics, who would rather be on the road saving lives. Can the minister explain why paramedics are now being forced to fill the role of nurses at the Box Hill Hospital because this government has failed to invest in the nursing staff we need at the time we need it?

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:11): The question that has been asked just demonstrates that those on the other side have absolutely no understanding of how our contemporary health system operates here in Victoria. There are a number of roles now in place where we see paramedics and nurses working side by side to deliver care, be that through Ambulance Victoria's triage service, which is delivered by paramedics and by nurses, or be it in the work that happens in an emergency department between the off-load teams and the nurses that are working at the emergency department. Nurses and paramedics work hand in hand to deliver the very best outcomes to all Victorians, and I might say this: under our government an additional 2000 paramedics have been added to our workforce. Indeed last year we recruited 700 and this year already 400 new paramedics. We are making sure that we have got a paramedic workforce that can deliver ambulance responses and 000 responses out on the road, but we also have highly qualified paramedics who are working in triage services and who are working in our leading Victorian virtual emergency department. These are new models of care.

*Members interjecting.*

**The SPEAKER:** Order! The member for South-West Coast is warned.

**Ms THOMAS:** They are driven by the workforce themselves. They about ensuring that our highly trained workforce can work to the maximum of their ability, expertise and scope. To suggest that our government underfunds hospitals from these on the other side, whose history when they were in government was cut, cut, cut, slashing healthcare funding, going to war on our ambulance paramedics and disrespecting our nurses—only a Labor government will support our healthcare system, stand by our hardworking healthcare workers and ensure that Victorians can get the care that they deserve.

Once again I will make the point: we have been an through an unprecedented pandemic. It has had an extraordinary impact on our healthcare system and our workforce, but what we will not do is we will not attack healthcare workers who have gone above and beyond over the last 2½ years taking on additional shifts, working overtime, doing everything that is needed to give Victorians the best care.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:14): With triple handling at Box Hill Hospital meaning the emergency tent at the front of the hospital is predominately staffed by Ambulance Victoria personnel, can the minister advise just how many Ambulance Victoria staff have been taken off AV duties to staff this emergency tent at the front of the hospital?

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:14): I thought it was pretty simple: if you have ambulance off-load teams at our hospitals, that enables more paramedics to get back in their trucks, get on the road and respond to 000 emergency calls. This is a role that has been in place now for quite a number of months, and it has been supported by our workforce—indeed led by our workforce. We have acted on the advice of healthcare clinicians and practitioners about the way we can best deliver the healthcare that Victorians need during a pandemic. Those on the other side again have demonstrated they have no understanding of the work of our highly experienced, highly qualified paramedic workforce.

#### MINISTERS STATEMENTS: SUBURBAN RAIL LOOP

**Ms ALLAN** (Bendigo East—Minister for Transport Infrastructure, Minister for the Suburban Rail Loop, Minister for Commonwealth Games Delivery) (14:15): In the past 24 hours my office has been inundated with calls and emails and contacts urging us to continue to get on and deliver the Suburban Rail Loop.

*Members interjecting.*

**The SPEAKER:** Leader of the Opposition!

**Ms ALLAN:** Monash University, the country’s biggest university, one of the most important health precincts—

*Members interjecting.*

**The SPEAKER:** Premier! Members, come to order. Members will be removed without warning. I do not want to be having to get up and down all day, so please come to order.

**Ms ALLAN:** Monash University put out a very simple statement: ‘Monash University supports the Suburban Rail Loop project’. The Eastern Transport Coalition, representing local councils in the suburbs along the Suburban Rail Loop, also put out a statement, expressing:

... alarm at today’s announcement that the State Opposition plans to halt the Suburban Rail Loop project if elected in November.

Why are these councils and why is Monash University saying this? Because they understand, like so many others in the suburbs of Melbourne and anyone who wants to get to those services, why the Suburban Rail Loop is needed. Plus, the Suburban Rail Loop will support thousands of jobs. Indeed there are people working right now in Clayton, in Box Hill on Whitehorse Road, in Burwood and near

Monash University. It is these jobs that the Leader of the Opposition, in a shameful, desperate act, wants to cut to protect his own. In closing I would like to quote an article from the *Age*, 10 August 1968, about the city loop:

Many of the arguments put forward to support the construction of the underground loop line are misleading or irrelevant ... The evidence is strong that to proceed with the underground at present would be a serious mistake.

Who pushed on with that project at that time? Henry Bolte. I do not like praising the Bolte government much, but he understood that he had to get on and deliver these city-shaping projects.

*Members interjecting.*

**The SPEAKER:** Member for South Barwon, you have been warned once. This is your second warning.

### HEALTH SYSTEM

**Mr GUY** (Bulleen—Leader of the Opposition) (14:18): My question is to the Minister for Health. Another horrendous example of overworked health staff trying to patch up our under-resourced health system has emerged again from the Box Hill Hospital, this time with a teenage boy finishing—

*Members interjecting.*

**The SPEAKER:** Order! The Deputy Premier!

**Mr GUY:** this time with a teenage boy finishing six months of chemo having to wait 27 hours on a couch to be seen. Overworked—

*Members interjecting.*

**The SPEAKER:** Order! Members will come to order. I need to hear the question.

**Mr GUY:** this time with a teenage boy finishing six months of chemo having to wait 27 hours on a couch to be seen. Overworked and exhausted nurses, having had just a few hours sleep, were in tears trying to explain the absence of any available hospital beds. When will this government finally admit that it has grossly under-resourced our health sector, and that the substandard conditions being experienced by staff and patients will only be solved when fixing the health crisis becomes the government's biggest priority?

*Members interjecting.*

**The SPEAKER:** The member for South Barwon will leave the chamber for the period of 1 hour. The member for Buninyong is warned.

### Member for South Barwon withdrew from chamber.

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:20): I am indeed aware of the issue in relation to this young man and the situation at Eastern Health. I want to also thank the member for Box Hill, who has written to me about this issue. I need to make a couple of points. To suggest that our government is not investing in health care is simply wrong. Our government has a \$12 billion investment, a pandemic repair plan. We are recruiting an additional 7000 staff, of which 5000 will be nurses. Whenever the Premier and I travel about our healthcare system I want to let you know that our nurses tell us they are tired, they are fatigued—it has been really tough. But they tell us that they love the work that they do.

**Ms Ward** interjected.

**The SPEAKER:** The member for Eltham is warned.

**Ms THOMAS:** They want to continue to work in the system, and they want to thank us for the investments that we are making. Once again I will make the point: it can be discomfiting, I absolutely

understand that. I know, like all parents in this place, there is nothing worse than having a child who is sick, and you want them to receive the very best care as quickly as possible. In our system all children, all adults will be treated according to their acuity of illness, and we will ensure that they can get the very best health care that they need.

I do want to alert the house to one of the challenges that our public health system here in Victoria has experienced, and this is of course bed block. Bed block has a real impact, including in cases like this of this young man. This is where patients who are medically well are unable to go home because they have nowhere to go. And do you know why they have nowhere to go? Because of the inaction and mismanagement of the previous federal Liberal government. These are patients waiting for aged care, waiting for their NDIS packages to be approved. So this is a real challenge. Thank goodness for the people of Victoria we now have a federal government that cares about our older Victorians and that cares about people living with disability and wants to ensure that we can take medically well people and put them in accommodation that is so much better for them and indeed for all Victorians.

**Mr GUY** (Bulleen—Leader of the Opposition) (14:23): At this moment there are up to 50 emergency patients waiting in a tent outside the Box Hill Hospital. Day after day these cases are brought to the government’s attention, and day after day we keep learning of patients and staff being failed by a system that was not properly resourced long before COVID. At what stage—

*Members interjecting.*

**The SPEAKER:** Order! The member for Buninyong can leave the chamber for the period of 1 hour. I need to hear the question.

**Member for Buninyong withdrew from chamber.**

**Mr GUY:** At what stage does the minister finally admit that the health system is in crisis and that every day Victorians are dying as well as tens of thousands having their health compromised because of this government’s failure to manage the health system?

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:24): Last week I had the pleasure of visiting Latrobe Regional Hospital, a hospital that was built by our government that is now being upgraded again by our government to continue to deliver world-class care to the people of the Latrobe Valley—people who have over very many decades been completely neglected by those on the other side. Our government will always invest in the health care of all Victorians. We have a plan in response to the pandemic. Those on the other side choose to ignore the impact that the pandemic has had on our healthcare system. Every time they get up and ask a question here they let us all know how little they understand how our system works and what the work is that our paramedics do, and they expose that they do not care. They are not about patients, they are only about politics.

#### MINISTERS STATEMENTS: SUBURBAN RAIL LOOP

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:25): I rise today to inform the house on how the Suburban Rail Loop will connect more Victorians to our world-class hospitals and health services. Victorians should not be forced to choose between a strong healthcare system or a public transport system, and indeed under our government they do not have to. That is what our government is delivering right now, from the more than \$12 billion we have invested in public health infrastructure—

**The SPEAKER:** Order! The member for Polwarth is warned.

**Ms THOMAS:** to this multigenerational transport reform and indeed the Metro Tunnel, which is going to unlock the entire Parkville precinct to all Victorians.

We know that the Suburban Rail Loop will enable Victorians to travel by train to health services like the Monash Medical Centre, like Box Hill Hospital, like the Monash Children’s Hospital and the

Victorian Heart Hospital. Indeed, Victorians travelling from Traralgon will be able to get to Box Hill Hospital 26 minutes faster by train than by car. Those opposite do not support this investment, and it makes a complete mockery of a pledge they made the other day. On the one hand: ‘We’re going to offer free public transport to healthcare workers’—

**The SPEAKER:** The member for Eildon is warned.

**Ms THOMAS:** and on the other: ‘We’re going to stop funding to a vital public transport infrastructure initiative’. It makes no sense, no sense whatsoever. They are all over the place when it comes to priorities. This government knows we can walk and chew gum at the same time. We can build world-leading transport infrastructure, we can build a world-leading healthcare service, we can build schools and we can create jobs.

### HEALTH SYSTEM

**Mr TILLEY (Benambra) (14:27):** My question is to the Minister for Health. Peter from Corryong has been verbally told he is a category 1 patient as he has a blood-clotting disorder called factor V Leiden. He is taking blood thinners, and he requires a major operation. He is just 39 years old but has multiple hernias on a scar line from a previous operation. He is living in pain. He needs the operation soon as it is impacting his employment and his new, young family. When will this government finally admit that Victoria’s health system is in crisis and that years of under-resourcing an underinvestment have left people like Peter in a situation where any further delay getting their operations will result in permanent, long-lasting injury?

**Ms THOMAS (Macedon—Minister for Health, Minister for Ambulance Services) (14:28):** I thank the member for Benambra for his question in relation to his constituent Peter from Corryong. I make this point: the latest health data, which was released only a week or so ago—which by the way our government does every quarter, we are very transparent about our health data—demonstrated that 99.97 per cent of category 1 patients are treated within the clinically recommended time lines.

Once again I will say category 1 patients are treated within the clinically approved time line, which is 30 days. Now, if this is not the case in relation to Peter, then I suggest that the member for Benambra writes to me because this would be extremely unusual. Indeed the only reason for which less than a handful of patients did not receive that treatment in the previous quarter was because their physicians were actually sick and so it was by one or two days pushed out. But once again I make the point that if the member is genuinely interested in the health outcome of his constituent, then he can send me the details and I will follow them up for him.

**Mr TILLEY (Benambra) (14:30):** On a supplementary question, Peter is just one victim of the border not having the health service it needs. Albury and Wodonga desperately need a new hospital. They had nothing from this government in eight years—absolutely nothing. Why has this government failed to front up and provide the border with Victoria’s share of the money that is needed to build us a brand new hospital?

**Ms THOMAS (Macedon—Minister for Health, Minister for Ambulance Services) (14:31):** Once again I thank the member for his question. I make this point: Albury Wodonga Health is jointly managed by the Victorian and New South Wales governments. I was at Albury Base not long ago with Bronnie Taylor, The Nationals Minister for Regional Health, where we were announcing the expansion of the emergency department and the delivery of an urgent care centre there at the hospital.

**Mr Tilley:** On a point of order, Speaker, this has been paid for by the taxpayers of New South Wales. You have done nothing—zero, nought.

*Members interjecting.*

**The SPEAKER:** Order! Members will come to order. Member for Benambra, you know that is not a point of order.

**Ms THOMAS:** As I was saying, the emergency department and the short-stay care unit were funded by the Victorian government. I have established a good working relationship with my colleagues in New South Wales, as indeed the former minister did, and together we are working with— *(Time expired)*

**MINISTERS STATEMENTS: SUBURBAN RAIL LOOP**

**Mr PALLAS** (Werribee—Treasurer, Minister for Economic Development, Minister for Industrial Relations, Minister for Trade) (14:33): I rise to update the house on the economic and state-shaping benefits of the Suburban Rail Loop. The SRL will transform our transport network, it will alleviate congestion, it will deliver an estimated \$58.7 billion in productivity and economic benefits to the state and it will return \$1.70 for every dollar invested.

In their desperate efforts to claw back some political relevance, those opposite ignore the huge opportunity cost of not delivering this state-forming infrastructure. No other global city has a dependence upon the spoke-and-hub-type arrangement that Melbourne has, and we need to see it addressed. It will throttle the productivity of the state, it will dampen prosperity and it will deny growth opportunities for the state. There is no reason why our economy is being impeded, other than those opposite continuing to talk down its growth. We are running 50 per cent faster in productive growth than the rest of the nation. It is the same reason why our unemployment rate is now 3.1 per cent. Remember, it is 3.6 percentage points lower than what we inherited from those opposite and it is the lowest unemployment rate in the nation. SRL east and north will create an expected 23 900 jobs across the economy during construction, and the precincts that it creates will be home to more than half a million jobs by 2056. There is a great honour in being in government. It is about making decisions that affect the prosperity and the wellbeing of the community. We have been able to demonstrate that as a government by growing our economy and growing opportunities.

**DENTAL SERVICES**

**Mr WALSH** (Murray Plains) (14:35): My question is to the Minister for Health. John from Lockington had to wait five years to get a public dental appointment. After finally getting this procedure—

**Ms Ward** interjected.

**The SPEAKER:** Order! The member for Eltham can leave the chamber for the period of 1 hour.

**Member for Eltham withdrew from chamber.**

**Mr WALSH:** John from Lockington had to wait five years to get a public dental appointment. After finally getting this procedure, within months the same tooth developed further issues, and sadly he now needs extra work. He has just been told he has to wait another two years just to get seen again. How is it fair that Victorians must wait as long as seven years to have basic public dental work done?

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:36): I thank the member for Murray Plains for his question. I think we all understand how painful dental pain can be, particularly as we get older—

*Members interjecting.*

**The SPEAKER:** Order! Members at the table. The Deputy Premier will come to order.

**Mr Walsh:** On a point of order, Speaker, I have asked an important question on behalf of John who would like an answer. I would ask you to have the Deputy Premier show respect to one of her ministers and actually let her answer the question.

**The SPEAKER:** It is not a point of order, and I ask you not to reflect on the Chair.

**Ms THOMAS:** Thank you very much, Speaker. As I was saying, I want to send my best wishes to John from Lockington because I do know that dental pain can be really difficult. This is why our government has invested more in our public dental waiting list and indeed, as I explained yesterday, established a fabulous new initiative, Smile Squad, which will—

*Members interjecting.*

**Ms THOMAS:** I know they do not want to hear about it. They do not want to hear about it over there. What it does is free up other public dental places by making sure that every child in a Victorian government primary and secondary school can receive the care they need and free up, as I said—

**Ms McLeish** interjected.

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

**Member for Eildon withdrew from chamber.**

**Ms THOMAS:** Anyway, they do not understand, so I will move on. Our government announced in 2021 \$27 million for public dental providers to target their waiting lists, and this will provide an additional 40 000 services to public dental health patients right across Victoria. I think we need to also remember that it was the previous Liberal federal government that slashed funding. They maintained a 30 per cent cut to our public dental funding, and so our government has had to step in there and deliver the services that Victorians need. If the member for Murray Plains wishes to provide details of John, I will follow up for him.

**Mr WALSH** (Murray Plains) (14:39): It appears John has to go back to school to get dental treatment. Like thousands of other Victorians John's wife Debra is also on the public dental waiting list. Debra has been waiting in pain for basic dental work for six years. What does the minister have to say to Victorians like John and Debra who are waiting years on the dental waiting list as to why fixing the health crisis is not a key priority for the Andrews government?

**Ms Britnell** interjected.

**The SPEAKER:** The member for South-West Coast can leave the chamber for the period of 1 hour.

**Member for South-West Coast withdrew from chamber.**

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (14:39): Look, I want to make the point that our government has made significant investments to tackle the public dental health waiting list but perhaps even more importantly is making sure that the next generation receive their vital dental care as children so that we can maintain good oral health for young people and free up more spaces on the public health—

**Mr Walsh:** On a point of order, Speaker, on the issue of relevance, John and Debra are 40-something-year-old adults. They are not at school; they are not going to benefit from the program that the minister talks about. It is about how people like John and Debra actually get help, not what the government is doing for schoolchildren in this particular question, and I ask you to bring her back to answering the question, please.

**The SPEAKER:** The minister was referring to the question in relation to dental health.

**Ms THOMAS:** I will just say it once more. The investment in Smile Squad is freeing up places on the public dental waiting list for John and Debra. If the member for Murray Plains would like to write to me and give me John and Debra's details, I will follow up.



**MINISTERS STATEMENTS: GOVERNMENT PERFORMANCE**

**Mr ANDREWS** (Mulgrave—Premier) (14:41): I am delighted to rise to update the house on our government's efforts to deliver for all Victorians in all areas and in all parts of our state. For instance, while we have been hiring some 22 000 extra nurses and other healthcare workers we have also managed to remove 65 dangerous and congested level crossings. Whilst we are hiring 2190 extra ambulance paramedics we have also delivered 100 major transport infrastructure projects. Whilst we are building 68 new and upgraded hospitals we have built 58 new train stations. Whilst we are building 96 new schools we have also built 400 kilometres of new roads across our state. Whilst we have been putting 115 000 people through more than 63 TAFE courses we have been planning and building 6323 social and affordable units of housing. Whilst we have been expanding 69 kinders we have delivered 55 large-scale clean energy projects and 5900 megawatts of renewable energy. The point is you need to do more than one thing at a time in order to even pretend to be the government. You need to invest in road and rail, nurses and teachers, hospitals and schools.

*Members interjecting.*

**Mr ANDREWS:** I yield to the marginal seats director.

*Members interjecting.*

**The SPEAKER:** Order! There are 20 seconds of question time left. I ask members to come to order.

**Mr R Smith:** On a point of order, Speaker, there are 50 sick people standing in a tent outside Box Hill Hospital at the moment. It might not be the best time to congratulate yourself.

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

**Member for Warrandyte withdrew from chamber.**

**Mr ANDREWS:** It is a shame to see him go. I love him. He has got real leadership potential, that one—real leadership potential. You have got to do more than one thing at a time, and we are. If you cannot do more than one thing at a time, then you cannot be the government, because you are simply incapable of providing the leadership that our state needs in every area of policy, in every community, in every part of the state.

**Ms Kealy:** On a point of order, Speaker, I have got a number of outstanding adjournment matters and a question on notice that I would like you to follow up, please, that are beyond their due date: item 6294 to the Minister for Health, item 6183 to the Minister for Health and item 6071 also to the Minister for Health. Two of those go back to 2021, so I ask for an immediate response—before the end of the sitting year—please.

**The SPEAKER:** They will be followed up.

**Mr T Bull:** Speaker, I would like to raise a point of order in relation to a number of unanswered questions: question 6700 to the Minister for Agriculture, question 6699 to the Minister for Agriculture, question 6689 to the Minister for Environment and Climate Action, question 6688 to the Minister for Environment and Climate Action, question 6686 to the Minister for Agriculture, question 6684 to the Minister for Education, question 6681 to the Minister for Mental Health, question 6680 to the Minister for Health, question 6548 to the Minister for Child Protection and Family Services, question 6540 to the Minister for Consumer Affairs, Gaming and Liquor Regulation and question 6428 to the Minister for Environment and Climate Action.

With just two weeks remaining of sittings, it would be very beneficial to get those answers so that I can pass those on to my constituents.

**The SPEAKER:** Questions will be followed up.

**Constituency questions**

**MURRAY PLAINS ELECTORATE**

**Mr WALSH** (Murray Plains) (14:46): (6486) My constituency question is to the Minister for Early Childhood and Pre-Prep, and I ask the minister what advice she can give my constituents as to the work that is being done to relieve the overworked childcare system in my electorate. My office has been under siege from parents wanting explanations as to why they are number 50, number 60 or number 70 on the waiting list for the limited number of childcare facilities in the major towns in my electorate, and my constituents in the smaller communities are in an even worse position. At a time when our economy is crying out for more staff, a better, larger and more affordable childcare system that actually works, that is actually designed to cater for the needs of towns like Swan Hill, Kerang, Echuca and Kyabram, would instantly unlock hundreds of people to return to the workforce. I ask the minister if she could give advice back to my constituents about that.

**NORTHCOTE ELECTORATE**

**Ms THEOPHANOUS** (Northcote) (14:47): (6487) My constituency question is to the Minister for Health, and I ask: what is the current demand for maternal and child health, early parenting, perinatal and postpartum services in the electorate of Northcote? For almost four years I have pushed for an increase in services for infants, parents and families in the inner north. Pregnancy, childbirth and parenting impact us all in all kinds of ways, but one thing we know for sure is that families need support around them at this time. That can take many forms—physiotherapy after birth; mental health support for perinatal anxiety or birth trauma; help with breastfeeding, sleep and settling; specialist support for the baby; connecting with peers—and when families are supported, we know it makes for lifelong benefits. Yet many services, particularly early parenting centres, are not located in Northcote or even in the inner north more broadly. The first 1000 days are vital to a child’s development, yet wait times to access services can be months. In the world of a new parent, believe me, that is a lifetime. My community needs access to integrated care for parents and infants, and I will not stop pushing for Northcote to have these critical services.

**CROYDON ELECTORATE**

**Mr HODGETT** (Croydon) (14:48): (6488) My question is to the Attorney-General, and it relates to the Dispute Settlement Centre of Victoria not being available to assist constituents with dispute matters. I have been contacted by a constituent who is trying to resolve a family issue and has attempted to lodge an application through VCAT to finalise this matter. VCAT have advised my constituent that before they will accept the application for a hearing date he must contact the Dispute Settlement Centre of Victoria and seek their services first. The issue that my constituent faces is that the dispute settlement centre have currently closed their general service inquiries and are only focusing on assisting renters and rent providers to resolve disputes. This leaves countless others who are also wishing to resolve their matters without any way forward and waiting in limbo until the backlog is cleared. Attorney-General, as part of their website the purpose of the dispute settlement centre is put as:

... to empower and assist the Victorian community to ... resolve issues, ease pressure on the judicial system ...

How can this be done when the centre is closed to all new calls for help? How can my constituent seek help in resolving his issue and get the support and help he deserves?

**YAN YEAN ELECTORATE**

**Ms GREEN** (Yan Yean) (14:49): (6489) My constituency question is to the Minister for Community Sport, and I ask: when will the minister be announcing the successful applicants under the latest round of the Local Sports Infrastructure Fund? The Shire of Nillumbik has advised me that they have applied for funding to plan new sport and recreation facilities in Panton Hill. I was delighted to be in Panton Hill in my first term in this place, when the then Minister for State and Regional Development, John Brumby, officially opened new rooms for the Panton Hill Football Club and

## CONSTITUENCY QUESTIONS

Thursday, 18 August 2022

Legislative Assembly

3279

cricket club. Sport and recreation has really kicked on in that time and the club has grown incredibly successful, has many more players, is now looking to field a women's side, has netball and also wants to work closely with the local primary school in growing the activities it is doing on its site during school hours and afterwards. So I look forward to hearing when the minister will be making a decision about this great idea.

### POLWARTH ELECTORATE

**Mr RIORDAN** (Polwarth) (14:50): (6490) My question today is to the Minister for Environment and Climate Action. The question I have for the minister is: could she please inform me, so I can let the people of Apollo Bay, Skenes Creek, Cape Otway and the Otways generally know, when the Skenes Creek caravan park and the Cape Otway lighthouse will be open again to tourism and accommodation and operating as the important, viable tourist drivers that they are in this region. Summer is not far away. It will be happening after the election, of course—the busy peak tourist season. The Skenes Creek caravan park has now been shut for a couple of years. It is coming up to its third year closed. The Cape Otway lighthouse is closed, with no definite date given for when it will reopen. We look to the minister for some direction so these communities can plan for their futures.

### FRANKSTON ELECTORATE

**Mr EDBROOKE** (Frankston) (14:51): (6491) My constituency question is for the Minister for Energy, at the table today, and the information I seek is regarding how many people in the Frankston community have been granted the \$250 power saving bonus while saving money on their power bills. Last week I was really excited to announce that my office has helped over 400 people in the Frankston committee gain their \$250 power saving bonus.

**A member** interjected.

**Mr EDBROOKE**: I hear you ask, 'How many?'. Four hundred—that is more than \$100 000 back in the pockets of very, very happy Frankston community members. They are also getting the best rate on their electricity as well. But we know there have been many, many others. We have heard of people actually making their own little leaflets to put around in their neighbourhood to make sure people do actually access this \$250 payment and check their electricity rate. So on behalf of my community I ask: what are the numbers from the Frankston community accessing the power saving bonus?

### FOREST HILL ELECTORATE

**Mr ANGUS** (Forest Hill) (14:52): (6492) My constituency question is to the minister for sport. Minister, when will the government provide funding for the many sporting clubs in the Forest Hill district who desperately need infrastructure funding for facility upgrades? Many constituents have regularly raised with me the very important issue of female-friendly sporting facilities and the lack of these in the local area.

We hear a lot of talk from the government regarding sport, and female sport in particular. However, sadly, for my constituents this talk is not followed up with funding for the urgently needed facilities. For example, the three tremendous Eastern Football Netball League football clubs in Forest Hill district, namely East Burwood, Forest Hill and Vermont, are all in desperate need of female changing facilities for both players and umpires. Other clubs are also in need of facilities upgrades, including local soccer clubs and cricket clubs. This lack of funding is despite repeated calls in this place and elsewhere for funding to be provided to ensure the growing number of female sporting participants have adequate changing facilities.

I recently visited a sporting club in the new Glen Waverley district where the female players get changed behind temporary screens that have to be moved into place when required. The windows in that area also have to be covered over to give the players privacy to change. This is simply not good enough. Minister, I ask you to provide this information.

**ST ALBANS ELECTORATE**

**Ms SULEYMAN** (St Albans) (14:53): (6493) My question is to the Minister for Community Sport, and my question is: what is the government doing to support participation in community sport in my electorate of St Albans. Sport is absolutely integral in the electorate of St Albans, delivering many opportunities for greater health, wellbeing and recreation. I am so very proud of the record investment in local sport from our government, in particular in North Sunshine Tennis Club and all the way to Errington Reserve in St Albans and the many sporting clubs throughout my electorate. I want also to thank all the volunteers who dedicate their time and most importantly all the residents in my electorate, families and children, who continue to take up active sport and really develop healthy lifestyles. So I am looking forward to the minister's response in this very important matter in my electorate of St Albans.

**SOUTH-WEST COAST ELECTORATE**

**Ms BRITNELL** (South-West Coast) (14:54): (6494) My constituency question is for the Minister for Roads and Road Safety. The information I seek is the outcome of detailed scope, design and costings for further works to the Woolsthorpe-Heywood Road as well as the total cost of resurface and repair work carried out on the road since 2019. In April I asked the minister to come to my electorate to meet residents and see for himself the appalling condition of the Woolsthorpe-Heywood Road, a B-double-gazetted major arterial truck route. To date the minister has shown no inclination to accept that invitation. The road has deteriorated further over winter and is one of the most dangerous in my electorate. I am constantly getting feedback from road users saying it is not only a major accident waiting to happen but is also causing extensive damage to vehicles. The minister has previously outlined how the Department of Transport has completed several resurfacing and repair projects on the road since 2019. I ask the minister to outline just how much has been spent on the Woolsthorpe-Heywood Road and whether the department's scoping and design work will result in proper repairs on the road.

**CRANBOURNE ELECTORATE**

**Ms RICHARDS** (Cranbourne) (14:55): (6495) My constituency question is to the Minister for Training and Skills in the other place. My question to the minister is: how is free TAFE supporting the Cranbourne community to get the skills they need for the jobs of the future? Cranbourne is home to a vibrant Chisholm TAFE campus that is playing an incredibly important role in our community by educating and empowering locals and ensuring they have access to high-quality education and rewarding career paths. Half of free TAFE students are women, 45 per cent are from culturally diverse backgrounds, 43 per cent were unemployed and more than 40 per cent live with a disability. Ensuring that all Victorians have access to a fantastic TAFE education and job security is vitally important and has been a priority of this government. I take the opportunity to thank our TAFE teachers and thank our students, and I look forward to the minister's response.

**Bills****JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022***Second reading***Debate resumed.**

**Ms GREEN** (Yan Yean) (14:56): Speaker, I am glad that you are now in the chair as I resume my contribution on this important bill following the luncheon break and question time. I know that you, Speaker, and I were very impressed when we attended the recent Commonwealth Women Parliamentarians conference by the quality of the speakers there. But I know that both you and I were quite shocked when we heard an amazing speaker, Ramona Vijayarasa. She quoted the figures from the latest World Economic Forum report for 2022 showing that Australia ranks 43rd—although it has

moved up slightly this year from 50th in 2021—in terms of global gender equality. But it has been on a downhill trajectory since 2015, when Australia was ranked 15th. This index measures the gap in equality across countries, but the inequality gap in Australia between men and women is bigger than in the 42 other countries that rank before us, and we are the ninth-richest country in the world. We think of ourselves as First World, but with our lack of gender equality we have been Third World. Part of this is about gendered violence towards women.

Political equality is really important and we have made great strides in this state, but it is only on this side of the house. It really is only when women's voices are heard and genuinely equal and listened to that you can make changes like this. But the changes are going to need to go further than just legislation. It has got to be attitudinal. We really have a cultural problem in this country that we all need to face up to. The member for Tarneit mentioned earlier the experience of her daughter, Emily, in primary school having horribly sexualised comments made to her by a little boy. I do not for a minute blame that little boy. It really is our culture.

I mentioned earlier too that those on the other side numerous times have said that they would get rid of the Respectful Relationships program. What this actually does is talk to children about respecting each other's bodies and respecting consent, and it is crucially important, because we cannot ignore the fact that with the devices that we all rely on every day our children are being exposed to horrific and graphic pornography. I am not trying to be a moral majority person here, but it is graphic and it is violent. The porn purveyors actually target sites that our young people go to, and they are just common keystrokes. So you have got to actually supervise your young people, because they could be exposed to pretty horrific porn and violence. That is not to say some of these things are not happening in children's homes, but really as parents we have to talk to our kids about this and supervise them and not leave them alone looking at these things online. I think a lot of that is where it is coming from. So that is why things like Respectful Relationships and respect for women's roles in our society are needed, but also assisting our young people to know what consent means for boys and for girls.

The member for Eltham talked about the way she was raised. A number of others have talked about how they were raised, and so did the member for Tarneit. But certainly in a Catholic girls system we were just told how to behave and not how to demand good behaviour from others—and that was back in my day. Particularly with my father, it was very much the moral majority: 'You will not do this; you will not do that'. There was no conversation about what to do when you were faced with an unexpected sexual contact.

The first job that he got me was with the good Catholic man when I was 13, in a milk bar—you know, that man with wandering hands, that man that used to take money out of the till for his SP betting and then blame it on the staff. Then when his wife and he got into an argument about it he would violently attack that woman, and the children would be coming in asking for help from me as a 13-year-old girl. We need to educate our kids in how to deal with difficult behaviours, with predatory behaviours, and we need not to blame the victim.

I was shocked when the member for Eltham talked about her experience of being a 13-year-old girl and molested in the queue at the MCG. It really seems that there is no age barrier for when this occurs, because this actually happened to me in a queue in a department store when my children were really young—and I remembered that when the member for Eltham retold her story. Really as an adult woman I felt as helpless as a 13-year-old girl.

This bill before the house does really inform people about consent, but it will need to be backed up with changes in how we all culturally expect behaviour from each other and particularly respect women and girls. I want to commend the brave, brave young women who have coordinated those amazing marches for justice, which many and most of us in the Labor Party caucus, particularly our women, attended—you know, Chanel Contos, Saxon Mullins, Grace Tame and Brittany Higgins. We owe a debt of gratitude to those brave young women who have been able to speak up about what has happened to them—and I have to say I never felt strong enough to be able to do that when I was a

teenager. It really has been those young people that have led us to this point, and I just hope that we go further and further into this, improving the way we relate between men and women.

**Mr R SMITH** (Warrandyte) (15:02): I move:

That debate be adjourned.

**House divided on motion:**

*Ayes, 24*

Angus, Mr	McCurdy, Mr	Smith, Mr R
Blackwood, Mr	McLeish, Ms	Southwick, Mr
Britnell, Ms	Newbury, Mr	Staley, Ms
Bull, Mr T	O'Brien, Mr D	Tilley, Mr
Cupper, Ms	O'Brien, Mr M	Vallence, Ms
Guy, Mr	Read, Dr	Wakeling, Mr
Hodgett, Mr	Riordan, Mr	Walsh, Mr
Kealy, Ms	Rowswell, Mr	Wells, Mr

*Noes, 48*

Addison, Ms	Foley, Mr	Pallas, Mr
Allan, Ms	Fowles, Mr	Pearson, Mr
Blandthorn, Ms	Fregon, Mr	Richards, Ms
Brayne, Mr	Green, Ms	Richardson, Mr
Brooks, Mr	Hall, Ms	Scott, Mr
Bull, Mr J	Hamer, Mr	Settle, Ms
Carroll, Mr	Hennessy, Ms	Spence, Ms
Cheeseman, Mr	Horne, Ms	Staikos, Mr
Connolly, Ms	Hutchins, Ms	Suleyman, Ms
Couzens, Ms	Kennedy, Mr	Tak, Mr
Crugnale, Ms	Kilkenny, Ms	Taylor, Mr
D'Ambrosio, Ms	Maas, Mr	Theophanous, Ms
Dimopoulos, Mr	McGhie, Mr	Thomas, Ms
Donnellan, Mr	McGuire, Mr	Ward, Ms
Edbrooke, Mr	Merlino, Mr	Williams, Ms
Eren, Mr	Pakula, Mr	Wynne, Mr

**Motion defeated.**

**Ms THEOPHANOUS** (Northcote) (15:10): That was all a bit unnecessary, wasn't it? I expect it from the Liberal Party. I did not expect the Greens party to want to shut down debate on the Justice Legislation (Sexual Offences and Other Matters) Bill 2022, but there you go.

**Ms McLeish:** On a point of order, Speaker, the member on her feet is absolutely misrepresenting the situation. There was an agreement that we would change—

**The SPEAKER:** Order! Member for Eildon, you will resume your seat or leave the chamber. That is not a point of order.

**Ms THEOPHANOUS:** Thank you, Speaker. I am delighted to continue debating this very important bill despite the attempts that we have just seen. It is with a deep sense of responsibility to both the victim-survivors and the generations of Victorians to come that I rise to speak in support of this bill—this very important bill. Of course we should not need a bill like this, but the reality is that we do.

Though invariably there will be pushback and commentary from those who feel uncomfortable speaking about sexual violence, that should not and will not deter us. The fight for equality and safety is ongoing, and we will not stop raising our voices and making noise about it. We raised our voices when we fought for the vote. We raised our voices when we fought for pay equality. We raised our voices when we fought for paid parental leave, for reproductive rights, for protections against discrimination and for safety in our homes and in our workplaces. We will not stop raising our voices, and it has been an honour throughout my time both as an MP and before that as a women's policy

adviser to lend my voice to that movement and to that legacy. So I join with all the voices that have come before mine for the sake of all the voices that will come after, because the truth is that our fight for equality and safety is nowhere near over, and although that can be difficult to talk about, it is necessary to talk about. We should be uncomfortable with the rates of sexual violence in Victoria—sexual violence that is overwhelmingly suffered by women, sexual violence that causes devastating and long-term harm. We should be horrified and angry. But more than that, we are motivated to be here in this house of Parliament fighting for change by bringing forward this historic bill that will enshrine affirmative consent into law in Victoria.

It has been a long journey to get here, a journey that so many strong women members of Parliament in our Labor government have been a part of and that so many outside of this Parliament have been a part of too—victim-survivors, activists, allies, support services and feminist organisations. But in particular I want to acknowledge the strong young women that have been at the forefront of this work. Powerful advocates like Saxon Mullins, Grace Tame, Brittany Higgins and Chanel Contos have driven national conversations around sexual violence and consent.

In my own community too over the past four years I have had countless conversations with young people in Northcote, and their message is loud and clear: they want to see cultural change and change to the way sexual violence is treated in the justice system. They are done with the victim blaming and the gaslighting that has characterised so many of our own formative years. I am particularly reminded of a powerful group of young women from Northcote High School who have since graduated but who I spoke to at length about these issues and who continue to advocate for change. It was around the time of those awful and bizarre milkshake consent videos that were released by the Morrison government—a very good example of how not to talk about consent. These young women were going through the Respectful Relationships program at school at the same time, and they were energised to make that program the best that it could be. So they worked with their teachers and classmates and specialist services to explore how it could be strengthened, particularly around improving our collective understandings of consent, and they produced a wonderful piece of work around this. It is strong, powerful young people like these that have driven change and will continue to drive change in our society, and I could not be prouder to be using my voice in this Parliament to echo theirs, because there is no place for sexual violence in Victoria.

As I say those words, I do feel like they are manifestly inadequate for expressing the real trauma, the personal cost and the experience itself that is described by words like ‘sexual violence’ and ‘rape’. But this is not abstract, and those words cannot really describe it. It is happening right now to women that we know. It happened yesterday and it is happening tomorrow, and for too many there just is no justice. Our culture and our justice system have not made reporting safe for women, and when offences are reported just one in 23 rape cases results in conviction. The devastating, crushing feeling of that injustice is not easy to heal from. It perpetuates a situation where far too many perpetrators are getting away with it, and it buttresses a culture in which women continue to be disempowered, disrespected and devalued. As I said, this bill should not be necessary, but it is.

The Labor government in Victoria has embarked on an enormous program of reform towards gender equality and ending gendered violence. From the Royal Commission into Family Violence to our Gender Equality Act 2020 and Respectful Relationships in schools, we have been ambitious and we have been determined. In 2020 we asked the Victorian Law Reform Commission (VLRC) to look into the justice system’s responses to sexual offences. The resulting report found that sexual violence is widespread and under-reported and causes significant harm and, even when reported, convictions are rare. As the commission noted:

Too often, people who have experienced sexual violence do not get what they need or want from the justice system ... Instead, the justice system often leaves them feeling alone, invisible, and as if they are the ones on trial.

This bill shifts the scales. It redefines the meaning of consent and sends a clear message about responsibility. Critically it says to victim-survivors, ‘This is not your fault, and it never was your fault’.

I know that this bill has been subject to some panicky commentary that has sought to criticise or trivialise the reforms, with claims ranging from the bill preventing people from kissing their partners to stopping teenagers exploring their sexuality and even that it will kill romance, as if spontaneity and sexual assault are in any way synonymous, as if young people cannot explore sexuality in a way that is both respectful and safe—let us give them credit here—and as if women do not know when they are being sexually assaulted and perpetrators are just misunderstood. It is worth noting that many of these comments reflect the old stereotypes and narratives that this bill seeks to address. We cannot and must not accept the narrative that many sexual assaults derive from misunderstandings or from the misleading actions of victim-survivors. That is victim blaming. Instead we need to have an open and honest conversation about what positive, respectful relationships look like, and we must set a legislative standard that reflects and leads community expectations.

This bill means consent must be actively sought and communicated, not just assumed. It puts a focus on the need to actively seek consent and a focus on the actions of the accused. Simply put, you need a clear and enthusiastic go-ahead. As others have said, it is not ‘no means no’ anymore, it is ‘yes means yes’, and this change in focus is critical to accurately reflecting the reality of sexual violence and the experience of victim-survivors in court. The VLRC found that victim-survivors continue to be questioned and judged on outdated notions of whether they said no or fought back, but we know that not resisting is not the same as consent. Fear of harm, coercion and power imbalances all contribute to how we respond in moments of crisis.

As part of this bill we are also explicitly legislating to make stealthing, which is the non-use of or tampering with a condom without consent, a crime, and I am very pleased to support that aspect of the bill. I think it is critical. We have come a long way in terms of generational change, but there is no doubt that education still has an important role to play here, and I am pleased that we are also committed to delivering community-based consent education. I do not have time to say all the things that I want to, but we do need to ensure that consent is understood, supported and adopted in Victoria. So that is a critical part of the reform. Ultimately the goal is to stop sexual violence before it happens, and these reforms have the potential to deliver that change.

As I finish up my remarks I just want to thank the brave victim-survivors who have told their stories and allowed us to propel these reforms. Today we are changing the law for you and for every single Victorian. I hope that this gives our young people in particular hope and certainty, and I commend the bill to the house.

**Mr EDBROOKE** (Frankston) (15:20): Can I just start out by flagging that I will be talking about some sensitive issues on this topic, but I think it is really important that we have honest, frank and open discussions about this. I also just want to start by saying that I am very proud to be part of a Labor government with 50 per cent women in our caucus and over 50 per cent women in our cabinet. They have done this bill more justice today than I think I ever will. There have been some shocking disclosures, and I pay tribute to those people, my colleagues and the people who work every day to keep men and women safe from sexual violence as well, particularly in the Frankston area, and also victim-survivors who have been brave enough to come forward, especially during the Royal Commission into Family Violence as well.

This bill, as we have heard, will reform the Crimes Act 1958 to implement the affirmative consent model. It includes amendments to the definition of consent to be ‘free and voluntary agreement’ and clarifies, importantly, the circumstances where consent is not given. It makes clear that a person cannot have a reasonable belief in consent if they did not say or do anything to find out if there was actually consent. It makes clear that stealthing, which as we have heard is this strange behaviour by males to remove condoms during sex and therefore not get consistent, continual consent from a partner, is a crime, and we are legislating that it is a crime here. It amends image-based sexual offences to better recognise their seriousness and broaden their application to gender-diverse victims. It includes a new interpretive provision to facilitate prosecutions for historical sexual offending, and it introduces new jury directions to address common misconceptions about sexual violence.



I know there will be people in my community and maybe even this chamber today that are saying, 'This is unnecessary. Why would we be doing this? Why do we need it?'. I would say to them that this is part of a cultural and generational change, and the legislation we are putting up today is running parallel to that and keeping up with what is happening in our culture. We have been very clear as a government that there is no room in our community for sexual or gendered violence and that gender equality is a human right—not just a female right, I guess. This is a bill where I am incredibly proud to stand here, but it is sad that we have to actually put this through, because in an ideal world this kind of sexual violence would not be happening. The reason, though, if I had to answer that question to people about why we are here today, why we are doing this and why it is necessary would be something along the lines of, 'Well, let's not look at our community for a second. Let's look at who is leading our nation'. The previous federal government is a brilliant example of why we need this. There might be people who disagree with me, and that is up to them, but I think I make a pretty good case.

We have the brave victim-survivors Brittany Higgins, Grace Tame and Julia Banks. We had allegations against Minister Porter. We of course had the Jenkins report. We heard about desk masturbators. We heard about sex workers being invited into federal Parliament—I think it was to the chapel. It kind of bewilders me that we would be here in this house today and we have just had a division about shutting this debate down when there have only been three people—three MPs—from the opposite side of the chamber. Sorry, I think it was one Greens member and three Liberal MPs that wanted to speak on this, because sexual violence happens everywhere. Of those three MPs, there was one woman who wanted to speak on this.

We are talking about a crime where only one in 23 rapes is reported and the perpetrator convicted. This is something we need to talk about. We need to bring it out into the open. I would have thought it was especially relevant to those in the opposition. As we speak, one of their members is at home because he is banned from Parliament for inappropriate behaviour. I reckon I would have been up there jumping in those chairs making sure that my voice was heard that we needed to put a stake in the ground or a line in the sand and say, 'This is where we stand on this issue'.

We are saying that there is no such thing as a legal, sexual interaction without respect and consent. It is not just a nice-to-have; you must have it. We are saying to girls and boys, men and women, that you will be held accountable, and also that this is only the first step to achieving what I think is still a long road ahead to make sure that we can keep everyone safe in Victoria, and hopefully across the nation too.

We have heard people in this chamber talk about 'no' meaning 'no', and I remember the member for Footscray talking about how in our generation that is what we were brought up with: 'no means no'. That left a lot of grey areas. I was stunned to hear some of the gaslighting we have heard from the opposition today. We even heard talk about submission, which to me is this yielding to a superior male or superior being—something like that. I think it comes down to maybe having healthy sex talks and making sure that our young men and boys are educated in what is masculinity. That is what this government is about, and we have put programs in place for that.

I think it is really basic in a way. We are actually putting in legislation what we teach in kinder. You might know this, Acting Speaker, and there are plenty of people who might have seen this in primary schools or kinders. We teach children to protect themselves against predators by teaching them three things. The first one is that your body belongs to you, the second one is that you decide about your body, and the third one is that nobody should touch your body without your permission. How is that different from what we are legislating here today? I think there is just a generational gap. Unfortunately it is in my generation and around that era where there are a number of issues, and we have not faced these. It is the younger generation that are calling us out on this and saying, 'This is no longer appropriate'. You know the difference? The difference is that we have healthy talks about sex with kids these days. For a long time and for many generations sex was taboo. It was part of our culture—part of our western, colonialised culture. Sex was taboo. Women could not enjoy sex. Women were there to pleasure men. That was how people were brought up. Now we are having good talks about sexual

health, about sexual behaviour and about respectful relationships, and it is changing the next generation. We need to legislate here today to ensure that our law is running in parallel with that generation.

I think it is an important change that is not appreciated by some on the other side. As I said, it is a parallel legal change, but this is not that difficult to understand. Maybe with some of the behaviour and gaslighting we are seeing, an explanation that would go a long way to explaining that is how—again—people in my generation had sex explained to them, had power relationships explained to them, had what abuse is explained to them and had what consent is explained to them. I would say, speaking for myself—and I went through the same school system as many other people—that this was not a subject. People found this out on the fly, and a lot of the abuse experienced now is because of people in my generation.

We do have hope, though. We have got a bunch of bright, young, enthusiastic people that know what equality is. They can identify gendered violence. They can identify sexual violence. They understand consent. They understand the basics. It confounds me that we can be talking about this and there can be disagreement about consent, whether it be sexual or something else. I am not going to go down and steal the minister's pen because—the minister might not say anything to me, but I know it is wrong to steal her pen; I do not need to hear 'no'. I should ask for consent. That is a very, very basic transaction, but it is exactly the same transaction—maybe a little bit more complex, but the same basis—as we are talking about today. If you would like to have sex with someone, it should not get to the point where they have to submit. You have done something very wrong if you have to get to the point where someone says 'no'. You have probably missed a lot of red flags there too.

I might go out on a limb here and say that, for the people that maybe do not understand their own sexuality, maybe asking for consent and getting someone to say 'yes'—who wants to actually have sex with you and might enjoy it—might actually be the thrill of a lifetime for them. But it is very, very important that we have our community in Victoria thinking that every single member of this chamber, every representative in Victoria, is very firm on this—that if you touch someone without their consent, if you engage in sexual relations without someone's consent, you are breaking the law. This really draws that line in the sand, and I commend the bill to the house.

**Ms THOMAS** (Macedon—Minister for Health, Minister for Ambulance Services) (15:30): I move:

That the debate be now adjourned.

**Motion agreed to.**

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

## STATE SPORT CENTRES LEGISLATION AMENDMENT BILL 2022

### *Second reading*

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

That this bill be now read a second time.

**Ms McLEISH** (Eildon) (15:30): It is with pleasure that I rise this afternoon to speak on the State Sport Centres Legislation Amendment Bill 2022, and although it is a fairly simple bill designed to make things fairer and more equitable between a number of different organisations—different state assets in fact; it is managed through the State Sport Centres Trust—there are a couple of key points that I will be making, and I am sure I can do well in filling my time here. First of all I want to thank the new Minister for Tourism, Sport and Major Events' office and staffer Raphael Mengem for arranging the briefing, as well as Belinda Kleverlaan and Louise Atwood from the Department of Jobs, Precincts and Regions. Belinda, being the director of state entities, has particular knowledge in this area.

The purpose of the bill that we have before us is to give the State Sport Centres Trust management rights and responsibility over the Knox Regional Sports Park, Lakeside Stadium and the Lakeside

Oval Reserve. So that sounds fairly simple. On top of that it is updating a parcel of National Tennis Centre land following the widening of Hoddle Street. That is quite minor, but I will touch on that as well. There are also some slight alterations to the make-up of the State Netball and Hockey Centre Advisory Committee.

In doing so this bill makes amendments specifically to the State Sport Centres Act 1994, which will allow the trust—I will call the State Sport Centres Trust ‘the trust’—to manage and operate the Knox Regional Sports Park and land, Lakeside Stadium and the Lakeside Oval Reserve land. It also amends the Melbourne and Olympic Parks Act 1985 to reflect the new boundary of the National Tennis Centre land following the reservation of a strip of land as a road in the streamlining of the Hoddle Street project. Also included are slight alterations to the State Netball and Hockey Centre Advisory Committee. There has previously been a member of the trust on that committee; it is now being altered to include the CEO and a member of the trust. These changes are being put in place to bring them all into line, all having simple, fairer and equitable access within the trust—and it is actually tidier legislatively as well.

I just want to talk a little bit about the State Sport Centres Trust for a moment. The title of this act was changed from the Melbourne Sports and Aquatic Centre Act 1994 to the State Sport Centres Act 1994 by section 4 of the Melbourne Sports and Aquatic Centre (Amendment) Act 1999. That was established with the primary purpose of establishing the Melbourne Sports and Aquatic Centre. In 1999 the State Netball and Hockey Centre was added to the management under the trust. The trust itself operates under the State Sport Centres (Amendment) Act 2004, and that act primarily was introduced at the time to consolidate land management arrangements around MSAC in Albert Park. We would all know and be very familiar with MSAC as it stands now, but when it was first established there were lots of different parcels of land that had different ownership arrangements, and so that consolidated them all into one. The local member at the time, who was also the Minister for Environment, John Thwaites, said:

The aim of this bill is to rationalise land management arrangements for the redeveloped site and to put in place a more efficient, streamlined land management structure. The bill will also ensure that all Melbourne Sports and Aquatic Centre land is permanently reserved as part of Albert Park.

The current arrangements may best be described as a patchwork of land parcels and management structures.

So we can see that already with the development of MSAC there was work that needed to be done to consolidate it so that they had better and more streamlined arrangements, and as we have added different state assets into the management of the trust, that then at times has meant the legislation has had to be altered.

The trust is a statutory authority, and its role specifically includes management, financial arrangements, operation, development and maintenance, including all of the grounds, with responsibilities over a suite of the government’s assets. These are, as I have mentioned, Melbourne Sports and Aquatic Centre, Lakeside Stadium and the State Netball and Hockey Centre—it is very difficult to not put ‘hockey’ first because it is just known to me as the hockey centre—and now it will include the Knox facility and change the nature of the arrangements around Lakeside Stadium. Lakeside Stadium at the moment is through a committee of management, and this is altering that and putting it in line with the others. The aim, I guess, of all of this is to provide premier multisport facilities in Victoria that are state of the art.

Just with regard to the trust itself, in 2019 EY, Ernst & Young, completed an economic impact of the value of the trust and what it delivers annually. Based on 2019 activity—and I do want to mention that because it shows the significance of sport in and around Melbourne in key parts—it delivers \$164.6 million to the economy, and the benefit to the sports section from the provision of the facilities is \$14.8 million. The number of visits across those facilities is 2.4 million. The number of children that it supports in subsidised sports programs is 14 204, swimming lessons totalled 136 640 and they have had over 6200 group fitness classes.

The trust was impacted greatly through COVID, like many other areas, with the extended lockdowns that we had in Victoria. And if we look at what is in the last annual report signed off by the chair and the previous chief executive, it says:

The impact from COVID-19 challenges on athletes and all visitors, has become more and more prominent. Many people have held off returning to activity with every lockdown. Many athletes have considered alternative options, and events have found greater certainty relocating interstate. Significant mental wellbeing issues are being witnessed in people, and the role SSCT venues play in helping restore athlete and community wellbeing will become critical over the coming years.

We can see very much from the state's sporting assets that the trust knows what an impact it has had on sport, with the extended lockdowns, more so than anywhere else in Australia. As we know, Melbourne was the most locked down city in the world. When you have got people leaving sport, not returning, finding alternative things to do, you have got to look at the impact on the health of our society going forward. We need people to be active. We do not just need children to be active, we need adults to be active as well. The lockdown has really not just impacted so negatively on people's mental health but also stopped them participating in health activities, and so much more needs to be done to make sure that we drive people, young and old, back to doing physical activity. The trust itself experienced approximately a 30 per cent drop in membership numbers from a pre-COVID-19 high as a result of these changes. And in late 2020 it offered members one-month complimentary memberships, which helped it pick up, but you can see the sorts of things that needed to be done to get some changes in this area.

As I have mentioned, there are four different areas that are managed through the trust, and I am going to start with the Lakeside Stadium and the Lakeside Oval Reserve. It is important to know that with both Knox and Lakeside it is not just the stadiums and the buildings, but it is also the wider reserves around them that are the subject of the bill before us today. The trust was appointed the committee of management at the reserve on 31 August 2011. It was under the oversight of the former Liberal government. This was done because there had been a number of changes. It was bringing it in line because it is part of that Albert Park precinct, so we needed to make sure that it was under the same management structure—and I think it is important to remember that it is all of the development. Everything that happens there needs to be mindful of that Albert Park region and the sports facility and the natural environment that it has there. This bill formalises the arrangements for the management of the facility and the land. Many people would know that the stadium itself is one of our premier athletics venues and that the ground is also available for casual bookings. Schools will use it, different clubs may use it, but it also has a number of very exciting athletics events. They have got seating for about 7500.

Changing from a committee of management will have very little, if any, impact on the day-to-day operations of the user groups and the tenants, and as I have said previously, it brings Lakeside in line with the other facilities. But these changes, actually quite interestingly, are also required to resolve difficulties in leasing and licensing around the stadium due to the ambiguity in exercising powers under two acts, because we have the Crown Land (Reserves) Act 1978 as well as the State Sport Centres Act 1994. There was a little bit of ambiguity about which minister was the lead minister in entering into some of these leasing agreements, and so this makes it a lot clearer that the Minister for Tourism, Sport and Major Events is the decision-maker now over leases and licences in the area, not the Minister for Environment and Climate Action. That just makes a little bit more sense. You have got a number of tenants there, such as Little Athletics. There is an old South Melbourne football club, and we have the Victorian Institute of Sport, which takes up quite a bit of that land there. The facilities have been located on the site of the stadium since 1878. It is one of the oldest stadiums that we have around. Many people would know that it was home to the South Melbourne Football Club before it relocated to Sydney, but we also know that the Sydney Swans have a presence at one of the buildings there. It had been converted to a soccer facility and an athletics track. That pretty well sums up the changes around the Lakeside stadium.

I am going to now move to the Knox Regional Sports Park. This bill again formalises the arrangements for the management of the facility and the land, and I note that the maps are included as part of this bill and schedule 4 actually outlines the area that is included. When we talk about the Knox Regional Sports Park most people think that means the expanded basketball stadium, but it actually is more than that because there are soccer facilities there as well. We had to have clarified through the bill briefing exactly where the boundaries of the lands are, but it certainly does include the soccer area—or ‘football’ as Football Victoria would refer to it. The facility out there is 27 hectares; that is quite a significant parcel of land. There is a significant redevelopment happening in that area at the moment with the stadium. It is a \$132 million development that includes 12 new community courts for the local basketball competition. Not only is it going to have basketball, but there will be local elite-level gymnastics and the existing group from Ferntree Gully will be relocating there. There is also the full-sized soccer pitch, five-a-side synthetic pitches and a pavilion. Also the Victorian Association of Radio Model Soaring is there now.

The State Sport Centres Trust has worked closely with Knox council here, and they needed to have done so. The council recognised that they needed extra facilities. Basketball is huge in that area, and certainly it was growing and they just could not keep up with the demand. There were existing facilities in Knox at Boronia that were past their use-by date and really needed updating. This, for council, helped solve a couple of problems. The council contributed \$27 million to the development of the facilities, but they did so with the guarantee that the trust would take full operational responsibility. They knew that they did not have the expertise to manage major stadiums—that is not the core business of local government, certainly—and any costs of maintenance and upgrades in the future would have been quite prohibitive. They were worried about those, so they came to an agreement where they provided \$27 million to that. Now, there are some sensitive areas outside, and the council parks and gardens staff will continue to maintain the wetlands on the site to an appropriate standard as part of that agreement. They wanted also to make sure that there was easy access for visitors, and so the Landcare specialists there will continue to care for those wetlands and the surrounding area.

I have mentioned that this is going to be quite a large redevelopment, and it will have a number of tenants there. The tenants are Basketball Victoria and Basketball Australia, and there are the men’s and women’s premier league teams. The Knox Basketball association in fact has—this is quite impressive—1069 teams which compete weekly in junior and senior domestic competitions. That is 11 000 players. That is an extraordinary number of players at that one venue. When I have looked at the plans—I have been out there a couple of times—there seems to be one entrance. The car park is way out the back and people have got to walk an enormous distance to the front to go in and then they have to walk right back to the stadium where these community courts will be. I think that possibly there could have been a little bit better design there.

Because there will be so many tenants—Football Victoria I mentioned before, and Ferntree Gully gymnastics will be relocating there—it is important from my point of view and certainly from the Liberal-Nationals point of view that they be given a voice so that they are heard, so they have access to those in the trust, whether that is a chair or the trust members. To make sure that they have a voice, under the standing orders I wish to advise the house of amendments to this bill and request that they now be circulated.

#### **Opposition amendments circulated by Ms McLEISH under standing orders.**

**Ms McLEISH:** The reason that I am circulating amendments is to provide through the legislation the opportunity for the user groups to be heard. I have not created anything that is exceptional or anything that is not already in the current act. I have based these amendments on section 26D of the current act, which is about the State Netball and Hockey Centre Advisory Committee, which already exists. That is being amended as part of this bill. Through the development—they were having a major construction phase—and through that phase they established their advisory committee. It included not just the people from the trust and the netball and hockey centre but also the zoological gardens, because that is in that

precinct as well, and the Melbourne City Council. So they have an advisory committee, and that advisory committee is continuing now that the work at the netball and hockey centre has been completed.

I thought it only reasonable that a similar advisory committee be put in place through legislation to make sure that the community groups, the user groups and the tenants at Knox were heard—that they could have access to the trust and to the CEO. CEOs come and go and trust members come and go, and there are different capabilities and actions of those leaders. Whilst one CEO or trust member might be particularly active in engaging, that does not mean the next one will be. I think it is important: if we have this in legislation, then that would bind the trust to talk to them—not just during the construction phase. That construction phase is well and truly underway at the moment, and it will continue, and for those different user groups to be given a voice in line with how the netball and hockey centre user groups were established I think is actually a good idea. I look forward to the minister supporting these, because they are good, commonsense amendments. They will make sure that the user groups are well represented.

One of the concerns that could be held, with the local council not being the main operator anymore and the user groups not having that strong connection in the first instance, is what happens down the track? You see this a lot as a member of Parliament, where something is a good idea now, but in 10 or 15 years when things have moved on, you start to realise ‘Hey, this hasn’t been thought out in the longer term’. It is good in the shorter term. Some of the clubs may think, ‘Will soccer get muscled out by tennis? Will netball move in and take over a little bit of basketball?’—things like this. So there can be legitimate concerns from groups that that may happen. I would expect in the first instance, given the number of basketball courts, that community basketball should be fairly safe, but soccer and gymnastics may not be as safe. They are unsure. Clubs will be unsure if it will be viable for them to lease the regional sports park due to fee payments, lower club numbers post COVID, pandemic lockdowns or any restrictions. Typically clubs do get discounted rates with the newer facilities. I know that to be the case for tenants at the Melbourne Sports and Aquatic Centre. The tenants at the hockey and netball centre certainly do get discounted rates. But you need to be very mindful that when you have community sport based at these premier facilities you cannot price them out—netball, for example, not being able to continue or basketball not being able to continue, at that grassroots level, to pay the rates—because there are huge levels of financial investment into them. For governments it is one of those things that you need to provide. You cannot get all your money back, but you need to make sure those user groups are definitely able to be catered for in the long term.

One of the other reasons that I think it is good to have the amendments adopted is that there is no direct position for anybody from the outer east, who represents that area, being included on the trust. That may or may not happen with different mixes of people that you get, but there is no specific inclusion. If you have this legislation, the amendments that I put forward can really help in these situations.

I am going to move on to the netball and hockey centre at Royal Park. The legislation, as I have mentioned already, allows for a consultative committee, but this bill makes a relatively minor amendment. At the moment section 26D of the act says, in subsection (2)(a), with regard to membership:

a person nominated by the Trust, being either a member of the Trust or the chief executive officer of the Trust ...

That is being amended to include the chief executive officer of the trust on the State Netball and Hockey Centre Advisory Committee. The amendments that I have put forward for Knox reflect that same change. So as the netball and hockey one is being modernised, I would have those same changes for Knox.

I do want to just talk briefly about the netball and hockey centre. It has been around for a little while now. I played my very first game on a synthetic pitch at Royal Park in August 1982. That is almost 40 years to the day, actually. It is really quite scary to look at it like that. The actual netball and hockey centre opened in 2001, although we had the first synthetic pitch. It was a big deal. It was a very big deal to have a synthetic pitch. We were only ever rostered onto that once or twice a season, so it was a very big deal to go there. Now that is all we play on.

There is the recent completion of a very large development worth \$64.6 million. That has got bells and whistles. I would almost say it is gold plated, with some of the things that have been included. What has been very long awaited is the new indoor hockey stadium. I do hope it does not get hijacked by other sports. When I visited there recently the centre were telling me, 'Oh, look, and the AFL are using it'. All I could think of was bigger sports muscling in on hockey and netball. The hockey and netball associations drove that redevelopment, and they should remain as the key tenants with priority over bookings.

The redevelopment has seen the addition of six new indoor netball courts—a total of 11. There are hot and cold recovery pools. That is fairly cool. There is a creche for parents playing at the centre; it will be interesting to see how that goes. Previously, usually, hockey players have had kids down on the sides. People have breastfed on the sidelines; hockey players are fairly tough people. There is a high-performance strength and conditioning gym as well. In one of the media releases Development Victoria boasted that this was going to offer great pathways. It is great to have facilities, but the facilities do not make the pathways into sport. It takes a lot more than that. You need good systems and processes at grassroots and club level to help facilitate and bring kids through pathways to get them into semi-elite and elite sport.

The expanded centre will also allow for more use for volleyball, basketball, futsal, badminton and table tennis. So it is quite a significant addition in square meterage. But it also has half a million visitors a year, and I am a regular visitor. While I am talking on hockey, I do want to congratulate Amy Lawton and Nathan Ephraums from the Southern United Hockey Club, who both competed at the Commonwealth Games. Nathan was part of the gold medal winning team and scored a couple of goals and a couple of assists. It was his first go at this level, and he absolutely did the club very proud. Amy, as Olympian, did the club exceptionally proud as well.

Now I am just going to move to the Melbourne Sports and Aquatic Centre, which opened for business in 1997. That was at a cost then of \$65 million, which was funded by the state and the City of Port Phillip. The Honourable Tom Reynolds, whom we spoke of recently in this place following his death, proposed the establishment of MSAC in 1984 and the trust to operate the centre, because he wanted a top-class sporting facility available to the public incorporating different sports. That replaced the State Swimming Centre that was in Batman Avenue, and it helped develop Albert Park as a sporting precinct. As we know, there are stadiums there that cater for basketball, squash, badminton, volleyball and table tennis, and they have quite a bit of seating. There are wonderful 50-metre indoor and outdoor competition pools. The outdoor competition pool is one of the best, I would say. And they have diving boards and a lap pool. The space is very tight at the State Netball and Hockey Centre with regard to the tenants, and I visited the diving club that is there. They have their facilities set up in the middle of the grandstand, their dry practice facilities. It is not always in water; the divers practice their flips and things in the dry area. They have really struggled to get the space that they need to do this. They have been working and sometimes hitting their heads against a brick wall with the trust trying to get extra space at MSAC. Now talks are happening again. They could be supported better, in my opinion. They have had to provide a lot of their own equipment, mats and things like that themselves.

Finally, I want to touch on the sliver of land associated with the widening of Olympic Boulevard, which will see a slight increase in the footprint for the Department of Transport. This relates to the amendment to the Melbourne and Olympic Parks Act 1985 to reflect the new boundary of the National Tennis Centre land following the reservation of that strip of land as a road in the Streamlining Hoddle Street project. It is a very small sliver of land. People will know it. It has these very unusual turning lanes. If you are trying to turn from Punt Road into Olympic Boulevard from various parts of Richmond, you do really odd things, and it is probably the only place in the world that has such an unusual set of roads and traffic signals. That bit of land was needed, and so this just tidies up and updates that. There are clearly no problems with that. That is something that really needs to be done.

Despite my moving the amendments—I probably should have mentioned this earlier—the opposition are certainly not opposing this bill, because this bill does make the arrangements simpler and clearer

for those four assets that are under the State Sport Centres Act. There are a couple of things that I will mention. The bill talks about the ability to enter into leases and agreements, and there will also be the ability to consolidate the bank accounts of those different facilities so that they can be one account with different reporting mechanisms through it. I do hope that the minister will seriously look at the amendments that I have drafted. I am more than willing to engage with the minister and explain these commonsense amendments that we have put forward, because I want to make sure that the user groups at the Knox Regional Sports Park have the same opportunities to liaise and meet with the trust, the CEO and members of the trust as they do at the State Netball and Hockey Centre.

**Ms GREEN** (Yan Yean) (16:00): It is with great pleasure that I join the debate on the State Sport Centres Legislation Amendment Bill 2022. If there is anything worth happening in sport, it is happening in Victoria. Victoria is the sports, culture and entertainment capital of Australia, and indeed in many respects we are a world leader. Just last night the Minister for Tourism, Sport and Major Events and I and the new Minister for Sport in the Albanese government joined a wonderful group of people for the launch of the seventh AFLW season. What really grabbed me was that the AFL is now the largest employer of professional female athletes in Australia—540 of them. The CEO, Gillon McLachlan, said that the latest enterprise bargaining agreement arrived at a 94 per cent pay increase for those women in their seventh season, and I just could not be happier. The AFLW epitomises everything that is so great about sport in our state.

Melbourne is the only city in the world with both a tennis grand slam and a motor grand prix. Just last month Manchester United, with 70 million global fans and 150 000 people on their members waiting list, played two exhibition games at the MCG. I was pleased to attend that match, even though I am a Liverpool fan. I note the recent media coverage that talked about the great economic generator that visits like that are. It is just wonderful that as a state government we invest in these sorts of major events and significant sporting events.

The Significant Sporting Events program has just clocked over its 500th competition, with more than 227 of those staged in regional Victoria, boosting local jobs and economies and showcasing our regions. Whenever those on the other side of this chamber say that we are a city-centric government, we are anything but that, particularly with our successful bid for the Commonwealth Games in just a bit over 3½ years in the great regional cities of Geelong, Ballarat, Bendigo and in the Gippsland area, and also Shepparton is going to benefit. We want to ensure that every child in regional Victoria has some sort of participation in this great event, whether it is the cultural programs, whether it is the legacy or whether it is their grounds being involved as training venues and them getting to meet elite athletes staying in their communities as well.

This bill is helping to deliver and maintain the State Basketball Centre located at Knox Regional Sports Park. I note the member for Bayswater is in the chamber. I believe he is going to speak after me. He has worn out the carpet going to the current minister for sport and his predecessor—and me as the Parliamentary Secretary for Sport—and lobbying for how important this is for his region and the whole eastern region. It replicates the new Knox Regional Sports Park. It replicates the best elements that we have seen with the Melbourne Sports and Aquatic Centre (MSAC) model, which allows for more efficient management of significant sport infrastructure that is utilised by both the community and professional athletes.

The member for Eildon, the opposition spokesperson, also mentioned the State Netball and Hockey Centre. She said she has played there. I have played netball there, but I have seen many hockey matches there, especially the magnificent Greensborough Hockey Club. I will mention again the Greensborough Hockey Club, where I am the number one ticketholder. They have had numerous successes there in premier women's and premier men's and supplied goodness knows how many players to the Australian team. They are at one of the most utilised facilities in the Shire of Nillumbik, the home of the Greensborough Hockey Club, but I have got to see them at the State Netball and Hockey Centre and also seen the Vixens' Kate Moloney, a product of my electorate in Diamond Creek—and wasn't it great to see our Diamonds win the commonwealth gold.



The member for Eildon proposed a series of amendments to the bill, and I signal on behalf of the government that we will not be accepting those amendments at this point in time. Certainly we are not opposed at all to there being advisory committees to these trusts, but there really is no need to have them established in legislation. I think it is quite ironic that supposedly the party of small business and less regulation is proposing more, and particularly we want to have a mix of professional and community sport associations and teams participating at the Knox Regional Sports Park. Having a more flexible arrangement of advisory committees that is not enshrined in legislation and is not reliant on ministerial appointment, and all that is actually going to ensure better access for those minority sports in particular and other sports that might come on board in the future. So it is something that we feel is not necessary and has not come up through the consultation. Certainly when the coalition in government established the model, the MSAC model, they did not enshrine this. When they did establish the State Sports Trust, they did not establish a legislative demand for an advisory committee for MSAC, and certainly with our consultation we have seen that that is also not necessary.

We do not know at this stage what the minor parties are doing in relation to this bill, but I do encourage the Greens and in particular the inner-city council Greens to be more supportive of both professional sport and community sport. We see this time and time again, and only just in the last week we have seen the City of Port Phillip break the hearts of women soccer players and particularly the Port Melbourne Sharks, who I have been working with for over a year now, advising them about how their facilities might fit for it to be a training venue and advising them about our government's pathways with funding programs that unfortunately the City of Port Phillip has chosen not to access. I think that is an absolute crying shame and that council really needs to take a good hard look at itself.

I think we have seen as well the City of Yarra—was it last year?—wanting to have huge increases for community sport. I know the member for Narre Warren North is a massive Fitzroy and Brisbane fan, but what is located at the old Brunswick Street oval is the Edinburgh Cricket Club, which is based there. It was named Cricket Australia's community club of the year due to its community engagement, and the City of Yarra's policies, because they wanted to favour emerging sports like world frisbee and other widely played sports, were going to shaft that club and others; the fee hikes were just enormous. We want our kids and our adults to be fit and playing sport, and there is nothing wrong with organised sport—and the Greens need to learn that. Their proposed increases would have meant a 300 per cent increase for the Fitzroy Football Club, and the Edinburgh Cricket Club's fees were going to go from \$31 000 to \$100 000. Then of course in my friend the member for Northcote's electorate there is the reign of terror that has been run over community golfers with the hoo-ha over the Northcote golf course. You know, rewilding—seriously! I mean, the biodiversity—even the local Wurundjeri are really proud of the biodiversity that is around that golf club. That is what community golfers do: they are members of the community, and they look after that place. And what that would have done is take that away from young people but also older women, who are often silent about their access to sport. They are more likely to walk, to cycle, and to play golf and bowls. So the Greens need to do better. We are proud of our record on community sport and on professional sport in this state. I look forward to continuing to work with this great new minister, and I commend this bill to the house.

**Mr WELLS** (Rowville) (16:10): I join my colleagues to speak on the State Sport Centres Legislation Amendment Bill 2022. The bill transfers the management of Knox Regional Sports Park in Wantirna South, which is in the new part of my electorate, home of the State Basketball Centre, to the State Sport Centres Trust. The park is home to Knox Basketball, Knox Regional Football Centre—soccer—and Knox Gymnastics Club and will be managed by the trust alongside the State Netball and Hockey Centre in Parkville, Melbourne Sports and Aquatic Centre and Lakeside Stadium.

**Mr Battin** interjected.

**Mr WELLS:** And the member for Gembrook has reminded me that Lakeside Stadium was where I actually played my first reserves match for Footscray against South Melbourne in the old days. Do you remember South Melbourne?

**Mr Wakeling:** Did you get a footy card?

**Mr WELLS:** No, I did not quite make it to get a footy card, but thanks very much for reminding me, member for Ferntree Gully.

*Members interjecting.*

**Mr WELLS:** That is right, it would be worth a fortune.

It is great to see that the government acknowledges Knox is the home of basketball in Melbourne.

**A member** interjected.

**Mr WELLS:** There were football cards in my day. Thank you.

The original state sport centre opened in 2012 under the Liberal-Nationals in conjunction with Knox council, and that was a great day, member for Ferntree Gully, when we were there in 2012 to open that new facility. Knox council has invested a further \$27 million in the latest expansion of the basketball facility. Knox Basketball, can you believe it, is one of the biggest basketball organisations and basketball leagues in the country, with more than 1000 teams. It is just incredible. In addition to that you have got the Melbourne Boomers, the Women's NBL and the South East Melbourne Phoenix teams based at Knox along with the headquarters of Basketball Victoria and Basketball Australia, who manage our national teams, the Opals and the Boomers.

There are many advantages to handing the Knox Regional Sports Park over to the management of the State Sport Centres Trust. As well as the trust's experience managing world-class sports facilities and major events, Knox council has acknowledged that the ongoing maintenance cost to their budget was a major factor in getting agreement for the council to hand over to make that transfer. Local clubs in future will have their leases of courts, ovals and pitches managed by the trust, and the bill streamlines the financial arrangements for the facilities under that trust management. I am pleased, having walked around the facility with the member for Ferntree Gully, that the bill will retain a 25-hectare site as Crown land, which reflects its ongoing value to the Knox community. Although the sport centres legislation will take precedence for the site's management, Knox council will maintain the wetlands around Blind Creek because of the specific expertise that council has in managing the environment.

But the huge downside in the bill is that there is no formal channel for the Knox community's interest to be represented on the board of the sport centres trust, like the Melbourne Sports and Aquatic Centre community reference panel or the netball hockey advisory committee. We think that this is grossly, grossly unfair that you are going to take over a facility and completely cut out the local community. Whether it be the basketball, soccer or gymnastics, to cut them out after the council has put in a further \$27 million—something is not right. It is one of the points that, again, the member for Ferntree Gully, the Shadow Minister for Sport and I are pushing very strongly.

We very, very strongly support the amendment that is being put forward by the member for Eildon. We are hoping that the government will accept this amendment. There is nothing political in this whatsoever—nothing political. We think it is a fair and reasonable amendment. We just want to follow the precedent that has already been set that local communities and other groups can be part of an advisory board that advises the trust. So it is nothing political. It is about a commonsense approach. We think that by accepting this amendment at least the government will acknowledge the gift of the asset by the Knox council and then, in addition to the asset, the further \$27 million from the Knox ratepayers. I hope the member for Bayswater acknowledges that the amendment that has been put forward is fair and reasonable and speaks to the Minister for Tourism, Sport and Major Events to make sure that this actually happens.

Local sports clubs like Knox Basketball and the gymnastics and soccer clubs need a transparent process for the transition of the new leasing arrangements. The sports clubs negotiating new leases or managing problems with their facilities previously could speak with the council management and

elected councillors, but there is no mention in this bill of any requirement by the trust or the minister of the day to give local Knox clubs preferential access to future lease negotiations. We hear all the time that 'It's going to be okay. We're going to be looking after your interests', but as local members of Parliament we want something more concrete, and we believe that having an advisory body in as part of this legislation would make more sense.

The long-term protection in the bill of the wider community interests is also crucial. In contrast with the trusts of other facilities in the inner city, Wantirna South is a residential suburb, so there is a need to manage the inevitable traffic disruption and impacts on visitors to Knox Park, which are expected to double once the new site is opened—from 800 000 visitors currently to 2 million a year—and protections must be included in the bill for Knox residents to have a genuine say in the decisions that will affect our area. So I call on the state government to acknowledge the gift from the Knox community and the ratepayers and to ensure that the amendment is accepted.

Can I just say that we have a vested interest in this. As parents of kids that have played basketball from when they were little kids, of 6 years of age—playing in the under-8s and going right through, playing basketball until they were 19 and 20—we have a long-term interest and we have a vested interest in this. Some parents are coaches—in my case it was pointed out by my second son that I was not a very good one—and it is important to have parent participation. I think that is one of the reasons why Knox Basketball is so successful—all the parents and grandparents get involved, whether it means by scoring, cleaning up or coaching. It is a very well run organisation. Can I thank Cr Lisa Cooper for all the hard work and support that she has put into Knox Basketball. She does an absolutely amazing job, and she has represented her community and Knox council very, very well.

On that point I just ask that the government seriously considers the amendment that is being put forward. As I said, there is nothing political about it. We just want it done so the people of Knox, the sporting clubs of Knox, are going to be well represented.

**Mr TAYLOR (Bayswater) (16:18):** It is a great privilege that I rise to speak on the State Sport Centres Legislation Amendment Bill 2022. Of course the member for Rowville there—clutching that box like Winston Churchill many, many moons ago up the top there—was talking about the clubs and organisations being well represented. Well, I am very proud that the Andrews Labor government are spending \$105 million to create the home of basketball in Australia to make sure that organisations, community groups and people not just in Knox but right across the eastern suburbs will indeed be very well represented. I am not seeing the member for Rowville at the State Basketball Centre. I would love to see him. We should watch a basketball game together, mate. We will make a time. But they will indeed be very well represented.

I am very proud that the state Labor government are making sure we create the home of basketball in Australia. I will get to some of the detail a little bit later about what we are doing at the State Basketball Centre. The member for Rowville also went on to say how council put in a further \$27 million. Well, no; they started with \$25 million and they added a further \$2 million, just like the state government also provided extra funding to make sure we could deliver this project in its entirety, to make sure that eastern suburbs families, parents, locals, kids who want to dream big—12 new community courts, elite facilities, a home for Basketball Victoria, a home for Basketball Australia, a home for Knox Basketball—can have exactly that. Only this government backs in sport, backs open space precincts and gets the job done. So whilst others may like to visit these facilities, we will get on and build them.

It is actually worth mentioning as well that there is the amendment that has been put forward. But it does not stop of course an advisory committee outside of legislation, so sporting community groups have more flexibility generally to change preferred nominees as committees change members and leaders frequently. So I am sure it will put the minds of our community groups at ease to understand that they are indeed going to be well represented and have a very strong voice.

The bill will amend the State Sport Centres Act 1994—

*Members interjecting.*

**The DEPUTY SPEAKER:** Order!

**Mr TAYLOR:** Ah, the marginal seats director—I love it.

**The DEPUTY SPEAKER:** Order! Can we stop the interjecting? The member has the call.

**Mr TAYLOR:** Well, if the member for Warrandyte would like to spend more time in his seat and less time getting kicked out of Parliament, I am sure that would serve his community very, very well. And whilst they can chide and have a crack all they like, they are just disappointed they are not over here, because they cannot win the support of the people to actually get the job done—because that is what we are doing each and every single day. I am not worried about the nonsense you are going on about, I am worried about getting things done. I am actually worried about making sure this legislation passes so that we can deliver a state-of-the-art home of basketball in my community of Knox. Like I said, whilst others visit, we will get the job done and deliver the home of basketball.

We know that this bill will amend the State Sport Centres Act 1994 to extend and improve the management arrangements under which the State Sport Centres Trust operates. It will also amend the Melbourne and Olympic Parks Act 1985 to excise a parcel of National Tennis Centre land, following the reservation of that land for use as a road during the widening of Hoddle Street, and make any necessary consequential amendments to the other act.

I did speak very briefly there about my time on Knox City Council, where I was very pleased to put forward as part of that team and to support the \$25 million initial investment by Knox City Council and then to see the state government make an election commitment of \$83 million, a significant investment. We now know there is a total of \$132 million to get the job done. In fact I have spoken in Parliament about these amazing facilities time and time and time again. I have not heard others speaking about this project. I have not heard others talking about the importance of basketball in this place for some time, but I have been raising this again and again and again, as recently as a couple of weeks back in fact. Importantly, I know it might sound like a bit of a broken record in here, I am very, very, very proud of what we are building. As I have said, it is the home of basketball. Construction is very much underway on the expansion of the State Basketball Centre at Wantirna South, and we are not far from it being a reality.

Of course we know that work has very well started, with \$132 million. It is a landmark redevelopment of the State Basketball Centre, which will take the game in Victoria to a whole new level for elite and community players in basketball and gymnastics. The redevelopment will deliver 12 new indoor courts for local competitions and statewide championships, taking the total number of indoor courts to 18. It will deliver high-performance facilities for the WNBL Deakin Melbourne Boomers and NBL South East Melbourne Phoenix. It will deliver an administrative base for the Boomers and Phoenix along with Basketball Australia, Basketball Victoria and Knox Basketball, and it will deliver a regional state-of-the-art gymnastics facility, a new cafe and a stunning town square.

Anyone in here who has not seen the artist concepts should give them a look, because it is going to be an absolute pearler. This is something to indeed be proud of, whether it is sport infrastructure or otherwise. It is going to be an absolute gem in the outer east. We know once completed, in 2023, the centre will host up to 2 million visitors a year, up from about 800 000 visitors already. Importantly this will support more than 500 jobs in construction and more than 100 ongoing roles once it is completed. It will mean better facilities for locals and much more capacity for basketball and gymnastics to grow into the future. So this is absolutely game-changing infrastructure that only a Labor government would ever actually deliver. We know that is the case because we are the ones that are getting on with it.

I am very proud that it is not just basketball that we are delivering in our local community; we have delivered \$500 000 for the Eastern Raptors Rugby League Club, a brand new state-of-the-art pavilion to make sure that women have a place to get changed and get ready for the game, because Rugby

League is important. I also learned the hard way to make sure you say ‘league’ at the end of ‘rugby’, because you are not very popular if you do not say ‘league’ at the end of ‘rugby’ when it is Rugby League in fact. We are also delivering \$2.5 million to deliver the JW Manson pavilion in partnership with Maroonah City Council. St Andrews Cricket Club—one of the biggest cricket clubs in the outer east with a fantastic crew—Aquinas football club and Ringwood City Soccer Club are going to take part in that project. Construction has already started on the modular pavilion, which is happening off site right now as we speak, and we will start to see construction on site in Wantirna in around October or November.

For those of you who follow my Facebook page, I do not like cricket, I love it. That was a little pun there on the old song. But anyway, we are upgrading five cricket nets across the Knox community. We are upgrading Dobson Park, we are upgrading Guy Turner Reserve, we are upgrading Bayswater oval and we are upgrading Miller Park. Cricket is one of my favourite sports, having played when I was younger, and of course we know upgrading cricket nets gives everyone greater opportunities. It means you can train more often, and it gives, obviously, cricketers across our part of the world the facilities they need and deserve. We are also getting on and delivering a pavilion at Bayswater Junior Football Club. There will be a new modular pavilion there as well, with a bit of an upgrade to the existing pavilion, so that is getting delivered. Milpera Reserve have already had lights delivered.

I was very happy to announce recently that we are delivering lights at Boronia Bowls Club to make sure that they can play more bowls more often, which is incredibly important, and that went down an absolute treat with the members and the local community down there, and not just the members down there. Indeed when I say ‘the local community’ I mean that well and truly, because they have absolutely taken to barefoot bowls and social bowls, with many of the community now connecting even more than what they ever have at Boronia bowls, so I congratulate them on their social programs. I am very proud that only a state Labor government is getting on with the job and making sure that our local bowlers are getting a fair crack as well.

We have also got new facilities happening down at the Basin football and cricket club. I am working very closely with Alex Winters, the president of the football club down there—an absolute cracking bloke. He is doing a fantastic job, and I am very proud to have announced \$170 000 recently. There is \$5 million for the Knox regional netball facility. I tell you, we are getting on with it. This is going to create two new indoor courts—resurfaced. It is creating a whole bunch of extra car parks so families can get in and out a lot easier. We have also delivered the Guy Turner Reserve lights as well.

Excitingly, when we talk about local sport and we talk about open space we are also creating the green heart of Knox. This is unlocking nearly 17 MCGs of open space. It is going to unlock and bring to the surface nearly 1.7 kilometres of new waterways that have been stuck underground in pipes for many, many years. It is only the Andrews Labor government that delivers open space for our sport and recreation. We are delivering the new home of basketball in Knox. So while others can interject and harass and harangue as much as they like, this place is for talking about issues and talking about delivering for community, not for the nonsense they were going on about. I am proud to be part of this government and proud to be supporting sport in Knox, because only a Labor government does exactly that. I am looking forward to making sure that the State Basketball Centre gets delivered and supports our community for years to come.

**Mr WAKELING** (Ferntree Gully) (16:28): I am very pleased to rise to contribute to this debate on the State Sport Centres Legislation Amendment Bill 2022. Let me make it very clear: the principal change in this legislation is the transfer of ownership of the Knox Regional Sports Park from Knox City Council to the government’s State Sport Centres Trust. As a consequence of these changes of management, the Knox community—which incorporates 10 000 players from across the City of Knox, Knox Gymnastics Club and Football Federation Victoria—will not have any guaranteed representation and will not have a guaranteed say in the future use, management and operation of this site.

The opposition came up with a very reasonable and sensible alternative to overcome this problem, which was to create an advisory committee that is no different from advisory committees that already operate under the act for other sports precincts. The advisory committee would incorporate a member of the trust, a nominated member of Knox City Council and a minimum of five persons nominated by sports clubs and community groups that use the facility, and the CEO of the trust would be a member of the advisory committee and the chair would comprise a member of the committee.

It is a sensible, reasonable solution that the member for Rowville, I and the Shadow Minister for Sport in consultation with the local community see as being a reasonable step to ensure that locals who use this facility, that the council who have put \$27 million of ratepayers money into this facility, have a guaranteed voice. We understand that the trust will manage this site, but there is no guaranteed voice of locals. This reasonable step, we now understand, the member for Bayswater, the minister and the government will not support. It is shameful. There is nothing political about these changes. These are concerns that I had with this proposal back in 2019 when I raised these questions with the then sports minister, the member for Keysborough, in a question on notice. I raised the issue that if a government trust is going to manage the site, how will members be appointed, and will there be representation from the Knox community appointed to the trust? We now know that there is no representation from the Knox community on the trust. In fact there is no guarantee that anyone from the region will be a member of the trust. So there is no voice.

Well, let us make it very clear. The government had the chance today to tell the Knox community that they would listen to the concerns of Knox residents, support this amendment, get on with it and ensure there was local representation. Let me make it very clear. The member for Rowville, I, the shadow minister and the opposition will be pushing ahead with this amendment in the upper house, and more importantly, if it is not supported in the upper house, we will introduce these amendments in government. We will be strongly telling the 10 000 members of the Knox Basketball Association and other users of this site that an incoming Liberal-National government will ensure there is a clear voice for Knox residents in regard to the operation of this site.

The history of this site dates back more than 10 years. Twenty years ago when Knox Basketball were looking for increased facilities because of the fact they could not extend the Boronia facilities—because the council at the time would not support it—council was looking at a range of different alternatives, and eventually the current site at Wantirna South was identified. The only way that council could get governments at state and federal level to invest in the project was if they could convince the state and national basketball associations to come on board and to make it a state centre. That is the reason why the then state government and the then federal government, with the assistance of the then member Chris Pearce, were able to get the funding to make it the home of basketball in Victoria and Australia. In fact it was a bipartisan approach. All members of Parliament of all political parties worked together at the time to ensure that we got that deal done. In fact I remember the member for Rowville and I working with the then Minister for Sport, Recreation and Youth Affairs, the member for Monbulk, to ensure that this project actually was delivered.

It has been a history of bipartisanship that has got this project delivered, and I would have thought that this advisory committee was a sensible solution to overcome the fears of Knox residents. I do not understand why the government would not pick up these amendments. I cannot believe that these amendments were not picked up by the government. I cannot understand why the member for Bayswater and why other speakers—and there was the member for Yan Yean—criticised these as nonsense. These are not nonsense. This is about guaranteeing a local community have their voice heard. I can be no plainer. The guarantee that we are providing today to the Knox community is that if we are unable to get this amendment passed in the upper house, an incoming Liberal-National government will give a very clear commitment: we will introduce these changes.

The member for Bayswater had a perfect opportunity to stand in this place and acknowledge that this important project being transferred to state management, away from local management, could have been handled in a way to provide the certainty that so many local users have raised with me. I want to

pay tribute to Grant Harrison and the team at Knox Basketball, a fantastic organisation. I want to pay tribute to the many clubs, the parents and the volunteers who use this facility. But we do know that there are professional bodies that use the facility as well, the professional basketball clubs. There is no guarantee provided by the government that they will not potentially limit the use by the Knox community of this facility. I am not saying the government has the intention of doing that, but there is nothing in this legislation that ensures that anyone in the Knox community has a voice.

We are not asking the Knox community to be represented on the trust. We accept the fact the minister appoints the trust. We accept that. But there is no vehicle, there is no mechanism, to ensure that locals can at least express their view. I think I heard before that, 'Well, informally people can put their commentary to the trust'. Well, that is fantastic, but that does not guarantee anything. There is no formal mechanism. That relies on the goodwill of a CEO. That relies on the goodwill of a chair. I am not besmirching any person who is currently in those positions, but you do not in these circumstances need to be relying on goodwill.

We have a perfect opportunity in legislation, which is what we are dealing with today in setting up this new structure for the Knox community, to ensure there is adequate protection for the local community who use this facility, who rely on this facility, to have their voices heard. I do not want to face a situation where I have clubs saying to me, 'We are now being forced to go and play at Dandenong, Waverley or Kilsyth because of the costs', or that they were unable to get game time due to other activities at the centre. My community has paid \$27 million of ratepayers money into this facility.

Now, I know in good faith people have given undertakings there will be no changes, but we know goodwill does not protect long-term interests. We know that agreements made by certain individuals do not last the test of time. The only way you overcome it is with this amendment to guarantee the voice of Knox residents. I want to be very clear. We will ensure that this is pushed in the upper house, and if it fails, we will implement these reforms in government.

**Mr EREN** (Lara) (16:38): Deputy Speaker, I take this opportunity, because I think it is the first time I have spoken since you have been sitting in that chair and have been elevated to this very honourable role of Deputy Speaker, to congratulate you on that elevation. Well done.

I am delighted as the member for Lara. Obviously within my realm we have Kardinia Park. Kardinia Park is a wonderful asset that we have invested heavily in as a state government. I am also delighted to be speaking on this particular bill as the former Minister for Tourism and Major Events and former Minister for Sport. Sport is a big deal. It is worth roughly \$9 billion. Sport and recreation is worth about \$9.5 billion to our broader economy. When you consider that there are about 9500 facilities across the state, about 16 000 sporting organisations that are registered and importantly some 600 000 volunteers that make these clubs tick from day to day, week to week, month to month and year to year, I say thank you on behalf of government, because without those volunteers none of the sporting achievements that we have attained or titles that we have attained would be possible. We are proud to say that we are the sporting capital. We are the sporting capital of the nation. Indeed some would argue that we are the sporting capital of the world.

Along with that, we are the major events capital as well in terms of both sport and recreation but also obviously in terms of culture and art. We are proud of all of those things. We understand the importance and the value of those event areas: they bring lots of economic dollars to our state and create lots of jobs. When you look right around the state almost every single area has received literally millions and millions of dollars to improve not only local facilities but indeed some of the elite facilities—they have been invested in to ensure that we have the best events going forward. From memory, I think since 2014 we have invested some \$1.5 billion in the last two terms into sport and recreation in the state. Now, that is a record amount. No-one in the history of this state has ever invested that amount of money before. We understand on this side of the house, as a government, the importance of sport and recreation not only in terms of keeping people fit, healthy and happy but also in terms of the broader economy.

Look right around the state. As I have indicated, Kardinia Park is the MCG of regional Australia and the only regional AFL club in the nation. We know the value of it because the last stage of it is being developed at the moment, and it will be developed by 1 May, I am reliably informed. So we will go full circle on that ground to have the five stages completed. It will mean that 40 000 people will be able to go to the events that are held there. Forty thousand is a key number, because I know as a former minister for events, they have to be profitable. Under 40 000 capacity means that less profits are made available, and obviously then promoters do not like to have events at those things because they are not as profitable.

Look at the State Sport Centres Trust, the Melbourne and Olympic parks precinct and the investments we have made in Royal Park down there with the State Netball and Hockey Centre—and a big shout-out to Rosie King, the CEO of Netball Victoria. I recall vividly when I made the phone call to Rosie about their successful attempts to get funding from our government, some \$64 million to refurbish that wonderful centre. I have recently been there, a few months ago. It is absolutely wonderful. We are leading the way. No-one has done sport and recreation like we have.

I hear some of the comments being made by the opposition. I know they have got to pick on something; they have got to find a reason to dispute what we have got before the house today. I can tell them we decided to invest literally hundreds of millions of dollars into sport and recreation. At Kardinia Park there is the \$144 million that we announced for stage 5. One of the requests was that we would make that a trust and take it out of the control of council. That is an accounting sort of thing, where for state governments it is their asset. They are putting money into their own asset which is not recurrent. So there are certain accounting treatments that occur when you actually take ownership of such a facility. It is important that we have control over what goes on in that precinct because of major events—not just football, but soccer and cricket and concerts, as we have seen in the last few months. We have had lots of events down there. It is important. I pick up on some of those things that the opposition have said in relation to wanting some amendments made to this legislation that we have got before the house. I vividly remember at the time the Knox situation, when the funding for the basketball centre was being discussed. There were obviously a lot of discussions in relation to taking ownership of that because of the \$134 million that is being invested. It is like at Kardinia Park, taking ownership of that, where the state actually controls it for varying reasons—again I say the accounting treatment that goes along with funding these things.

I just point out that section 6 of the State Sport Centres Act 1994 allows the minister to set up committees. I have been reliably informed that it is the preferable option to offer the advisory committee outside of the legislation so sport and community groups have the flexibility generally required to change preferred nominees, as committees change members and leaders frequently.

The state government has committed \$105 million or thereabouts to make Knox the home of basketball in Victoria, and in addition \$4.4 million will be made available via the trust to make sure that community clubs can access this elite facility. By the way, Knox City Council actually requested this asset transfer to the state. They did not request any advisory committee as part of the agreement and the transfer. I just wanted to put that on the record. We consult widely in relation to investments that we make, particularly very important investments like this. Basketball is huge, and that is why we invest not only in the elite end of it but also in terms of the grassroots end of it as well. We do both; we can walk and chew gum at the same time.

We know the importance of sport and recreation—\$9.5 billion to our economy. We understand the needs of communities, especially as COVID was hard hitting. We have got to get people back to being fit, healthy and happy, and one of the things, I am proud to say, is as a government we are investing heavily into making sure that people can actually access sport and recreation. I have a saying: what if the cure for cancer was in the mind of a child that could not afford proper education—what if? I also say: what if there was an elite star out there like Lionel Messi or Jeremy Cameron or any of the other elite athletes that we have? What if there is a superstar out there that cannot access sport? What if they cannot afford to play sport? That is why it is so important to make sure that people can access sport,



and that is why as a government we are investing heavily in making sure that people can actually play sport, with vouchers now for kids or people that want to play sport that cannot afford sport. We know on this side of the house the importance of sport and recreation. We know how important it is to invest both at the grassroots end and at the elite end, because it is \$9.5 billion to our economy. And if you are fit and healthy physically, it is most likely that you will be fit and healthy mentally, so it is a two-pronged attack. We know the importance of this sector, and we do it quite well.

I must say that we consult widely when we make determinations like this to get it right. I get that the opposition wants to have an input into it and have some relevance in relation to what is going on in terms of these investments—I get that. But as I have explained, under section 6 the minister does have the authority to form these subcommittees. We have seen it happen before, and there is no reason why it cannot happen again.

This is a great bill before the house. Other members have covered most of it, but I just wanted to make sure that everybody understands we are the best at sport and recreation—\$1.5 billion worth of investment into sport and recreation. That is a record investment that no other state government has ever made. We are second to none nationally in terms of our investment in women in sport. This is a great bill. I commend it to the house, and I wish it a speedy passage.

**Mr McCURDY** (Ovens Valley) (16:48): I am delighted to rise and make a few brief comments on the State Sport Centres Legislation Amendment Bill 2022. I just want to pick up on some of the comments that the former Minister for Sport has just spoken about and certainly note his passion for sport and community sport and how important it is. We cannot even put it in dollar terms when we talk about how much of it is an investment or how much it is worth to our economy. It is about how much it underpins our communities. It is very, very important particularly in regional Victoria, and where I am going to with this is that although you can spend \$1.5 billion on community sport, not all of it but a majority of it ends up in metropolitan Melbourne. We need our fair share. We do miss out on our fair share. You just need to go to our communities—come to Yarrawonga, come to Myrtleford, come to Wangaratta—and you will see that we continually miss out.

**Mr Fowles** interjected.

**Mr McCURDY**: Well, they are not coming to Wangaratta, I see, member for Burwood. I can see you putting them in Labor seats and doing what you can there. But certainly community sport is very important; we all agree on that. It is about where the funds go. And I just think we need to remind this government that it is not about how much you spend, it is about where you spend it and how fair you are when you spend it.

Back to the bill, the State Sport Centres Trust will have management rights and responsibilities over the Knox Regional Sports Park and Lakeside Stadium and Lakeside Oval Reserve. It will also update legislation for part of the National Tennis Centre following that road widening on Hoddle Street and specifically make amendments to the State Sport Centres Act 1994 to allow the State Sport Centres Trust to manage and operate the Knox Regional Sports Park and the Lakeside Stadium and Lakeside Oval Reserve land. It will amend the Melbourne and Olympic Parks Act 1985 to reflect the new boundary of the National Tennis Centre, following that strip of road on Hoddle Street. This legislation will also include the CEO of the SSCT on the State Netball and Hockey Centre Advisory Committee.

About the bill, the State Sport Centres Trust has management responsibilities over MSAC, the Melbourne Sports and Aquatic Centre; the State Netball and Hockey Centre, as you have heard from other speakers; and the committee of management for the Lakeside Stadium. The bill will expand those responsibilities to include the management of the Knox Regional Sports Park. At the same time the bill makes the State Sport Centres Trust directly responsible for the Lakeside Stadium and Lakeside Oval Reserve rather than as a committee of management under the Crown Land (Reserves) Act 1978, as is currently the case.

Sporting facilities are an incredibly important part of all of our communities, as I said a few moments ago, in every region and every community. Nearly every weekend of the year—like the member for Gembrook and the member for Ripon—we are always out supporting our local community sport, trying to make sure that we support them, we advocate for them and we know what their needs are. I am currently working with the Myrtleford Football Netball Club. They have got a massive drainage issue. You get that when you get 80 millimetres of rain a couple of nights before a game up in them there hills. We are trying to work out some drainage issues, and I am working with the Minister for Community Sport to try and assist there.

As I was saying early on in my contribution, in places like Cobram, with the footy club there, the Auskick kids cannot even see the ball because the lights are so poor. The Everton tennis courts—we just need upgrades there. Nothing has been done in those regions for many, many years. The Bright footy timekeepers box—if you have ever been to Bright in the middle of winter, you will know it gets a tad chilly up there at the base of the alpine mountains.

**Mr Battin:** Freezing.

**Mr McCURDY:** At the base of Mount Hotham, it is a tad cool up there, member for Gembrook. The timekeepers box—it is not a lot of money, but they are the sorts of things that we need in our community sport because we know they are the volunteers that come along every Saturday or Sunday or whatever night it is. They do not have a timekeepers box, let alone a heater in it. It would be nice to get a timekeepers box. They are the sorts of issues that I am talking about. We do want change rooms and facilities for females—absolutely we do want that—but at the same time we just need to keep the current change rooms and the current facilities we have got modern and ticking along there.

We know that these sporting clubs are the backbone of our communities. It is absolutely super important that we support these clubs, because they are the clubs that support our communities. The Knox Regional Sports Park is no different. It too needs support. It is the home to Basketball Victoria, Basketball Australia, the premier men's and women's teams and the thriving Knox Basketball Association. The developments will include 12 new community courts for local basketball competition and regional facilities for gymnastics at local and professional levels. The \$132 million project will be one of Australia's leading basketball centres. Knox City Council had a number of courts in poor condition and desperately needed that redevelopment to accommodate the current need and the growth of the sport. Council contributed \$27 million to the development, with a guarantee that the trustee would take full operational responsibility. Council parks and garden staff will continue to maintain the wetlands on the site to an appropriate standard.

Football Victoria are located on the land which the SSCT would manage. In terms of the Lakeside facility, changing from a committee of management will have little, if any, impact on the day-to-day operations of the user groups and tenants. The changes bring Lakeside in line with other facilities, and they are also required to resolve difficulties with leasing and licensing around the Lakeside Stadium, due to ambiguity in exercising powers under the two acts. It essentially means the Minister for Tourism, Sport and Major Events is the decision-maker over leases and licences, not the Minister for Environment and Climate Action.

We do have some level of concern. As with all legislation we always find there are a few concerns along the way, and we do hope the government considers the amendments that are before the house that were put by the member for Eildon. Either that or they will just bulldoze their way through, but I really do hope in this instance they will consider the amendments. We will see whether they are genuinely interested in listening and hearing other views or whether it is their way or the highway. The concern is that some of the user groups could be muscled out once the long-term lease agreement is over. Knox City Council want this to remain a community-accessible facility and not only for professional sport. Given the number of basketball courts it should be okay, but this is less so for football, soccer and gymnastics. It is important that these user groups have a voice and are heard by the SSCT.

We know that sharing facilities requires an enormous amount of give and take. In all of our small communities we generally find ovals where the cricketers use them in the summer and the footy use them in the winter—and other community groups. It is really important that we make sure that all these community groups can get along for their smooth running, because sometimes, as we all know, there can be a particular user group or a sporting club who want to think the facility is theirs and theirs alone. And what they do is then make sure they make it difficult for everybody else. We just want to make sure that all the user groups wanting to use it can and that nobody becomes the boss. The keyword is ‘community’ here in making sure that everybody in the community has their fair share, which is all we ever asked for—our fair share.

Some of the sports clubs are unsure if it would be viable for them to lease the space at Knox Regional Sports Park due to the fee payments and lower club membership numbers since, obviously, COVID-19 and the lockdowns and the restrictions. So there are concerns with the lack of numbers. Sometimes there is a flat fee that they have to pay to the organisation or the council, and they are not sure whether they can support that flat fee or not because the numbers are down. As I say, sometimes user groups get discounted rates, but with the new facilities costing more and more the situation needs to be monitored all the time. There has been consultation with tenants of the Knox Regional Sports Park—the basketball and football groups, the Ferntree Gully gymnastics association, the Victorian Institute of Sport, Athletics Victoria and various other community groups. They have all been spoken to and consulted, and we think that is important.

As I say, I do hope the government consider our amendments that will come before the house in just a few short moments and that they will consider them rather than just pushing their way through, because every one of us in this place has their communities, and community sport is the backbone of our communities. If we support community sport, community sport supports our communities. It is as simple as that. If we look after those clubs, give them somewhere to go, give them somewhere to play and give them somewhere to compete, it gets them out and about, and that is what we want to see—being out and about and being active. At the end of the day that helps their mental health and it helps their physical health. It is just a win-win all round. That is why we like to see our fair share of community sport and community infrastructure and facilities being built in our electorates, and the Ovens Valley is no different. I know all regional areas have been missing their fair share, particularly over the last eight years, and I really implore the government to stop the pork-barrelling and make sure that our regional seats do get their fair share and get considered when it comes to infrastructure in sport.

**Mr TAK (Clarinda) (16:59):** I am delighted to rise today to speak on the State Sport Centres Legislation Amendment Bill 2022. It is another important bill, and I thank the Minister for Tourism, Sport and Major Events for bringing this bill before us today. Even better—I am lucky to share an electorate boundary with the minister. The electorates of both Clarinda and Oakleigh are proud sporting districts, and I hope that I can touch on some of the fantastic local sporting clubs in the area throughout my speech.

I would like to use the remaining time here to give a shout-out to the former sports minister. He came to my electorate in 2018 to announce half a million dollars for the Dales Park pavilion, and that is now a brand new pavilion in Clarinda.

**The SPEAKER:** The time set down for consideration of items on the government business program has arrived and I am required to interrupt business.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

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

*Second reading*

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

That this bill be now read a second time.

**and Dr READ's amendment:**

That all the words after 'That' be omitted and replaced with the words 'this bill be withdrawn and redrafted to truly protect the circular economy by investigating reductions in waste such as banning large-scale incineration projects, and boosts to recycling'.

**The SPEAKER (17:00):** The minister has moved that the bill be now read a second time. The member for Brunswick has moved a reasoned amendment to this motion. He has proposed to omit all the words after 'That' and replace them with the words that have been circulated. The question is:

That the words proposed to be omitted stand part of the question.

Those supporting the reasoned amendment by the member for Brunswick should vote no.

All those in favour say aye.

**Members:** Aye.

**The SPEAKER:** All those against say no.

**Dr Read:** No.

**The SPEAKER:** I think the ayes have it.

**Dr Read:** The noes have it.

**The SPEAKER:** Is a division required?

**Dr Read:** Yes.

**The SPEAKER:** A division is required. I ask the Clerk to ring the bells.

**Bells rung.**

**The SPEAKER:** I ask members to take their allocated seats, and I ask the Clerk to record the votes.

**The Clerk:** Member for Mildura.

**Ms Cupper:** Yes.

**The Clerk:** Member for Shepparton.

**Ms Sheed:** Yes.

**The Clerk:** Greens representative.

**Dr Read:** No.

**The Clerk:** Nationals Whip.

**Mr D O'Brien:** Five ayes.

**The Clerk:** Liberal Party Whip.

**Mr Rowsell:** Fourteen ayes.

**The Clerk:** Labor Party Whip.

**Ms Settle:** Forty-six ayes.

**The SPEAKER:** As there is only one vote for the noes, the division cannot proceed. Does the member for Brunswick wish to have his dissent recorded in the *Votes and Proceedings* instead?

**Amendment defeated.**

**Dr Read:** Yes, please.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**RESIDENTIAL TENANCIES, HOUSING AND SOCIAL SERVICES REGULATION  
AMENDMENT (ADMINISTRATION AND OTHER MATTERS) BILL 2022**

*Second reading*

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

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**JUSTICE LEGISLATION AMENDMENT (POLICE AND OTHER MATTERS) BILL 2022**

*Second reading*

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

That this bill be now read a second time.

**Motion agreed to.**

**Read second time.**

*Third reading*

**Motion agreed to.**

**Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**JUSTICE LEGISLATION AMENDMENT (SEXUAL OFFENCES AND OTHER MATTERS) BILL 2022***Second reading***Debate resumed on motion of Ms KILKENNY:**

That this bill be now read a second time.

**Motion agreed to.****Read second time.***Third reading***Motion agreed to.****Read third time.**

**The SPEAKER:** The bill will now be sent to the Legislative Council and their agreement requested.

**Business interrupted under sessional orders.****Adjournment**

**The SPEAKER:** The question is:

That the house now adjourns.

**HAMPTON PARK RECYCLING CENTRE AND TRANSFER STATION**

**Mr BATTIN** (Gembrook) (17:08): (6496) My adjournment tonight is to the Minister for Planning, and the action I ask is for the Minister for Planning to come to the Narre Warren South electorate and visit those communities out there that are concerned around the impact of the tip that is in Hampton Park that is affecting many in that community. There have been issues raised from the local community around some of the things like smell from the tip that is impacting people's communities and the change of the boundaries for the buffer zone through that area, going from 100 metres to 500 metres. Disappointingly there was a community meeting recently to which I know the government were invited and opted not to attend, including the member for Narre Warren South. The candidate for Narre Warren South, Annette Samuel, joined me and the community to talk about some of the issues that were happening there and the impact, particularly on some of the houses that were built in the 1980s and 90s on the condition that the tip was going to be across the road but that by 2020 the tip was going to be closed or it was going to be a transfer station for a short period after.

However, what has happened now is that there is an application to extend and make an additional area for a further transfer station. This will impact the site because it will not need to have the same works done to regenerate it and put the landfill back to what should be and what everyone was promised was a park. If this continues and that boundary is changed, it means people who bought their houses in the 80s and 90s will now have to have on their section 32s that they are within that buffer zone, so the impact on the price of their houses will be dramatic, with a decrease in the value of their homes because of the impact of the tip across the road. Some of the long-term residents who, as I said, have been there since the 80s and 90s are very concerned about not just the effect of that on their section 32 but the impact on their lives, when they were promised this would be turned back into a park after a period of time.

We understand it goes to council and the council will have to make a recommendation, but it will come to the government to make that final decision on what is going to happen with that site for the future. We all understand and everybody there understands that we have to put our waste somewhere. They also understand that the tip was going to be there for a long period of time, and they have gone through what they would say is a fair stage with what has happened with that tip. What they are concerned about is if you make changes to the transfer station or make an additional transfer station there, then you are going to make an addition to the time they need to keep that site open, which could,

instead of being in the 2020s, end up in 2042 or indefinitely if those transfer stations stay open. This is a very big concern in Narre Warren South. I invite the minister to come out, and if the minister would like, I would also encourage her to bring out the member for Narre Warren South to meet his own community and to find out the issues that they are concerned about.

### EARLY CHILDHOOD EDUCATION

**Mr RICHARDSON** (Mordialloc) (17:11): (6497) My adjournment this evening is to the Minister for Early Childhood and Pre-Prep, and the action I seek is for the minister to update my community on the number of families who are likely to benefit from the Andrews Labor government's free kinder policy. When it comes to investing in early childhood education, the reform that is happening for the youngest of Victorians and their growth and development, the Andrews Labor government has led the way. Of course we are delivering, to this very day, three-year-old kindergarten across our state—universal three-year-old kinder in every municipality, 79 local council areas now accessing this transformational policy—because we know impact of early childhood education has and the investment in three-year-old as well as four-year-old kinder will be substantial on the growth, learning and outcomes of our youngest Victorians.

It goes with the work that we are doing in infrastructure, the Building Blocks program, that is needed to deliver such a transformational reform, those 15 hours of three-year-old kinder, but we are taking that to the next level. And pre-prep is a really amazing policy, 30 hours of four-year-old kinder equivalent really setting up our youngest Victorians as they transition into primary school. As the Parliamentary Secretary for Schools I was able to do a report for the previous Minister for Education and former Deputy Premier, on the importance of the transition of our kids from early childhood to primary school and how critical kinder and early childhood education are. Then we think about the workforce. We need thousands more early childhood educators in the coming years. I think it is 6000 that we need. If anyone is listening—to the millions tuning in to the Victorian Parliament—we want the newest Victorians to be early childhood educators. Choose a career path that will really change the outcomes for our littlest Victorians. Choose early childhood education into the future.

So it is a really important policy area as we roll out three-year-old and four-year-old kinder and expand that into the future, but the free kinder program will save families \$2500 per child per year. It is a substantial return-to-work policy for parents but particularly supporting women into the workforce as well, and it takes the pressure off Victorians in their cost of living—\$2500 back in the pocket of Victorian families to make ends meet. So when it comes to early childhood education and supporting our youngest Victorians, the Andrews Labor government leads the way, and in cost of living and supporting our families in kinder the Andrews Labor government is delivering. I am keen to know, in the communities of Kingston and Greater Dandenong, how many families are likely to benefit from this revolutionary policy.

### MYRTLEFORD FOOTBALL NETBALL CLUB

**Mr McCURDY** (Ovens Valley) (17:14): (6498) My adjournment is to the Minister for Community Sport, and the action that I seek is her support, preferably financial support, to assist the Myrtleford football club at the McNamara Reserve in Myrtleford. Myrtleford is located in the Ovens Valley in a very high rainfall area of my electorate. Myrtleford is a town that punches well above its weight when it comes to sporting teams in both soccer and AFL. I often say teams like Myrtleford, when they compete in the highest soccer level and the highest AFL level in regional Victoria, have their male athletes split in two, so for either of them to do well—and they both do very well in their chosen sports—is quite impressive in a small town when they are competing against towns like Albury and those sorts of places. The Myrtleford Alpine Saints play in the Ovens and Murray league, the premier league in north-east Victoria and one of the few top leagues in Victoria.

A small town like this needs to make every post a winner when it comes to fundraising and when it comes to game-day profit to ensure that they can financially survive in these demanding leagues that they play in. If they miss one week as a home game or they miss fundraisers because of anything,

whether it is inclement weather or whatever it might be, it can really cost them dearly. They just cannot afford that. Now, a recent downpour of 80 millimetres of rain rendered the ground nearly unplayable. That is not new to this community; it does rain up there, and it can rain quite considerably. The action, as I say, is to get some support from the minister's department for this proud club to have the ground redeveloped over the summer of 2022–23. Drainage and better soil types can turn this ground around to be a premier ground, as are the other grounds in the Ovens and Murray league.

I have grave concerns that if we continue with wet winters and major downpours, games will eventually be shifted, and that just puts a massive strain on the cash flow of this wonderful football netball club. We cannot wait another year. We really need to act on this this summer, if we can, to reassure this club they will not be compromised again through poor weather conditions and that fundraisers and game days can always go on. If we get that drainage sorted, certainly that redevelopment over the summer period would certainly make life a whole lot easier for this town that is competing—as I say, punching above its weight—in the Ovens and Murray football league.

### ASHWOOD HIGH SCHOOL BUS SERVICES

**Mr FREGON** (Mount Waverley) (17:17): (6499) My adjournment matter this evening is for the Minister for Public Transport. The action I seek is for the minister to join me and hopefully my good friend the member for Burwood at Ashwood High School to discuss the concerns regarding school bus capacity that have been raised by the school community. Ashwood High School is a fantastic school in my neighbouring electorate—

**Mr Fowles:** Sure is. Hear, hear.

**Mr FREGON:** Thank you, member for Burwood, you are absolutely right. It has a catchment area that extends into Mount Waverley district, and it is worthy of mentioning that in 2021 the school was in the top 10 for VCE results, so I congratulate principal Brett Moore and the staff and the whole school community for that achievement.

Now, earlier this year local parents and students raised concerns regarding school bus capacity at the school, as students are often crowded together on the after-school bus that travels down Huntingdale Road to Oakleigh station. Following this the member for Burwood and I met with the principal and the Ashwood High student representative council to listen to their concerns. Then we raised these issues with the minister's office. I thank the minister and his staff for being so receptive to this and discussing the matter at length and for the assistance that we also received from the department. Now, I am hoping that we can continue to work together to achieve a positive outcome for the students of Ashwood High School, and the school community and I look forward to the minister's response.

### COVID-19 VACCINATION

**Mr ANGUS** (Forest Hill) (17:18): (6500) I raise a matter of importance for the attention of the Minister for Health. The action I seek is for the minister to provide the updated and amended health advice that finally recognises that the previously touted trial vaccine for COVID-19 does not work. I raise this matter as I have been contacted recently by several constituents following the admission by Victoria's chief health officer, Brett Sutton, on 5 August 2022 that:

Despite two, three, four doses of the vaccine, it's not so good at preventing infection in the first place. So we are getting infected, that's why we've had tens of thousands of cases in this wave.

However, earlier in the year on 7 April 2022 Professor Sutton stated:

Now is really the most important time to get that third dose to protect you and to protect everyone around you.

He also said:

Getting your third dose protects you against COVID-19, helps prevent you from getting seriously ill and reduces the spread to others.



This dramatic but very welcome reversal is the conclusion that many medical experts worldwide, including here in Victoria, had reached quite some time ago. The evidence is now in, so Victorians now know that the efficacy of the COVID-19 trial vaccine is far less than was initially touted. Given this important revelation it is time for the government to reconsider all COVID-19 vaccine mandates and allow all Victorians to return to work. Many highly qualified medical professionals have contacted me regarding their reasons for not receiving the trial COVID-19 vaccine and the very dramatic consequences that has had for them. In particular, numbers of them have advised me how they have been sacked from their very important and highly skilled jobs. The consequence of the loss of hundreds and hundreds of years of expert medical experience has obviously contributed to the increased strain on the Victorian health system. Sadly this can be starkly and clearly seen by all Victorians.

Minister, I urge you to release this important information to enable all Victorians to understand why, after almost two years of strongly advocating for the COVID-19 vaccine and almost one year of Victorians being mandated to receive the COVID-19 vaccine or suffer the severe consequences, the government has finally realised what many medical experts have been saying for quite some time.

### THORNBURY PRIMARY SCHOOL

**Ms THEOPHANOUS** (Northcote) (17:20): (6501) My adjournment is to the Minister for Education, and I ask that the minister join me for a visit to one of my wonderful local schools, Thornbury Primary. Thornbury Primary is a diverse and unique school in the inner north. Indigenous perspectives, history, culture and Koori language learning are infused throughout the curriculum and school ethos in a way that sets them apart as leaders within the education system. Their trailblazing work has been recognised at the Victorian Education Excellence Awards, receiving an Outstanding Koorie Education Award in 2019. Thornbury Primary is also unique in having a specialised Steiner stream, one of only a handful of public schools which cater to students who benefit from a slightly different way of learning and growing with a focus on self-direction and creativity. As a satellite campus for the Croxton special school, the school is deeply committed to fostering inclusivity. All this is to say that they are an incredible school who have put diversity and inclusion at the heart of their school ethos in a way that is deeply valued in the local community.

But with hundred-year-old buildings and a small inner-city footprint, Thornbury Primary are also facing some very real challenges. These include ageing and inaccessible buildings as well as a lack of flexible breakout spaces to support modern ways of learning and no indoor space large enough to house a whole-of-school assembly. Over the past four years I have worked closely with Thornbury Primary to secure funding and improvements which will deliver real benefits to students. This includes supporting the school to access \$200 000 from the Inclusive Schools Fund to transform their old and outdated playground into an all-abilities outdoor play space that every student will be able to enjoy. Earlier this year I was also thrilled to share with the school that the Andrews Labor government will provide over \$400 000 to completely renovate their main bathroom block. I had been deeply moved by conversations with parents and students who are impacted by the toilets' inaccessible and unwelcoming facilities, and I knew I wanted to get this fixed. Soon we will see works get underway to deliver the modern, accessible and inclusive bathrooms they need and deserve.

These projects are all important steps to ensuring Thornbury Primary students have facilities that match the fantastic teaching and community that already exist at the school, but there is still work to do. Together with the school community we have developed a positive vision to take the school to the next level, and I would love to bring the minister out to talk about it and see for herself just how much we can achieve together. I have been honoured to work with my local schools to achieve substantial upgrades across the electorate. These upgrades are making a real difference for local kids in my community, and I am proud to be part of a Labor government that delivers on education, that values our public schools, that invests in the next generation, that backs our teachers and staff and that brings real uplift into our suburbs and communities. I look forward to welcoming the minister.

**PARLIAMENTARY INTEGRITY**

**Dr READ** (Brunswick) (17:23): (6502) My adjournment this evening is for the Premier, and the action I seek is that he immediately establish an independent parliamentary integrity commissioner to investigate allegations of misconduct by Victorian MPs, ministers and their staff. After years of endless misconduct and scandal at the highest echelons of the Andrews Labor government, Victoria's anti-corruption watchdog, IBAC, has recently recommended that a parliamentary integrity commissioner be established. In 2019 the Greens put forward amendments in Parliament to create such an integrity commissioner based on the UK model, but the Victorian Labor Party opposed and voted against these amendments, reportedly because of the Premier's opposition to a powerful independent office having oversight of MPs and ministers. Premier, blocking the creation of a parliamentary integrity commissioner three years ago may have allowed the ongoing culture of disgraceful behaviour to continue throughout this Parliament, so I would expect that you would now get on and implement this reform without delay. Instead of waiting until 2024 as announced, creating an integrity commissioner prior to the election would also be prudent, given the most egregious and frequent misconduct from MPs and political parties appears to occur around election time. We have legislation quite literally lying around which could be passed if we had the genuine will of the state government to act now to improve standards and integrity of all MPs and ministers regardless of political affiliation. It is no accident that Victoria is now referred to across Australia as a laggard on matters of parliamentary integrity. Turning that reputation around involves real action from Victoria's Premier. There must be no more delays in creating a parliamentary integrity commissioner.

**ELTHAM ELECTORATE BUSINESS SUPPORT**

**Ms WARD** (Eltham) (17:25): (6503) My adjournment matter is for the Minister for Local Government, and the action I seek is for the minister to visit my electorate of Eltham to inspect outdoor activations funded by the state government across my community. Outdoor activations have been funded across the state by the Andrews Labor government through the \$40 million COVIDSafe Outdoor Activation Fund, with the fund supporting industries severely affected by COVID-19, including retail and hospitality businesses.

The fund allocated over half a million dollars to Nillumbik Shire Council to support and benefit our community. From the removal of trip hazards, road speed reductions and Disability Discrimination Act compliance upgrades to landscaping and beautification works, this program has transformed areas of my electorate into places where members of my community can come together. I want to particularly mention the works completed down at St Laurence Lane. The laneway has had the entrances flipped and picnic tables and rock bollards installed, offering new outdoor spaces to meet and get together—a popular space I would like to see remain.

These works supported by the government are important in not only beautifying our community but supporting those who worked incredibly hard throughout the pandemic as well as encouraging people to support our local businesses. I invite the minister to come to the Eltham electorate to see this investment firsthand.

**CROWLEY–LALORS–AYRES ROADS, HEALESVILLE**

**Ms McLEISH** (Eildon) (17:26): (6504) My matter is for the Minister for Roads and Road Safety—and he gets a lot from me. The action I seek is for the minister to ensure safety improvement works take place at the intersection of Crowley, Lalors and Ayres roads in Healesville, both for pedestrians and local traffic. The pedestrian crossing precinct on the Maroondah Highway is causing particular grief for community safety. It is quite dangerous. It is a three-way intersection. You have got Lalors and Crowley roads on one side and Ayres Road on the other, and there has been quite a lot of subdivision and development in that area, so it is actually quite busy. There is a service station with two exits, and there are two bus stops on either side of the highway. This is on a blind corner with a 60-kilometre speed limit—it is very much a blind corner—and there is no safe pedestrian crossing within 1 kilometre.

There are a steady stream of school buses picking up and dropping off students. These are local buses. We have got McKenzie's going to Mount Lilydale, and there are Yarra Valley Grammar, Little Yarra Steiner School, Billanook and Mount Evelyn Christian School; there are quite a number of buses and children moving from one side of the road to the other. There are also a lot of elderly people, because the service station is also a convenience store and has some actually quite good hot food. A lot of the elderly people move over there in the mornings; they get their newspaper, they get their coffee. There are people walking dogs and people on pushbikes. Primary schools are fairly close by. You have kids going to Healesville Primary or St Brigid's, either on foot or on bikes as well, and the aged care facilities close by, Aurrum and Holmwood. It is a very busy mix of pedestrians and local traffic but also a lot of tourist traffic. The community are pretty fed up with this. They have contacted VicRoads previously, and they have had a petition. They have appealed to VicRoads, and in fact they have even got a reference number, which I will quote here, which is 502364358. So VicRoads certainly have this matter tracked.

I raised this as a question on notice with the minister earlier this year, and the minister responded that they will continue to monitor this intersection and consider what further improvements could be made, including the installation of pedestrian-operated signals, as part of future works. It is really time for some action rather than just monitoring. The community members would like to see perhaps the bus stops moved to a safer spot, a speed limit reduction from 60 to 50 or maybe even 40, the installation of flashing pedestrian lights or the building of a designated pedestrian zebra crossing. They know that some of these are a little bit harder than others, but they really need a chance to get across. The traffic that actually tries to turn onto the Maroondah Highway at that point, because it is a blind turn, also have a lot of trouble. I have met with parents, I have met with students and I have met with locals who cross that road regularly, and they all want to see some action. I implore the minister to take this very seriously.

### POWER SAVING BONUS PROGRAM

**Mr FOWLES** (Burwood) (17:29): (6505) My adjournment matter is for the Minister for Energy, and the action I seek is for the minister to join me in the east to meet constituents who are taking advantage of the biggest support package of any state government when it comes to reducing people's energy prices. Like many Victorian families, I understand the cost-of-living pressures we are facing at the minute with rising electricity prices. We are getting on and delivering the targeted cost-of-living support that families need, whether it be free TAFE, free kinder or the \$250 power saving bonus. For context, we have invested in three rounds of the PSB program. The first two rounds were great successes, with the second round representing a \$1.25 million package of support for Burwood pensioners and concession card holders alone.

We know that electricity retailers make their money when we do not shop around, so it is all about making better deals more accessible and rewarding people in the process. That is the great thing about the power saving bonus—it is now available to all Victorian households. It is delivering critical cost-of-living support and also driving people to the Victorian Energy Compare website, which is delivering cheaper electricity plans right across the state. It is not just a concept; it is a reality. Victorians who use the free and independent Victorian Energy Compare website save an average of \$300 on their power bills over the first year alone.

But we know that lowering power bills is about much more than just a better deal; it is important to support the uptake of renewables as well. Indeed our record investment in renewables means that Victorians are better protected from rising prices. We are supporting families and businesses to produce their own solar power as well as delivering Australia's first coordinated decarbonisation plan for the gas sector, putting us on the path to achieving a 50 per cent emissions reduction by 2030—all of this while introducing cheaper energy into the grid. It is win, win, win.

We know that not everyone has access to the internet to apply for the \$250 payment. That is why my office has held booths within local community hubs such as neighbourhood houses to help newly

arrived migrants as well as senior Victorians fill out their applications. In fact I recently had the pleasure of hosting a power saving bonus booth with the Premier and the member for Mount Waverley down at Ashburton Seniors Centre. There we were able to help local constituents, including Joan and Jack, who were in search of a new energy provider. There were many smiles and laughs to be shared, and we would be honoured to have the minister join us during one of these sessions. I thank the minister for her ongoing commitment to lower energy prices and cost-of-living relief for households and look forward to her response.

### RESPONSES

**Ms BLANDTHORN** (Pascoe Vale—Leader of the House, Minister for Planning) (17:32): I am pleased to respond to the member for Gembrook in my capacity as the Minister for Planning regarding his request to visit with residents in the Hampton community regarding the tip—

**A member:** Hampton Park.

**Ms BLANDTHORN:** the Hampton Park community, sorry; I did have that written here—in Narre Warren South and the zones around the tip. I am advised that this is currently going through the council process, as is appropriate. If it does come to me, I am happy to give due consideration to the matters that the member has raised, but I am advised that the council submissions were extended until 14 August and so have only just closed this week, so I will of course let it follow its due process.

The member for Mordialloc has raised a matter for the Minister for Early Childhood and Pre-Prep regarding the three- and four-year-old kindergarten program as well as the pre-prep program being rolled out, and in particular the member for Mordialloc was interested in how many families in Kingston and Greater Dandenong will benefit from this policy. As the mother of a three-year-old—a four-year-old, sorry; I would be in big trouble for that. We are already planning her fifth birthday, so to call her a three-year-old would not go down well. But, yes, this is a very important policy being rolled out across our community, and I will pass that on to the minister.

The member for Ovens Valley raised an issue for the Minister for Community Sport regarding the Myrtleford Saints and in particular the playing surface that has suffered rain damage. He is seeking some consideration and visitation regarding the redevelopment of the ground so that the club can continue to play their games there and so the club's finances are not compromised as a result of those games potentially being shifted elsewhere. I will pass that on to the minister. The member for Mount Waverley raised a matter for the Minister for Public Transport regarding Ashwood High School and in particular bus capacity. The buses there do service a big catchment area, and I am sure the Minister for Public Transport would be very pleased to have that conversation with the member and of course the member for Burwood as well. The member for Forest Hill raised a matter regarding COVID vaccines, and I will pass that on to the Minister for Health.

The member for Northcote raised a matter for the Minister for Education requesting that she visit the Thornbury Primary School, which I know, with it being close to my own community, is an outstanding primary school that is particularly servicing a need for Koori education, and it has won awards for doing so. It also has a very special relationship with the Croxton special development school. The member for Northcote has been a great advocate for this school and other schools in her community so they receive funding for modern facilities that reflect the teaching and learning that happen in those schools, and I am sure the Minister for Education will look favourably upon her request. The member for Brunswick raised a matter for the Premier regarding a parliamentary integrity commissioner. The member for Eltham raised a matter for the Minister for Local Government, in particular requesting that she visit the outdoor activation sites within her electorate. That is a \$40 million program that coming out of COVID has serviced all of our local communities greatly.

The member for Eildon has raised a matter for the Minister for Roads and Road Safety regarding an intersection in Healesville that has some community safety concerns. It is a busy intersection. As a former student of Mount Lilydale Mercy College, I do know very well the McKenzie's buses that take

## ADJOURNMENT

Thursday, 18 August 2022

Legislative Assembly

3313

---

that route. The member for Burwood has raised a matter for the Minister for Energy and in particular has requested that she meet with eastern suburbs residents regarding the power saving bonus and the important concessions that this is achieving for so many residents for whom the cost of energy is prohibitive, so I am sure that the minister would be pleased to take up that matter also.

**The SPEAKER:** The house now stands adjourned.

**House adjourned 5.36 pm until Tuesday, 30 August.**