



Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Thursday 23 February 2023

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

Acting Speakers

Juliana Addison, Christine Couzens, Jordan Crugnale, Paul Edbrooke, Bronwyn Halfpenny,
Paul Hamer, Michaela Settle, Meng Heang Tak and Jackson Taylor

Leader of the Parliamentary Labor Party and Premier

Daniel Andrews

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Jacinta Allan

Leader of the Parliamentary Liberal Party and Leader of the Opposition

John Pesutto

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

David Southwick

Leader of the Nationals

Peter Walsh

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

James Newbury

**Members of the Legislative Assembly
60th Parliament**

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lambert, Nathan	Preston	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel	Mulgrave	ALP	McCurdy, Tim	Ovens Valley	Nat
Battin, Brad	Berwick	Lib	McGhie, Steve	Melton	ALP
Benham, Jade	Mildura	Nat	McLeish, Cindy	Eildon	Lib
Britnell, Roma	South-West Coast	Lib	Marchant, Alison	Bellarine	ALP
Brooks, Colin	Bundoora	ALP	Matthews-Ward, Kathleen	Broadmeadows	ALP
Bull, Josh	Sunbury	ALP	Mercurio, Paul	Hastings	ALP
Bull, Tim	Gippsland East	Nat	Mullahy, John	Glen Waverley	ALP
Cameron, Martin	Morwell	Nat	Newbury, James	Brighton	Lib
Carbines, Anthony	Ivanhoe	ALP	O'Brien, Danny	Gippsland South	Nat
Carroll, Ben	Niddrie	ALP	O'Brien, Michael	Malvern	Lib
Cheeseman, Darren	South Barwon	ALP	O'Keefe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim	Werribee	ALP
Cleland, Annabelle	Euroa	Nat	Pearson, Danny	Essendon	ALP
Connolly, Sarah	Laverton	ALP	Pesutto, John	Hawthorn	Lib
Couzens, Christine	Geelong	ALP	Read, Tim	Brunswick	Greens
Crewther, Chris	Mornington	Lib	Richards, Pauline	Cranbourne	ALP
Crugnale, Jordan	Bass	ALP	Richardson, Tim	Mordialloc	ALP
D'Ambrosio, Liliana	Mill Park	ALP	Riordan, Richard	Polwarth	Lib
De Martino, Daniela	Monbulk	ALP	Rowswell, Brad	Sandringham	Lib
de Vietri, Gabrielle	Richmond	Greens	Sandell, Ellen	Melbourne	Greens
Dimopoulos, Steve	Oakleigh	ALP	Settle, Michaela	Eureka	ALP
Edbrooke, Paul	Frankston	ALP	Smith, Ryan	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Fowles, Will	Ringwood	ALP	Spence, Ros	Kalkallo	ALP
Fregon, Matt	Ashwood	ALP	Staikos, Nick	Bentleigh	ALP
George, Ella	Lara	ALP	Suleyman, Natalie	St Albans	ALP
Grigorovitch, Luba	Kororoit	ALP	Tak, Meng Heang	Clarinda	ALP
Groth, Sam	Nepean	Lib	Taylor, Jackson	Bayswater	ALP
Guy, Matthew	Bulleen	Lib	Taylor, Nina	Albert Park	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Theophanous, Kat	Northcote	ALP
Hall, Katie	Footscray	ALP	Thomas, Mary-Anne	Macedon	ALP
Hamer, Paul	Box Hill	ALP	Tilley, Bill	Benambra	Lib
Haylett, Martha	Ripon	ALP	Vallence, Bridget	Evelyn	Lib
Hibbins, Sam	Prahran	Greens	Vulin, Emma	Pakenham	ALP
Hilakari, Mathew	Point Cook	ALP	Walsh, Peter	Murray Plains	Nat
Hodgett, David	Croydon	Lib	Walters, Iwan	Greenvale	ALP
Home, Melissa	Williamstown	ALP	Ward, Vicki	Eltham	ALP
Hutchins, Natalie	Sydenham	ALP	Wells, Kim	Rowville	Lib
Kathage, Lauren	Yan Yean	ALP	Wight, Dylan	Tarneit	ALP
Kealy, Emma	Lowan	Nat	Williams, Gabrielle	Dandenong	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Belinda	Narre Warren North	ALP
Wayne Farnham	Narracan	Lib	Wilson, Jess	Kew	Lib

PARTY ABBREVIATIONS

ALP – Australian Labor Party, Greens – Australian Greens,
Ind – Independent, Lib – Liberal Party of Australia, Nat – National Party of Australia

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Thursday 23 February 2023

The SPEAKER (Maree Edwards) took the chair at 9:32 am, read the prayer and made an acknowledgement of country.

*Business of the house***Notices of motion**

Notice given.

*Documents***Documents**

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

- Auditor General – Results of 2021–22 Audits: Local Government – Ordered to be published
- Cladding Safety Victoria – Report 2021–22
- Environment Protection Authority – Report 2021–22
- Family Violence Protection Act 2008* – Report 2021–22 on the implementation of the Family Violence Risk Assessment and Management Framework
- Portland District Health – Report 2021–22
- Subordinate Legislation Act 1994* – Documents under s 15 in relation to Statutory Rule 11.

*Committees***Parliamentary committees***Membership*

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (09:34): I move, by leave:

That:

- (1) Jacinta Allan, Roma Britnell, Ben Carroll, Tim McCurdy, Cindy McLeish, Danny Pearson and Mary-Anne Thomas be members of the **Dispute Resolution Committee**.
- (2) Anthony Cianflone, Wayne Farnham, Alison Marchant, John Mullahy, Kim O’Keeffe, Dylan Wight and Jess Wilson be members of the **Economy and Infrastructure Committee**.
- (3) Brad Battin, Will Fowles, Sam Hibbins, Emma Kealy, Nathan Lambert and Emma Vulin be members of the **Electoral Matters Committee**.
- (4) Juliana Addison, Martin Cameron, Jordan Crugnale, Daniela De Martino, Sam Groth, Martha Haylett and David Hodgett be members of the **Environment and Planning Committee**.
- (5) Tim Bull, Matt Fregon, James Newbury, Pauline Richards, Ellen Sandell and Jackson Taylor be members of the **House Committee**.
- (6) Jade Benham, Gary Maas, Paul Mercurio, Tim Read, Kim Wells and Belinda Wilson be members of the **Integrity and Oversight Committee**.
- (7) Annabelle Cleeland, Chris Couzens, Chris Crewther, Ella George, Cindy McLeish, Meng Heang Tak and Jackson Taylor be members of the **Legal and Social Issues Committee**.
- (8) A select committee be appointed to inquire into and report upon complaints of breach of privilege referred to it by the House, right of reply applications referred under standing order 227 and any other matter referred to it by the House; and Lily D’Ambrosio, Melissa Horne, James Newbury, Danny Pearson, Mary-Anne Thomas, Peter Walsh and Kim Wells, be members of the **Privileges Committee**.
- (9) Sarah Connolly, Paul Hamer, Mathew Hilakari, Lauren Kathage, Danny O’Brien and Tim Read be members of the **Public Accounts and Estimates Committee**.
- (10) Dylan Wight be a member of the **Scrutiny of Acts and Regulations Committee**.

- (11) A select committee be appointed to consider and report upon the standing orders and practices of the House; and the Speaker, Jacinta Allan, Matt Fregon, James Newbury, Pauline Richards, Ellen Sandell, David Southwick, Mary-Anne Thomas and Peter Walsh, be members of the **Standing Orders Committee**.

James NEWBURY (Brighton) (09:36): I wish to move an amendment. I move:

That after the word 'Committee' in paragraph (6) the following words be inserted: 'and the house requests the Committee elect a non-government member as its Chair'.

It is a dark week in Victoria, and we move an amendment today not in our own name but in the name of Victorians and in the name of integrity experts, integrity committee members and the integrity field in Victoria. We are speaking on their behalf.

Today the government has moved to appoint members to a number of committees, one being the Integrity and Oversight Committee. We saw the Integrity and Oversight Committee in the last term operate in a way that caused deep distress to all Victorians. Over the time of the last term we saw a committee that refused to hear the testimony of integrity agencies. There is nothing worse that a committee can do than refuse to hear the experts in the field who are attempting to appear before them. What did we see during those committee hearings? We saw feeds cut. We saw the gagging of integrity experts from speaking to that committee.

But I do not move this amendment this morning in my name; I move this amendment in the name of the IBAC Commissioner, Robert Redlich. Robert Redlich was asked in December what he would want changed in Victoria to assist with integrity in relation to the operation of the committee, and he said:

... that it no longer has a majority of members who are members of the party in government, and that the chair of the Committee is not from the party in government. So, the decisions made by the Committee cannot carry with them the perception that the decision was made for a partisan reason.

These are his words that he has put on the public record. Let me repeat the poignant point: that the chair of the committee is not from the party in government, because of the perception of decisions being made for partisan reasons.

This is an important amendment, an important enhancement to the operation of government, and had we seen a committee operate in a way that you would expect, in a way that this place has a tradition of doing – the great history of this place, the great history of the operation of committees in this place – we would not need to be moving this amendment.

Danny Pearson interjected.

James NEWBURY: It strikes me as more than passing strange that we hear interjections from the Assistant Treasurer, who has done more to undermine integrity in this place than almost anybody else.

Members interjecting.

The SPEAKER: Order! Speak to the motion only.

James NEWBURY: I appreciate, Speaker, that I should not have been distracted by the interjection. I apologise.

In relation to the amendment, Robert Redlich spoke in depth about the reasoning why he proposed a non-government member as chair of the committee, which goes to the heart of the amendment, because he said in his experience, his wealth of experience:

... which I've learned of as a result of the investigations of IBAC, the experiences of my fellow commissioners interstate –

this is not just his experience he is speaking from, it is from around the nation –

... during which, when we meet, we share our experiences, the reviews that have been conducted interstate, the federal environment tells me that around Australia ... the way in which decision-making now occurs within executive ... gives rise to much greater latitude for soft corruption.

These are deeply, deeply disturbing issues raised by Mr Redlich. We as a Parliament should take his wealth of experience seriously. We should be listening to him, and I see no reason why anyone of good conscience would not be listening to the experience of Mr Redlich and those experiences he has drawn upon from around Australia, which is why we have moved this amendment.

As much as it disappoints me to say it, it is not the only issue we see in the motion today. I note that section (8), the creation of the Privileges Committee, includes the member for Essendon. I note that, and I think the house should reflect on that: that the government has proposed to put the member for Essendon – and I am making no reflection other than to say –

Members interjecting.

The SPEAKER: Order!

James NEWBURY: I have made the simple point that he has been proposed –

The SPEAKER: I ask the member to come back to the amendment.

James NEWBURY: for that committee.

We have moved an important amendment today that would ensure that we have an independent chair of a committee in line with the proposal put forward by Mr Redlich after engaging with and discussing these issues in depth with people around the nation. I am certain Mr Redlich did not make these comments about the need for greater integrity and the fear of soft corruption lightly. In fact I am certain of it. I am certain a man of that standing does not provide a public interview without having thought through at great depth and probably at some pains as to whether or not he should make those comments in the way that he did. So what strikes me is that when he made those comments, he did it with purpose, and he would have done it with a very heavy heart, I am sure. We should be listening to his words, because he, unfortunately, was the man that tried to appear before a committee in this place and whose feed was cut – someone who turned up to this place to provide his insights, which we should be appreciative of. And yet that testimony was cut on a committee that, frankly speaking, over the last term saw five chairs.

I find it difficult to think of another example of where a committee has passed through so many chairs in a single term, which tells you something in and of itself: the member for Melton, followed by the former member for Altona, Ms Shing in the other place, the former member for Ringwood and finally the member for –

A member: Narre Warren South.

James NEWBURY: Narre Warren South, who lives a lot closer to my electorate than his, Mr St Kilda.

Members interjecting.

The SPEAKER: Order! Member for Brighton! I ask the Manager of Opposition Business to come back to the amendment.

James NEWBURY: I do apologise, Speaker – again distracted by the interjections.

There are a number of people I am sure in this chamber who would like to make a contribution on this issue, because this is an important issue. This is an important issue for the future of Victoria and goes to the heart of the integrity of this Parliament. This amendment says to Victorians, ‘We will operate in a way that you would expect us to.’ Victorians and Australians expect their community leaders to have integrity, to behave with integrity and to listen to people with integrity. Unfortunately that is not what we have seen, especially in relation to this committee, so we move this amendment not only in our name but in the name of Victorians and also in the name of experts like Mr Redlich who have put this good proposition forward.

Gary MAAS (Narre Warren South) (09:47): I rise to obviously speak against the amendment. I would like to take the opportunity to thank Commissioner Redlich for his time as IBAC Commissioner and for doing a stellar job during his term. He as the commissioner of an agency – not as a Court of Appeal judge but as a commissioner of an agency – is able –

Bridget Vallence interjected.

The SPEAKER: Order! Member for Evelyn!

Gary MAAS: to make those sorts of assertions. He has had a period of time as Commissioner and his term has come to an end. Of course in a democratic Victoria, in a Victoria that respects its separation of powers –

Members interjecting.

The SPEAKER: Order!

Gary MAAS: Let the record show that the opposition goes as far as to suggest that the separation of powers does not operate in this state.

Members interjecting.

Gary MAAS: Listen to them. Listen to this rabble.

Members interjecting.

The SPEAKER: I would expect a little more respect in this chamber for people who are on their feet.

Gary MAAS: Thank you, Speaker. What we seek out of the committees that are in this Parliament are not political outcomes. What we are seeking are actual outcomes. This amendment is about seeking a political outcome and a political gain, and there is no way that this side of the house, as extended as it is, is going to be supporting that. As I say, we thank Commissioner Redlich for his time as Commissioner of IBAC, and we speak against the amendment. I thank the house.

Tim READ (Brunswick) (09:49): First of all, I would like to acknowledge and thank the government for their good-faith negotiations resulting in the membership list of the committees. However, the Greens have a bill in the upper house to prevent government-dominated committees, which essentially would result in multiple committees avoiding having government chairs in investigatory committees.

I think it is fundamental, particularly for the Integrity and Oversight Committee, the role of which is to hold the government to account, that there is an impossible conflict of interest when the chair of the committee is a member of the government and often during the lifetime of the committee goes to join the very executive of the government. We have heard from the member for Brighton about the rapid turnover of chairs, sometimes like drummers in Spinal Tap. This is an appropriate and non-binding amendment for a single committee, and it is appropriate for the house to support it.

Paul EDBROOKE (Frankston) (09:51): I am a gentleman; I will keep my contribution short. I have done a fair bit of committee work over the last eight years.

A member: And it shows.

Paul EDBROOKE: Thank you very much. We have made a lot of good decisions and done a lot of hard work. There have been members of the opposition that have joined me on those committees, and one thing I think we can all agree on is the fact that committees choose their own chairs. That is something that –

Members interjecting.

Paul EDBROOKE: Those who have been here for 5 seconds might laugh, who have never been on a committee.

The SPEAKER: Order! Through the Chair, member for Frankston.

Paul EDBROOKE: But essentially what you will find has happened in all the time I have been in Parliament is that committees actually have chosen their own chairs. We have got people laughing. The member for Narre Warren South was talking about separation of powers. I see people laughing over there, but I am seeing this kind of fog go over their eyes and they are looking on their phones: ‘Separation of powers – what is it?’

Members interjecting.

The SPEAKER: Order! The member for Eildon.

Paul EDBROOKE: Again, I said I would keep my comments brief, but what we heard from the Manager of Opposition Business was nothing more than a soliloquy of apologies for actually having a go at and sledging people on the other side. It had nothing to do with committee work, it had nothing to do with selecting chairs of committees. I will leave it at that, but for those who maybe are unclear about what the separation of powers is, for those who are unclear about how committees choose their chairs, it is very clear that you need to go and do some research and maybe not listen to the people up on the front bench here –

The SPEAKER: I ask you not to use the word ‘you’.

Paul EDBROOKE: Thank you, Speaker – that are using this for political gain. We are going to have a division. I think we know what is going to happen in that division, and it is a waste of time.

Kim WELLS (Rowville) (09:53): I did not know whether I was going to live long enough to be able to get up here to speak. I support the amendment. As someone who was on the Integrity and Oversight Committee (IOC) in the last term of government, we saw the interference of government in that committee, and that is why this amendment is so very, very important. The Integrity and Oversight Committee is a parliamentary committee, not a government committee, and it is a breach of the Parliamentary Committees Act 2003 for the government to interfere. Then for the member for Narre Warren South to get up and talk about separation of powers, that is exactly my point – separation of powers, because you had the government interfering –

Members interjecting.

The SPEAKER: Order! Member for Rowville, through the Chair.

Danny Pearson interjected.

The SPEAKER: Order! The Assistant Treasurer will come to order. Through the Chair.

Kim WELLS: Thank you. It is all about the separation of powers, because if you have got the government directly contacting the members of the committee on the government side to direct them to go a particular way, that is blatant interference and that is not separation of powers. The IOC is an oversight entity of the government, and all of –

Danny Pearson interjected.

Kim WELLS: I would not be talking if I were you. I mean, they stacked you on Privileges.

The SPEAKER: Order! Through the Chair.

Kim WELLS: Why have they stacked him on Privileges?

Members interjecting.

The SPEAKER: Order! Member for Frankston, you had your turn.

Kim WELLS: It is not privileges for the individual.

Members interjecting.

The SPEAKER: Member for Rowville! Assistant Treasurer! Member for Rowville, through the Chair.

Kim WELLS: Otherwise you have a government oversighting itself on integrity, and that is just something which means the whole system would break down. Look at the allegations of corruption in the government. I mean, look at red shirts, branch stacking, the Woodman affair – good gracious – a former minister, acting as a lobbyist, dealing with the United Firefighters Union.

But let me give you an example. A journalist phoned the Premier's private office, the PPO, and asked about a particular decision of the committee, and the PPO media adviser said the chair was going to be putting out a statement shortly. How in blue blazes would the PPO have known that the chair of the committee was going to be putting out a statement shortly? One can only conclude that that statement was written by the PPO on behalf of the committee. Otherwise how would they have known?

The SPEAKER: Order! The member for Rowville has been in this chamber a long time and he knows the rules, and I would ask him to address his comments through the Chair.

Kim WELLS: So the question is: how would the PPO have known that the chair was about to put out a statement? How would they have possibly known? And all of a sudden out comes this statement on behalf of the chair – too much of a coincidence – and it was embarrassing. It was actually embarrassing what was said in that statement. It was embarrassing because what it said was all decisions were made collectively, and that was a blatant untruth – they were not – because the member for Sandringham and I had actually opposed a number of decisions. We could not agree with it, because it was coming from the PPO.

Gary Maas interjected.

The SPEAKER: Order! Member for Narre Warren South, you have had your turn.

Kim WELLS: He should be thrown out.

The SPEAKER: Order! I ask you to withdraw that comment. That is a reflection on the Chair.

Kim WELLS: I withdraw that comment.

And then what had to happen was because the PPO had written or allegedly written a statement on behalf of the chair to put out to the media saying that all decisions were based collectively – in other words that we all agreed to them – the member for Sandringham had to then put out another statement to correct the statement that had just been put out by the PPO, saying they were not. The chairs of the committee in all the previous years would run any public statement past the deputy chair, but they did not – they bypassed him. It went from the PPO to the media on behalf of the chair, so one has to question who was actually running it. And why wouldn't you support this amendment to stop those sorts of ridiculous situations happening? Because if you had an opposition member as chair, you would not have the PPO contacting the chair to dictate what actually happens.

The other example I want to raise is that we had this public meeting where we invited along the IBAC Commissioner for a public hearing, and we had a situation that was getting a bit tense. It was all about the public and private hearings. It was a pretty broad sort of question. We asked the Commissioner: why was there a situation that allowed Casey councillors to be examined in public, which may have led to the suicide of Amanda Stapleton, and yet when it comes to the Premier, whenever IBAC interviews Premier Andrews, it is only ever done behind closed doors? It is never, ever, ever done in public. So why do you have a situation where everyone else gets examined in public but you do not have a situation where the Premier of this state gets interviewed or examined in public?

At ICAC in New South Wales premiers are examined in public the whole time, but in Victoria it is completely different. When we asked that question – why wasn't the Premier examined in public? – all of a sudden the chair went 'Cut the feed, cut the feed, cut the feed' and the feed and the whole public meeting was shut down. Let me tell you, if there was an opposition chair, that would not have happened, that would have never, ever have happened. The commissioner insisted on answering that question, so they shut down the whole public hearing. Then there was the argy-bargy, not between us and the chair, no, no, no, but between the commissioner and the chair, with him insisting he give an answer on that very question: why is it that Premier Andrews is always interviewed in private, never ever in public?

We want a situation where we can abide by the advice that was put forward by Commissioner Redlich. I think he did an incredible job. He did an incredible job. When it came to integrity and oversight, he fought the fight to be able to do an outstanding job. In an interview with Jon Faine, which was mentioned by the member for Brighton, it was very clear he wants the composition of the committee to be different. Who would have better insight than the Commissioner of IBAC? It would be very clear for him to be able to say, 'We should have a majority of opposition members. We should have a chair who is from the opposition side to break the nexus between the government and the chair of the IOC.'

On those very few points, I very strongly support the amendment that has been put forward by the member for Brighton, and I hope that the government sees sense. If you firmly believe in the separation of powers, break the nexus between the communication and the direction that has been handed down by the PPO and the chair of IOC.

Brad ROWSWELL (Sandringham) (10:03): I also rise to speak on the member for Brighton's amendment to the motion, and in doing so I just want to put some context around this. The reason why we have proposed this amendment to this motion is because it is the right thing to do. Through the lived experience of the last Parliament, the 59th Parliament, and the Integrity and Oversight Committee of that Parliament, we learned very, very early in the piece that this was sadly not solely a process run for the Victorian people by the members of the Victorian Parliament but that there was significant political interference throughout. This is not just my view, this is not just the view of my colleague on the committee the member for Rowville, this is the view of the now former Commissioner of the Independent Broad-based Anti-corruption Commission.

What could be more important than integrity in this state? We see time and time again members of the government not engaging in integrity in the way that the Victorian people would expect them to. I will quote from a transcript in support of this amendment, an interview between the former Commissioner of the Independent Broad-based Anti-corruption Commission and Jon Faine of the ABC. Mr Faine asks the Commissioner:

What do you want changed?

The Commissioner says:

Primarily, the composition of the Committee ...

Faine then says:

The individual make up of it?

And Redlich responds:

... so that it no longer has a majority of members who are members of the party in government, and that the chair of the Committee is not from the party in government. So, the decisions made by the Committee cannot carry with them the perception that the decision was made for a partisan reason.

The transcript goes on, and the recommendation of the now former Commissioner goes on as well. He says:

That takes me to the reason why it's important that I speak out, because the experiences which I've learned of as a result of the investigations of IBAC, the experiences of my fellow commissioners interstate, during which, when we meet, we share our experiences ...

He then went on to express concerns with the interference of the Premier's private office (PPO) as well, and I seek to make that transcript available to the house.

During the course of the last Parliament there were a number of reports that were submitted to this place, that were tabled in this place, including a minority report that the member for Rowville and I co-authored. It was a Victorian parliamentary inquiry into the performance of Victorian integrity agencies focused on witness welfare. Recommendation 6 of that minority report states that:

Committee members must be required to disclose, at the earliest opportunity, any interference in Committee business that they become aware of – or are party to – by the PPO or any other politically aligned individual or body.

We did not make that recommendation on a whim and a prayer and a hope that we might have struck a target – no, no, no. We did that on the basis of facts. Recommendation 6 was made for the following reasons: the stated intent of that particular inquiry and the process that ensued, including hearings, did not match, and the recommendations contained within the committee report we thought had been unreservedly affected by the limitations placed upon the inquiry process. As the member for Rowville stated earlier, we have a live example before us of the PPO interfering in a parliamentary process. The member for Narre Warren South sought to suggest that we thought, on this side of the house, that the separation of powers did not exist in this state. Well, sadly, that is the lived experience that we are proposing here.

What the member for Rowville said was absolutely right. A member of the fourth estate made contact with a member of the Premier's private office. A member of the Premier's private office then asserted that the chair of the committee at that point – the fifth chair of the committee, Mr Maas – would shortly be making a statement. Why? Why on earth would a member of the Premier's private office –

The SPEAKER: It is the member for Narre Warren South.

Brad ROWSWELL: Thank you, Speaker. Why on earth would a member of the Premier's private office know that the member for Narre Warren South would shortly be putting out a statement if there was adequate separation between the executive arm of government and the operations of a parliamentary committee? I think the member for Rowville's suggestion is absolutely spot-on. We have then concluded, and rightly so, that only the Premier's private office themselves could have drafted the statement put out in the name of the member for Narre Warren South.

This is just one example. I come back to committee hearings where, being in the committee room, sitting there next to my committee colleagues, we saw firsthand the text message exchanges between government members of the committee, the government chair of the committee and other people at pretty crucial times. Why on earth were my colleague the member for Rowville and I cut off from proposing our questions, from asking our questions, time and time again by the Labor committee chair?

If the government truly believe that integrity is a thing that matters in this state, then they will not run from this amendment. They will not hide from this amendment. If they truly believe that integrity is an important thing in this state, they will agree to the amendment moved by the member for Brighton, because it is the right thing to do. It is the right thing to do to remove any ounce of doubt that integrity comes first in this state. I am not much of a betting man, but I suspect that within just a few short minutes a closure motion will be moved, a division will be called and the government and every government member will vote on the side of a gag, of allowing the Premier's private office to continue interfering in parliamentary committee processes.

This is a moment in time for all of us to look back and reflect. This is the standard that takes place in this place. This is the standard that takes place in Victoria. I just do not think it is right, which is why

we have proposed this amendment in the first place. It is the right thing to do. The government should support it.

Finally, in that minority report that the member for Rowville and I tabled we also reviewed at length a number of other issues which I have flagged in this place before. But in essence the separation of powers does matter – between the courts, the Parliament and the executive arm of government – and our experience on this side is that the government just does not respect that. They do not respect it. They do not want to. The operations of this state and some parliamentary committees are, sadly, dictated to by the Premier's private office and the executive arm of government, and frankly the Victorian people deserve better.

Roma BRITNELL (South-West Coast) (10:11): I also rise in support of this amendment that has been put forward by the member for Brighton. It is outrageous that I have to stand up and fight for the Integrity and Oversight Committee to have a recommendation adopted by the government, by their own Labor-appointed integrity commissioner, the IBAC Commissioner himself, who has now retired but actually put forward in his recommendations before he retired that we should get the community confident in integrity – instil confidence once again. This current Labor government have lost the confidence of our community because we have seen so much corruption in this last couple of terms of the Labor government. We have seen five, that we know of, IBAC sessions looking at the integrity of this government. It is incredible arrogance that someone as respected and revered as Robert Redlich, who put forward a recommendation that a non-government member of the committee should be the Chair – how simple, and what would be the problem with that? If you have got nothing to hide, why wouldn't you be confident of the independence of the Integrity and Oversight Committee?

Clearly, as a result of the analysis of the IBAC Commissioner, there are questions, significant questions, over the independence of the Integrity and Oversight Committee, as articulated by the member for Rowville, who put forward a very clear example of how the Premier's office itself was contacted by the media and the media were told a statement would be coming soon without any communication with the other committee members. That gives you a very real example. This is a very important committee. These committees are important to the integrity of our state. They are important to the fact that we continue to have the confidence of the community in the systems we have in place for our laws to be made, and unfortunately that has been eroded through this government having no less than five inquiries by IBAC into their corruption and corrupt behaviours. Integrity is so damaged that we have come to this – that we have come to a recommendation that will not even be adopted by this government. Why would you, if you have got nothing to hide – the member for Essendon has just walked into the chamber.

The SPEAKER: Order! I would ask the member to stick to the amendment.

Roma BRITNELL: Given that we have just heard that the members of the committees have been listed, I suggest that this is relevant to the amendment here.

The SPEAKER: The amendment is related to number 6 on the paper.

Roma BRITNELL: I would hope that people on the committee are confident of their integrity, and integrity is the issue that I am discussing here. I cannot believe that we are questioning putting in place an independent assessor of a committee, putting in a non-government person. We had too many members who were from the government, according to Robert Redlich.

Mary-Anne Thomas: A political stunt.

Roma BRITNELL: A political stunt – I take up the interjection from the minister at the table.

The SPEAKER: Order! The member for South-West Coast knows not to respond to interjections. Through the Chair.

Roma BRITNELL: I do find it incredibly distressing that the community want to see integrity – so much so that the assessment done by the integrity commissioner, the IBAC Commissioner, actually recommends that you have a non-government member of the committee as the chair. It sounds like a very reasonable recommendation, and it is a recommendation he made after assessing the fact that there is severe doubt over whether the independence exists when you have got a majority of the members of the committee coming from the government and the chairman also from the government. It makes complete sense to instil confidence back into these committees by putting a non-government member as the chair, yet we are standing here in this chamber debating that very sensible recommendation. And I ask myself: why? If they have got nothing to hide – and I do not know how many times we have been saying that in the last eight years about this government – why are they so frightened of reasonable oversight, of reasonable assessment of the activities that they are involved in? If there is nothing to hide, then put a non-government chair in the position so there is some confidence put back into the community about the activities of this government. I never thought, being a Victorian, that I would be very genuinely concerned about the level of corruption in the state of Victoria, but we read about it time and time again. Just this week there have been many questions about the integrity of this government. The media are reporting it. The *Age* reports it. The left media are reporting it. It is so obvious it is unavoidable to question it.

If we have such reasonable recommendations by someone as revered and respected in our community as Robert Redlich, why on earth would that be something for this government to be frightened of implementing? What are they frightened of? What are they hiding? We have seen so many examples – red shirts. There is an enormous amount to talk about here – an enormous amount. But what are we seeing – an arrogant government who want total control taking away the ability to even instil confidence back into the community by putting some simple solutions forward: an independent person in the chair rather than a government person in the chair, a non-government member to scrutinise and to make sure integrity remains the priority of the Integrity and Oversight Committee. I mean, that is an irony in itself, isn't it? We have got an Integrity and Oversight Committee and we are trying to restore integrity back into that committee, and the recommendation by the IBAC Commissioner is being ignored. I mean, is that not absolutely clearly an admission of guilt, concern and worry by this government – that by doing that their activities will be too exposed, which they try to keep under the cover of darkness so that the community, who elected them, who they are responsible to, cannot know exactly what they are doing. It is just incredibly deceitful and disrespectful to the community and disrespectful to their own appointment of the IBAC Commissioner Robert Redlich.

Astoundingly, this government never ceases to amaze me with their level of arrogance. Their tactics are clever: they cut the feed when they do not want to hear what is being said in a committee hearing, they blame probably the system – not their fault, nothing to see here. I just cannot work out why this government thinks it is going to continue to get away with this level of secrecy when their own people are saying, 'We're skating on thin ice. Let's try and put some things in place to get back the confidence.' I am standing here trying to make you see sense.

Mary-Anne Thomas interjected.

Roma BRITNELL: I think confidence will not remain when there are IBAC sessions after IBAC sessions that are questioning the corruption in this government – and when that is the word that is being used, that is a concern – when your own Labor appointment to IBAC, the Commissioner himself, is questioning how integrity can be restored and is asking for something as simple as a non-government member of the committee to be appointed as the chairman and when you are standing here fighting against a recommendation by such an esteemed member of the community appointed by none other than the Labor government.

David SOUTHWICK (Caulfield) (10:21): If the government have got nothing to hide, they will support the amendment proposed by the member for Brighton and appoint a non-government chair to this very, very important Integrity and Oversight Committee. We know that integrity has been a real issue here in Victoria for a long time. We have seen inquiry after inquiry, we have seen IBAC report

after IBAC report, and something that is very, very unusual I think, as the Leader of the Opposition said yesterday in his contribution, is that for the first time in Victoria we have seen the Premier be involved in more IBAC inquiries than we ever have before, and it is only getting worse.

To put a halt to this, if this government cares at all about integrity, they will do the right thing and show some independence and appoint a non-government member to this board. This is a critical time for all those new members on the other side that have joined this Parliament and have made their contributions. Many of them have made fine contributions saying they want to make a real change in this Parliament. Well, to do that you need to uphold the key values of integrity that some of us take as a key plank and a key platform going forward. This is really decision time for many of those government members today to support this amendment today by the member for Brighton.

We saw in the last Parliament an absolute disgrace in the way that the Integrity and Oversight Committee was treated. The member for Rowville, who was active on that committee, saw chair after chair after chair – a revolving door, five chairs. It had more chairs than I have had hot lunches. This is absolutely ridiculous. You would think that you would just get going and they would swap over another chair because they frankly could not get their act together. What we have seen is the former IBAC Commissioner, in his going out, give the most independent analysis of the way things have not worked and how we can fix them and set the record straight, and that was to in fact have a non-government member to run the show. Wouldn't you think the government would follow suit in terms of the advice that the very person they appointed to set the game up has provided? This is not a Liberal providing this advice, this is not people from our side that are providing this advice, this is the Honourable Justice Redlich, the former IBAC Commissioner, that has provided this advice. If the government were serious about this, they would follow his advice.

We have seen the shambolic way that the Integrity and Oversight Committee operated, where we had live feeds cut because the government wanted to censor what was going on in those committees. They wanted to censor the information so the public could not see it.

A member: What have they got to hide?

David SOUTHWICK: And that is the question: what is the government hiding? We have started this parliamentary year already with a whole lot of integrity issues, a cloud that this government is facing. We have seen already a minister under a huge cloud in terms of integrity issues and shareholdings and dodgy deals, making more money on day trading than actually doing his job in terms of being a minister.

John Pesutto: Our own Gordon Gekko.

David SOUTHWICK: This is absolutely appalling. As the opposition leader says, we have got our own Gordon Gekko on the ministerial front bench in the Assistant Treasurer. These are important integrity issues, and we need to hold them to account. We cannot have a dodgy Assistant Treasurer effectively running a share portfolio on the side, as a side hustle.

Colin Brooks: On a point of order, Speaker, the member has been in this place long enough to know that personal reflections on other members are inappropriate.

David SOUTHWICK: On the point of order, Speaker, this particular debate that we are talking on is about integrity, and I am highlighting the importance of integrity for all members in this place. That is certainly the commentary that I am running.

The SPEAKER: I ask all members to be mindful of not reflecting on other members.

David SOUTHWICK: Thank you, Speaker. It is very, very important that all of us in this chamber uphold the integrity standards under which we have been elected to be in here, and if we do not, the consequences could be that we might end up at the Privileges Committee. We would hope the people that may be appointed to Privileges also uphold that point, because you would hate to think that

somebody is not following the integrity process and may even be a committee member of Privileges and might have to excuse themselves because they are the very person that is up before Privileges. We would hope that would not be the case, and that is why integrity is so important for everyone in this place.

Coming back to this particular motion today, which is so important in underpinning the values of this place, the very reason why we are all here is to ensure that everybody gets a fair deal – not looking after yourself, not coming here to see how much money you can make, how many deals you can do or increasing your share portfolio. No, that is not what this is about. None of us should be thinking about that. We have got a full-time job. There are other parliaments around the world that run part-time parliaments and people can have an extracurricular job. They could be a day trader, they could run a share portfolio on the side and then they could go into parliament. This is a full-time parliament that requires a full-time job, not side deals, not casual work where you can effectively be Gordon Gekko on the side. That is not what people expect. When people tune into this Parliament they expect those people – all of us from all sides of Parliament – that are paid to do a job to stand up for all Victorians regardless of who they are.

James Newbury interjected.

David SOUTHWICK: As the member for Brighton quite rightly says, with integrity. That is what this is about today. It is about integrity. It is about getting things better. If this government were serious, they would actually adopt this motion, because all it does is say if you have got nothing to hide, then let us get somebody from the non-government side to be the chair – not to run the Integrity and Oversight Committee from the Premier's private office, as the member for Rowville quite rightly pointed out. It is not an extension of the government. This is a parliamentary committee that keeps us all honest. That is what it should do – it should keep us all honest, and when people do the wrong thing, then that is what this committee should look at. That is what IBAC is set up to look at – to ensure that people, all Victorians, can have confidence in the process. In this Parliament we have already seen things start poorly. We have seen the IBAC Operation Clara report that was issued, which shows a former minister on a board effectively trying to lobby the board, not taking clean and honest payments for it but then channelling donations to get somebody elected to the Parliament. I mean, seriously, that shows that there are huge integrity issues that need to be properly investigated, and you need to ensure it is independent as part of the investigation.

So there is Operation Clara, another IBAC report, in this first term of Parliament, and the Assistant Treasurer is under a cloud – also part of this Parliament. That shows that we need to clean things up very early on. Here is a perfect opportunity to do that. I implore particularly the new members on the back bench that are in ultimately to be able to go back to their constituencies and honestly, hand on the heart, say to them, 'I'm standing up for you to ensure we get a transparent system and that we can uphold the integrity values of the Parliament.' We can do that.

Mary-Anne Thomas interjected.

David SOUTHWICK: Well, the manager of government business can interject all she likes, but let me just say: this is fundamental to the core values. It is not about a protection racket for the member for Essendon. It is not about running protection for people that are trying to do dodgy Gordon Gekko shares on the side. It is not about that. It is about upholding integrity standards right across the board. If we are serious about our jobs here in Parliament and not being share traders on the side, if we are serious about keeping up our jobs and doing the jobs we were elected to do, we should be supporting the member for Brighton's very, very important amendment here, which, as we have heard, Justice Redlich has also said the government should proceed with.

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (10:31): I move:

That the question be now put.

The SPEAKER: Order! I do not accept that the question will be put at this point. I have not heard from the minority. I ask if there is a speaker from the Nationals.

Michael O'BRIEN (Malvern) (10:32): I rise to support the member for Brighton's amendment to the motion on the appointment of committees. We heard from the member for Narre Warren South earlier about separation of powers, and I just do question whether the member actually knows what the separation of powers is. What it means is that the executive, being the ministers, and the Parliament are not the same. But you would not know that from the way in which some Labor Party members of Parliament have chaired their committees, because they have acted as cat's paws of the Premier's office. They have acted as extensions of 1 Treasury Place, and that is why this amendment is so important, because these committees should be part of holding the executive to account, not acting as protection rackets for the executive, which unfortunately is what we have seen happen too many times. The only reason that happens is because the chairmanships of important committees have been used and have been abused by Labor Party members acting as chair.

It is important that we have non-government chairs of these committees, and we are not saying it necessarily has to be opposition members. It could be members of the crossbench or independents – well, actually we do not have those anymore in the Assembly – or members of minor parties. But it is very important that we do not have government members chairing these committees, because they are running the orders of the Premier's private office. They are either doing it out of fear or doing it because they are seeking promotion and they want to be ministers themselves one day, so they are not prepared to cross the Premier or the Premier's private office and they are not acting in the interests of this Parliament. They are not acting in the interests of transparency or democracy or holding the executive to account. They are putting their own personal career promotion prospects before their jobs, and that is why the member for Brighton's amendment is so important.

Let us just look at the Integrity and Oversight Committee and the important role that it undertakes. It is responsible for IBAC, the Independent Broad-based Anti-corruption Commission, one of the most important integrity agencies that this state has, one that was established by a Liberal and Nationals government after 12 years of Labor refusing to establish an IBAC because – well, we know they did not think corruption was not happening in Victoria; they just did not want it exposed. We had 12 years of the Bracks–Brumby governments refusing to implement an IBAC because they did not want anybody looking over their shoulder while they were getting their deals done. Well, it took a Liberal–Nationals government, and I was very pleased to be a part of that, to establish Victoria's first Independent Broad-based Anti-corruption Commission.

When Labor got elected in 2014 and then re-elected in 2018, what did they do? They cut IBAC's funding. They reduced its funding, so that made it harder for IBAC to do its job. It made it harder to identify, investigate and root out public sector corruption. It made it harder to identify and root out serious police misconduct. What sort of government cuts the funding for an integrity watchdog?

But they did not just cut the funding, they also cut the powers. This government restricted the ability of IBAC to hold public hearings. Why would it do that? Why would this government change the law, change the legislation, to make it harder for IBAC to have public hearings? When you understand that the Premier of this state, the Labor Premier of this state, has been involved in anywhere up to five – that we know of – anti-corruption commission investigations but not once has he had his witness statements taken in public, we understand why the government made that change. It was very, very keen to make sure the Premier would be protected. Unlike New South Wales, where premiers have been investigated and have been asked questions in public, in Victoria it is done in secret, because this government changed the rules. They changed the rules to protect themselves.

There is a really, really important reason going forward why this amendment being put by the member for Brighton needs to be supported. Commissioner Robert Redlich's term expired at the end of last year, and it is now up to the government to select a new IBAC Commissioner. This is one of the most important roles that we have in Victoria. The Integrity and Oversight Committee, under legislation, has

a very important role. The IOC has the capacity to veto the government's choice of IBAC Commissioner. I think we understand now why the government may not be supporting the member for Brighton's amendment, because this government does not want the IOC to have the ability to veto the appointment of a new IBAC Commissioner. This government, I fear, would rather see a lapdog than a watchdog. This government does not want to see an IBAC Commissioner who will call out their corruption the way that Commissioner Redlich did. This government wants to see a commissioner appointed who will not look into their dirty dealings the way that Commissioner Redlich did. That is the real reason. If this motion fails, it will be because the government wants the IOC to be a lapdog, not a watchdog. It does not want it to have the veto power over the new IBAC Commissioner.

When you look at what this government has done and if you look as recently as yesterday with the tabling of the *Operation Clara: Special Report*, there we saw a former Labor minister, Labor royalty Theo Theophanous, being exposed as having engaged in misconduct, conflicts of interest, abusing his public position for private ends and doing so to help support and raise funds for the campaign of the member for Northcote. This is outrageous conduct. Mr Theophanous was still on the board of State Trustees as of yesterday.

The SPEAKER: Order! The member for Malvern has strayed a lot from the amendment before the house. I ask him to come back to the amendment.

Michael O'BRIEN: Thank you, Speaker. This amendment is important because IBAC is important. We want to make sure that we have an IBAC Commissioner who will not go soft on corruption from this government. I can talk about Operation Clara, I can talk about Operation Watts, where a number of members of this Parliament were investigated and named in relation to abusing electorate office material and resources for political ends. I can talk about Operation Sandon. We all wait for the Operation Sandon report with bated breath. With all the Labor Party members in the south-east – I see the member for Cranbourne there – and all the operations of the Labor Party in the south-east and John Woodman, we wait to see that Operation Sandon report, because IBAC matters.

We do not want to see an Integrity and Oversight Committee which will not support IBAC. We do not want to see an Integrity and Oversight Committee chaired by somebody who will cut the feed and gag the IBAC Commissioner when they have got something to say. We do not have to make that up; that is what happened. We do not have to speculate. We know what happens when you have Labor Party members of Parliament chairing the IOC: they gag the Commissioner, they cut the feed. They act as cat's paws of the Premier's office, letting them write their statements for them for the media.

It is appalling behaviour, and it cannot stand. It should not stand, and that is why the member for Brighton's amendment is so important. We need to have independence. We need to have a non-government chair. If these committees are to do their job, and their job is to hold the executive to account, it cannot be done when you have Labor Party members as chairs. History shows you they will put the interests of themselves and their party and protecting their government mates before the interests of the Parliament, and that is not what this is about.

The IOC is I think one of the most important committees of this Parliament, but there are other committees as well. With the Public Accounts and Estimates Committee we have seen many times government members shutting down lines of questioning of ministers and of departmental staff when it is proving embarrassing to the government. That would not be happening if we had an independent chair – a non-government member of Parliament as chair. Whether it is the Integrity and Oversight Committee or the Public Accounts and Estimates Committee, there are plenty of committees where Victorians would be better informed, the government would be better held to account and democracy would be improved if we had a non-government chair in place.

I am sure there are some very capable members of the government backbench who could serve on committees and do very good work, but the chair's role is one which comes with extraordinary power. What we have seen, unfortunately, is that that power has been abused too many times on too many

committees by too many Labor MPs as chair. That is why the amendment moved by the member for Brighton is so important. Government members have had the chance to do those roles properly, to do them fairly and impartially and to act as parliamentarians, not as aspiring ministers, and those Labor members have failed in that opportunity. That is why it is time to change it, that is why it is time to bring in non-government chairs of parliamentary committees, and that is why I support the amendment moved by the member for Brighton.

Peter WALSH (Murray Plains) (10:42): I rise to support the member for Brighton's amendment to have a non-government chair of the Integrity and Oversight Committee. The member for Frankston – it is a pity the member for Frankston is not in here – commented on people searching on their phones. Could I suggest to the member for Frankston that he might want to google 'separation of powers' and actually understand it. By his interjections, he has absolutely no concept of the separation of powers. Separation of powers under the Westminster system is about the Parliament, the executive government and the judiciary. People have spoken here about the Parliament and the executive, but it is also about the judiciary. The Parliament is pivotal to all that. The Parliament makes the laws, the judiciary enforces the laws and the executive government runs the day-to-day business, but the Parliament is ultimately the one that is responsible for all of that. The Parliament is there to oversight the executive. You cannot have oversight of the executive when the government appoints the chairs of the committees that do that oversight. There is no more important oversight committee than the Integrity and Oversight Committee, which manages IBAC and who IBAC reports to.

We have had a number of speakers on this side who have talked about the fact that former Commissioner Redlich made some recommendations at the end of his term, and one of those recommendations was to have an independent chair of the Integrity and Oversight Committee. It goes to the absolute core of the separation of powers. Some on the other side have interjected, 'Let the committee elect their own chair.' When you have got a majority of government members, it goes without saying they are going to elect a government member as the chair of that committee. It is a self-defeating argument that they are putting up around that particular issue. It has to be a non-government chair.

One of the other things that former Commissioner Redlich talked about in this state was his concern about the increase in soft corruption. That is not where someone gets a brown paper bag of money, it is about nepotism, it is about mates, it is about jobs for members of your family that may have a job with a portfolio that you are responsible for. That is the sort of soft corruption we are seeing here in Victoria. There is a time for every side of politics to be in government and a time not to be in government. The Andrews government is following on from the Bracks–Brumby governments in having been there for too long. They view government as their right, as their toy, as their thing for engendering special favours for people on their side of politics, not for actually talking about and doing what is in the best interests of Victorians into the future.

Let us make an important change today with this amendment from the member for Brighton so that this Parliament actually stands up for integrity. I would urge all those on the other side of the house to look deeply into their souls. Do they really believe in integrity in this state, or do they support the nepotism and the soft corruption that is going on with the Andrews government at the moment? If members on the other side were seriously committed to integrity, they would support the member for Brighton's amendment. There would be unanimous support for it.

What has the government got to fear by having an independent chair of a committee? They will still have government members on that committee. That committee still needs to function in the proper way for it to function, but it will actually have some accountability and will actually have some respect from the people of Victoria, because it will actually be seen to be independent. At the moment most people I talk to just shake their head about what is happening in Victoria because they know there is no integrity, because the government controls everything.

We have heard examples talked about by speakers on this side – how when Commissioner Redlich, near the end of his term, was giving evidence to the Integrity and Oversight Committee, the chair

actually cut the feed so the broadcast was stopped. The chair effectively said, 'I refuse to hear from former Commissioner Redlich about his concerns about how his job can or cannot be done in this particular state.' So we have people like Commissioner Redlich coming to these roles with a very extensive career in the judiciary, who actually understand the law, who are there to uphold the law, who are sworn to uphold the law and who want to uphold the law, but the government is refusing to take their advice.

We saw how the powers of IBAC were reduced in the last term of government. The opportunity for public hearings was reduced for IBAC – something that we actually put in place in government – and Commissioner Redlich wanted to see some changes so that his successor could have the opportunity to do the job better. I think we all have concerns as to who might be appointed as the new commissioner of IBAC, and that is why the Integrity and Oversight Committee is so important in that particular role. We do not want to see a gamekeeper–poacher situation where the government appoints a mate to that role, which means the integrity of this state will suffer into the future.

I would urge those on the other side of the house to look deeply into their souls and think about the decision we are going to make in a few minutes. It is a very important vote that will send a clear signal to Victorians as to whether this Parliament actually believes in integrity and wants to make sure it is doing its role in having oversight of the executive by empowering the Integrity and Oversight Committee to be truly independent and giving the new commissioner for IBAC some opportunities to do the things that the former commissioner could not do. So I would urge those on the other side of the house to vote with us and for the member for Brighton's amendment to have some true integrity in this state, rather than vote against the member for Brighton's amendment and reinforce the view of Victorians that the Labor side of this chamber just think it is a mates place where you can protect everyone that does something wrong.

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (10:49): I move:

That the question be now put.

The SPEAKER: I accept the question.

Assembly divided on motion:

Ayes (58): Juliana Addison, Jacinta Allan, Daniel Andrews, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Paul Edbrooke, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Sam Hibbins, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Tim Read, Pauline Richards, Tim Richardson, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (26): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bill Tilley, Bridget Vallence, Peter Walsh, Kim Wells, Jess Wilson

Motion agreed to.

The SPEAKER: I will now put the question on the amendment moved by the Manager of Opposition Business. The member for Brighton has moved an amendment to this motion. He has

proposed to insert words, which have been circulated, after the word ‘committee’ in paragraph 6. The question is:

That the words proposed to be inserted be so inserted.

Those supporting the amendment moved by the member for Brighton should vote yes.

Assembly divided on question:

Ayes (30): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Gabrielle de Vietri, Wayne Farnham, Sam Groth, Matthew Guy, Sam Hibbins, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O’Brien, Michael O’Brien, Kim O’Keeffe, John Pesutto, Tim Read, Richard Riordan, Brad Rowswell, Ellen Sandell, David Southwick, Bill Tilley, Bridget Vallence, Peter Walsh, Kim Wells, Jess Wilson

Noes (54): Juliana Addison, Jacinta Allan, Daniel Andrews, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Pauline Richards, Tim Richardson, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Question defeated.

Motion agreed to.

Business of the house

Adjournment

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (10:57): I move:

That the house, at its rising, adjourns until Tuesday 7 March 2023.

Motion agreed to.

Members statements

Echuca Primary School

Peter WALSH (Murray Plains) (10:58): I ask the Minister for Education, who is in the house, to show some common decency and respond to the two letters that she has received from Johnno Bell, who is the school council president at Echuca Primary School. Echuca Primary School has had an acting principal since June 2018 – for nearly five years they have had an acting principal. The school council wrote to the minister in August last year, wrote again to the minister in September last year and has not even had an acknowledgement of those letters, let alone a response. The school council wants to have certainty. They asked the minister for clarity around a permanent principal for the school so that the school families would know who is leading that school into the future. I ask the minister: please, would you actually have the courtesy to respond to the school council president and give some clarity to the families of that school in Echuca so that there is a permanent principal for the school into the future?

Australian Catholic Religious against Trafficking in Humans

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (10:59): I rise to share the work of ACRATH, Australian Catholic Religious against Trafficking in Humans. ACRATH is an Australian registered charity of 20 years whose purpose is to eliminate human trafficking and slavery. In Victoria they have a strong group of volunteers, including my friend Marg Leahy. These volunteers donated 2800 hours of volunteer time during the pandemic to work with trafficking survivors and their children. Here is what we can all do to help: ACRATH has invited me and all members of the Victorian Parliament to ensure that the coffee, tea and hot chocolate we drink is slavery free. The first step is to start in our electorate offices. I have made this change in my office in Gisborne, and my staff are excited to join me. I am certain that no-one in this place wants to drink beverages where there is slave labour in the supply chains that bring them to us. It is a simple and small action that can make a significant difference.

Barrys Reef Avenue of Honour

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (11:00): Congratulations to Pippa Morris, president of the Ballan RSL, on her work to lead the restoration of Barrys Reef Avenue of Honour. Lost for many years, Pippa and the team at the Ballan RSL have found the Avenue of Honour and are working to restore it. The Victorian government is proud to partner with Pippa and the Ballan RSL and others on this important project. It was so wonderful to join you and the historical societies and others launching the program last Sunday.

Israel for Youth Foundation

David SOUTHWICK (Caulfield) (11:01): With Israel's 75th birthday upon us, I want to highlight a few recent events. Firstly, the Israel for Youth program takes Jewish kids from non-Jewish schools to Israel. As I have said on a number of occasions, you do not know unless you go. To have some of those young adults go to Israel, particularly with an increase in anti-Semitism, come back with knowledge and with empowerment and be able to advocate for the community is fantastic. I want to give a big shout-out to Maxine and Ronn Bechler, the founders of this program, and the United Jewish Education Board for the fantastic work that they do.

Zahal Disabled Veterans Organisation

David SOUTHWICK (Caulfield) (11:02): Last week the member for Box Hill and I co-hosted members from Zahal Disabled Veterans Organisation, including Emily Schrader, who is a social media advocate, and Amit Steinhart and Yoseph Haddad, two former Israeli Defence Forces soldiers that had been injured. Yoseph Haddad, an Israeli Arab, puts it simply that the coexistence between Arabs and Israelis is more than coexistence, it is a partnership, and that is what we need to do. Here is an Israeli Arab that has made the ultimate sacrifice, being injured to ensure Israel's right to existence. A big shout-out to Yoseph Haddad and that organisation for that fantastic work.

United Israel Appeal

David SOUTHWICK (Caulfield) (11:02): For those people that would like to donate, I am rolling the decks out as DJ Dave to raise money for the Ukrainian Foundation, so get on board.

Maureen Kavanagh

Ben CARROLL (Niddrie – Minister for Industry and Innovation, Minister for Manufacturing Sovereignty, Minister for Employment, Minister for Public Transport) (11:02): On 6 February I joined hundreds of locals at the chapel of St Bernard's College to celebrate the life of Maureen Kavanagh, a wonderful local lady who contributed so much to our community. Maureen came from a tradition of contribution. Her grandfather was the manager of the first St Vincent de Paul shop, which was established in Victoria in Spencer Street in 1925 before it moved to its current location on Maribyrnong

Road, Ascot Vale. She was passionate about the preservation of history and contributing to our community identity. She was a proud resident of Keilor since 1972 and was instrumental in establishing the Keilor Historical Society as well as the preservation of the Arundel Road trestle bridge, and she wrote the 10-year history of St Augustine's school in Keilor.

A most significant contribution in Maureen's life was her contribution to St Bernard's College, Essendon, which I had the honour of attending with her sons Bryce and Shane. She dedicated over 37 years to the college as a parent, a member of the ladies auxiliary and a member of the college board. Her lasting legacy at the college is the college archives, which were established nearly 30 years ago, initially working as a volunteer and then as a staff member. She was meticulous in the preservation of memorabilia, photos, oral history, video recordings and past students' work. Her proudest contribution was establishing the John O'Connor Award in memory of John O'Connor, a former student who died at the age of 26 in the Vietnam War – the only St Bernard's student on military service who passed away. Her voice will continue and long live. My condolences to Shane, Bryce and Elise, her proudest achievements.

Cheltenham Cricket Club

Brad ROWSWELL (Sandringham) (11:04): The Cheltenham Cricket Club celebrated its 150th anniversary last week, making it one of Australia's oldest continuing sporting clubs. It was great to celebrate the club's history and victories, including 117 premierships. Congratulations to president David Sell, committee members and all players, families and friends of the mighty Cheltenham Cricket Club.

Hihett West Cricket Club

Brad ROWSWELL (Sandringham) (11:04): The Hihett West Cricket Club celebrated its 60th anniversary last week also, together with past and present members and special guest Melbourne Stars head coach David Hussey. We celebrated its many successes and its 18 premierships. I continue to stand alongside Hihett West Cricket Club in the fight for clubrooms and home-ground upgrades at Peterson Reserve. Congratulations to president Kerrod Burton, club legend Tony Corr, the committee and the supporters of the Hihett West Cricket Club.

Sandringham electorate schools

Brad ROWSWELL (Sandringham) (11:05): Last week I commenced my regular visits to schools to meet with principals to understand the challenges and the opportunities for teachers, parents and students in 2023. I would like to thank the principals of St Patrick's Primary, Beaumaris North Primary, Mentone Grammar, Kilbreda College and Mentone Girls Grammar. Next week I look forward to visiting Beaumaris Primary, Mentone Girls Secondary, Black Rock Primary, Sacred Heart Primary, Sandringham Primary, Sandringham East Primary and St Agnes.

Olivia Carroll

Brad ROWSWELL (Sandringham) (11:05): Earlier this week I had a wonderful visit to the Parliament by a local resident, Olivia Carroll, on her 15th birthday. She was accompanied by her mum Gail, and she wanted to visit Parliament to learn more about democracy on her 15th birthday. Happy birthday, Olivia.

Russia–Ukraine war

Colin BROOKS (Bundoora – Minister for Housing, Minister for Multicultural Affairs) (11:06): Tomorrow will mark one year since the full-scale invasion of Ukraine began. As this devastating conflict continues, we stand with our Ukrainian communities here in Victoria and ensure that they know that we will support them through this difficult time. Victorians are horrified by the continuing loss of life and destruction, even as we admire the determination, grit, courage and resilience of the Ukrainian people. To reaffirm our commitment and demonstrate our solidarity with our Ukrainian friends here and abroad the Victorian government will light up key landmarks in blue and yellow

tomorrow. Late last year the Andrews government supported the Ukraine crisis appeal with a \$500,000 donation to support humanitarian efforts, including the rebuilding of critical infrastructure under the United24 rebuild program initiated by President Zelenskyy.

Victoria was one of the first to welcome the settlement of Ukrainians fleeing the conflict. To date Victoria is hosting the second-largest cohort of Ukrainian nationals in Australia fleeing the hostilities. We are working with the Commonwealth to ensure that newly arrived Ukrainians have access to the key services they need. Twelve months on, Victoria continues to stand with Ukraine and her people. We stand together in support of freedom, democracy and justice. We stand united against Putin's aggression. As Ukrainians bravely defend their country and our shared values of peace, democracy and human rights, we remain steadfast in our support of and solidarity with Victoria's Ukrainian community.

Australia Day awards

Kim O'KEEFFE (Shepparton) (11:07): We had three people in my electorate who were announced on Australia Day as Medal of the Order of Australia recipients. Ted Davis from Mooroopna is a wonderful man who has been involved with over 20 organisations over six decades, serving his community tirelessly, volunteering and supporting wherever he can. Judi Hanlon from Shepparton was awarded for her decades of work and has a long history of volunteering with many organisations, including the Australian Red Cross, Vision Australia, Kiwanis Sunrisers and People Supporting People, to name a few. OAM recipient Heather Brown from Numurkah has served her community for many years, including volunteering with Ladies Probus, Mercy Place aged care, Numurkah's mother's club and much more. I thank these three wonderful award recipients for their dedication and contribution to the community, and I congratulate them on receiving such a distinguished award and recognition.

I also wish to acknowledge Michael D'Elia, who was announced as Shepparton Citizen of the Year and Greater Shepparton Citizen of the Year on Australia Day. Michael has been a dedicated volunteer with Shepparton search and rescue for almost 20 years, with a focus on the recent floods. Michael is also a strong supporter of and advocate for mental health, suicide and suicide prevention, Aboriginal and Torres Strait Islander people and much more. I thank Michael for his incredible dedication to our region.

Sydenham electorate road safety

Natalie HUTCHINS (Sydenham – Minister for Education, Minister for Women) (11:08): I am really thrilled that by 2025 the dangerous level crossing on Calder Park Drive will be gone for good, and I am also excited to see planning, safety improvements and maintenance upgrades happening along the Calder Freeway in my electorate. Can I thank the Minister for Roads and Road Safety for delivering really important road maintenance works to the Calder Freeway from Keilor North through to the Kings Road on-ramp and on to Calder Park Drive. This work is being completed as part of the Victorian government's \$780 million investment in the state road maintenance system. These works will also involve asphalt resurfacing and line marking to restore the condition and safety of the road. Investigations are also well underway into potential improvements to the Calder Freeway transport corridor, including investigating a new Calder Park Drive interchange that will improve access on and off the Calder Freeway from Calder Park Drive.

Copperfield College

Natalie HUTCHINS (Sydenham – Minister for Education, Minister for Women) (11:09): I was really delighted to be able to visit Copperfield College last week in recognition of the International Day of Women and Girls in Science, a United Nations-sponsored day that celebrates and promotes women and girls in the field of STEM. Copperfield certainly has some amazing STEM facilities and teachers, and I was fascinated to see young women in action, who took me through the science experiments that they were doing at school. The school also has a fantastic robotics club, and half of the members of that club are girls. The future is looking bright.

Australia Day awards

Chris CREWTHER (Mornington) (11:10): First, congratulations to local Order of Australia and Mornington Peninsula shire awardees Professor Michael Berndt AO, Emeritus Professor Paul McMennamin AM, Ian Riseley OAM, Jean Gilbert OAM as well as Citizen of the Year Jack Van Der Zwart, the Mornington Community Support Centre for Community Event of the Year, Local Champion Award recipient Charles Reis, Community Inspiration award winner Cecelia Witton and Young Citizen of the Year Josh Berry.

Mornington electorate roads

Chris CREWTHER (Mornington) (11:10): Second, I would like to raise the regular accidents that occur at the Forest Drive and Uralla Road intersections with the Nepean Highway in Mount Martha on a dangerous stretch of road. \$10 million in funding was provided to upgrade these intersections by the previous Liberal–Nationals federal government. However, the state Labor government has again delayed starting these upgrades, now to the end of 2023. This is despite continual accidents at these intersections, the most recent only three weeks ago. I call on the state Labor government to stop delaying these projects and to urgently upgrade these intersections.

Chatty Cafe Scheme Australia

Chris CREWTHER (Mornington) (11:11): Lastly, tomorrow I am hosting a Chatty Cafe at my office at 321 Main Street in Mornington at 11 am. I will do so on the fourth Friday of each month. Chatty Cafe is a not-for-profit charity that operates to reduce social isolation and loneliness in the community. They need more volunteers, venues and funding, and I strongly encourage people to get involved in this event.

Electric buses

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (11:11): I am pleased to say that Victoria's first all-electric bus depot will be powered up in coming weeks, marking a major milestone in the Andrews Labor government's push towards a cleaner and more sustainable bus fleet. I was pleased, and not for the first time, to welcome the Premier Daniel Andrews and the Minister for Public Transport Ben Carroll who visited the Ventura Ivanhoe depot in West Heidelberg, which is set to become home to the largest fleet of locally made zero-emission electric buses across the state. The depot is currently being converted into the base for the expanding fleet of electric buses, which forms part of the Labor government's \$20 million zero-emissions bus trial. That trial will inform the transition of some 4000 diesel buses in the state's public fleet, including around 2200 in regional Victoria, to zero emissions. From 2025 all new buses on Victoria's public transport routes will be zero emissions. Electric bus bodies to be trialled will be built at Volgren's Dandenong South manufacturing facility in Victoria, again local jobs investing money into our local communities and the economy.

Ventura's move to a cleaner, greener fleet is part of the trial, with 12 new zero-emission buses going into service from the newly converted Ivanhoe depot early next month – in March. The new zero-emission buses will operate on nine suburban northern suburbs routes, including to La Trobe University and of course that mecca of the north, Northland shopping centre. Works to convert the Ivanhoe depot continue and include the installation of a new transformer on site with 14 chargers. We are really rapt about this. This is all about the Labor government's goal of net zero emissions by 2045, and the Victorian bus plan is playing its role.

Regional trains

Bill TILLEY (Benambra) (11:13): During January's holidays train travellers in the north-east were again subjected to the indignity of a Third World service – packed into half a train, 40 people sitting on the carriage floor for a 4½-hour trip to the border. A mechanical fault had cut the service from six cars to just three, but the VLocitys are always and always will be a poor imitation of long-haul

passenger trains. The seats are locked into one direction and they are short on leg room – uncomfortable and torturous for taller passengers. The windows have no curtains, the lighting is too bright and the noise from under the carriage is absolutely disturbing. Two sets of three cars that make up a regular service need two food outlets, because you cannot get from one set to the other. V/Line does not have the staff to run both simultaneously, so half the train misses out. At some stations the gap between the train and the platform is so great that two staff are needed to make sure people are safe. Regular commuter John Trevivian said the VLocity sets are little more than suburban cars.

I want to work with the government to get a better service, particularly on the standard gauge line that runs between Sydney and Melbourne. Now, I know that you sneaky buggers have been snooping around the soon-to-be-retired New South Wales XPTs. Do not go shopping for them or anything. They are definitely not an upgrade.

George Rekakis

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (11:14): I rise to remember the life of George Rekakis, son of Nikolaos and Aikaterina, devoted husband of Katina for 63 years, loving father to Mary, Nick, John and Anna, respected and loved father-in-law to Habib, Helena, Susie and Kim and proud grandfather to George, Parissah, Kathryn, Yianni, Peter, Yiorgi, Nikita, Sotiri, Elise and Angelina. George was born in Episkopi, Mylopotamou in Rethymnon, Crete, a small, remote village in the foothills of Psiloritis adorned with grand Venetian 1000-year-old houses and humble homes like his, built stone-by-stone by his grandfather, Ioannis.

George was brought up in poverty in wartime. Hardly a teenager when World War II broke out, George supported Australian soldiers in hiding in Crete and would sneak papers to the resistance under his donkey's saddle. When asked in recent years about such a dangerous mission being assigned to a 12-year old, George replied, 'I didn't hesitate; I wanted to do all I could for my country.'

George had an adventurous spirit and arrived in Australia in 1954. He started learning English, and with his innate remarkable memory he succeeded. George relished his new life in Australia, never complaining of hard work or difficult conditions. He enjoyed his days in Bonegilla migrant camp, winning fruit-picking competitions and even meeting fellow Cretans who had musical instruments, which meant he could continue his passion for song and company.

George met his beloved Katina in Melbourne. It was instant love that led to their marriage in 1959 and four children. They created a loving and welcoming home that cherished Cretan culture. George passed away peacefully aged 94. He was loved and lived a long and good life, and he will be missed.

Angela Kypraios

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (11:16): Today is Angela Kypraios's birthday. Angela, I hope you have a lovely day with George. Very much happy birthday to you.

Pride events

Gabrielle DE VIETRI (Richmond) (11:16): This year kicked off a celebration of all things LGBTIQA+ with another fantastic series of Pride events. As a proud member of the queer community it was fantastic to see our diverse community come together out and about for the Pride street party in Collingwood and Fitzroy last Sunday. With a program of diverse, multitalented artists packed throughout the day, the energy on Smith, Peel and Gertrude streets was amazing to be a part of. I was thrilled to be able to host artworks by Marce King in my electorate office, Mama Alto blew bubbles from the window of Smart Alec Hatters, Rosie Roulette sang from Rose Chong's window, and who could forget the famous Carrot Man, who is at every important event. Queer Move DJs had hundreds of people dancing outside our electorate office on Gertrude Street. Special mention to all the

stallholders, the City of Yarra, the performers and especially Midsumma for organising another year of events that truly celebrated the best of our community.

The lasting glow for our queer community is why I am so excited that the former member for Richmond announced on 2 August last year that this government has committed to holding the Pride street party in Collingwood and Fitzroy for another three years. I cannot wait to keep celebrating on Gertrude, Peel and Smith streets for many years to come.

Victorian Heart Hospital

Kat THEOPHANOUS (Northcote) (11:17): Coronary heart disease is the leading cause of death for both men and women in Australia, and for women, heart attacks are the biggest killer, at a rate four times higher than breast cancer. This week the Andrews Labor government took an important step towards ensuring better health outcomes for Victorians with the opening of Australia's first dedicated heart hospital. Opening its doors to patients today, the hospital will integrate clinical services with vital research that will benefit generations to come. It will also play a leading role in training the doctors, nurses and other health professionals that will see us into the future.

As Parliamentary Secretary for Women's Health, this milestone takes on particular significance. We know that women are currently more likely to be misdiagnosed, less likely to receive appropriate tests and treatment, have worse outcomes for heart operations and are more likely to die of cardiovascular disease. Why? The answer is complex but goes to the pervasive blind spots that still permeate our health system when it comes to women's bodies, our symptoms and the recognition of our pain. An anatomical bias towards men has historically sidelined women in medical research, meaning treatment protocols are largely based on male bodies.

The patient journey for women can be convoluted and distressing, with big delays in being believed, diagnosed and treated. But here in Victoria we are working to change that. Labor will open 20 dedicated women's health clinics, expand the Royal Women's and establish a women's health research institute. Today our new heart hospital takes us a step further to transforming and saving lives and cementing Victoria as a world leader in medical research.

Timber industry

Wayne FARNHAM (Narracan) (11:19): Our timber industry in Victoria is under continual threat, with lock-ups of native timber resources now placing thousands more jobs at risk. Reports this week in the *Herald Sun* suggest that operators in Gippsland are staring down another wave of job losses, with no plan from the Victorian government to fix the mess it has created. Regional communities are already under pressure with the cost of living rising; job cuts are the last thing we need in the towns that are already against the wall. Workers in this industry are not looking for payouts, they are looking for security of work so they can put food on the table for their families.

Our harvesters, haulage workers and sawmillers all deserve more respect than they have been shown by this government. This will have a flow-on effect to our already stressed building and construction industry, where supply issues are causing price spikes and product shortages. Everything this government does makes it harder to do business in Victoria. The Victorian government should be working to protect these jobs, not working to sell them out and sweep them away, causing long-term issues in our proud regional communities. I would like this government to do what it promised and govern for all Victorians, including the native timber hardwood industry.

Indian community celebrations

Mathew HILAKARI (Point Cook) (11:20): I recently attended the grand celebration of the Australia India Society of Victoria's Wyndham club, and I say namaste to all my friends there. I thank all club members, including secretary Vadilal Patel, Asha Jolly, Dr Rattan, SK Arora and the immense PH Patel. Everyone made me so welcome with food, dancing and the inspiring story of their work across the community.

The majority of people from India in Australia have chosen to call Victoria home, and we are so much better for it. The Indian community in Australia is incredibly diverse. People have come from many parts of India and belong to various religious, linguistic and cultural groups. All are welcome, and all have so much to share.

To celebrate India Republic Day, I attended a celebration with the Point Cook Royals. It was a great day of celebration along with the mayor of Wyndham, president Rajendra Kakkad, secretary Chandni Dutta and other dignitaries, including Rupali Sharma, Mr Pankaj Ghai, Mr Virendra Singh Reen and of course Mrs Prem Hans. It was inspiring to see the sharing of culture, which makes us all richer, and I was very glad to share what the Labor government intends to achieve for the residents of Point Cook, being the most multicultural community in this country.

Lunar New Year

Mathew HILAKARI (Point Cook) (11:21): In that vein, I attended the Point Cook Cultural Community's multicultural Lunar New Year festival. It was a great celebration with the member for Gellibrand and included tens of thousands of residents from the community.

Frankston Social Enterprise Hub

Paul EDBROOKE (Frankston) (11:22): On 16 February I had the immense pleasure of attending and speaking at the Frankston Social Enterprise Hub's first birthday anniversary celebration. We enjoyed food from local social enterprises and heard from local project manager Amber Earles – the amazing Amber Earles – and from the Social Network Enterprise Victoria. Frankston Social Enterprise Hub prides itself on being a community where diversity is accepted and celebrated and where everyone is welcome. It is a place for people and organisations committed to creating social value through enterprise and doing good for people and planet.

The Victorian social enterprise sector is already the largest in Australia with over 3½ thousand social enterprises, employing around 60,000 people and generating \$5.2 billion for our economy every single year. Among a wide range of social, economic, cultural and environmental benefits that we enjoy in our community, the sector's growth has enabled Victorians facing barriers to work to gain meaningful employment in supported workplaces.

I am so proud to support such a wonderful project in the electorate of Frankston again. It is our community actually leading the nation once again in Frankston, this time with our social enterprise hub. I give big thanks and a shout-out to our partners Chisholm, Frankston City Council, Peninsula Health and the other partners and of course project manager Amber Earles.

Mordialloc electorate level crossing removals

Tim RICHARDSON (Mordialloc) (11:23): It is a busy time in the Mordialloc electorate as we are getting on with the removal of dangerous and congested level crossings. Of course in 2014 we started that journey, with the removal of level crossings in Cheltenham, Mentone, Edithvale, Chelsea and, on the edge of my electorate, Bonbeach. Well, we have not wasted a moment as we get on with removing those level crossings and making the Frankston train line level crossing free by 2029. Those works are well underway in Parkdale, with the removal of vegetation and with a slew track being established to allow the workers safe access to that site during that time. And while we see that some of the vegetation that has been there for some time has been lost – and that has been of great concern to our local community – we know that with a hundred thousand trees, plants, shrubs and grasses coming back into that community, it will be one of the greenest spaces that is being created into the future. It is making our community safer and more accessible and allowing us to run more trains more often.

Importantly, as well, it is a really exciting time as we have the hoarding go up and the announcement that the boom gates will be gone by 2024. Next year we will be level crossing free in Parkdale for the first time since the township came through. We will be building a brand new station and allowing more access through that community. Tens of thousands of vehicles pass through here each and every

day, with pedestrians and cyclists moving in and around this community. We need to make it safer and more accessible for the future, and that is exactly what the Andrews Labor government is doing by making the Frankston train line level crossing free.

Sunshine Heights Primary School

Sarah CONNOLLY (Laverton) (11:24): With the new school year well and truly upon us it has been great to be getting out and about visiting local schools right across the Laverton electorate. This morning I want to give a special shout-out to an incredible school in Sunshine West: Sunshine Heights Primary School. This is one of the many schools that I have been able to visit as the member for Laverton, and I have to say I was so impressed when I went to visit the school to check out their new playground. This is an incredible new playground made without any plastic, made possible by a \$200,000 grant from our government's Inclusive Schools Fund. That grant also helped build such a beautiful sensory garden, fully comprised of native plants and trees. When I had a good look around and I asked students what they liked most about their playground, they could barely choose just one thing. There are little cubbies that kids are playing in. There is some climbing apparatus. I think what the kids loved most, because they were pretty disappointed that there was no water when they were pumping the hose, was a dry creek riverbed that they loved walking around in, and I have no doubt that there will be some water on these warmer occasions. I want to give a big shout-out to principal David Cocks, an incredible, dedicated principal and educator who cares so much about the local school community. I cannot wait to go back to the school and spend a lot more time there.

Cranbourne electorate

Pauline RICHARDS (Cranbourne) (11:26): I am really delighted to have the opportunity to tell the story about why Cranbourne is a place of progressive, activist, caring and committed community members, and that was all reflected in the lead-up to 26 November. In particular I am able to reflect on the support for the greater community from the mighty Electrical Trades Union and Graeme Watson, who has stood shoulder to shoulder with me over 15 years, actually, and was certainly shoulder to shoulder with me in the lead-up to 26 November. There is nothing quite like a nurse, a retired nurse, telling the story of the importance of the Cranbourne community hospital. It was a really compelling and important story that was told. With that in mind I would like to acknowledge the hard work of Hannah Spanswick, somebody very well known to so many of us here and somebody who is very committed to the Cranbourne community; of course the Barton crew and another nurse there and Chris Morgan – nurses, nurses, nurses. I would like to acknowledge Felicity James, Laurie Hook, Josephine and Antonio, Jean Marc and Graeme Phipps – all of the hardworking people of my community: the Jolliffe crew, Rab Best, Deb Garang, Vasu, David Ma, Muzafer, Dr Rahimi, Johnny Varghese, Nasima, Zubaida and Faheem. I would like to also thank Rabia, Elona and Noura, Dianne Bush and Janaki. I am very lucky to have them all.

Carrum Primary School

Sonya KILKENNY (Carrum – Minister for Planning, Minister for Outdoor Recreation) (11:28): I would like to congratulate all of the new school leaders for 2023 at Carrum Primary School. I was delighted to join a fantastic school assembly a couple of weeks ago and to see so many parents and family members joining in the assembly and supporting all of the wonderful school community and the schoolkids. I was particularly delighted to see the new preps there and understand that they are now receiving their new prep bags for this year. So many wonderful, great Australian authors have contributed to the prep bags with some books and with other educational resources, and good luck to all of them this year.

*Bills***Human Source Management Bill 2023***Second reading***Debate resumed on motion of Anthony Carbines:**

That this bill be now read a second time.

Michael O'BRIEN (Malvern) (11:29): I rise to speak on the Human Source Management Bill 2023. When you turn to the purposes of the bill – and I will read them out:

The main purposes of this Act are –

- (a) to provide for the registration, use and management of human sources by Victoria Police; and
- (b) to provide for the external oversight of the use of human sources; and
- (c) to consequentially amend the **Victoria Police Act 2013** –

you might be forgiven for thinking that this is a fairly regular, almost meat-and-potatoes, type of bill, but it is far from it. This bill is a far-reaching bill because it fundamentally seeks to change the basis of our system of criminal justice in this state, and I cannot really discuss the bill without going into the circumstances which led to it coming before this house: the infamous use of a barrister by Victoria Police as an informant against her clients.

The barrister was Nicola Gobbo. The use of Ms Gobbo as a police informant against her clients by Victoria Police led to none other than the High Court of Australia ultimately passing judgement. How it got to the High Court was Victoria's Independent Broad-based Anti-corruption Commission provided a report to the Chief Commissioner of Police regarding Victoria Police's use of Ms Gobbo as an informant. That report was also provided to the Director of Public Prosecutions. The DPP was not previously aware that evidence that had been used to obtain convictions against certain individuals had been obtained through Ms Gobbo, very much contrary to the interests of those clients she purported to represent. The Director of Public Prosecutions rightly realised that this put the very convictions into doubt and felt obliged to seek to share elements of the IBAC report with those convicted persons. This was strongly opposed by Victoria Police, who failed in their bid to suppress that report or those names in the Victorian Supreme Court, then in the Court of Appeal and then ultimately before a Full Court of the High Court of Australia.

The High Court's judgement, a unanimous judgement, was handed down on 5 November 2018 – sorry, I believe that is when the matter was heard. Here is what Their Honours said – obviously the context being that in this particular passage 'EF' was the pseudonym that was used for Nicola Gobbo:

Here the situation is very different, if not unique, and it is greatly to be hoped that it will never be repeated.

I will come back to that sentence time and time again because that is important, because, sadly, this bill will seek to repeat it. But let me give you the whole context:

Here the situation is very different, if not unique, and it is greatly to be hoped that it will never be repeated. EF's actions in purporting to act as counsel for the Convicted Persons while covertly informing against them were fundamental and appalling breaches of EF's obligations as counsel to her clients and of EF's duties to the court. Likewise, Victoria Police were guilty of reprehensible conduct in knowingly encouraging EF to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill-will. As a result, the prosecution of each Convicted Person was corrupted in a manner which debased fundamental premises of the criminal justice system.

I do not think I have ever heard a more damning indictment by the highest court in this country of the actions of Victoria Police and of a barrister, in this case Nicola Gobbo. The consequences of Victoria Police's use of a barrister, a lawyer, as an informant against her own clients without disclosing it to those clients, without disclosing it to the court, has had far-reaching ramifications. It has led to the quashing of a number of convictions, including for murder. I refer the house to the statement of the

Victorian Court of Appeal on 26 July 2019 in the matter of *Faruk Orman v. the Queen*. The court was composed of President Maxwell and Their Honours Justices Niall and Emerton. In paragraphs 11 and 12 the court says:

The Director –

being the Director of Public Prosecutions –

concedes that Ms Gobbo, while acting for Mr Orman, pursued the presentation of the principal evidence against him on the charge of murder. Self-evidently, that conduct was a fundamental breach of her duties to Mr Orman and to the court.

...

On the facts as conceded, Ms Gobbo's conduct subverted Mr Orman's right to a fair trial, and went to the very foundations of the system of criminal trial. There was, accordingly, a substantial miscarriage of justice. The appeal must therefore be allowed.

So we have had complete denunciation by not only the High Court of Australia but also Victoria's Court of Appeal of the use by Victoria Police of a lawyer as an informant against the interests of the clients she was purporting to represent.

This bill seeks to facilitate that happening again. This bill seeks to regularise what is not just irregular but fundamentally corrupts the very notion of a right to a fair trial. A lawyer cannot wear two hats. We have been talking about conflict of interest a lot in the house over the past couple of days, but you do not have to be a lawyer to get the fact that your lawyer should act for you, not for the police. You cannot wear two hats, but that is what this bill seeks to allow. I do not think many Victorians would have concerns with the police using informants – members of the criminal community informing on each other for their own benefit or to settle scores; I do not think that many of us have real concerns about that – as long as it is properly regulated, and that is what this bill seeks to do. So my concern is not what this bill does in relation to non-reportable human sources, although the oversight is still lacking. But when it comes to what this bill terms as 'reportable human sources', which is not just those who have access to privileged information but also people under the age of 18, this bill fails.

As a result of the discovery of what Victoria Police and Ms Gobbo had been engaged in, the government announced a Royal Commission into the Management of Police Informants, and it was quite proper that that be done. The royal commission was announced by the then Attorney-General, Jill Hennessy, on 3 December 2018. Then a former Queensland judge Her Honour Margaret McMurdo was appointed as a commissioner, along with former South Australian police commissioner Mal Hyde. Mr Hyde subsequently had to withdraw from that royal commission when it was discovered that in fact he had worked at Victoria Police at the same time as Nicola Gobbo was being used by Victoria Police as an informant, so the bulk of the work was done by Her Honour former Justice McMurdo.

The government will say that in bringing this bill forward the government is simply implementing recommendations of that Royal Commission into the Management of Police Informants, and that is true, but that is no answer to what is a bad piece of legislation. It is no answer to what would fundamentally change, and I say corrupt, the notion of a right to a fair trial in this state. Government is not about contracting out your responsibilities to others. I have great respect for Her Honour, and I have great respect for the work she did through the royal commission, but if the interpretation of Her Honour's recommendations is to allow police to continue to repeat what has been so widely condemned by courts, then the government has got it wrong. And, with respect, if that was what Her Honour intended, I disagree – respectfully – with that, because you cannot have a situation where your lawyer, your doctor or your priest or minister or rabbi or imam, somebody with whom you have a relationship of trust and confidence and to whom you give information on the basis of that, then uses that against you. That is not right. And the High Court and our own Court of Appeal have said it is wrong – and not just a little bit wrong; it is fundamentally wrong. People have had convictions for

murder overturned as a result of that behaviour, and this government now seeks to perpetuate it – and it is the wrong call. I move:

That all the words after ‘That’ be omitted and replaced with the words:

‘this house refuses to read this bill a second time until:

- (1) the government consults with organisations representing persons whose interests would be affected by the undermining of privileged communication facilitated by the bill;
- (2) the government provides for proper oversight of the power of the Chief Commissioner of Police to register a reportable human source; and
- (3) the government satisfies the house that what the High Court of Australia described as “reprehensible conduct” by Victoria Police in using a lawyer as an informer against her own clients in a manner which “debased fundamental premises of the criminal justice system” would not be facilitated by this bill’.

The reasoned amendment I have just moved is the nub of the Liberals’ and Nationals’ concerns with this legislation. To allow police to continue using not just lawyers but a lot of other professionals who have access to privileged information, to be able to use those people against the interest of their clients, of their patients, of their parishioners, is wrong. Let us say a lawyer hears information that their client is going to go and kill somebody or their client may be going to go and put a bomb in a public place. Isn’t it important that the lawyer be able to tell the police? And of course the answer is yes, but the law already permits that. It is already contained within legal professional rules that lawyers have the ability to advise authorities of information that they get from clients where somebody’s life would be at risk.

Concession is probably using a pejorative term, but the confirmation perhaps from the briefing that I received from the Attorney-General’s office and the department of justice confirmed that this bill does not go further than that. They said it is on the other side, it is how police deal with information and deal with people providing information. This is not about protecting national security. This is not about keeping Victorians safe from imminent murders or acts of terrorism, because anybody who has access to that information already has an ability to provide that to authorities, so we are not talking about that. This is about the use of police, of doctors, of psychiatrists, of journalists, of judges – people who have access to forms of privileged information. It is about police using them as informants against the interests of those they have a duty to represent and to act for, and that is where I think the government has got this very wrong.

In relation to the use and abuse of privileged information, this bill does not have many friends. I have already put on the record the views of the High Court and the Court of Appeal in Victoria. I will take the house now to some other commentary that independent people have made regarding this bill. In a joint media release from the Victorian Bar council and the Law Institute of Victoria, here is what LIV president Tania Wolff said:

... if we have learned anything from the Royal Commission, it’s that lawyers should never be used as human sources.

Victorian Bar president Sam Hay KC said:

The registration of lawyers as informants will lead to precisely the same conduct that gave rise to the Royal Commission in the first place.

The roles of informant and lawyer are fundamentally opposed. One person cannot ethically wear both hats at the same time.

The Law Council of Australia and the Australian Bar Association issued a statement on 10 February headed ‘Law Council of Australia and Australian Bar Association extremely concerned over police informants legislation’. The Law Council of Australia president Luke Murphy said:

Lawyers being used as human sources and allowing them to covertly inform against their clients is contrary to a lawyer’s role as an officer of the court and would violate multiple ethical duties that are owed by a lawyer to their client.

Liberty Victoria, not surprisingly, are very opposed to this bill. This is a statement from Michael Stanton, the president:

Liberty Victoria opposes the Human Source Management Bill 2023 (Vic) in its current form.

Robinson Gill Lawyers is a firm that has a particular practice in police misconduct, and not surprisingly, they are not very big fans of this bill. I refer to correspondence from Jeremy King and Sarah Condon of Robinson Gill Lawyers. They noted:

Read as a whole however, the intention of the Bill is clear – it intends to allow for the scandal involving Gobbo and Victoria Police to be repeated, effectively sanctifying corruption of the criminal justice system.

...

The Bill hands total power, without safeguard or mechanism for recourse, to the Chief Commissioner of Victoria Police to register lawyers as human sources. We hold grave concerns about the proposed ‘oversight’ measures (through the Public Interest Monitor ... IBAC and the Victorian Inspectorate). These bodies are tasked by the Bill to ‘inspect’, ‘consider’, ‘recommend’, and ‘report’ on extremely complex, legal, ethical or medical considerations with human sources, all while being prohibited from keeping any copies of documents from Victoria Police. These ‘safeguards’ are toothless and hobbled.

The former Court of Appeal judge in Victoria the Honourable Stephen Charles KC is now a board member at the Centre for Public Integrity, and he was on ABC radio this week. He was being interviewed by, I think it was, Ali Moore, and there were some comments he had to make about this bill:

There should be judicial oversight of a body of this kind, and the oversight by the monitor is completely inadequate.

He went on:

... any lawyer who becomes aware of a threat to national security doesn't need to be a source to go to the police to tell them about it. And likewise, an imminent threat to someone's life ...

He went on:

If I had been the judge when information obtained in this way had come before me, I would be raising hell about it in court, I can assure you.

That is another real concern that I have with this bill. While the government is seeking to sanction the use and abuse of privileged information by lawyers, by doctors, by journalists and by other professionals, there is absolutely no guarantee that a court is going to suddenly change its mind and say ‘We now accept this sort of evidence as being okay’. The High Court could not have been clearer in its condemnation of what happened in the Lawyer X scandal. The Court of Appeal could not have been clearer in its condemnation of what happened in the Lawyer X scandal. What makes the government think that all of a sudden the High Court and the Court of Appeal are going to turn around and say ‘You've passed this bill. That makes it all okay’? It is not okay. I repeat the words of the Court of Appeal:

On the facts as conceded, Ms Gobbo's conduct subverted Mr Orman's right to a fair trial, and went to the very foundations of the system of criminal trial.

There was a substantial miscarriage of justice. The Court of Appeal could not be clearer: you cannot get your evidence this way – and yet the government seeks to allow that. Even if this bill passes – and I hope that it will not, at least not in its current form – I would not want to be the first prosecutor fronting up to a court with tainted evidence from an informant who has obtained access to privileged information and is giving it to police against the interests of the person they are purporting to act for, because the courts have made it really clear: this will not fly.

Ruth Parker, who is the principal at Galbally Parker – and of course Galbally Parker is a successor of the great Galbally and O'Bryan law firm, which is very well known in Victorian legal circles and very well known as criminal lawyers – has put together a very useful paper that goes through this bill in detail. But probably the most important element is the summary, which I now turn to:

What does this Bill really do?

1. It violates both the case law handed down by the Court of Appeal and High Court of Australia;
2. It undermines, violates, disregards and damages the fair operation of the criminal justice system;

3. It gives total power, without safe guards, to Victoria Police to register lawyers as human sources to use privileged information against their former and current clients;
4. It removes all accountability for this corruption;
5. It is so poorly drafted and opaque that it essentially sanctions many different forms of corruption ...

The paper goes on, but in deference to the fact that I have only a few minutes remaining, I cannot put more of that paper on the record. It is very hard to find a friend for this bill. The legal establishment, if you like, are very opposed to it. Those who are not part of the legal establishment are also very opposed to it, so the government has done a rare thing: they have united all parts of the legal profession. Former judges have spoken out about it. You have the Centre for Public Integrity speaking out about it. I would love to know whether the government actually consulted with medical professionals. I would love to know if the government consulted with faith leaders on this bill, because of course their privilege is also undermined by this bill. What happens in a confessional normally, you would think, would stay in a confessional, but under this bill your priest, your rabbi or your imam can use that information against you with police. Normally what you say to a doctor, a psychologist, a psychiatrist or any other medical professional would be confidential, would be privileged, but under this bill that information that you have given up to your medical practitioner can be used against you by Victoria Police, and that is fundamentally wrong.

The government will say, 'Well, there are safeguards in the bill against the misuse of the information.' My first point is you cannot safeguard something which the High Court and the Court of Appeal have already said is fundamentally wrong. You cannot put lipstick on a pig. I am trying to think of other analogies. There are probably some slightly cruder ones which I will not use, but this bill is trying to make proper what is fundamentally improper, and you cannot do it. The government will talk about safeguards. If the Chief Commissioner of Police wants to register what they call a 'reportable human source', there are three categories of reportable human source. There is somebody who has access to privileged information, there is somebody who is under 18 and there is somebody who has a serious medical or health condition. So I suppose you would call those special categories of human sources. For the chief commissioner to register a reportable human source, yes, they need to advise the Public Interest Monitor and consider any recommendations of the PIM. Yes, they need to get legal advice and consider any recommendations that arise from that legal advice, but fundamentally the decision to register somebody as a reportable human source remains solely with the chief commissioner and his or her delegate. There is no oversight of that. Nobody can say, 'Well, that's the wrong call and we're going to make you undo it.' That power does not exist. This gives complete and total power to the Chief Commissioner of Police to make that decision about registering a reportable human source. Yes, there can be advice, yes, they can be recommendations, yes, there can be reports to the Attorney-General or to Parliament, but at the end of the day the power of the chief commissioner to register a reportable human source is absolute, because nobody can challenge it. You can recommend against it, you can report about it, but you cannot challenge it, and that gives the Chief Commissioner of Police a scary amount of power.

With the whole Lawyer X scandal, do you know how many members of Victoria Police were involved in what the High Court described as 'reprehensible conduct'? Do you know how many members of Victoria Police lost their jobs over that scandal? I will tell you: none. Not a single member of Victoria Police who was involved in that scandalous behaviour lost their job over it, and yet this government says we should invest all this power in the Chief Commissioner of Police. My comments are not a reflection on the current holder of that office, because this law, should it pass, will apply to any future chief commissioner. We do not know what that person will be like. We do not know what their character will be like. We do not know whether they could be trusted with this sort of power. I do not think anybody should be trusted with this sort of power.

This is why His Honour from the Centre for Public Integrity was so clear in making his point that there should be some judicial oversight of this: a retired judge or somebody of that stature, who can actually say, 'No, chief commissioner, you've got this one wrong. You should not be registering this person as

a reportable human source.’ So we have significant problems with this bill as regards its use of reportable human sources.

I also think the bill as drafted does not really understand how things work in the real world. The bill at clause 5 provides what constitutes informed consent to registrations as a human source. Clause 5(b) requires that a person must give:

... consent to registration as a human source freely without undue pressure or coercion by any other person.

I do not think there are too many lawyers or doctors or ministers of religion who would just front up to the police and go, ‘You know what, I would love to inform on my client, I would love to inform on my patient, I would love to inform on my parishioner.’ Generally police obtain human source information because they are able to leverage a source’s own misbehaviour. It may be that a human source has engaged in criminal conduct themselves and police are able to use the threat of prosecution for that to incentivise them to provide intelligence against others. I think you do not have to be too much of a fantasist or have watched too many episodes of TV police procedurals to understand that in the real world you very rarely get human sources prepared to inform on those to whom they owe an obligation of confidentiality. Normally it is the police using leverage against that person to get them to inform – to get a bigger fish, as it were.

So how does that tally with this bill’s definition of informed consent? I did ask the government whether this would prevent police from being able to use somebody’s own criminal actions against them to encourage them to become a police informant. I have to say that the answer effectively regurgitated a lot of what is in the act; it did not actually answer the question. So there are fundamental reasons why I think this bill is poorly drafted. The oversight is completely inadequate. But, more fundamentally, this bill flies in the face of the scandal that was Lawyer X, the scandal that was Nicola Gobbo, and what she did with Victoria Police against the interest of her own client; it flies in the face of what Victoria’s own Court of Appeal has said was a miscarriage of justice and undermined the right to a fair trial; and it flies in the face of a 7–0 decision of the High Court of Australia which says that not only was this reprehensible conduct but ‘it is greatly to be hoped that it will never be repeated’. Well, if this bill passes in this form, this reprehensible conduct will be repeated time and time and time again, undermining the right to a fair trial in Victoria, undermining the rights of individual citizens to have privileged discussions with lawyers, doctors, ministers of religion and others. I support the reasoned amendment but not the bill.

Darren CHEESEMAN (South Barwon) (11:59): It is not some pleasure this afternoon that I rise to make my contribution on the Human Source Management Bill 2023. I do so as someone who has not come to this place having been a barrister or a lawyer or someone who has been intimately involved in any shape or form with the criminal justice system. However, as someone who has taken a great interest in the political discourse of this state for a considerable period of time and of course has taken an interest, at least in a superficial way – with all that we have read and endured particularly over the last couple of decades – in organised crime and the way that that so spectacularly and tragically played out in our lounge rooms through what we saw on the news, I think it is fair to say that every single Victorian would have an opinion on how our criminal justice system works.

What I would certainly say with the observations that I have made from the conversations that I have had is that Victorians very, very much want to have a criminal justice system that they ultimately have confidence in that is conducted with a set of rules, a set of laws, that make very, very clear the roles of the police, the roles of the courts and indeed the roles of informants. What we have seen through of course the Lawyer X story, as it so sensationally broke a number of years ago now, is that lines that ought to have been properly regulated and properly protected in our system did not exist or, if they did exist, did not exist to the extent that they should have. It is clear from my observations, whilst I am not someone that has legal training and certainly someone that has not been caught up in the criminal justice system as a criminal, it is fair to say that Victorians were pretty appalled by what they saw, and

all of the judgements that we have seen and indeed all of the various findings that we have read indicate that a whole bunch of lines in the sand that I think Victorians thought existed did not exist.

That is why this bill is very, very important for our Victorian justice system. I am looking forward of course to seeing it pass, and I am looking forward to seeing this government continuing to make a considered response to these types of challenges when indeed they do occur. From my perspective there were significant lines that were absolutely crossed. We need to make sure that we listen and respond where appropriate; that we do put in place arrangements that are clear to everyone, whether it be in the first instance the police and whether they are asking the very precise questions that they ought be asking themselves at each and every opportunity that they choose to engage with criminals around how those criminals might act with the justice system to leverage the intelligence that they may have and do it in a way that is beneficial to the people of Victoria, beneficial to our justice system, but in a way that is understood clearly, with appropriate sets of oversight and regulation; that we are making, importantly, the investments right at the top of Victoria Police – right at the very, very top office – to make sure that it is done at the highest possible level; and that there are appropriate mechanisms in place to ensure that those lines are not crossed.

Again, I am not a lawyer, I am not a barrister, I am not legally trained, but as far as I can tell we have not had a circumstance in this state before where barristers or lawyers have ever been used by Victoria Police as, in effect, snitches or informants – whatever the word is that you wish to use – on crimes that have already been committed. We have seen no doubt lawyers and barristers appropriately informing the police when they are gravely aware that a serious crime might be about to take place, particularly things such as murder and other things, and that, I assume, does happen semiregularly. But in terms of crimes that have already been committed, as far as I am aware, as someone who is not legally trained, that has not happened before.

Victorians quite rightly want to see a strong and functioning criminal justice system. They want to see the Victorian police have the tools that they need to be successful in their job of catching people who have committed crime or who are about to commit crime. Having informants has historically been a key feature of the work that they do and there are certainly any number of cases that have been successful on any one day, and we want to see that continue as a key feature – a key, if you like, policing tool – to enable them to do the work that they want. But I think also Victorians well and truly expect that our officers of courts – our barristers, our lawyers et cetera – have a responsibility to act in good faith for those that they are representing. Of course what we have seen play out spectacularly around the Lawyer X circumstances is a whole lot of likely convictions where those lines in the sand were crossed, where the regulation and underpinning legal arrangements were not adequately in place, and that may well lead to people who ought otherwise to be prosecuted and convicted and sentenced potentially having those sentencing arrangements overturned. I hope that does not happen. I think every single Victorian hopes that does not necessarily happen, particularly if they have a sense that these people have committed crimes. But we absolutely need to make sure we have got new arrangements.

Danny O'BRIEN (Gippsland South) (12:09): I am pleased to rise to speak on the Human Source Management Bill 2023 and to support the member for Malvern in his comments but also in the reasoned amendment that he has moved. Like the member for South Barwon, I am not a lawyer, not legally trained. Indeed I am an ex-journalist who became a politician, so one day I hope to get an honest job.

A member: Real estate.

Danny O'BRIEN: A real estate agent, yes, or a car salesman. As an ex-journalist, following the member for Malvern, I feel a bit like Justin Bieber following Pavarotti. This is a very complex but serious legal bill –

Michael O'Brien interjected.

Danny O'BRIEN: That was not a reference to any physical attributes of course, member for Malvern. Jokes aside, this is a very serious piece of legislation. Victorians will remember the Lawyer X saga, and indeed journalists do and people like me who follow media. As an ex-journalist, like an ex-smoker, I am most critical of the journalism. I do remember the series of articles leading up to the Lawyer X scandal breaking. There were some very difficult to understand headlines about things that the *Herald Sun* was not permitted to print. We were all wondering what the hell they were referring to. There were these sort of carefully worded front-page stories which ultimately became Lawyer X and the story of what the police had been doing in using Lawyer X as a human source came out. Ultimately Nicola Gobbo was revealed to be Lawyer X, but it took a long time and a lot of legal practice, and naturally the police did not want that information to come out.

As a punter, as a member of the community, and without knowing all the legal ins and outs, there is probably a bit of a feeling sometimes of 'Well, we got the crooks. We got these guys who were gangsters and drug runners and murderers and we put them away. Isn't that a good thing?' and that the police went to whatever means necessary to do so. That sounds right in theory but not in principle, and certainly not in practice, because everyone in Victoria is entitled to fair representation in the law, particularly of course from their lawyer. We saw that absolutely not occur in the Lawyer X scandal, which, as the member for Malvern indicated, the High Court condemned as reprehensible conduct. Indeed it was. I think we all would like to think that if we were ever charged with something – and I am sure we would all say we were innocent, as most people who are charged do – the system was not stacked against us and that the people that were meant to be representing us were not working for the other side. That is really what this boils down to.

As the member for Malvern has indicated, this is not just about lawyers. It extends to other types of privilege, including journalistic privilege, doctor–patient privilege and that of faith leaders. That in itself is a concern – the fact that this legislation effectively would condone all of those people breaching the privilege that they have, whether that is with their client as a lawyer, with their parishioner as a faith leader, as a doctor or a medical professional with their patient, among others, indeed journalists as well. Not only that but as this legislation also makes it an offence for anyone to disclose the identity of a human source, we also have a situation where not only could the Lawyer X scandal occur again under this legislation but nobody would ever know about it. That is the concern that we have on this side with this bill. It is truly quite astounding that the government has gone ahead to draft this legislation, which, as the member for Malvern has pointed out, is pretty friendless. With the exception of the government and Victoria Police, there are not too many supporters of this legislation. We can see why.

It is all well and good to say there are safeguards in the legislation. Indeed I think we have got the Public Interest Monitor, we have got IBAC and we have got the Victorian Inspectorate all involved in the oversighting of human source management under this legislation, but only in an advisory sense. There is no compunction on the Chief Commissioner of Police or even the Attorney-General to accept the advice of IBAC. They can advise, they can make recommendations, but ultimately is up to the chief commissioner to make decisions with respect to human source management under this bill. We do not believe that is enough oversight or there are enough checks and balances in the system. That is why I certainly support the member for Malvern's reasoned amendment that the government needs to go back and consult with those who would be impacted by this bill and that it should provide better oversight. As I said, the oversight now is literally that, oversight, but not actually any power to deal with issues of concern. This is the key point: the government needs to satisfy this chamber that this legislation will not result in a repeat of the Lawyer X scandal.

I certainly do not believe the government can do that. So we are effectively saying that this bill is wrong both in principle and in fact and the government needs to go back to the drawing board in that respect. I know that government members will say, 'Well, we are implementing the recommendations of the McMurdo royal commission.' It is an issue that I have always been uncomfortable with with many of the royal commissions that the government have implemented, where they have given terms of reference and then said, 'We will implement all the recommendations of the royal commission.' I have always

been uncomfortable with that. How can you say ‘I’m going to do whatever they tell me’ when you have got no idea what they will tell you? This is a case in point where my fears are well founded. To just accept blindly the recommendations of a royal commission, which has of course assessed all the evidence, has assessed many circumstances and many different opinions and come up with recommendations – no royal commission is infallible. I think in this situation it is rather strange, in investigating the scandal that was Lawyer X, in which the High Court again, in a 7–0 judgement, found what the Victoria Police did to be reprehensible conduct, for then the royal commission to say, ‘But if you want to make it legal, here’s how you do it’, which is effectively what this legislation is now doing. I think that is wrong, so with respect to the royal commissioners, this is not something that we can support. Indeed it is a logical fallacy, when you think about it, to say that we have had a royal commission in this scandal, that we, the High Court and the Victorian Court of Appeal found how outrageous the actions were and that we then came up with a process that would allow it to occur again – and indeed, as I said earlier, not only would allow it to occur again but would stop anyone from ever finding out, because it becomes an offence to reveal the identity of a human source.

I say all this with full support for the efforts of Victoria Police, if not always the actions. We on this side support our police. We want to make sure that they are supported financially, legally, ethically, morally and politically, and we did that through the last couple of years when things were pretty difficult and there was a lot of criticism of the police. But that is not a blank cheque; that needs to come with appropriate checks and balances. Yes, we will always talk to the police about what we can do to help them do their job and keep the community safe, but that must be balanced against the rights that have been developed over centuries in our legal system – the privileges and the practices that ensure access to a fair trial, a presumption of innocence and legal professional privilege with a person’s lawyer as it extends to those other areas of privilege that I mentioned before.

So we are certainly very concerned about this legislation and will not be supporting it in its current form. It is not to say that we do not support our police, and we will work with them as best we can, but we do think that this bill goes too far. I congratulate the member for Malvern for his contribution but also this reasoned amendment, which I strongly support.

Sarah CONNOLLY (Laverton) (12:19): I too rise to speak on the Human Source Management Bill 2023. The purpose of this bill is to continue our government’s implementation of the recommendations from the Royal Commission into the Management of Police Informants. Indeed the bill does acquit a further 25 recommendations, chief of which is to implement a new legislative framework which is actually going to go ahead and regulate how Victoria Police can use human sources.

Before I go any further, I want to give a big shout-out to the Victoria Police. They do a tremendous job. It is not an easy job being in the police force. It is also not an easy job, I imagine, being married to someone who dedicates so much time and is so committed to the community as a police officer, and I want to give them a big shout-out here today. I also want to thank them for the incredible work that they actually did at the Sunshine Business Association’s Lunar New Year festival a couple of weeks ago. There was plenty on display. They were walking around and enjoying socialising and interacting with the community whilst also keeping them safe while we had that wonderful festival in the heart of Sunshine.

When we talk about implementing a new legislative framework to regulate how VicPol can use and manage human sources, we are really talking about something that is the first of its kind in Australia, and we want to make sure that the events that gave rise to that royal commission can never happen again in this state. We know that the issues identified have the potential to go ahead and jeopardise justice. They undermine confidence in the ability of our police to do their jobs and keep our communities safe. They also undermine the public’s confidence – this is really important – in our legal system and the relationship between a lawyer and their client, something that many, many moons ago I was taught at the University of Queensland while doing my bachelor of laws: the relationship between a lawyer and their client.

The trust in our legal and our justice system is incredibly important. It is something that must be upheld and improved where it can. That is why the recommendations from this royal commission are so important, and we are getting on with the job of making these changes. Now, 111 recommendations were made in the final report, 54 of which require government action, and I am very pleased and proud to stand here today to say our government has made it emphatically clear that we will implement each and every single one of these recommendations.

In 2021 we established the office of the implementation monitor, whose role is to assist the government with working through and implementing each of these recommendations, and I am very pleased to hear that Sir David Carruthers has since filled this role and has already provided a report to this Parliament on the implementation process and how that is faring. This bill builds on this reform to deliver half of the recommendations that require government action, so we are not only taking action, we are taking it very quickly.

How does this bill make good on those recommendations? The most important aspect of this bill is the human source management framework. Whilst we know that Victoria Police have done good work in regard to internal reform themselves, it will be a key recommendation that a legislative framework be adopted in order to provide direction and, importantly, oversight as to how the police manage their sources. Under the current rules there is no statutory regulation or independent oversight of how the police manage human sources. These are instead managed internally by Victoria Police's procedures and policies. It is really important that this change – hence the introduction of this new management framework – will now mean that Victoria Police have to go through a process in order to register a person as a human source. This in turn will require senior officers to assess, importantly, the appropriateness of a prospective source. The framework will also include several safeguards, chief of which is the requirement for informed consent of the person to be registered as a human source. Other protections include levels of seniority required to approve registration relative to the level of risk imposed on the source, the necessity of using a source to achieve a legitimate law enforcement purpose and the management of associated risks.

This does not include other ways that people do and are able to provide information to the police on a regular basis, such as by being witnesses and through anonymous tips. These people naturally, common sense would say, do not have to be registered as human sources. As a result of these new safeguards it will be an offence for police to use a person for all intents and purposes as a human source unless they have been registered as such, and I think that is really important. It is important for the community to understand and know what we are going ahead with and doing. It will also be an offence for police to use a human source for a different purpose to that which they are registered for. This is an important deterrent to the misuse of human sources, and that is really important because it can, and often does, go to the heart of what erodes that trust and confidence in the community that Victoria Police are doing their job and confidence in our justice system to go ahead and have justice prevail.

In many instances when we talk about human sources they are putting their safety at risk and even their lives on the line to help report and put a stop to criminal activity. Whilst in this house we do not exist in those sorts of realms in the community – where these sorts of terrible crimes and things might be happening and human sources are being used; understanding and living and breathing that level of criminal activity – very sadly it does exist in our community and continues to exist, and it needs to be stamped out. So the safety of these human sources is paramount, and it should be.

To further protect these individuals, police will also be required to categorise certain sources as 'reportable human sources'. They are people that are highly vulnerable and pose a high risk to the administration of justice. The legislation also requires that other categories of people be included as reportable human sources. This is where someone is reasonably expected to have access to privileged information as well as when police are dealing with a human source, importantly, that is under the age of 18. In this instance the requirement reflects the fact that there are additional welfare and human rights risks inherent in using young people as human sources. But what we do know is that if there is a chance that a human can assist in reporting and stopping serious crime, as a human source, the bill

must allow them to do so. They will be afforded certain protections, such as having their identity concealed and having their relationship with the police monitored. The same protections apply for someone who has a serious mental or medical health condition. These sources will only be able to be approved by the Chief Commissioner of Police or a delegate with the equivalent authority to the assistant commissioner. Additionally, children under the age of 18 can only be registered as a source for the purpose of investigating a really serious offence or if there is a serious risk to national security, the community or the life and welfare of a person where the information cannot be obtained through other means. So really children under the age of 18 being registered as a source is if we are unable to get the information any other way, and it is for an incredibly serious offence. When we are talking about serious crimes, we are talking about prospective terrorist attacks, conspiracies to murder and truly abhorrent crimes like that. When a child has the potential to stop this from happening, police should have the means to obtain that information from them. It is in cases like these that we know it can and does often save lives.

This bill delivers really important reforms to the way in which Victoria Police manage human sources. These are people who are taking a great risk to themselves, their friends and their families – sometimes it will be life altering for them – in order to help put a stop to really serious crime in our community, in our state and in this country. It is incredibly important that their activities as a source of information for the police are managed by police in an appropriate manner, with strong protections and oversight mechanisms. I think that is what this bill does deliver. It ensures that the shortfalls and the mistakes made, as described by the royal commission, are never able to happen again. We launched this royal commission to uncover what went wrong with informants and how they were being managed, and we are determined to deliver the change necessary to go ahead and ensure that something like Lawyer X and the situation that unfolded there stays in the past and is not part of our future. That is why I commend the bill to the house.

Brad BATTIN (Berwick) (12:29): I rise on behalf of the coalition as well with the Human Source Management Bill 2023. I note we have had a couple speakers from the other side who on both occasions said they ‘think’ this bill is in the right direction to make the changes that were required according to the Royal Commission into the Management of Police Informants. I would actually say you would want more than ‘think’ when you are bringing in legislation around some of the biggest issues we have had with human source management here in this state. When I say you have to do more than think, the first thing you could do is consult – go out and speak to those that understand this the best. So many of them have come forward already and said the reasons why they do not trust this bill to deliver on what it was promised to do.

The other element of it was talking about who can be consulted, how the process is going to get put in place and who we can trust. I think the government, with all persons, and I imagine this will continue with their speakers, will start with that first line of ‘The Andrews Labor government is implementing every recommendation from this royal commission’ – a commitment made before the royal commission was completed, a commitment made before they saw the recommendations and a commitment made before they went and consulted with the organisations who are going to be ones impacted by this legislation put forward.

I think it is really important now that they take a step back, and I implore them today to take that step back, go back and consult and find out why this legislation is so poor. I understand this was brought into this place obviously because of the Lawyer X, known as the Gobbo, incident that happened with human source management. Now we see people who were in the jail system for serious crimes no longer in the jail system because of what happened and how it was handled, and there is potentially more to come from that as well.

The royal commission was put in place because of the illegal activity that had happened with human source management that allowed a lawyer to go and give evidence. I do not comprehend why a royal commission would then come and state with a recommendation ‘Here’s how we can legalise that’. I think that is actually something we should be seriously concerned about. There is a matter of privilege

for a reason, and that privilege is there to protect those in our justice system. It is supposed to be a justice system. It is a legal system to ensure that people in our state can get justice. If you are going to a lawyer and that lawyer is handing off information that can be directly used against you, that is a problem.

There were in place ways that this was supposed to be protective for our community. There were protections in place to ensure human source management was handled properly. Unfortunately – and this is nothing against our current Chief Commissioner of Police – it went as high as the chief commissioner's office in our state. This happened; it was signed off under a chief commissioner. I know what Victoria Police want, and speaking from the experience of having been a police officer I could not think of anything better than getting information from a lawyer. However, looking at it from this side I can tell you it is just blatantly wrong, and I do not think we should be in a position where that could happen. There are already provisions to ensure that community safety is paramount. When we are taking into consideration the information of a lawyer, a minister, a priest or anyone else who has got that privilege, there are already protections in place to ensure community safety is the first and foremost thing on their mind when they come forward with information.

But we need to make sure that we take that step back on this. That is why I wholeheartedly support the member for Malvern's reasoned amendment, and I think the first section of that reasoned amendment is around that consultation. We have seen a list here of some that I know the member for Malvern has either spoken to or gone out and requested information from. I have spoken to the Police Association Victoria. We have got so many organisations that have come forward, and not just privately, which obviously happens on occasion. They are publicly saying that these are issues that they think need to be rectified before the government rush through legislation around this.

That the government provides for proper oversight of the power of the Chief Commissioner of Police to register a reportable human source is something we are very, very passionate about, and again it goes back to the fact that we always want to have faith and trust in our police. We always want to have faith and trust in the management system, but sometimes things go wrong. That is not a political thing. That is not Liberal or Labor. We have had commissioners and chief commissioners put in place that were not there for the right reasons or did things when they got in there for any other reason. We need to make sure that those practices are there to protect them, and the government has to satisfy the house, given the High Court 7–0 described this as 'reprehensible conduct' by Victoria Police in using Lawyer X as an informer against her own clients 'in a manner which debased fundamental premises of the criminal justice system', that such would not be facilitated by this bill.

Again, this goes back to the core integrity of what we need to make sure of, that any legislation coming forward does protect both sides, and whilst Victoria Police have openly said that they welcome and support this bill, I have to think the changes we want to make, the changes that the member for Malvern has put forward, will protect Victoria Police. The current situation is putting a lot of pressure back on them. I know there will be management and there will be oversight of that, but as stated by the member for Gippsland South, that oversight is just going to put forward recommendations. It cannot actually make a lot of big decisions on it. It is just to make recommendations to maybe look at changing in the future.

The system that is being set up with this legislation is opening up what happened in the past. It is going to allow human source management to continue in the way it has been going previously, or reimplement it as it was previously, but we are now going to have oversight that could make a recommendation after something has happened and could put at jeopardy another case where we have people who are in the justice system or in detention or jail already for serious crimes against people in Victoria that could get out. If the recommendation came post a decision being made about a human source management position, if a recommendation from IBAC came after to say, 'We don't think this should have been supported', what happens then? Is that evidence no longer available? Are we going to end up with someone in the court system?

Let us not forget that the people that this is genuinely against as a rule are very wealthy criminals. They have the best lawyers. Obviously, they made one bad choice, which led to the royal commission. But they have the best lawyers; they have got the money to buy the best lawyers in this state, because their goal is to not go to jail. Those lawyers' job is to keep some of the worst people and offenders out of jail. Every time they succeed at that the next bad bloke wants to use them, because that is the person you want to make sure that you have got on your side. If we end up in a position where they can use this legislation in their favour, I would not put it past them doing that in the future, and therefore we are going to put the whole justice system at risk. I myself think that is something that needs to be very much looked at, and we should be going back and reviewing this to ensure that it sits in the right place.

There are other parts of it in relation to age. If someone is under the age of 18 – I think obviously it is a greater risk using someone under the age of 18 as a human source anyway – there has to be genuine oversight and protection. People who are vulnerable, people with disability or mental health issues: the stats are there for everyone to see – nearly 50 per cent of people within our prison system at the moment have mental health issues. They have got mental health concerns already – the numbers are staggering. When you look at the youth justice system, we have got up to 80 per cent who have reported mental health issues – 50 per cent acute mental health issues. These are the people that must be protected and generally are the ones that are going to end up in our human source management at some time in the future. I think everyone in this room would agree we must wholeheartedly put our passion and our views into that to ensure the legislation is there to protect them and that they are not used by Victoria Police or any other agency to give evidence when it could put them at risk. We need to start weighing that into it as well.

There are parts of the bill that I think overall would bring in some positive changes around protecting those young people, protecting people who are the most vulnerable, and they are commonsense things. However, the item raised by the member for Malvern specifically around effectively what the High Court has ruled is the worst behaviour you could imagine, when a lawyer working for someone is effectively working against them – being paid by them and working against them – is what the High Court was trying to see changed.

I do say to the government: I understand you have on a few occasions before gotten ahead of yourself and said, 'We're going to deliver everything within a royal commission.' It is the same for us in opposition – we unfortunately do not see legislation until usually two weeks prior to us debating it. When we are asked in the media 'Do you support this legislation?' our answer generally is 'We need to see it first, because otherwise we're going in blind'. As I explain to schoolkids when they turn around and say, 'Are you going to ban homework?' – which the kids love – I say, 'We might ban homework.' I turn around and go, 'But what happens if it says you've got 20 hours at school every day, seven days a week?' 'Oh, we didn't read that.' That is exactly the same as what we are saying with the royal commission – when the recommendations come out you cannot say 'We're going to implement them all' because some of those implementations will be wrong, some of those recommendations will not be accurate, and I think on this occasion this is a prime example.

Will FOWLES (Ringwood) (12:39): Acting Speaker Crugnale, you are on fire today, and it is a delight to see you in the chair. Homophones are words that sound the same but are different in meaning or spelling, like the word 'bat' – it can mean the flying rodent thing, or it can mean a cricket bat. 'Source' is one such word, and I have got to tell you, if you were following along at home and you thought that this bill was about human sauce, S-A-U-C-E, you might be (1) a little confused and (2) perhaps amused by what is under discussion today. It is not human sauce like tomato sauce, it is human source, S-O-U-R-C-E. I submit that 'informant' would perhaps be a better descriptor for those people engaged in this part of the justice system.

I want to commence by picking up on a couple of things that both the member for Malvern and the member for Berwick raised in their contributions. I think there is sort of this assumption here that privilege, legal professional privilege, is somehow absolute at the moment, that there are no circumstances under which it can be breached, and in fact that is just not right. Lawyers are permitted

to disclose confidential client information to police already under the Solicitors' Conduct Rules, rule 9.2, and the Barristers' Conduct Rules, rule 82.

The member for Malvern had a career as a barrister before he came into this place. I am sure he is familiar with the rule, and I just think it is a bit disingenuous to sort of imply that this privilege is absolute and should never be pierced. There are circumstances in which that privilege ought to be pierced, and to avoid the probable commission of a serious criminal offence or to prevent serious harm to a person's safety are examples of the sets of circumstances where that ought to be contemplated and in fact happen. If you are going to have a circumstance where a barrister or a solicitor can disclose confidential client information, the question then goes to how do you manage those circumstances, what checks and balances do you put around those circumstances and what are the appropriate mechanisms for police to manage that information and to manage the source of that information, and that is exactly what this bill does.

There are a few other matters that the member for Malvern addressed in his speech on this bill. A fair bit of weight has been given to this High Court decision, the 7–0 decision. I think it was a very good decision; it was an entirely appropriate decision. I am not seeking to cast any shade on that decision at all, but we need to be really clear: the Royal Commission into the Management of Police Informants was called in response to that. The royal commission was called exactly in response to that, and the suggestion that somehow we are not taking that decision seriously or we are not cognisant of the decision or that this is not a legislative response to that decision is just plain wrong. The royal commission was established in response. That royal commission made 111 recommendations, and every single one of those that relates to the Victorian government, 54 of those recommendations, is being picked up by the government – all of them are being implemented – and many of them are being implemented quite specifically by this bill.

In terms of the relationship between the royal commission and this confidential client information issue, recommendation 16 allows for someone who has access to that privileged information to be registered as an informant – a human source, not tomato sauce – as a human source in the very rare case where there are exceptional and compelling circumstances. We have set up a process for that very rare case to make sure that the checks and the oversight are in place.

We cannot rule out the possibility that it is in ultimately the public interest for a lawyer to disclose that sort of information, and that, as in so many things in government, is a balancing exercise between the public interest in faith in the profession, between the public interest in clients being able to disclose things to their lawyers without fear of them travelling further, balanced against the public interest in disclosing information that may thwart the commission of a very serious offence. I think in that balancing exercise the royal commission was right. This bill is the correct response to the royal commission's view, and I do not think derogating that or seeking to cast shade on that is necessarily the right approach.

What Nicola Gobbo did was wrong. What Victoria Police did in partnership with Nicola Gobbo was wrong, and I think there is bipartisanship around that threshold issue. But we have got to be clear: you cannot legislate against criminality and expect that all criminality will therefore be abolished. Murder has been illegal in Victoria since the colony was founded, but there are murders – they still happen. To assume that we in this place can legislate a fix to every single social ill anywhere on the spectrum from littering through to murder is a fantasy.

Laws against conduct do not guarantee it will not occur. They provide deterrence but they provide no guarantees, and I think what is really clear here is that there is not going to be one magical solution to stop a Nicola Gobbo scenario happening again, and even with 111 recommendations being implemented, that is not going to guarantee that it never happens again. Ms Gobbo was in breach of her ethical obligations, and the entire arrangement was in breach of a whole range of rules. Are we strengthening the regime around that scenario? Yes, of course we are. That is an entirely appropriate thing to do, and it is entirely appropriate not least because the royal commission thinks it is so. But

what we cannot achieve is mandating that people behave 100 per cent ethically 100 per cent of the time. What we cannot achieve is that no crime will ever be committed by anyone ever. I think there is any amount of evidence that will tell you that the human condition is such that people have either frailties or malice in their hearts, and things happen that nonetheless we as a society – as a civil society – say ought not happen, but we accept that they might and provide a set of consequences if and when they do. That is exactly what this bill sets out to achieve. There is little doubt that everything that can be done must be done to ensure these circumstances do not arise again, but not labouring under some sort of fantasy that we can cure every ill in the world merely by the promulgation of an act.

We support the royal commission's work, and we agree with the royal commission that it is almost never appropriate for a lawyer to provide information on a client – almost never, but not never. In the same way that the rules currently provide the ability for that obligation to be pierced, we accept that there are some situations, such as the commission itself identified – the very rare circumstance, the truly exceptional circumstance – where providing information might be necessary. That is compelling public interest; for example, a threat to national security or a threat to the community or the life and welfare of any person. If a hypothetical client with a lawyer says, 'I'm about to go out and kill X', that is a circumstance where, on the balance of all of these competing factors, we say that the public interest is in that in fact being disclosed rather than not disclosed. I do not think as a government or as a legislature we should make any apologies for that. That is the right assessment of the balancing of those duties – our duties to the integrity of the justice system but our duties also to the safety of Victorians.

Community safety, the integrity of the lawyer–client relationship, the management of those issues – they are not without complexity. My fear is that those opposite are seeking to simplify or oversimplify some of these issues as a means of political expedience, but it is really important that we strike the sensible balance and make sure that the appropriate safeguards, checks and balances are in place for us to deal with these matters as best we can. This is not a case of inventing a regime around police informants. I do not think we would even claim to be perfecting a regime around police informants. Rather, we are doing the best we can with the tools that we have to minimise the risk of the Lawyer X scenario popping up once again. This bill is delivering on recommendations 8 to 18, 44 to 56 and 58 of the royal commission, and I commend it to the house.

Cindy McLEISH (Eildon) (12:49): I am delighted to be able to speak on the Human Source Management Bill 2023. I am going to outline the purposes because, whilst they are noble, I do not think they hit the mark at this time. The purposes include providing for the registration, use and management of human sources by Victoria Police. Typically when we think of human sources, most of us would look at that as being informants, and in certain circumstances or circles perhaps it would be 'snitches' that people would relate to more directly. Other purposes are to provide for the external oversight of Victoria Police's use of human sources and to make other consequential amendments to the Victoria Police Act 2013.

We note that the Shadow Attorney-General, the member for Malvern, who is himself a lawyer and has practised as a barrister and who has a great deal of expertise in this area, has moved a reasoned amendment, and that is an amendment that I will support. There is more work to be done here. But I will refer to that a little later.

The context behind this is the fiasco of Lawyer X. It was something that dominated headlines in all newspapers across the country for a considerable period of time. People talked about it in great detail, and the name Nicola Gobbo in many households was a household name. The government embarked on a royal commission, which reported on 30 November 2020. There were quite a lot of things that happened in that royal commission – we had a number of withdrawals due to conflicts of interest et cetera.

All of us want the police to do the best job that they can so that we have a safer society. We want the baddies put away, and the real baddies we want kept there, and the police do too. They go all out to make our lives as safe as possible – you see that in small towns or in the city – and they have a pretty

tough job. But unfortunately, because of the matters here of their management of the human sources, of the informants, we have seen the worst thing happen: we have seen some of the people that they have put away now have been released. That is just not what we want. To think that this legislation will allow that to continue is, I am sure, not what we as a society want, which goes to the nexus of our reasoned amendment.

They got it wrong. We need to make sure that the government do the work that they need to do rather than rush this through, which is why we have the reasoned amendment which has been proposed, because greater consultation is required with the organisations that are representing the persons whose interests are affected by the undermining of privileged communication facilitated by this bill. And this is so important: the privileged information that is obtained through that lawyer–client relationship.

We also need to make sure that the government provides for proper oversight of the power of the Chief Commissioner of Police to register a reportable human source, and I will talk a little more about this. The High Court of Australia described the conduct of Victoria Police in using a lawyer as an informer, putting a different hat on against her own clients, as absolutely reprehensible. It debased fundamental premises of the criminal justice system, and this will not be fixed in this bill. We understand and accept that police need informants and that police will use informants and regularly do. That is all fine. We know that they might have identified a person who has particular information that can help them get a prosecution or they might leverage information from somebody who is on the inside or who they might be looking at charging so that they can do a bit of a deal. This sort of thing happens all the time.

We have a registration process here. There are three tiers of registration. We have got the one where there is a one-off tip-off, a discrete piece of information which is not required to be registered, but we also have non-reportable and reportable sources, and the reportable sources relate to those who have access to confidential information. That would be lawyers in this instance. Now, if you think about the role of a lawyer, a defence lawyer – I am certainly not a lawyer, but I was registered as a psychologist, and I know that you can obtain privileged information through that role as well – the client has a right to have a privileged conversation with their lawyer, and this is something that has been widely accepted for a very long time. They are not expecting that when they have that conversation their lawyer is going to turn around and dob them in and inform police of that information. They are not expecting that. We have safeguards already if there is something that is going to threaten public safety – if they were going to put a bomb at the spring carnival or something like that and someone has access to that. That is already accounted for, so we know that. Now, equally it might not just be a lawyer that has access to privileged information; it could be doctors, medical practitioners, psychiatrists, psychologists or faith leaders.

Going back to the lawyers, because this is all about the Lawyer X situation, a lawyer's primary obligation is to the court, then to the client, and it would be such a breach of professional ethics for a lawyer to compromise the interests of their own client by informing the police. What we had here in the Gobbo case, in the Lawyer X case, was she was representing her clients, having that information, and then passing that on to the police.

There are so many issues with the bill that has been put forward, and I guess one of the most compelling is when we look at what the High Court have said in this case. This matter was challenged, and it went to the High Court. Seven members – a full bench, 7–0 – talking about the conduct of Victoria Police in this situation, found that it was reprehensible conduct. This bill is going to allow this to continue. Every challenge from the Court of Appeal to the High Court is going to allow this to continue. As I have said, if a lawyer has privileged information about a future threat, there are already mechanisms in place. This bill gives an enormous amount of power to the Chief Commissioner of Police, and as I have said, there is no guarantee that it is going to prevent this from happening.

On this side of the house, the Shadow Attorney-General has done an enormous amount of consultation with the Australian Bar Association, the Australian Medical Association, the Centre for Public Integrity, the Criminal Bar Association, numerous lawyers who are experts in this field, Liberty

Victoria and different legal services, because he knows how important this is. I support the reasoned amendment, and we will be opposing this bill because more needs to be done.

Nick STAIKOS (Bentleigh) (12:57): Once again it is my job to take us to lunch. This happened last sitting week as well. I have an absolutely brilliant contribution prepared on this bill, but I would be detracting from it if I really commenced in any substantial way now. I will start by thanking everyone involved in the Royal Commission into the Management of Police Informants, particularly the head of that royal commission. Our former Attorney-General Jill Hennessy appointed someone to head that royal commission removed from the judicial system of Victoria, and that person was the former president of the Queensland Court of Appeal the Honourable Margaret McMurdo. I thank her for what has been a very considered piece of work that came up with 111 recommendations, and this bill, the Human Source Management Bill 2023, implements 25 of those recommendations.

I have listened to all of the contributions today on this bill. I think all of them were very, very considered contributions, but nothing is as considered as the work that the royal commission did, because the royal commission received hundreds of submissions. They spent many hours hearing from expert witnesses, and their 111 recommendations have been very well considered and have formed the basis of this bill. We have heard in contributions from those opposite, 'Where is the consultation?' That is what you have a royal commission for. You have a royal commission because you recognise that you do not have all of the answers to a problem and you seek expert opinion. That is why we had the royal commission.

After the lunchbreak I will be addressing the member for Malvern's reasoned amendment. It is a pity that the opposition have chosen not only to ignore the royal commission, but also in effect to denigrate the royal commission by saying that they got it wrong. In a couple of the –

The ACTING SPEAKER (Jordan Crugnale): Order! It is to time suspend for lunch. The member can continue his contribution when we resume the debate later in the day.

Sitting suspended 12:59 pm until 2:01 pm.

Business interrupted under standing orders.

Members

Minister for Climate Action

Absence

Daniel ANDREWS (Mulgrave – Premier) (14:01): I rise to inform the house that today the Deputy Premier will answer questions for the portfolios of climate action, energy and resources and the State Electricity Commission.

Questions without notice and ministers statements

Member conduct

John PESUTTO (Hawthorn – Leader of the Opposition) (14:02): My question is to the Assistant Treasurer. On 28 July 2021 the Assistant Treasurer held up to \$60,000 worth of Commonwealth Bank shares. However, his shareholding increased by up to \$40,000 by 28 February 2022. Within that same period, on 10 August 2021 the Assistant Treasurer announced the Commonwealth Bank would be contracted to provide Victorian government banking and financial services. On what date did the Assistant Treasurer increase his shareholding in the Commonwealth Bank?

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:02): I thank the member for his question. As I have indicated, I have always acted appropriately. I have always declared my interests, and I refer the Leader of the Opposition to my previous answers.

Members interjecting.

The SPEAKER: Order! The member for Eildon is warned.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:03): Between 28 February 2022 and 28 July 2022 the Assistant Treasurer reduced his shareholding in the Commonwealth Bank by up to \$40,000. The Assistant Treasurer claims that he is not an active trader of shares, yet he traded Commonwealth Bank shares at the same time that he announced and held direct ministerial responsibility for and admitted to being briefed and noting inside information about the Victorian government’s decision to contract the Commonwealth Bank to provide banking and financial services. Can the Assistant Treasurer please explain to –

Members interjecting.

The SPEAKER: Order! Premier, I ask you to come to order so I can hear the supplementary question.

John PESUTTO: From the top, Speaker?

The SPEAKER: I would ask you to continue your question.

John PESUTTO: Continue the question. Well, I was sort of mid paragraph. The Assistant Treasurer claims that his –

Members interjecting.

The SPEAKER: Order! I would like to hear the supplementary question, members.

John PESUTTO: The Assistant Treasurer claims that he is not an active trader of shares, yet he traded Commonwealth Bank shares at the same time that he announced and held direct ministerial responsibility for and admitted to being briefed and noting inside information about the Victorian government’s decision to contract the Commonwealth Bank to provide banking and financial services. Can the Assistant Treasurer please explain to Victorians how this share trading for personal benefit is not a blatant breach of his responsibilities as a minister?

Members interjecting.

The SPEAKER: The member for Eltham is warned.

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:05): Again, I have always acted and behaved appropriately. I have always declared my interests, and I refer the Leader of the Opposition to my previous answer.

Members interjecting.

The SPEAKER: Members, I want to hear the questions and the supplementary questions, and I think it is appropriate to hear the answers.

Ministers statements: equality

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (14:05): It is clear that for the Andrews Labor government equality is not negotiable, but what you get to see through my portfolios is that it is also celebrated, that it builds communities, that it tells wonderful stories, that it opens doors to entertainment and employment and that it delivers not just a social benefit but an economic one – an opportunity often lost on those opposite. Where some might see something to fear, someone who does not belong, we just see Victorians – another group of Victorians we are here to serve, support and celebrate.

Across tourism, major events, sport and creative industries, we take the opportunity to grow these sectors by being inclusive, giving all Victorians a chance to participate openly. We know that Victoria is the home of sport, of course, but we also know that many people from the LGBTIQ+ communities face unique barriers to participation in sport and active recreation. That is why we are proud to support things like the A-League Pride Cup match coming up on Sunday at AAMI Park. We are also proud of the NBL's commitment to a Pride round, and we are proud of the Australian Open's Glam Slam, the world's biggest amateur queer tennis tournament, which we supported.

Women have led the way in equality, inclusion and diversity in sport. We have invested over \$100 million upgrading AFLW facilities, and as the investment has grown we have seen participation grow, with female club registrations growing 43-fold in 12 years.

This year's Midsumma program boosted the cultural output of the city, showcasing the talent of tens of thousands of artists, with over 200 events in 120 venues. We recognise the significance of the time and place we live in – that with the right leadership, you can free a lot of people from a lot of anguish with just a little bit of respect. You might be wondering what time and place those opposite live. Only when their desire to govern is greater than their fear of some Victorians will they realise that equality is not a threat but a wonderful opportunity. We realised that a long time ago; it is who we are.

Member conduct

John PESUTTO (Hawthorn – Leader of the Opposition) (14:07): My question is to the Minister for Consumer Affairs. Minister, today you stated, 'My wife resigned her position as the deputy chair of the Motor Car Traders Claims Committee, and on 5 December general orders were updated so that the Business Licensing Authority was moved through to the Minister for Small Business, and that is entirely appropriate.' To eliminate perceived conflicts of interest, your family member resigned from one role, but you transferred the responsibility for her other role to a different minister. How can the minister justify the two different actions?

Daniel Andrews: On a point of order, Speaker, the Leader of the Opposition this week has had quite some difficulty in framing his questions in accordance with the standing orders. Ministers do not transfer – the general order is done by the Premier, the leader of the government. So the question does not relate to the ministerial responsibilities of the Minister for Consumer Affairs. The Leader of the Opposition ought not be given his 15th opportunity to rephrase; the question should simply, with respect, Speaker, be ruled out.

Members interjecting.

The SPEAKER: Order! The Leader of the Opposition will come to order.

James Newbury: On the point of order, Speaker, with respect, the Premier will have lots of opportunities to debate any issue that he wants to in this place. On the point of order, the question asked about a quote directly from the minister, comments he made this morning about his behaviour and his actions as minister. It is entirely within standing orders to ask about his own comments today.

The SPEAKER: Order! The Minister for Consumer Affairs can respond to the question, and if he needs to, he can refer it to the person who made the decision.

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:10): Questions in relation to the general order should be directed to the Premier of Victoria.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:10): Minister, isn't it a fact that these two different approaches were implemented to solve the same conflict of interest issue, namely, because one was a better paying board position?

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:11): I have acted appropriately at all

times. I declared the potential conflict of interest on becoming the Minister for Consumer Affairs. The declaration resulted in updates to the general order. I further notified the Cabinet Secretary and the secretaries of the Department of Premier and Cabinet, the Department of Treasury and Finance and the Department of Government Services of those updates in order to ensure that all necessary arrangements were put in place by the relevant departments. These arrangements were entirely appropriate and they were specifically established to ensure that no conflict of interest arose.

Ministers statements: LGBTIQ+ health services

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (14:11): I rise to update the house on the Andrews Labor government’s commitment to the health and wellbeing of LGBTIQ+ Victorians. We know that LGBTIQ+ Victorians face higher levels of discrimination, stigma and exclusion than other Victorians, which leads to poorer health outcomes. This is simply not acceptable. As all Victorians know, under the Andrews Labor government equality is not negotiable. When it comes to equality, leadership matters, words matter and doing what you say you are going to do matters.

We are tackling the social and structural challenges that are faced by our LGBTIQ+ community, and we are doing that through Victoria’s first whole-of-government strategy, *Pride in our Future*. Through the strategy we will deliver greater access to inclusive healthcare services that meet the specific needs of community members while respecting their identities and valuing our LGBTIQ+ communities as they are and for who they are.

The real-life benefits of working alongside the community have been recently demonstrated in the response to the mpox outbreak. We worked with Thorne Harbour and other LGBTIQ+ communities on a campaign that ensured that vaccines got as quickly as possible to those who needed them the most in the simplest way possible for them. This proved highly effective, and I am pleased to say that as of today there are no mpox cases in Victoria. This was a scarce vaccine, but we worked with the LGBTIQ+ community of Victoria, who our government always respects, always has and always will.

Member conduct

John PESUTTO (Hawthorn – Leader of the Opposition) (14:13): My question is to the Minister for Consumer Affairs. Was the business licensing board shifted out of the consumer affairs portfolio solely so that a member of the minister’s immediate family could save their job as chair?

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:14): I have already answered this question. I refer the Leader of the Opposition to my previous answer.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:14): The chair of the business licensing board is paid up to \$53,254 a year. Was the financial benefit of this role to the minister’s family income a factor in the decision to shift responsibility for this board for the first time ever?

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:15): If the Leader of the Opposition had any courage at all, he would ask the question about the general order to the Premier. I refer the Leader of the Opposition to my previous answer.

Ministers statements: LGBTIQ+ school programs

Natalie HUTCHINS (Sydenham – Minister for Education, Minister for Women) (14:15): I rise to update the house on the supports that we have in place for the LGBTI students, teachers and support staff across our school system. I am so proud to continue to provide under the Safe Schools program the following provisions: professional learning for school staff, improved inclusion for school policies and practices, consultation, advice, resources and connections to local support services for any individual students that display signs that they need that extra support. I have heard firsthand from

schools just how vital the Safe Schools program is. I was actually at my old college, Buckley Park secondary college, with the member for Niddrie, doing a bit of a tour, and I have got to say the pride in that place when it comes to Safe Schools, the posters that those kids had up and the engagement and acceptance were just amazing.

Our rollout of \$200 million to the mental health fund continues this year in 2023 to make sure that kids feel safe, and the organisation Minus18 has been included to deliver workshops to promote positive mental health and improve the lives of our young people. This government also continues to embed the promotion of respect, positive attitudes and reinforcement, resilience and confidence through Respectful Relationships. I am happy to say that almost 2000 schools have signed up to this program across the state system, Catholic system and independent system, and it is a wonderful initiative that I hear positive things about from both teachers and students. Unlike those opposite, we do not tolerate bigotry or hatred, and the safety and wellbeing of our children and young people is not a political game.

Members interjecting.

The SPEAKER: Order! The member for Eureka can leave the chamber for 1 hour.

Member for Eureka withdrew from chamber.

John Pesutto: On a point of order, Speaker, the minister knows better than to attack the opposition in her ministers statement.

The SPEAKER: I ask the minister to come back to her ministers statement.

Natalie HUTCHINS: Every child deserves to be respected. Every young person deserves to be respected and safe in our school system.

Rental accommodation

Gabrielle DE VIETRI (Richmond) (14:17): My question is for the Premier. Right now, in the middle of a housing crisis, over 60,000 homes across Victoria are sitting empty for most of the week because property investors are able to make sometimes double the amount of rent from leasing their properties through unregulated short-stay platforms like Airbnb. Meanwhile renters in regional towns and the inner city are facing record low vacancy rates and skyrocketing rents. As more and more families, retired women, young people and essential workers become desperate for a home, will the government make thousands of existing homes available right now for those people struggling to find a place to live by introducing urgent short-stay regulations to cap the number of days that a property can be listed for a short stay?

Daniel ANDREWS (Mulgrave – Premier) (14:18): I thank the honourable member for Richmond for her question, and whilst I have no announcements to make today in relation to residential tenancy matters, I will point out to the honourable member that the government has embarked on the nation's biggest ever investment in affordable housing. That is a point of pride for us, and I will take the opportunity that the honourable member affords me to thank every single worker that is out there, as we speak, building thousands of homes for vulnerable Victorians and giving them the security, the safety and the platform to build a better life, to be safe, to be certain and to be secure. That is the first point.

On the issue of the Big Housing Build, I know question time is not an opportunity for me to ask the honourable member a question, but I would ask a favour: please get on to some of those Greens political party councillors and ask them – and if the member for Richmond is not happy to ask on her own behalf, just say I asked you to ask them – to stop blocking public and community housing. Stop voting against affordable housing for victim-survivors of family violence, for First Nations Victorians, for mentally ill Victorians and for many others who simply want an opportunity to live in local communities that have, for this purpose, the misfortune of being governed by members of the Greens political party. You cannot be from a show –

Members interjecting.

The SPEAKER: The Assistant Treasurer will come to order.

Sam Hibbins interjected.

The SPEAKER: The member for Prahran can leave the chamber for 1 hour.

Member for Prahran withdrew from chamber.

Members interjecting.

The SPEAKER: Order! When I am on my feet, the house will come to order.

Daniel ANDREWS: I would be indebted to the member for Richmond if she could pass that along to all of those Greens councillors who steadfastly, consistently, shamefully vote against, frustrate and in some instances have prevented the building of affordable housing to deal with exactly the cohort that the member pretends to care about.

Tim Read: On a point of order, Speaker, on relevance, the Premier has blundered off the field and needs to be led back onto the topic of the question.

Mary-Anne Thomas: On the point of order, Speaker, the question went to the availability of low-cost and affordable housing, and the Premier is being entirely relevant to the question and simply pointing out that some more of that housing may well have been available if it were not for the opposition of the Greens political party.

The SPEAKER: The question related to affordable housing and the availability of it. The Premier was being relevant to the question.

Daniel ANDREWS: Thank you very much, Speaker, for that guidance. I will again make the point: if you want to come into this place, of all places, and ask questions about affordable housing, then you need to get out there and make sure that your comrades, your colleagues, those that are in your political party perhaps actually come from a political party that is interested in affordable housing. Just get out of the way – get out of the way.

Ellen Sandell: On a further point of order, Speaker, the Premier has been in this place long enough to know that question time is not a time to attack members of other parties in this place.

The SPEAKER: I ask the Premier to come back to the question.

Daniel ANDREWS: I have not been here nearly long enough, I reckon. Anyway, the member for Richmond also asked me about short-stay issues. With the greatest of respect, she also talked about the number of buildings, the number of homes, the number of facilities that lie empty throughout the week. Now, this question would perhaps have more credibility if the member for Richmond's electorate office was open five days a week. If she was not running her own little short-stay long weekend every single week, this question might have much more credibility.

Gabrielle DE VIETRI (Richmond) (14:23): I thank the Premier for detailing the buildings that this government plans to build, but right now 110,000 Victorian households are experiencing rental stress and the crisis is set to get worse. Just yesterday economists predicted that rents will rise by another 11.5 per cent this year. That is on the 10 per cent that they rose last year, the sharpest annual increase on record. Rental vacancies are at an all-time low of 1 per cent. I hear from renters that are lined up for two blocks to inspect a property, people going to five inspections a day. Desperate people tell me they are offering –

Members interjecting.

The SPEAKER: Order! The member for Wendouree can leave the chamber for 1 hour. The member for Eltham can leave the chamber for 1 hour.

Members for Wendouree and Eltham withdrew from chamber.

Gabrielle DE VIETRI: Desperate people are offering a year's worth of rent up-front to secure a substandard property. Berlin, Dublin, Tokyo and New York have all introduced short-stay regulations as part of the solution. New South Wales has regulations, as have councils in Victoria. Will the Premier – *(Time expired)*

Ministers statements: LGBTIQ+ community

Gabrielle WILLIAMS (Dandenong – Minister for Mental Health, Minister for Ambulance Services, Minister for Treaty and First Peoples) (14:25): Today I rise to update the house on the Andrews Labor government's commitment to improving the mental health and wellbeing of people from LGBTIQ+ communities. We know that LGBTIQ+ Victorians experience significantly higher rates of mental ill health, and much of that is preventable. By promoting equality and providing safe and responsive mental health supports and services we can ensure all Victorians enjoy the good mental health and wellbeing they deserve.

That is why our government has invested more than \$62 million to deliver a range of initiatives for our LGBTIQ+ communities, including \$3.2 million to deliver a trial of safe spaces for youth in the Barwon region; \$1 million to build the capacity and skills of leaders in organisations through the LGBTIQ+ grants program; \$7 million to continue and expand Switchboard's Rainbow Door program to provide support in navigating and accessing the mental health and wellbeing system; \$1.9 million to continue the Healthy Equal Youth project's critical support for young LGBTIQ+ Victorians; \$21.3 million to provide mental health support, primary medical care and peer supports for trans and gender-diverse young people; \$4.5 million to deliver a diverse communities mental health and wellbeing framework and a blueprint for action; and \$9.6 million for the new diverse communities mental health and wellbeing grants program.

The Royal Commission into Victoria's Mental Health System called for a mental health and wellbeing system that will meet the needs of Victoria's diverse population both now and well into the future, and only Labor will make sure every Victorian is supported by a mental health system that is safe, that is responsive and that is inclusive in Victoria and indeed in our government. For every member of our government equality is not negotiable.

Member conduct

John PESUTTO (Hawthorn – Leader of the Opposition) (14:27): My question is to the Assistant Treasurer.

Members interjecting.

The SPEAKER: Order!

John PESUTTO: The 'Statement of Values' in part 2 of the Members of Parliament (Standards) Act –

Members interjecting.

The SPEAKER: I would like to hear the question from the Leader of the Opposition.

John PESUTTO: My question is to the Assistant Treasurer. The 'Statement of Values' in part 2 of the Members of Parliament (Standards) Act 1978 tells us that:

Members should demonstrate the following values in carrying out their ... duties:

- (a) serving the public interest;
- ...
- (c) integrity;
- (d) accountability;
- ...
- (g) leadership.

Has the Assistant Treasurer always displayed these values in managing his share portfolio and ensuring that his family arrangements do not breach the ministerial code of conduct?

Mary-Anne Thomas: On a point of order, Speaker, I ask that you rule the question out of order. It was very clear that the question referred to the responsibilities of members as members of the Parliament –

Daniel Andrews: And not ministers.

Mary-Anne Thomas: and not ministers as members of the executive. As members in this place well know, questions are to be directed to ministers of the Crown in relation to their portfolio responsibilities and not simply as members of Parliament.

Members interjecting.

The SPEAKER: Order! The member for Sunbury can leave the chamber for 1 hour.

Member for Sunbury withdrew from chamber.

James Newbury: On the point of order, Speaker, with respect, the first part of the question directly linked to the second part of the question and the values contained within the ministerial code of conduct. That link was clear in the question. I understand that those at the table may not have been listening, but that link was definitely in the question.

Daniel Andrews: On the point of order, Speaker, on the ministerial code of conduct: questions in relation to that matter ought be directed to the minister responsible for that code of conduct, and that is the chair of the cabinet – namely, the Premier – me. Ask me the question, and perhaps draft it a bit more carefully.

Members interjecting.

Daniel Andrews: Draft it a bit more carefully. The question is out of order. It does not relate to the minister's responsibilities, it relates to his obligations to the house, and that is not what question time is for.

Members interjecting.

The SPEAKER: Order! I would like to rule on the point of order. The Assistant Treasurer can answer the question. If it is not part of his ministerial responsibilities, he can advise the house of that.

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:30): I have behaved appropriately at all times in my ministerial duties.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:30): The Assistant Treasurer has broken the ministerial code of conduct by personally profiting from government decisions. The Assistant Treasurer has actively held shares which made a profit through government decisions he has been involved in. Despite a hollow apology, the Assistant Treasurer will continue to own and profit from his shares, and now the Assistant Treasurer has been exposed exploiting the administrative orders to profit his family. At every step the minister has failed to be up-front and honest with the Victorian

people about his share dealings and family arrangements. Will the minister finally show some integrity, do the right thing and fully explain all his share dealings to the Victorian people?

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (14:31): It probably sounded better this morning; it all comes down to the delivery. As I have said, I have always behaved appropriately.

Ministers statements: equality

Daniel ANDREWS (Mulgrave – Premier) (14:31): I rise to hopefully put beyond any doubt a number of matters in terms of the policies of this government and the law of our state, and I am saddened to have to do this, but it is important to provide clarity when it comes to a number of very important matters. Firstly, when it comes to the termination of a pregnancy, it is the law of this state and a policy of this government that that is a matter between a woman and her doctor. That is settled, despite what might be said in other parts of this building, in other parties, at other times.

Moreover, adoption equality is settled law in this state because of work that this Labor government has proudly done to rewrite the statute book, to make sure that equality is not only not negotiable but is there for everyone to see and works and lives and is practised in every way.

Again, our support for the trans community is not negotiable and is settled. We will not weaponise these issues to make challenging times and challenging experiences all the more difficult. We will not use the trans community as a political weapon as, shamefully, others continue to do in this precinct, in the other place this week. We will support the trans community in any way that we possibly can, and that is fundamentally a recognition that the trans community are 15 times more likely to self-harm. If that is not motivation enough, well, it is our values that tell us to do this, and that is why we will continue to do it.

Just finally, let me put beyond doubt this government's support for Safe Schools. Safe Schools saves lives. On any bullying, no matter what the motivation, we want to make sure our teachers are properly equipped to be able to protect their students. It is shameful to think that some elected to this Parliament continue to trot out absolute lies and misinformation in relation to that program. I am standing up to make these matters clear. One wonders when someone else might do the same.

Constituency questions

Eildon electorate

Cindy McLEISH (Eildon) (14:34): (40) My question is to the Minister for Public Transport. The residents of Merton are still waiting for upgrades to their bus stop, the Melbourne-bound one on the Maroondah Highway. On writing to the minister, he responded to me in October 2022 to say that in coming months the Department of Transport would upgrade the requested bus stop. This would include lighting, and if required, a solar sensor light at the bus stop would be installed. It has been four months since that time. No upgrade works have commenced. It is still unsafe for communities and does need urgent attention. The residents of Merton want to know when those works will begin.

Footscray electorate

Katie HALL (Footscray) (14:35): (41) My question is to the Deputy Premier and Minister for Transport and Infrastructure, and I ask that the minister update my community on the progress of the West Gate Tunnel Project. I was delighted to join yesterday with the Deputy Premier to visit the site of the breakthrough of the tunnel-boring machine, Vida, which has completed its 2.8-kilometre journey under Yarraville to the West Gate Freeway. My community is very interested in the benefits of the project and what it will bring locally, particularly around thousands of trucks which currently use local roads that will go on to the West Gate Tunnel when it opens. Deputy Premier, it was exciting to witness this massive milestone in the life of the project, and I ask that you update my community on the progress of the West Gate Tunnel, which will have such a massive impact on my electorate, particularly in Yarraville and Footscray.

Polwarth electorate

Richard RIORDAN (Polwarth) (14:36): (42) My question is to the Minister for Environment, and my question is: will she be supporting my communities in Torquay, Anglesea, Lorne, Apollo Bay, Port Campbell and other smaller communities along the Great Ocean Road, who are increasingly finding the traditional uses of their foreshore taken away from them? I refer specifically to the walking track at Apollo Bay, which has recently just been closed because it is no longer deemed appropriate that that walking track that has been there for most of living memory should any longer be available. I refer to the Torquay car show, which for 20 years or more has been on the foreshore at Torquay but is increasingly finding it difficult to gain approval from the Great Ocean Road Parks and Coast Authority, which is continually applying a state government mandate on the way communities can use their foreshore. Minister, the cultural community uses of our foreshores are vital for our coastal communities, and they need your support.

Point Cook electorate

Mathew HILAKARI (Point Cook) (14:37): (43) My constituency question is for the Minister for Early Childhood and Pre-prep in the other place. Minister, how is the Andrews Labor government supporting our children and families as they return to kindergarten in the electorate of Point Cook, which I represent? Research tells us that 90 per cent of a child's brain develops before the age of five. That is why high-quality play-based education is critical for the development of the skills that we will see in our young people. My own son is about to enter – next year – kindergarten at year 3, and I really look forward to that. For my partner it gives the opportunity for her and for me to both attend work. So I am really thankful to this government for its involvement in the Best Start, Best Life reforms. It is so great to see a little young person a few years off kindergarten in front of us here. But I would appreciate any information the minister can provide on how the Labor government is supporting the community of Point Cook.

Gippsland East electorate

Tim BULL (Gippsland East) (14:38): (44) My constituency question is to the Minister for Health, and the information that I seek is for the minister to provide current reimbursement time lines for the Victorian patient transport assistance scheme, or VPTAS as it is known. Constituents advise me that there is up to a 12-week wait presently for claims to be processed, which is well outside the benchmarks, I am led to believe, that are in place. Just this month a claim from last August was paid, and patients should not have to absorb these costs for that amount of time and be out of pocket for so long. So I ask the minister to provide for me what the average wait time is for claims to be processed against the benchmarks, and she might also like to include if there have been any additional resources allocated to VPTAS to streamline this process, but I am after that information more generally.

Tarneit electorate

Dylan WIGHT (Tarneit) (14:39): (45) My question is to the Minister for Energy and Resources, Minister for Climate Action and Minister for the State Electricity Commission. Minister, how many households in my electorate of Tarneit have taken advantage of the current power saving bonus program? Australia's cost of living has substantially risen since the start of Russia's war in the Ukraine. To alleviate some of the burden on families, we are working closely with the Commonwealth government to deliver this to Victorian households and businesses as soon as possible and will be delivering another round of the \$250 power saving bonus next month. We are also focused on the long term by reducing our reliance on costly fossil fuels. That is why we are bringing back the State Electricity Commission and replacing unreliable, privatised coal with clean Victorian-owned renewable energy.

Melbourne electorate

Ellen SANDELL (Melbourne) (14:40): (46) My question today is to the Minister for Education. For many students school camps are a highlight of the year. They are an opportunity to foster independence, spend time with friends and learn outside the classroom, but for some local schools in my electorate school camps are now on the chopping block. Lack of funding from the government for the new teaching enterprise bargaining agreement means that schools cannot afford the time in lieu for teachers to staff camps. At North Melbourne Primary School the whole camp program is being reconsidered and camps risk being shortened or even cancelled. Parents are being asked to volunteer their time to staff the camps, and costs for families will probably go up. The school council has made the difficult decision to put fundraised money towards the cost of camps, meaning that other important maintenance projects at this heritage school will get left behind. Minister, will this government commit the additional funding needed in this budget to ensure my local schools do not have to cancel school camps for their kids?

Pascoe Vale electorate

Anthony CIANFLONE (Pascoe Vale) (14:41): (47) My constituency question is for the Minister for Community Sport. What are the next steps for the election commitment that we made to invest \$1.25 million towards upgrading Cole Reserve in Pascoe Vale? As I said in my first speech, I intend to work closely with all of my local sport and recreation groups to make Pascoe Vale a healthier and more resilient community. As a product of local community sport and as a former adviser to the former Minister for Sport John Eren, I understand firsthand the role that local sporting clubs play to build a stronger community. Since 2014 the Andrews Labor government has been absolutely committed to grassroots sport across the state. I am so proud of the groundbreaking initiatives we have delivered for sport, including the rollout of the nation's first ever female-friendly change rooms program. In my electorate this has included over \$7 million towards upgrading local facilities and \$280,000 for new female-friendly netball courts at Cole Reserve. Home to the mighty Coburg Districts Football Club and St Andrews Cricket Club, Cole Reserve has supported generations of locals to get fit, healthy and active. I look forward to receiving the minister's response on this upgrade, which will help deliver flood proofing for the oval.

South-West Coast electorate

Roma BRITNELL (South-West Coast) (14:42): (48) My question is to the Minister for WorkSafe and the TAC. In 1985 Warrnambool's Miss Shirley Taylor was involved in a motor vehicle accident, sustaining injuries that still affect her today. In February 2021 Miss Taylor's left arm snapped, which an orthopaedic surgeon stated was because of old fractures from her 1985 accident. The TAC disagreed and forced Miss Taylor into a review process which continues today. Miss Taylor has been awaiting an outcome from this review for several months, and throughout this time Miss Taylor's arm has remained broken, strapped and untreated and is causing a great deal of discomfort. Minister, are these time lines acceptable? Minister, Miss Taylor has a disability, and her mobility is compromised. She is left-handed, and her left arm is the one that is broken. Minister, is it acceptable for a woman to spend two years living with a broken arm awaiting an outcome from your government?

Laverton electorate

Sarah CONNOLLY (Laverton) (14:43): (49) My question is for the Minister for Public Transport. It has been nearly four months since our government launched the new FlexiRide service for families in Tarneit and Truganina North. Implementing this service has meant that communities in Wyndham like Elements estate and Truganina along Dohertys Road now have access to a bus service that can take them to nearby destinations like Tarneit station and Tarneit Central shopping centre. It cuts out the bus stops and timetabling and provides on-demand direct-destination services that take you wherever you need to go, whether it is to school in the morning or to do your shopping or to catch the train to work. All you need to do to access this service is download the FlexiRide app or book online and you will be directed to the nearest pick-up point, where you can tap on with your Myki. From the

responses I have received from constituents – and there have been many – FlexiRide has been a roaring success in Wyndham. So my question to the minister is this: how many people have accessed this FlexiRide service in my local patch since it began in October?

Bills

Human Source Management Bill 2023

Second reading

Debate resumed.

Nick STAIKOS (Bentleigh) (14:44): It is a pleasure to continue my contribution on the Human Source Management Bill 2023, which I commenced just prior to the lunchbreak. As I said prior to the lunchbreak, I have listened to each of the contributions so far on this bill. While I thought that some of the points from those opposite were certainly valid, I do feel, however, that in terms of their commentary around the Royal Commission into the Management of Police Informants and the royal commission's findings and recommendations they have gone a step too far. The member for Gippsland South is in the chamber, and I listened to the member's contribution. While I did not disagree with everything, I did feel that at times the member for Gippsland South and the member for Berwick actually verbalised the royal commission when they said that the royal commission's findings were as simple as this: 'We know what happened with Lawyer X was bad, but here's how you make it legal.'

Well, it was a lot more complex than that. And it was a lot more complex than that because what we do know is that the circumstances around Lawyer X occurred in the context of no regulation, of no safeguards, and this is what this bill is seeking to address. I will quote from the royal commission report itself:

The material the Commission examined did not warrant a complete prohibition on Victoria Police's use of human sources involving legal obligations of confidentiality or privilege ... a blanket ban would not eradicate the risk of confidential or privileged information being provided by a human source; nor would it equip officers with the skills to respond appropriately when this occurs. Additionally, the Commission recognises the possibility that, in rare cases, it may be legitimate and necessary to use human sources in occupations subject to legal obligations of confidentiality or privilege.

The Commission does consider, however, that the use of human sources who are reasonably expected to have access to confidential or privileged information should be treated with caution and subject to a clear and comprehensive system of checks and balances.

I really do feel that some on the opposite benches were advocating a blanket ban, but currently – under our current laws – lawyers have the ability under uniform conduct rules to disclose confidential information where they believe on reasonable grounds that there is a risk to any person's safety, and they can break privilege or confidentiality provisions to advise the police or other appropriate authorities. If lawyers were excluded, there would be ambiguity and conflict with the existing provision. It would be unclear how police and individuals could manage this conflict. Where there is a genuine community safety concern, ambiguity is concerning, and the bill supports the approach to manage the risk.

I think it is also important to try and understand the scale of this issue. The commission's final report also noted that approximately 1200 human source registration applications were submitted between July 2017 and June 2020, and of those applications only 3.5 per cent were subject to legal obligations of confidentiality or privilege. So I think that gives a bit of an idea as to the scale of this issue.

As I said, what occurred with Lawyer X has been well canvassed in the media and in this royal commission. We are all well aware of it. That occurred in a context where there was no regulation; there were no safeguards. There was also no oversight, and on that I do want to turn to the member for Malvern's reasoned amendment. The member for Malvern said this bill regularises what happens. Well, in fact it provides regulation for this, and that is important. On the member for Malvern's amendment: firstly, he says we need consultation. Well, we have had a royal commission. We have

had a royal commission. That royal commission has made 111 recommendations; 25 of them are being implemented in this bill. As part of that royal commission there were 157 public submissions received. There were 129 days of hearings and 82 witnesses examined. There were six focus groups conducted with 39 Victoria Police officers. Over 155,000 documents were received, 97 organisations and experts were consulted, 43 human source files were reviewed or audited. More than consultation, there has been an entire royal commission. You call a royal commission when you acknowledge that you do not have all the answers and you need that expert inquiry, that expert advice, and that is exactly what has happened here.

Secondly, the member for Malvern in his reasoned amendment has called for proper oversight of the power of the Chief Commissioner of Police to register a human source. In fact what this bill does, a core part of this bill, is it provides that oversight, and I will briefly go through that for the benefit of the member for Malvern. Firstly, this bill requires Victoria Police to notify the Public Interest Monitor of an application to register a high-risk reportable human source before Victoria Police makes a decision to register the person. The bill also requires Victoria Police to provide the Public Interest Monitor with relevant information, including any information that might indicate that the application should not be approved. Victoria Police must consider any recommendations of the Public Interest Monitor before registering a person as a reportable human source. Where a reportable human source is registered in emergency circumstances, the Public Interest Monitor will provide oversight after the person has been registered. This ensures Victoria Police can respond to emergencies quickly and keep the community safe while maintaining an appropriate level of oversight. IBAC will retrospectively monitor Victoria Police's compliance with the human source management framework, including the bill, any regulations and Victoria Police's internal human source management policies.

This is a bill that inserts the safeguards and the regulation that is needed in this space, and I commend it to the house.

Chris CREWETHER (Mornington) (14:51): I rise to speak on the Human Source Management Bill 2023, and I join the member for Malvern, the member for Berwick, colleagues and many organisations, and as the Shadow Parliamentary Secretary for Justice and Corrections, in raising my concerns about this bill. Going back a number of years, the revelation that former criminal barrister Nicola Gobbo was used by Victoria Police as a human source to provide information about her criminal associates, many of whom had been or were clients, was an unprecedented scandal. In December 2018 the High Court ruled that Victoria Police's recruitment of Ms Gobbo was debased, reprehensible, atrocious and corrupted.

After hundreds, if not thousands, of news stories, the release of two criminals who had been previously convicted and many others launching appeals, as well as millions of public funds poured into a royal commission, you would expect the Victorian state Labor government to implement measures to prevent such morally reprehensible conduct from occurring ever again. Indeed it is the opposite. On 8 February 2023 the Labor state government introduced into this Parliament the Human Source Management Bill. This bill that I am speaking to today gives Victoria Police sweeping powers to subvert relationships of trust, including between doctors and patients, faith leaders and parishioners and of course lawyers and clients. As a qualified legal practitioner myself and having worked and run in court criminal, commercial and other matters, as well as having worked in a Magistrates Court and a Children's Court, I too am very concerned about this element of the bill.

Part 3, division 3, of this bill permits a police officer to apply to the Chief Commissioner of Police or his delegate to register a lawyer as an informant even if it is reasonably expected that they will have access to privileged information and that this information will be used against the lawyer's own client in potential criminal proceedings. This bill is enshrining an appalling practice whereby sacrosanct legal client privilege is subverted. Legal client privilege is imperative to a fair justice system. When the accused is prosecuted for a crime, legal client privilege provides them with a bulwark or a protection against the seemingly endless resources of the state. Legal client privilege allows clients to divulge information to their lawyers in an honest and transparent manner. Most importantly of all it allows

clients to trust their lawyers. To subvert legal client privilege is to therefore subvert the justice system by tipping the scales of justice even more in favour of the state against clients who may be unable to trust even their own lawyers. Section 24 of the Charter of Human Rights and Responsibilities Act 2006 gives Victorians the right to a fair hearing, and I do not think this bill will achieve that. While 'fair' is not defined in the legislation, jurisprudence in *Roberts v. The Queen* concluded the following:

... non-disclosure of material evidence to the defence, gave rise to a serious departure from proper process affecting the fundamental fairness of the trial.

Non-disclosure of evidence, which this bill enables, denies Victorians the right to a fair trial, and so it overtly contravenes the charter.

I also take issue with part 5, external oversight of human source management. This oversight by the Public Interest Monitor, IBAC and the Victorian Inspectorate is limited to recommendations. There is also no power to prevent the police from registering a source or stopping the use of privileged information. So I strongly support the member for Malvern moving a reasoned amendment to this bill. I will go into this motion a little bit further. The member for Malvern has moved his reasoned amendment, and later today this is what we will be voting on, that:

'this house refuses to read this bill a second time until:

- (1) the government consults with organisations representing persons whose interests would be affected by the undermining of privileged communication facilitated by the bill;
- (2) the government provides for proper oversight of the power of the Chief Commissioner of Police to register a reportable human source; and
- (3) the government satisfies the house that what the High Court of Australia described as "reprehensible conduct" by Victoria Police in using a lawyer as an informer against her own clients in a manner which "debased fundamental premises of the criminal justice system" would not be facilitated by this bill'.

As it stands, this bill effectively sanctifies corruption and takes an approach of the ends justifying the means.

I also go back to a number of other organisations and individuals who have given commentary on this bill. I refer in particular to a number of articles that we have seen written across the *Age*, the *Herald Sun* and elsewhere. In one particular article from the *Herald Sun* Victorian Bar president Sam Hay KC said:

The registration of lawyers as informants will lead to precisely the same conduct that gave rise to the Royal Commission in the first place.

The roles of informant and lawyer are fundamentally opposed. One person cannot ethically wear both hats at the same time.

We have also heard from the Law Institute of Victoria's president Tania Wolff:

The duty of strict confidentiality is there to protect the client ...

Encroaching on this undermines community trust and confidence in the administration of justice. Lawyers play a central role in the administration of justice and that does not include being an evidence gathering instrument of Victoria Police.

Further, former *Herald Sun* editor Damon Johnston has also said:

On face value, these new laws are alarming ...

That they could impede the ability of a journalist to expose the next Lawyer X is something that the public needs to be concerned about.

Paul Edbrooke interjected.

Chris CREWETHER: And you should be concerned about that, member for Frankston. They seem to be the exact opposite of the spirit of the royal commission findings. I would hope that the state government actually listens to some of these experts and some of those who have been through and reported on these matters in relation to Lawyer X and other scandals over the last few years, and I

would hope that this state Labor government goes back and consults further before just rushing this bill through this Assembly.

Meng Heang TAK (Clarinda) (14:59): I am delighted to rise today once again to speak on the Human Source Management Bill 2023. Over the last two years I have had the privilege of making contributions on several bills resulting from the Royal Commission into the Management of Police Informants. There have been justice legislation amendment bills, and notably there was the Special Investigator Bill 2021, which established the Office of the Special Investigator as an independent statutory office and new investigative body.

It was pleasing to see the Honourable Geoffrey Nettle AC KC appointed as the special investigator in 2021. Previous legislation as well as the bill here today show the government's commitment to delivering on all of the recommendations of the royal commission, recommendations which go to the heart of Victoria's justice system and how police use informers with confidentiality obligations.

Lawyer-client privilege is a cornerstone of our legal profession and is vital to mending the integrity of our justice system. It allows clients to speak candidly with their lawyers, confident that their communication will be kept confidential, and it ensures that lawyers are able to provide their clients with the best possible legal advice. It is essential to ensuring that clients are able to communicate openly and honestly with their legal representatives and to ensuring trust and confidence in the legal professions and our justice system.

The royal commission uncovered significant historical shortfalls in the criminal justice system. The government has been working to deliver the recommendations of the royal commission to address those shortfalls and to strengthen and restore public confidence in our justice system. With the last progress report we heard from the Attorney-General that the government has delivered so far in full 23 of the 55 recommendations directed to it. We will see that increase significantly here today with another 25 recommendations relating to the development of human source management legislation. The report also cites that work is well progressed to deliver the recommendation to introduce mandatory reporting requirements for lawyers to report suspected misconduct as well as to progress amendments to the Inquiries Act 2014 to ensure documents subject to public interest immunity claims can be produced to royal commissions. Overall, 63 of the 111 recommendations have been delivered by responsible agencies and significant progress has been made on the remaining recommendations.

As mentioned, some of the recent significant achievements include the establishment of the Office of the Special Investigator and an independent implementation monitor as well as delivering reforms to enhance and strengthen disclosure practices. The government's commitment here is clear: we are committed to delivering each of the recommendations directed to us and to supporting the delivery of all of the commission's 111 recommendations.

That work continues today with the Human Source Management Bill and its objective to regulate Victoria Police's registration, use and management of human sources, to provide a clear framework for police to obtain and use information from human sources and to ensure that they are used in an ethical and justifiable manner. The bill sets out the process for the registration, use and management of human sources by providing all necessary powers, responsibilities and decision-making processes to Victoria Police. As we have heard, the bill includes a rigorous registration and oversight framework which is aimed at preventing the events that led to the commission from ever happening again. The commission did not recommend that any person should be prohibited from being a human source but that appropriate protections and external oversight arrangements should be legislated. Accordingly, the bill does not prevent Victoria Police from registering any class of persons as a human source, but high-risk human sources such as lawyers must be put through the most stringent registration process with the greatest number of safeguards in place. We have heard many speakers on this side allude to that.

The bill also establishes an external oversight model for the Public Interest Monitor and the Independent Broad-based Anti-corruption Commission to monitor human source activities involving

Victoria Police. The registration of lawyers would be subject to oversight by and recommendations from the Public Interest Monitor before registration is made and by IBAC after the registration has been made. Under the bill the Public Interest Monitor will oversee all registrations of higher risk reportable human sources and will have the power to make recommendations to Victoria Police about applications to register reportable human sources. Therefore Victoria Police must consider any recommendations of the Public Interest Monitor before registering a person as a reportable human source. So that is what is at the heart of this bill. As emphasised by the commission, the use of police informants plays an important role in policing and community safety that should continue, but the considerable risks that exist need to be mitigated to their strongest and fullest extent.

In terms of royal commissions and consultation, as we heard from the previous speaker before me on this side of the house, there has been significant consultation in developing this bill. It has been developed in consultation with key justice stakeholders, including Victoria Police, IBAC, the Public Interest Monitor, the Victorian Inspectorate, Victoria Legal Aid, the Commission for Children and Young People, the police informants royal commission implementation monitor and the Commonwealth Department of Home Affairs. Consultation was conducted in various forums, including through regular meetings of the implementation task force recommended by the commission, and this bill has broad support among stakeholders.

I would like to finish by thanking all of our hardworking Victorian police for their amazing work in keeping our community safe. The latest crime statistics reflect this hard work, and we have seen those strong decreases in the crime rate – the result of highly visible, proactive policing across our community backed by our government’s record \$4.5 billion investment in Victoria Police. I am very proud that that investment is making sure that Victoria Police have the tools and resources they need to keep our community safe, including being able to respond to family violence and deliver a better outcome for those affected by family violence. As we know, the last Victorian budget provided funding for an additional 502 police officers and 50 PSOs, building on the 3135 new police that are already on our streets. This includes a large increase in specialist family violence police officers. The number and the rate of family violence incidents have also decreased. We are prioritising the challenge of family violence, with \$2.9 billion to implement every single one of the royal commission’s recommendations to reform family violence systems to support victim-survivors and hold perpetrators to account. So we will deliver on both of those royal commissions, keeping Victorians safe and ensuring the continued trust and confidence in our justice system. This bill is another step in that important journey, and I commend the bill to the house.

Tim READ (Brunswick) (15:09): I rise today to speak for the Greens on the Human Source Management Bill 2023. This is one of the more controversial and technical bills that is likely to enter Parliament in this term of government, and given we have only a couple of weeks to go over it, I am not able today to outline a final Greens position on every issue raised by interest groups and in the media. To this point, I would like to thank the government and departmental staff, the Shadow Attorney-General and stakeholders, including the Law Institute of Victoria, the Victorian Bar, the Victorian Aboriginal Legal Service, the Centre for Public Integrity, Robinson Gill Lawyers and others for reaching out and engaging with us on this bill. From this early engagement I am reassured that while there are differences of opinion between various groups, there is a common desire to make these laws work. This too is the Greens’ intention, and we will continue engaging in good faith with all parties to this end as the bill moves to the other place.

I will briefly now comment on our position on the bill’s proposed safeguards and limitations in relation to the use of children as human sources. The Greens believe these safeguards and limitations are inadequate, and I will be circulating amendments outlining our proposals to strengthen these protections in the bill shortly. But perhaps I should start on where there is agreement. As the minister outlined in the second-reading speech, the bill delivers on implementing recommendations 8 to 18, 44 to 56 and 58 of the Royal Commission into the Management of Police Informants by establishing a legislative framework to regulate Victoria Police’s use and management of human sources, including some external

oversight of these powers. There can be no doubt about that. But what is questionable is whether the proposed legislative framework goes far enough to prevent a recurrence of what the High Court described as ‘reprehensible conduct’ by Victoria Police, which ultimately led to the royal commission.

Although Victoria Police now have finally apologised for allowing lawyer Nicola Gobbo to inform on her clients and have vowed that such conduct will never be allowed to occur again, what is concerning is there appears to be no clear statutory rule here that will prevent it, despite the numerous layers of compliance framework proposed in the bill. Indeed much of the framework appears almost to codify in law the exact historical processes that led to Nicola Gobbo being used as a human source by Victoria Police. While there are formalised independent oversight and reporting requirements in the bill, ultimately, as with the circumstances that led to the registration of Lawyer X, the bill proposes that Victoria Police remains the final decision-maker as to whether or not to register an individual as a human source.

Former Court of Appeal judge Stephen Charles, who is not prone to hyperbole, has gone as far as saying that not only does the bill fail to prevent another Lawyer X episode but it is specifically intended to allow such an event to occur. Legal groups are united on this point and are demanding that the bill be amended to expressly prohibit a lawyer being used as a human source by Victoria Police. Such an amendment is certainly also appealing as a means of simplifying the bill, as it would also provide for the omission of all the subsequent convoluted clauses and questionable definitions surrounding how to determine and manage issues related to legal privilege. Here I am very mindful of the experience of the Bail Act 1997, where we have seen that many layers of administratively onerous legislative requirements that look impressive on paper only serve to make daily practical compliance with these requirements by members of Victoria Police far less likely.

We are also aware that the royal commission did not explicitly recommend an outright prohibition on lawyers being used as human sources, mainly because there may be extremely rare circumstances where this may be necessary. One amendment that the Greens are seriously considering supporting would be to insert a form of independent judicial review above the Chief Commissioner of Police in terms of the final decision to register an individual as a human source. The fact that such an independent review is not included in the bill is not surprising given Victoria Police strenuously opposes any external limitation on its powers on general principle, but I note that the UK’s Regulation of Investigatory Powers Act 2000, the gold standard act on human source management that informed the creation of this bill, does require judicial approval before authorisations for the use of a covert human intelligence source can take effect. Such independent oversight would certainly remove some of the more farcical aspects of the bill – for example, where clause 58 provides that the Public Interest Monitor can appeal a delegated decision of the chief commissioner. Who does the Public Interest Monitor appeal to? To the chief commissioner. Other than Victoria Police’s longstanding aversion to independent oversight, I am yet to receive any persuasive reasons why keeping all the final decision-making on human sources in-house is to the overall benefit of the community.

Given all this, I can confirm that after some thought the Greens will be supporting the reasoned amendment put forward by the member for Malvern, because we feel it pretty effectively goes to the heart of the issues I have summarised. While the bill will obviously proceed to the other place in a few weeks regardless, we urge the government to attempt to undertake the actions requested by the reasoned amendment if only as a means of acting according to best practice on such an important and complex bill.

I will turn now to the insufficient protections for children used as human sources. Here I wish to advise the house that I have amendments and request that they now be circulated.

Amendments circulated under standing orders.

Tim READ: Part 2 of the bill seeks to impose a number of prohibitions and protections for children acting as human sources. Clause 12 prohibits police requesting, inducing or procuring registration of

a child aged 14 years or under as a human source and clause 15 prohibits police tasking – that is, giving assignments to human sources – for this same age group. What is not clear in the bill is why these prohibitions have been restricted to just children aged 14 and under and why this age has been chosen. We would argue that while all potential human sources are in a vulnerable situation, all children under 18 are especially so, particularly those that tend to come into contact with Victoria Police. We would also argue that the issues, potential risks and lifelong future consequences relating to a child being used as a human source are incredibly complex and far reaching. My first set of amendments recognises this by proposing to raise the age for the prohibition on police inducing or procuring a child as a human source or tasking a child so it applies to all children under the age of 18.

The second category of amendments seeks to strengthen the bill's proposed protections for a child in interactions concerning their registration as a human source and those who are already human sources, outlined in clauses 16 and 17 respectively. The bill proposes that a child is entitled to the presence of a lawyer, parent or guardian or an independent third person during interactions with police when being registered or being used as a human source and that police must advise the child of this entitlement and take reasonable steps to facilitate the presence of these parties if requested. We think that a system that effectively places the onus on the child to request that they receive their own minimum protections and that police only have to endeavour to see these protections put in place is inadequate. As I have mentioned, it is hard to imagine a more fraught and vulnerable situation, both legally and personally, than that of a child who is being registered or used as a human source by police. The power imbalance alone between a child and police officers dictates that it is inappropriate for a child to be left on their own in such circumstances. The bill must ensure that they are always present with either a lawyer or a parent or guardian or independent third party during these interactions. The Greens amendments impose such a mandate. The amendments do, however, insert a new clause to make these protections more flexible where a child is to be registered as an emergency human source. It is our expectation that such a necessity to use a child as a source in an emergency setting would be so exceptionally rare and serious – essentially confined to matters of imminent life or death – that allowing a less onerous procedure for ensuring protections in these circumstances is proportionate.

We have also not ruled out introducing further amendments to the bill to protect children, particularly to strengthen the definitions and requirements in relation to police obtaining informed consent. There is much, much more work to be done on this bill as it moves to the other place, and once again I can commit that the Greens will work in earnest with all parties to see that this bill is improved.

Steve McGHIE (Melton) (15:18): I rise today to contribute to the Human Source Management Bill 2023. Firstly, I would like to acknowledge the work of the Attorney-General – the hard work that she has put into this bill – and of course those in her office that have assisted. I would also like to acknowledge some of the stakeholders and organisations who were consulted with in relation to this bill, and they included Victoria Police, the Public Interest Monitor, IBAC, the Victorian Inspectorate, the Commission for Children and Young People, Victoria Legal Aid and of course the implementation monitor. The need for this bill arose from the Royal Commission into the Management of Police Informants, which delivered its final report in November 2020. The report contained 111 recommendations, 54 of which are directed towards the current Victorian government.

The introduction of the Human Source Management Bill 2023 and consequentially an amendment to the Victoria Police Act 2013 will single-handedly deliver on 25 of the recommendations outlined by the commission, firstly, by providing for the registration, use and management of human sources by Victoria Police and also by providing for the external oversight of Victoria Police's use of human sources. In doing that, we are going to be delivering on recommendations 8 to 18, 44 to 56 and 58 of the commission's outcomes. Part of our action is to ensure that the events investigated by the commission will never happen again. Of course none of us in this party – and I think all flavours of politics – want to see a similar episode to what has happened in the Nicola Gobbo matter.

The bill takes a risk-based approach to balancing our community safety needs with the requirements to uphold justice, and the risks that must be considered are the safety risk to the human source, the risk

to prosecution and administration of justice and the risk of undermining trust in professional relationships.

Firstly, I would like to acknowledge and thank VicPol and all the members of VicPol for keeping our communities safe and for the great work that they do and in particular in my electorate that takes in Melton, Bacchus Marsh and the surrounding district out in the west there. They do amazing work through all parts of the community, in particular with our young. It is amazing what they try to do to keep some of our younger generation on the straight and narrow and out of trouble, so I commend all of them for all their efforts and I thank them.

The Human Source Management Bill 2023 acknowledges the importance of human sources in our criminal justice system and it ensures that these sources are registered and used in an ethical manner and that informants who are at higher risk – our most vulnerable informants, which are our children, people with serious physical or mental health conditions and those who have access to privileged information as defined by the Evidence Act 2008 – are protected. This bill is just one of the many actions being undertaken by the Andrews Labor government in response to the commission in order to ensure the integrity of our criminal justice system, building on actions already taken by Victoria Police. In addition to this bill we have established the Office of the Special Investigator in accordance with the Special Investigator Act 2021, and of course we will continue to reform Victoria's disclosure regime in criminal proceedings. These actions directly affirm our party's core values of fairness and achieving social justice.

The introduction of this bill means that Victoria Police will have to formally register a person prior to using them as a human source, with the exception of information provided to the police in a one-off interaction. Any person providing assistance to VicPol on a criminal matter or who VicPol are using to gather information will need to be registered as a human source. The human source must provide informed consent to their registration prior to being registered, with the reasonable expectation of confidentiality relating to their interactions with Victoria Police. The registration process will require an officer at the rank of senior officer or higher to approve registration of a non-reportable human source, with the approval of an assistant commissioner or higher required to register high-risk informants. By aligning the officer's seniority with the levels of risk, Victoria Police will be able to ensure that the use of a person as a human source is justified and appropriate and that any risks are managed appropriately.

Of course, appropriate boundaries are to be set for the human source relationship, including establishing the purpose of the registration and any conditions to be placed on that registration. Registered non-reportable sources are those who have an ongoing relationship with police but do not meet the other risk criteria, and registered reportable sources are deemed higher risk. They require registration even if providing one-off information only. This is especially important for protecting our most vulnerable human sources – that is, the young people under 18 years of age. I acknowledge that the Greens have put forward through the member for Brunswick some amendments in regard to people aged 14 years or under, and I am sure that that matter will be dealt with in the appropriate fashion.

To register a young person as a human source, Victoria Police must show that there is a serious threat to national security, the community or the life and welfare of a person or that a serious offence is being investigated, and there must also be no other way of obtaining that information. That is a protection mechanism for the younger people involved in this process. Young people must be treated as a high-risk reportable human source, meaning the Public Interest Monitor and a senior police officer must be involved in the registration decision, so there are a number of steps to work through before they can be registered.

Specialist advice must be considered before the young person can be registered as a human source, such as from a psychologist or a social worker, in regard to that young person's capacity, I suppose, and welfare in regard to seeking that advice from those medicos. A young person's best interests and the impact of registration on their wellbeing must be considered prior to registration. We know these

types of investigations and involvement in such processes as this can really cause anxiety and stress for people and certainly for someone so young, and that is why, again, there has to be some advice from a psychologist or social worker for that younger person to participate. We know the impact can cause significant trauma to individuals involved in some serious matters that are being investigated by VicPol. So the young person's best interests and the impact of registration on their wellbeing are considered, again, as I said, and advice is sought from those medicos, such as a psychologist.

Of course the young person is entitled to legal assistance at key stages of the process, and it is only fair that they be represented by a legal representative, as would be normal. In addition to the young person's own informed consent, police must obtain the informed consent of the young person's parent or guardian to register them. The bill also entitles all children to have a parent, guardian or independent person present during their key interactions, and Victoria Police are prohibited from using a child aged 14 years or younger as a human source. However, they are still permitted to receive information from a child of this age if the child discloses information to VicPol.

In the short time that I have got left, I know that in regard to this Human Source Management Bill and the issue of VicPol, the contribution and funding provided by the Andrews Labor government over a number of years I think is in excess of about \$4 billion, and there is also the recruitment of many more police officers across the state to help them to do their job. As I acknowledged earlier in my contribution, the members of our Victorian police do a wonderful job under trying circumstances. It is not an easy job. They do their best every day. Some things do not always work out as the best outcomes, but I know that they are keeping us safe and working day and night when we are all home resting and enjoying ourselves at times and staying safe. As I say, I acknowledge their efforts, their hard-earned efforts, and I appreciate what they are doing in particular out in my electorate. This is an important bill, and I commend this bill to the house.

Nina TAYLOR (Albert Park) (15:28): I shall seek to acquit some of the opposing arguments that have been raised today, noting that my learned colleagues have already addressed many of the opposing arguments that have already come before the chamber. Firstly, I note that the member for Brunswick was seeking to raise some matters concerning a comparison between the system or approach used in the UK versus Australia with regard to the context of this bill and matters of human sources. However, I am of the understanding that one has to take care when making a comparison with the UK system because it is actually a broader system. So we are not dealing with apples and apples, and therefore there may be a risk of an inappropriate – not inappropriate, but perhaps not an accurate – comparison between the two systems. So if that goes some way to acquit some of the concerns in that regard raised by the honourable member, I think that might be helpful under the circumstances.

I note that the member for Malvern – and I am paraphrasing, so I am happy to be corrected – raised the issue that somehow this bill is seeking a repetition of what led to the Royal Commission into the Management of Police Informants in the first place. I think that we can strongly rebut that contention. I respect his position of having an opposing view to elements of the bill. However, I would suggest that care has to be taken not to oversimplify the incredible complexity of the circumstances under which the various legislative reforms are being brought through and what they are seeking to address.

Now, firstly, if I go some way to addressing the concerns that underpin some of the issues raised by the member for Malvern and others in the opposition, why are we implementing this new legislation – and I emphasise 'new'? The commission recommended that the Victorian government introduce legislation to regulate Victoria Police's use of human sources. I believe this point has already been raised in the chamber, but I do wish to reiterate the point because I understand that opposition to this point has been raised a number of times. So forgive me if there is an element of repetition, but perhaps by emphasising this point it will enable clarity within the chamber.

No existing legislation governs the registration or use of human sources, and the bill is an Australian first. Now, I am not suggesting that because it is an Australian first, that is the endpoint but rather simply to suggest that we do have new matter here. We do have reforms which are specifically

addressing the concerns and follow from recommendations of the royal commission, and I think it would be injurious to the debate to diminish the significance of those reforms. There is risk of that, so I do wish to put that point before the chamber. Look at that specific point, and I think that is the underlying purpose. That is: how does this bill go to preventing a recurrence of what led to the royal commission in the first place?

The bill includes a rigorous registration and oversight framework which is aimed at preventing the events that led to the commission from ever happening again. The commission did not recommend that any person should be prohibited from being a human source – and I note this is perhaps where some of the conjecture is – but that appropriate protections and external oversight arrangements should be legislated, and that is exactly what we are here to do today.

Zoning in on perhaps where some of the specific conjecture has been regarding the issue of lawyers and registering certain classes of persons as human sources, we note that the bill does not prevent Victoria Police from registering any class of person as a human source, but high-risk human sources such as lawyers – and I am going to, I think, a fairly cogent element of this debate – must be put through the most stringent registration process with the greatest number of safeguards in place. A senior police officer must assess the risks involved and must decide – and note ‘must’ – that the registration is appropriate and justified after considering legal advice, and further, the registration of a lawyer would be subject to oversight by and recommendations from the Public Interest Monitor before the registration is made and by IBAC after the registration has been made.

Why doesn't the bill prohibit Victoria Police from registering a lawyer as a human source? I think this is also where a lot of the conjecture has been today. The commission considered but made clear that it did not recommend that any person should be prohibited from being a human source, including a lawyer. Why? The commission noted that a blanket ban would not eradicate the risk of privileged information being provided by a human source, nor would it equip police officers with the skills to respond appropriately if this occurred. I think, for the benefit of the chamber, we can see why that is a pretty significant issue with regard to addressing the fundamental tenets of this bill.

Now I am going to play devil's advocate here. What would happen if the bill banned Victoria Police from registering lawyers as human sources? I think it is really important that we do explore that matter here today. It could prevent lawyers from confidentially providing this critical information to police to allow them to act to prevent threats. What sort of threats am I talking about? Threats to national security, the community or the life or welfare of a person – it is reasonably obvious these they are very, very significant issues that would lead to this circumstance occurring.

It would also risk unsolicited disclosure of this information to Victoria Police without attracting – and this is a really, really important point – any of the oversight measures that currently apply under the bill, including the requirement to obtain legal advice and to notify and receive recommendations from the Public Interest Monitor. I think that is really a fundamental point, and I hope that goes some way to allaying some of the concerns that have been raised in the chamber today.

A further issue that I wish to explore, because it was raised in the chamber, is with regard to vulnerable persons. It is fair enough to raise these questions. What safeguards does the bill include if Victoria Police wishes to register a person with a serious medical or mental health condition as a human source? The bill will require people with a serious medical or mental health condition to be treated as higher risk reportable human sources. This means that the Public Interest Monitor and a senior Victoria Police officer must be involved in decisions to register them as human sources. Victoria Police will also have to consider specialist medical or mental health advice. A registration of a person with a serious medical or mental health condition as a human source must be reviewed at least every month, and registrations can only be made for a maximum period of six months. So you can see that very prudent and very careful consideration has been undertaken to make sure that there are appropriate protections in place for vulnerable persons such as those with a mental health condition.

I note the bill embeds significant checks and balances in those occasions where there may be exceptional and compelling circumstances. I am going to the issue of privilege. It is also important to note that the legal profession already has established obligations to maintain legal privilege and around where it would be appropriate to break privilege for community safety, under the uniform rules. This is widely understood in practice within the legal profession. The systemic failing of the Nicola Gobbo case is that Victoria Police did not have adequate understanding of the risk related to privileged information and further was not equipped to appropriately manage a human source who had access to privileged information. This bill therefore sets up a framework for Victoria Police to receive any privileged information as well as the appropriate safeguards to ensure that it is appropriate to do so. I hope that goes some way to acquitting that matter, because I know that was also raised in the chamber earlier.

Paul EDBROOKE (Frankston) (15:38): Acting Speaker Hamer, I can tell the member for Albert Park kept you on the edge of your seat, and I will try to keep you there too, but no guarantees. It is indeed a pleasure to rise and speak on the Human Source Management Bill 2023. We are here after the Royal Commission into the Management of Police Informants, essentially because of an internal police process, which was governed internally, led to the use by Victoria Police of a covert informant. She happened to be a lawyer who represented clients, who in turn thought that she was acting for them and representing their interests solely – which would be appropriate – but instead it seems that people with privileged information, such as the lawyer, were used as informants against the clients' interests. This of course led to the royal commission.

I will get to some of the points that the opposition have raised a little bit down the track, but basically what the royal commission found was that the use of human sources by Victoria Police was regulated internally by Victoria Police's internal procedures and policies, but policy alone was insufficient to instil confidence in the Victorian community that the risks inherent with the use of human sources were appropriately managed, and new legislation was required. And here we are. The commission delivered its final report to the Governor on 30 November 2020, which included 111 recommendations, 54 of which related to the state government. This bill will deliver recommendations 8 to 18, 44 to 56, and 58. I will get to number 16 soon, because the opposition have been I think a little bit misinformed, or maybe it has been a bit more malicious, the way they have been speaking about that particular recommendation. The commission also made 21 recommendations to VicPol to update its internal policies related to human source management, all of which have now been delivered.

The royal commission was called essentially because of the deterioration of public confidence in this system. The bill essentially, through those recommendations and the clauses therein, sets out a process for registration, use and management of Victoria Police's human sources. It provides the necessary powers, responsibilities and decision-making processes to VicPol. It establishes an external oversight model, importantly, where the Public Interest Monitor provides oversight for registration of high-risk reportable human sources. IBAC retrospectively will monitor VicPol's compliance with the bill. The bill ensures that the Victorian Inspectorate will in turn provide oversight of IBAC and the PIM's exercise of coercive information-gathering powers. Consultation has ensured that stakeholders have been spoken to, that they have had their opinions heard and that the bill is broadly supported, operationally workable for Victoria Police and consistent with the overall intent of the royal commission recommendations.

The bill in practice identifies risks such as the risk to safety of the human source, the risk to prosecution and administration of justice and the risk of undermining trust in professional relationships. Conceptually there are three categories that the recommendations identified, and these are also in the bill: those offering one-off information to police who do not meet any of the risk criteria and do not need to be registered informants; non-reportable sources who are those that have an ongoing relationship with police and do not meet other criteria; and also registered and reportable sources who are deemed high risk. High-risk human sources include categories of people who might be under the age of 18, have serious medical or mental health conditions or are reasonably expected to have access to privileged information. They require registration even if it is a one-off.

Now we get to where the opposition have been targeting most of their critique of this bill today. I will lay the groundwork for this by saying that we have drawn this piece of legislation up on the recommendations of the commission. Their argument is with the commission. We know they are desperate and their gene pool is pretty shallow when the opposition argument against this bill is solely based on the opinion of a former *Herald Sun* editor, who as far as I can see is not a legal expert. I will take a royal commission and their recommendations any day over that. It seems very, very, very frustrating to me that that would be something that you think is a foundation of evidence that you should bring to this arena, so to speak. We had the Honourable Margaret McMurdo, the counsel assisting and the solicitors assisting. I am sure that my confidence is not misplaced in the fact that they read all the submissions – I think there were 154. They took their time, and they made sure to make recommendations that could be put into legislation, could be enacted and would make a difference where the rubber meets the road.

We have heard the member for Albert Park, who more succinctly and eloquently than me could put into –

Nina Taylor: You're very kind.

Paul EDBROOKE: No, you were. She explained how the commission reasoned that there may be exceptional and compelling circumstances, such as the need to respond to significant threats to community safety, where it would be appropriate to register a lawyer as human source. This resulted in the commissioner making recommendation 16, where Victoria Police can register a person who may have access to privileged information, including lawyers. Again, maybe the opposition should have made a submission to the royal commission if that is their opinion. They can pick lots of different people who might have different opinions about legislation, as they have done over the last couple of days, but it does not mean it is right or wrong – it means it is an opinion. We are here now because a royal commission, not a former *Herald Sun* editor, has made these recommendations, and that is very important.

The commission did actually consider a blanket ban and found it was not warranted, because it would not eradicate the risk of confidential or privileged information being provided by a human source, and they surmised that it would not actually equip VicPol with the skills to respond appropriately when it occurs anyway. The bill embeds significant checks and balances for those rare occasions where there may be exceptional and compelling circumstances. I know colleagues on this side of the house have I guess given an overview of those, and I will not continue doing that.

The opposition has had several positions on this bill. The one that I will go back to, and the main one regarding recommendation 16, is that there are certain stakeholders that have said that this bill will not work. Again, the opposition's argument is with the commission – maybe they should have made a submission. The opposition's argument is not with this legislation. This legislation reflects the royal commission's recommendations. I will say it again: I am much happier and much more confident to actually accept the recommendations from the royal commission than those from the *Herald Sun*, and I think they should be a lot more comfortable with that as well.

There seems to be this conjecture about 'Well, this won't stop it.' That begs the question: how do we stop someone committing a crime? We are here as legislators, and we draft laws. They make very clear what is illegal and what is not illegal and also the consequences at times. The next question is: how do you stop people doing illegal things? The issue there is, unless you are in someone's mind, you cannot stop someone who might want to break the law or makes a decision to break the law, knowing it is wrong. Then you have got the question of amoral versus immoral, which we will not get into today. But legislation is not a magic bullet to stop people committing crime. We cannot stop people who might be in privileged positions' pillow talk. We cannot stop people deciding that they will break the law. But they will know that they have broken the law. It is very clear what is within the bounds of this legislation and what would be wrong. The commission called for tighter checks and balances, which in the end I think is very, very important for this bill.

The amendments that the Greens have put up and the Liberals have put up are not required. Indeed I think they have been drafted on inaccuracies, essentially. They are definitely not required, and we are going to have other members on this side talk about that more thoroughly. In the time I have got left I would like to say that our Victorian police do a great job. I am sure the legal fraternity do a great job too. Thankfully, I have not got much to do with them – no offence to the member for Albert Park – but I do commend this bill to the house.

Bronwyn HALFPENNY (Thomastown) (15:48): I also rise to speak in favour of the Human Source Management Bill 2023. I think all the points of debate on this legislation have well and truly been already flagged and spoken about, so I guess I will continue to reinforce the arguments on this side of the house in terms of why we need this legislation, why it is important and why it is that the opposition's concerns are really not well thought out or properly considered.

How did this bill come about? The first thing we all need to realise, remember and put in the front of our minds is that this legislation is the result of the Royal Commission into the Management of Police Informants, and it was the royal commission, based on many submissions and the airing of alternative views and stakeholders putting their cases, that recommended that the government should legislate to provide oversight of the management of police informants. It was in the wake of the exposure of the appalling police practices in the case of Nicola Gobbo, where as a lawyer or a barrister she was informing on her own clients. This conduct was considered to be unethical and not to warrant natural justice, as well as of course putting in doubt many criminal convictions that are continuing to go through the courts even now.

Now, this bill was introduced to provide transparency and oversight over the police use of human sources, or informants, and to provide a framework of registration for the use and management of such informants. The bill delivers on a number of the recommendations by the royal commission, not just one. There are a number that are included in this legislation, and the Andrews Labor government of course is committed to implementing all of them. This bill, as I understand, will mark the delivery of 48 of the 55 recommendations that were directed at government. There are still some seven or so to be implemented. As I said, our government has committed to implementing them all, but things often take a little bit of time in terms of developing the exact right legislative framework and how it will apply within the legal system.

At the moment the problem is that we do not have a formal legislative framework of registration, oversight and monitoring; we more or less have a bit of an informal system that is not enshrined in law and is overseen by the police themselves. Of course we know that in order to be transparent organisations really need some external body in terms of oversight, especially when it comes to things such as the critical use of informants or human sources in order to investigate criminal activities, to provide intelligence on criminal activities and to investigate crimes in order to catch the perpetrators and get them off the streets or provide the proper punishments.

I am just going to go through some of the key areas. First is the registration of human sources, and this means that the police will be required to register a human source that they are going to use, whether for now or even in the future if they are going to use the information of that source. We have heard a lot from the opposition and others about concerns that there are sources that may have access to privileged information about a particular client. I guess in this case we are talking, for example, lawyers or barristers, as in the case of Nicola Gobbo. There was this concern expressed that if we have human sources, there ought to be certain ones that should be excluded because they have privileged information. But under the registration system that the government is proposing in this legislation, it will be taken very seriously as to who and who should not be registered to be a human source, and the decision can only be made to put such a person on the register by the Chief Commissioner of Police or someone that they delegate, but no less than the rank of assistant commissioner or above.

There are further provisions around that and restrictions, such as that there also has to be a test of whether the need to register that human source is as a result of there being a serious threat to national

security, the community or the life and welfare of a person, and that the information cannot be obtained through any other reasonable means. So we have got the transparency of registering an informant and the protections that they will get, as well as the extra qualification that in the case of a person perhaps having access to privileged information, they also have to be registered by someone at the highest level of the police force. Then of course there will be a test as to whether or not that person should stay, based on the seriousness of the threat, and that will be under scrutiny from yet another external agency. Similarly, the bill provides stricter requirements for people under 18 and those with certain vulnerabilities that provide information: that they need to be properly registered, with a very strict requirement to conceal identity.

Now I will go on to the external oversight, which is at many levels. The police must report to IBAC and the Public Interest Monitor, and these bodies would then report to the Victorian Inspectorate in some of those really critical human source cases. There will have to be a preparation of annual reports, and they will be tabled in Parliament – although sensitive material can be removed – again providing that external oversight as to how human sources are being used and ensuring there are proper checks and balances. There are also of course new criminal offences to protect the safety of human sources and the integrity of investigations. There are prohibitions on unauthorised disclosure of human source information and, again, penalties that will result in criminal offences if anything is breached. Again we see in the case as it is now, the regime that is there without the legislation, that really there are no penalties. We all agree that it was wrong and should not happen, but really, what are the punishments or the things to de-incentivise people from doing the wrong thing?

Sure, I know that everyone realises that police investigations very much rely on information from others. In the most public sense we have got Crime Stoppers where members of the public are asked to provide information. Similarly, we see rewards are often advertised to provide a financial incentive to people to provide information that will lead to a conviction. All of these sources are information from human sources or informants. It is so critical to police investigations and also the collection of intelligence around crimes to get this information from the public, from people that know. But of course there need to be strict protections to ensure that those people are protected and that their information is also provided in a way that will guarantee, hopefully, a conviction that cannot then be overturned. It does not apply to anonymous tip-offs, and it only applies to people who have a reasonable expectation of confidentiality and who Victoria Police want to obtain information or assistance from for a criminal investigation or the gathering of criminal intelligence.

Again, as I said, there has been criticism that the bill does not prohibit any person from becoming a human source; however, the royal commission did not recommend that some people or categories of people should be prohibited from being human sources. The government is relying on and is committed to implementing the recommendations of the royal commission – that is why we are doing it – but we are making sure that there are stronger protections and external oversight and safeguards. We know in cases where people have privileged information that it is already a requirement – in fact it is mandatory – for them to provide information, even if privileged. If you look at the cases of child abuse, for example, there are certain requirements of the medical profession and teachers, so this is not new.

Anthony CIANFLONE (Pascoe Vale) (15:58): I rise to speak on the Human Source Management Bill 2023. In doing so I would like to begin by acknowledging and thanking all the members, officers and support staff of Victoria Police for all the work they do to keep our communities safe. First established in 1853, Victoria Police and its members have been keeping our community safe for 170 years. Whether it is arriving as the first on the scene of any reportable crime or offence the public may need assistance with across all of our electorates or whether it is through vital community engagement to prevent and deter crime, Victoria Police are there to service and protect our communities 24 hours a day, seven days a week. Undoubtedly one of the most challenging yet rewarding roles that exists, Victorian police officers do make a vital difference every day to help keep Victorians safe.

In this context I would like to acknowledge the work of the Police Association Victoria representing their members interests as well as acknowledge the work of the police officers who service my electorate, many of whom work from Fawkner police Station and the Brunswick police station, and thank them. It was a pleasure to have visited Fawkner police station in late 2022 with the Minister for Police and the member for Broadmeadows to see firsthand the important work they do every day to keep our residents safe, including through their frontline work in supporting our culturally diverse communities as well as in responding to family violence, mental health and many other community safety issues. I am proud to be part of a Victorian Labor government that has continued to provide Victoria Police with the tools and resources they need to keep our communities safe, with more than \$4.5 billion invested since 2014, which has delivered over 3600 new police over that period.

However, notwithstanding this overarching good work by police and the overarching goodwill of government to support this work, we must always remain vigilant and responsive to opportunities that exist to improve the way in which our criminal justice and police investigatory systems are administered, including the way in which human sources are utilised by Victoria Police. It is the conduct of Victoria Police and the way in which they engaged and sustained defence barrister Nicola Gobbo as a human source to subsequently convict numerous persons that has impacted the very foundations of our criminal justice system and brought us here today to consider this bill. The Victorian government announced the establishment of the Royal Commission into the Management of Police Informants on 3 December 2018 to determine how many criminal convictions may have been impacted by the use of a lawyer as a police informant and to determine what changes may be needed to the management of informants by Victoria Police to prevent similar conduct in future. This announcement followed the publication of the High Court's decision in 2018 which revealed that former criminal barrister Nicola Gobbo was a registered police informer. I would like to acknowledge and thank all those who commenced, led and supported the royal commission's work, including former Attorney-General Jill Hennessy and former police minister Lisa Neville, as well as the Honourable Margaret McMurdo AC, commissioner for the royal commission, and all the other staff and contributors who supported the commission's work over so long.

The important work of the commission concluded in 2020, with the final report and recommendations being handed to the Governor of Victoria on 30 November 2020. The commission found and emphasised that the use of human sources does play an important role in policing and community safety and in detecting and solving crime. The report noted that approximately 1200 human source registration applications were submitted between July 2017 and June 2020, and the report also noted that human sources are likely to become increasingly important as the effectiveness of other investigative methods is impacted by new technology and the growing sophistication of criminal networks. The commission's report outlined the use of human sources by Victoria Police and how they should continue but said that considerable risks exist for relevant parties due to the covert nature of human sources.

The commission's work specifically considered how Victoria Police registered Ms Gobbo as a human source three times between 1993 and 2010 to provide information about her clients and associates and their people, and the commission could not have been any clearer in its findings on the need for formal and legal regulatory processes to be put in place to prevent such situations from occurring in future. In this regard I refer the house to page 6 of the commission's final report, which states:

The High Court described the conduct of Ms Gobbo and Victoria Police as a corruption of the criminal justice system ...

The commission also noted that of the 1200 human sources registered with Victoria Police between 2017 and 2020, only 3.5 per cent at the time resulted in these registrations of a person who was potentially subject to legal obligations of confidentiality or privilege. An incredibly small percentage of sources have fallen into this category previously. The royal commission did find that Victoria Police had made significant improvements to its human source management processes since these events that led to the commission, but it also noted that internal policy alone is not sufficient to instil confidence

in the Victorian community that the risks inherent with the use of human sources are being appropriately managed.

The commission recommended that the Victorian government develop legislation by the end of November 2022 to regulate and oversight the registration, use and management of human sources by Victoria Police. The commission's report included 111 recommendations, 54 of which were directed to the Victorian government. The government is committed to implementing all of the recommendations of the commission, and this bill will deliver on recommendations 8 to 18, 44 to 56 and 58. It is therefore essential for this Parliament to progress consideration of this bill to ensure appropriate legislative reforms are implemented as soon as possible.

This bill will set out the process for the registration, use and management of Victoria Police's human sources by providing necessary powers, responsibilities and decision-making processes to Victoria Police and establish an external, robust oversight model where the Public Interest Monitor provides oversight for registration of high-risk reportable human sources and IBAC retrospectively monitors Victoria Police's compliance with the bill, regulations and relevant internal policies. The Victorian Inspectorate will in turn provide oversight of IBAC and the Public Interest Monitor's exercise of coercive information-gathering powers.

The bill has been developed in very close consultation, despite some of the claims from those opposite, with key stakeholders, including Victoria Police, the Public Interest Monitor, IBAC, the Victorian Inspectorate, the Commission for Children and Young People, Victoria Legal Aid and the police informants royal commission implementation monitor. Consultation has ensured that that the settings in this bill are broadly supported, operationally workable for Victoria Police and consistent with the commission's recommendations and overall intent.

To provide agencies with time to prepare for implementation the bill has a default commencement date of 30 September 2024. The bill is the first of its kind in Australia and sets out the process for registration, use and management of Victoria Police's human sources, establishing that external oversight to ensure that sources are used in an ethical and justifiable manner.

The bill ensures significant protections are put in place where risks are greatest: where a person has access to privileged information, is under the age of 18 or has serious physical or mental health conditions. The bill will also make it an offence to disclose information that would reveal a person is or was a human source unless the disclosure is for a permitted purpose, with a maximum penalty of two years imprisonment. It includes an aggravated offence where a person who discloses the information does so either to endanger the health and safety of any person or to interfere with a criminal investigation or prosecution. The maximum penalty for this offence is 10 years imprisonment.

The bill builds on the steps Victoria Police has already taken to improve its management of human sources, including becoming one of the few law enforcement agencies in Australia to proactively adopt safeguards for the use of human sources involving legal obligations, confidentiality or privilege. The bill does continue the significant work done by the Andrews Labor government to deliver the commission's recommendations, including reforms to Victoria's disclosure regime in criminal proceedings and the establishment of the Office of the Special Investigator. We are continuing to work on delivering all of these recommendations. Through this bill Victoria Police will have a clear framework to help manage highly sensitive information and ensure the welfare of police informants. Key to the operation of these laws will be multiple levels of robust oversight, bolstering the public's confidence in our criminal justice system. A clear case was made for change via the royal commission, and that is exactly what we are getting on to do through this bill.

I would like to take this moment as well just to commend the work of the Attorney-General in the other place as well as the Minister for Police for their efforts in developing and progressing the detail of this bill. I commend this bill to the house.

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (16:07): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

Building and Planning Legislation Amendment Bill 2022

Council's agreement

The DEPUTY SPEAKER (16:07): I have received a message from the Legislative Council agreeing to the Building and Planning Legislation Amendment Bill 2022 without amendment.

Health Legislation Amendment (Information Sharing) Bill 2023

Second reading

Debate resumed on motion of Mary-Anne Thomas:

That this bill be now read a second time.

and Emma Kealy's amendment:

That all the words after 'That' be omitted and replaced with the words:

'this bill be withdrawn and redrafted to provide for an opt-out provision and for the Department of Health to be subject to freedom of information requests about the scheme'.

Nina TAYLOR (Albert Park) (16:08): I note that to date with debate on this particular bill much has been said about the consequences of the fragmentation of patient health information. I am just thinking about a medical professional having to get on the fax or sitting on the end of a phone losing precious time when they could be administering any number of medical solutions or medications or alternatively could be at risk of causing an anaphylaxis if there is some sort of untoward interaction between whatever medication or medications the particular patient is on versus what solutions might be proposed based on what they are being presented with at that time. Therefore there is very much a strong imperative to see these very important reforms passed through the house.

Before I proceed to some of the more technical elements of the bill, I did want to reflect on a personal situation which I was inspired to think about when I was reading this particular bill. The actual incident was not about me, I should say, but actually with regard to a relative. I recall I came into the kitchen and a relative of mine was lying on the floor, which was unusual; my relative would not normally be lying on the floor. You do not normally lie on the floor in the kitchen, (1), but (2) he was singing opera, and never in my life had I seen this relative singing opera. I thought, 'I think something's wrong here.' I am not a medical professional, but after a few seconds seeing that something was seriously wrong it suddenly occurred to me that my relative might have hypoglycaemia.

I went to get a can of lemonade. Unfortunately, when I snapped the first can of lemonade, I broke the little seal on the thing and I could not open it because I was under pressure and – Murphy's Law – this is exactly when that happens. I then went to a second can. I was successful this time in opening the lemonade, and I tipped the lemonade down my relative's throat. There was risk in that, because we know that with hypoglycaemia there is a certain point where a person can tip into a coma, so you have to be very careful because you do not want to actually cause them to choke. So there are those delicate elements of that process. Thankfully, I did the right thing. As I say, I am not a medical professional, but because I had prior knowledge that this relative had diabetes, I was able to take a reasonable guess that the lemonade would actually address their particular condition. Thankfully, he is alive and well to this day.

I am not crediting myself with any particular special attribute in that regard, save to say: wasn't it great that I had context and I had that information readily available, because had the relative tipped into a coma, you can imagine the various consequences that could have flowed from that. Reading this bill

brought home that particular memory, because incidents like that in your life you never forget. They stay with you forever, because you go into fight or flight and they stay within your memory. I realised: what if my relative had presented at a hospital and had lain on the floor and sung opera? Would the attending physician have said, 'Oh, well, they have hypoglycaemia.' They might have. Maybe the blanched appearance, the sweating and other aspects might have clued them into that; I do not want to undermine the professionalism of a medical professional who might have been able to make that assessment. Having said that, I note it is entirely possible that other decisions could have been made. They could have thought perhaps the person was drunk, because sometimes when a person goes into hypoglycaemia they can appear like they are inebriated. I can assure you that my relative had not had a single drop of alcohol that day. He had simply done a lot of exercise, a lot more than normal, and so therefore had burnt through his sugars rather quickly.

The point of me raising that particular story is just to say how critical it is that we do support these very well-considered and timely reforms through the house, because we do not want to put medical professionals under any more pressure than they already are in situations that they have to face day in, day out, every day of the week for our benefit. I would hate to think that there was some unnecessary delaying or deterrence in passing this bill when we are not thinking about, fundamentally, the people who we expect to look after us at the end of the day. I hope that that conveys some of the sentiment. But it is beyond sentiment; it is pragmatic. These changes fundamentally are dealing with issues that are easily and entirely foreseeable. I was horrified when reading this bill to learn about the various consequences of the current system and the way it really is not functioning as it ideally should. I would like to think that collectively we would all do our best – and I believe those on the Labor side of the house certainly are doing that, I can vouch for that – to ensure that we really back in our medical professionals with regard to being able to access the information they need to make the best possible decision in a timely manner. I think that is only fair and reasonable.

Further to that, we know that there is strong support from clinicians and health services for these reforms. It is not just a flight of fancy; this is actually based on proper consultation and feedback that we have from those who are relying on us to bring forward these changes here today. The reason for the strong support – I hope I have illustrated the imperative – is it would result in improvements in practice and patient outcomes. Is that not fair and reasonable? I put it to you. I mean, it is fair and reasonable, so really the impetus is on us. On the one hand, medical professionals take the Hippocratic oath. They are there and I believe genuinely, day in, day out want to get the best outcomes for everyone who presents at emergency or otherwise, so I consider it is our role and it is upon us to pay respect to that, to pay heed to problems identified within the system to help drive a better outcome.

I did want to acquit, in the time that I have available, just a couple of the further issues that have been raised along the way. With regard to patient FOI rights, this bill does not change a patient's right to access their full medical records from their health service provider under FOI and privacy legislation. To ensure efficiency and timely care, the information that will be included upon the proposed platform is only the most relevant clinical data, relevant for the purposes of treatment, not the full medical history of the person. This includes allergies to medication, hospital treatment summaries and diagnostic reports. So again, we can see the very pragmatic and reasonable elements that are being addressed through this legislation.

Importantly, this bill does not enable FOI requests on the health sharing system. This is because it would require the department to access clinical information to respond to questions which would be inappropriate and counteractive to the strict protections and access controls the bill seeks to establish. We can see the tension here, but it is an appropriate tension and it is based on a sound rationale. It is not there to be antagonistic or unreasonable but rather it is balancing the fundamental premise of the bill – to enable appropriate protections to ensure that it does serve the community well in terms of delivering better patient outcomes and backing in our medical professionals but at the same time not compromising the privacy of the information that has been provided. I think in that regard we can see why those various elements of the bill have been put in place.

Finally, I was just going to say that there are certainly important restrictions to sensitive information to ensure additional protections for vulnerable groups, like victims of domestic violence, and only designated health service staff who need to see the information for clinical decision-making purposes will have access to it. I am sorry, I rushed that a little bit, but I just wanted to make sure that it is on the record that vulnerable persons, people who are victims of domestic violence or otherwise, have been absolutely prioritised and factored into the drafting of this bill.

Anthony CIANFLONE (Pascoe Vale) (16:18): As I said in my first speech, the health and wellbeing of every Victorian and every resident in Pascoe Vale, Coburg and Brunswick West is paramount. Regardless of age, income, background, location or circumstances, all Victorians deserve access to world-class and accessible healthcare. That is why Labor has been investing record amounts into our health system and backing in our doctors, nurses, paramedics and community healthcare workers to make sure every Victorian can get the care they need when they need it. But just as importantly, it is also critical to ensure health workers have quick and efficient access to the information they need, particularly in crucial situations when a diagnosis is critical or when a patient's life hangs in the balance, and that is what this bill is fundamentally all about. It is about giving doctors, nurses and health workers access to the health information they need for patients so they can do their jobs, save lives and support the health and wellbeing of all Victorians from all of our electorates.

We trust our doctors, nurses and healthcare workers with our own lives and the lives of our families and loved ones. We can and should trust healthcare workers with the health information of patients when they need it most. Currently in Victoria, while doctors, nurses and health workers do a magnificent job in helping Victorians, particularly more than ever during the pandemic, the reality is that critical health information that they require to assist patients largely remains spread across different health services in separate systems and in paper-based records. This fragmentation of patient and health information often means that many clinicians across our system still manually gather patient health information, including through faxes or phone calls. While improvements have been made over recent years, the system still largely remains inconsistent with modern health record-sharing approaches that have been adopted by other Australian jurisdictions, such as New South Wales, Queensland, the ACT and South Australia, all of whom have successfully implemented information sharing technology at the point of care.

The Health Legislation Amendment (Information Sharing) Bill will finally enable better information sharing between specified health services across Victoria through the establishment of a secure platform that is operated and managed by the Department of Health. The bill will amend the Health Services Act 1988 to establish a health information sharing platform for relevant health services to share certain information and for the purposes of specifically providing medical treatment and care to patients. The amendments will also authorise the collection and disclosure of health information to the secretary for the purposes of establishing and maintaining the electronic health platform and will apply to some of the following specified entities, including public hospitals, denominational hospitals, prescribed health services, registered community centres, the ambulance service and the Victorian Collaborative Centre for Mental Health and Wellbeing. The application of the bill recognises the challenges of siloed information across the public healthcare system and the importance of strengthening the system for the health and wellbeing of all Victorians. A consolidated picture of a patient's medical and health history is essential for the provision of safe and high-quality care across our health system.

This is a bill that has been developed on the sound and trusted advice of health and medical professionals. It is a bill that stems from and responds directly to the findings contained in the *Targeting Zero* report, which reviewed hospital safety and quality assurances in Victoria in 2016 and highlighted opportunities to strengthen quality care and reduce avoidable harm in the health system through better patient data management and information sharing. The *Targeting Zero* report consisted of in-depth consultation with many across the health sector, including stakeholders working in various branches of government, hospitals, not-for-profit organisations, private industry and academia through

over 50 hours of interviews and five workshops involving 320 hospital board members, CEOs, leading clinicians, directors of nursing and medical services and other health sector staff. The report put forward a number of key findings and recommendations, which this bill is now seeking to directly deliver on.

In this regard I would like to draw the house's attention to a number of key excerpts from the report, which directly relate to the need for this bill to be progressed and supported. As stated over pages 12 and 13 of the report, the review found:

Information is the lifeblood of a continuously improving hospital system ... Much essential data –
in Victoria and currently –

are not collected, not used, or not made available in a convenient form, limiting hospitals' and clinicians' ability to use information to identify opportunities for improvement and strengthen care.

Furthermore, on page 188 of the report it states:

Electronic patient records ... are expected to transform the capacity of the system to study and improve safety and quality of care. Research shows ...

electronic records

... can improve information flows between and within hospitals, make it much easier to measure, manage and coordinate care, and reduce the risk of clinicians misreading forms and providing patients with inappropriate treatment as a result ...

Some studies show the introduction of ...

electronic records

... systems has been associated with significant quality improvement, including declines in length of stay, infection rates, mortality and medication errors ...

That is why this report is very clear in recommendation 4.13.1, stating:

The department should support Victorian public hospitals to expedite their transition from paperbased to electronic patient record ... systems developed to support clinical decision making and data analytic capability, which have proven benefits for safety and quality of care.

Recommendation 4.13.2 states:

The department should adopt a goal of ensuring that ... all major hospitals have a fully electronic health record that enables interchange of information with other hospitals.

This bill will ensure we implement a new, modern information system as recommended by the *Targeting Zero* report across our health system in a manner that optimises privacy and safety for patients.

Locally this bill will have benefits for my health sector workers, residents and patients across Pascoe Vale. As I said in my first speech, it is health workers and community workers that make up the biggest industry of local residents in my area that they are employed in – almost 14 per cent. That is almost 13,000 residents. Almost 5000 local residents alone are employed in hospitals, making up 4.8 per cent of our local workforce. Many of these workers are the backbone of our hospitals, social services and medtech sectors across Melbourne, including at Parkville, the Austin and the Northern Hospital precincts. Improving data- and information-sharing capabilities for my local health workers, who I trust to have access to this information, across these sites will help them do an even better job.

For patients, the bill also provides numerous benefits. As the member for Pascoe Vale, most of my constituents who need to visit an emergency department or hospital would likely go to the Royal Melbourne, the Royal Women's, the Austin or the Northern Hospital. For the little ones, it is the world-renowned Royal Children's Hospital, which we are so lucky to have on our doorstep just in Parkville. If a local family is visiting a regional area over the Easter or Christmas breaks and needs urgent medical attention for whatever reason, and they are required to visit a regional health service, this bill will be about ensuring our health workers across the state have the tools and information they need in a

modern, efficient and pragmatic way so they can do the job to support patients from my local community. If a local patient presents to an emergency department in an incapacitated state or if an accompanying family member is unable to fully recall a patient's health history, the measures in this bill will help to ensure health professionals at these critical times have the immediate background and history they need to treat a patient in an effective way. I think my local residents would have an expectation and presume, as the member for Geelong mentioned yesterday in this debate, as did the member for Brunswick, that our hospital systems would already be able to effectively share this health information, including in the event of a patient transferring between hospitals.

Locally this bill will also benefit the high number of elderly residents and those of non-English-speaking and culturally diverse backgrounds, whom I am so proud to represent. Over 17,000 local residents across Merri-bek are aged 70 years and over, or 10 per cent of our local population, and 35 per cent of residents speak languages other than English, including 5 per cent of residents who do not speak any English at all. That is 8000 local residents in my municipality. This bill will play a crucial role in overcoming language and comprehension barriers at critical times for so many vulnerable people in my community.

As outlined in the 2021 ABS census, the residents of Merri-bek also experience a range of health conditions, many of which would likely be the cause of presentations to hospitals and health services. Almost 19,000 local residents experienced a mental health condition, including depression or anxiety. That is 11 per cent of locals, compared to 8.8 per cent on average across Victoria. 8.6 per cent suffer from asthma, 6.8 per cent suffer from arthritis, 4.3 per cent have diabetes, 3.1 per cent are diagnosed with heart disease, 2.3 per cent have some form of cancer and 1 per cent have a lung condition.

Locally I have a number of longstanding local health services who I would like to acknowledge and pay my due respects to for their ongoing work and who seek to benefit from this bill and our broader health reforms. Merri Health is the second-largest local employer in my electorate, employing up to 500 health staff, and has proudly provided health and wellbeing services to Melbourne's north for almost 50 years. Merri Health is also one of the state's largest not-for-profit health providers, having last year alone provided over 270,000 unique service contacts, including having administered over 4700 vaccinations and conducted 22,000 COVID tests. I was pleased to have had the Minister for Health visit Merri Health in July last year to announce a \$236,000 grant towards the purchase of new medical equipment. Merri Health's work will continue to play a critical role in improving local preventative health and wellbeing outcomes. I look forward to working with them, including in the context of the proposed Coburg health precinct, which has the potential to create a further 1000 local health and community service jobs and improve local health services.

I would also like to acknowledge John Fawkner hospital, situated on Moreland Road in Coburg, which first opened its doors in 1939 and has continued to provide critical health services and care for residents of the north. Today John Fawkner provides 186 beds for major and acute health conditions and a 24-hour emergency department.

I commend this bill to the house. I am just so proud to be part of a Labor Party and a Labor government as well that has supported such big health reforms in the past. Whether it was Medicare, the NDIS or the introduction of free nursing and health services, or whether now it is, through this bill, improvement of patient information and sharing systems across our health network, it is Labor that has always backed in our health system, health workers and patients. As I said, I commend the bill to the house, and I am thankful for the opportunity to contribute to the debate.

Jordan CRUGNALE (Bass) (16:28): What a remarkable contribution from the member for Pascoe Vale – to a point where I think I even considered moving to Pascoe Vale.

Members interjecting.

Jordan CRUGNALE: No, no, I am not going to. Back to Bass. I rise to speak on the Health Legislation Amendment (Information Sharing) Bill 2023. I guess, to follow on from the member for

Pascoe Vale, when I look at the electorate of Bass, we have phenomenal health services, whether it is the Kooweerup Regional Health Service, Bass Coast Health or Monash Health, who run a lot of services in the northern part of my electorate. When we look at the Bass Coast shire, it is one example of where there are 30,000 or 40,000 people during the year and then during the very busy periods we swell to about 120,000 or 130,000 people. This is where this bill and the information sharing would certainly be of huge benefit to anyone presenting at our hospitals.

We have had a few personal stories, and I may as well go there. I have spoken about this person before, who I grew up with, who I adored, who I cherished, who I loved to bits – someone very, very important to me. I am not sure if I mentioned it in my inaugural speech, but for probably 12 years or so it is something that I have been flagging at every turn is this whole information sharing between hospitals. She presented to six different emergency departments (EDs) in six months and never once was anything shared between those emergency departments. She was presenting with, I guess, a symptom of many of the other underlying things that were going on for her, which were around addiction, mental health and all the ramifications of what comes out of that.

As I said, there was a long battle with alcohol addiction, there was an eating disorder in there as well and the bone density, poor dental and trace elements – every time she presented at an emergency department she would be having all those trace elements and blood tests done, but never once was anything underlying picked up. Sadly, the sixth time she presented to hospital there was a flag in the system through ConnectED – I was working at Prahran Mission at the time – but it was the day that she actually passed away. So that did not quite help her, but I certainly hope that this bill will help many people in Victoria. With information sharing between hospitals, if it had been available, clinicians could have identified her deterioration and then could have provided immediate emergency care, which may have had very different results. As I said, this legislation could save lives.

We are as a government committed to improving patient safety and continuity of care for Victorians. Our health services and clinicians have a single point of complete and accurate patient information. Most Victorian patients will often be treated at different, separate health services over their lifetime and cannot know what information from the past will be critical to their medical future. Currently in Victoria critical health information is spread across different health services depending on where a patient has visited or been transferred, and these records are also in separate systems and paper files, making them difficult to find in times of need and urgency. We have heard through other contributions on this side of the house too that health services can and do share information for the purposes of patient care, but current communication methods are very antiquated, disjointed and cumbersome. There is ringing around to other hospitals, and we have heard a lot about faxes. Obviously phone calls, sharing over email and piecing together someone's history without access to the full picture is not really that effective, and it is certainly not an efficient use of our amazing healthcare workers' time – neither is redoing all the records or repeating tests, which leads to delays in treatment and to potentially overlooking key details. This process does need to be modernised. Under this bill health services will be guided by the department secretary in providing and updating patient information, which will then be stored securely and provided as necessary for patient care.

Further, we have heard about the opt-in, opt-out model, and it is not about whether the public health services should or should not share information; this is about establishing a secure and more efficient platform for clinicians to access the relevant clinical information to treat patients safely. There are currently no opt-out arrangements under existing legislation, and Victorian public health services currently share information for the purposes of treatment. The opt-out model suggested by David Limbrick in the other place and others is a step backwards. It undermines the primary objective of the bill, which is to ensure clinicians have access to relevant medical information to provide timely care.

The primary management framework will be implemented prior to the commencement to limit access to and management of highly sensitive health information. We do know that access will be shared on a platform to specific entities, so that is public hospitals, multipurpose services, denominational hospitals, metropolitan hospitals, prescribed health services, registered community health centres, the

ambulance service, the Victorian Institute of Forensic Mental Health and the Victorian Collaborative Centre for Mental Health and Wellbeing.

Paul Edbrooke: Tell us about Bass.

Jordan CRUGNALE: Tell us about Bass, yes. There is a lot happening in Bass – I know, with 3 minutes to go. We did just open recently a new ED, and it was great to have the Premier.

A member: Who funded that?

Jordan CRUGNALE: It was the Labor government, of course, and we have committed to doing stage 2.

A member: Good local member.

Jordan CRUGNALE: That is right. We had a ministers statement from the Premier just last sitting week on Wonthaggi Hospital and all our investment in regional and rural health services across the state. Well, not that you want to get sick, but it is great to have this amazing new ED and expanded services. We will be able to treat 26,000 emergency presentations each year. The great thing also is that previously you had to walk up the stairs with a crying baby and navigate yourself through an old hospital, and now you just sort of walk straight in. So that is a bit of a highlight for Bass Coast. If I am going to talk about Bass, we have got community hospitals in both the neighbouring electorate of Cranbourne and the new neighbouring electorate of Pakenham, which the constituents of Bass will certainly be accessing.

I was talking earlier around the information-sharing systems that are already operating in other jurisdictions. In New South Wales, Queensland, the ACT and South Australia they are all successfully implementing systems and sharing health information at the point of care. I do not know if they share across the states, but that might be something to consider as well, knowing that people do move around the country and move residences.

The member for Albert Park was talking about medications and how they may interact. We have drug allergies, alerts such as severe asthma, past biopsy results, diagnoses that take months to make and results of tests and scans, which all sit in these digital records. It will also be useful for patients with chronic conditions, assist those with language barriers, provide better support for telehealth and help Ambulance Victoria make more accurate assessments of patient care needs. Most importantly, this central information system will help the state's embattled care workers in emergency situations where patients are too sick or unable to communicate important health information.

In conclusion, I am always thanking those who developed this legislation and all those who were consulted and contributed to its development. It has been a significant task which will have an important impact on the health outcomes of Victorians. We are committed to supporting our health services and improving patient care, and the electronic health information sharing system outlined in this bill will do just that – it will modernise current practices, better facilitate continuity of care statewide and help to prevent unnecessary treatment delays while promoting patient safety. I commend the bill.

Kat THEOPHANOUS (Northcote) (16:38): Deputy Speaker, it is always –

Jess Wilson: Deputy Speaker, I just draw your attention to the state of the house.

Quorum formed.

Kat THEOPHANOUS: As I was saying, Deputy Speaker, it is wonderful to have you in the chair and to follow the wonderful member for Bass, who made an incredible contribution just then. I rise to speak in support of the Health Legislation Amendment (Information Sharing) Bill 2023. I am prouder than ever to be standing in this place representing the community of Northcote as part of a re-elected Andrews Labor government, because I know our government is here again for one simple reason: to do what needs to be done to make things better for all Victorians. We make things better by building

better schools so our kids can learn and thrive, we make things better by building a better transport network so we can all get to where we need to go safely when we need to get there, we make things better by bringing back the SEC to lower our emissions and our energy bills, we make things better by building better hospitals to ensure we have got world-class places to go to get the treatment and care we need when we need it most and we make things better by listening to our health experts when they tell us they need better tools to be able to provide the highest level of care, because that is what we are about and that is why the people of Victoria put us here.

No-one is in any doubt that our health system is under immense pressure. We have an aging population, a mental health system in the process of reform, the impacts of a global pandemic – which has meant a huge effort is needed to catch up on delayed care – and worldwide staffing shortages. It is no wonder that our healthcare workers are under enormous pressure. As we continue our recovery from the shocks and disruptions we have experienced over the past few years, we continue to learn so many things about ourselves, our communities, our systems of government and the systems within which we deliver our public services. We have learned a lot about our own resilience, the power of simple acts of kindness and compassion. We have learned how challenging it can be when we are isolated and alone.

We know, as the government that has been elected to lead, that we can never become complacent or stop working to improve our essential public services and the systems that they rely on. We know we can create a more efficient and integrated health service. Information sharing is absolutely a critical part of that because the truth is it is a fragmented system, a system within which patient information is siloed and inaccessible from one public health service to the next. The problem that fragmentation and siloed information is causing for our already stretched clinicians is one of needless delay, frustration and sometimes despair. For healthcare workers that is not abstract; it is the clenched-up feeling, the knot inside when they are unable to deliver the treatments their patients need when their patients need it because they find themselves waiting for a fax to come through from a neighbouring hospital containing test results that are critical to making a diagnosis. All the while the clock ticks down, the odds narrow and the prognosis gets worse. This is quite literally putting the lives of patients presenting to our emergency departments at risk.

Thankfully we know that we have the tools and technology we need to fix the problem, and with this bill we have the legislative framework within which we can do so safely and securely – because of course we are not blind to the challenges that building this new system presents and the safeguards that we need to be built into it from the very start to make it safe. We know that patients have the right to their health information remaining private and secure. We know that only specified healthcare workers who are directly involved in a person's care and treatment should be able to access medical information for the sole purpose of providing treatment. We know that our systems for storing sensitive information must be secure and stringently protected. We know that strict controls need to be made to designate who can access which information and when, and we know that there need to be serious penalties put in place to prevent prohibited access and unauthorised disclosure of a patient's private information. That is exactly what this bill will do.

It will establish an independent oversight committee, supported by a clinical advisory group, to advise the Secretary of the Department of Health on the implementation and successful operation of the system before it comes into being. Included in their remit will be an obligation to establish the appropriate risk, control and compliance frameworks as well as a primary management framework, which will limit the access to and management of highly sensitive health information. So despite what some of the fearmongering Luddites over there on the other side of the house might have us all believe, this bill is not about taking away anyone's rights. This kind of narrative skirts dangerously close to some of the misinformation we already witnessed during the pandemic, and we do not entertain that kind of thing. We know that this bill will save lives. It will assist our health workers, our mental health workers and our clinicians right across Victoria, who are working under intense circumstances to do their vital work. This bill is about bringing a healthcare system that is still reliant on 19th-century

technology here to meet the needs of all of us living in the 21st century. It does this by equipping our doctors, our ambos and our nurses with the tools that they keep telling us they need so they can do their jobs properly here in 2023.

The first commercial fax service began operating in 1865, predating even the telephone, and frankly I reckon it is time for retirement. I know there are some across the chamber who may wish for our society to remain in the 1800s, but it is pretty astounding to think that in 2023 critical patient treatment right across our public health system is still being delayed because doctors and nurses are having to wait for faxes to come through from other public health providers. It is devastating when you think of the frustration they must feel when they find out, after being forced to send their patients off for ever more tests, that it was all unnecessary because they have been blind to the existence of the same test results sitting siloed in a filing cabinet at another public health provider. Without reform and modernisation, our hardworking healthcare workers will continue to be forced to spend unnecessary hours wrestling with an unwieldy system which is ill equipped to handle the increasing demands of our rapidly growing society. Through this bill the Andrews Labor government is modernising our healthcare system so that all Victorians are able to safely access the healthcare treatments they need when they need them most.

As we know, the Andrews government is investing big to build the hospitals Victoria needs now and into the future – in fact one of them, the Victorian Heart Hospital, opened its doors this week. We do this because we know that as our state grows we must grow the system of public health infrastructure to match. Now this bill is not about building anything physically tangible or as exciting as our government's heart hospital or the recently announced Parkville and Arden hospital precincts – to be fair, it is hard to be as exciting as Australia's biggest hospital infrastructure project, especially when it involves \$5 billion to \$6 billion in investment that will boost research, create jobs and create these new campuses. Nonetheless, I diverge – this bill is equally as important and relevant because this bill will enable us to build something that will benefit every one of the thousands of Victorians who interact with our public health system each and every day. We will do this because we know we need to listen to those who are out there each day working in our public health system. Victoria's public healthcare workers are world class – world class. We know that when they tell us they need better tools at their disposal to enable them to deliver world-leading public health care, we need to listen.

In preparing this bill we also listened to and considered the recommendations of the *Targeting Zero* and *Strengthening Medicare Taskforce* reports. Through these reports we were given a clear diagnosis: the public health information sharing system we are currently using is not working. So I think it is clear what we need to do and why we need to do it: we need to use the technology we have at hand today to secure the healthcare system we need now and in decades to come. We need to do this to free up our ambos, our doctors, our nurses, our public healthcare workers and our clinicians more broadly so they can all get back to what they went into this industry to do in the first place – to help treat all of us when we are sick, when we need that care, when we are in dire straits. Despite all the frustration of this current system, we know we can do better, and I am proud to be part of the Andrews Labor government because I know that we will always look for those ways to do better and those ways to help those people that spend their lives giving back to us. I would like to say thank you to the minister for bringing this bill to the house for debate. It is an excellent bill. I commend it, and I will leave my contribution there.

Daniela DE MARTINO (Monbulk) (16:49): I rise to speak on the Health Legislation Amendment (Information Sharing) Bill 2023. Before I commence I would like to acknowledge and thank the wonderful nurses, the doctors, the paramedics, the allied health professionals and the ancillary staff across our health networks. They work every day to provide great care to their patients, and their dedication should be acknowledged and praised. Much has been said thus far in this place on the merits of this bill. I would like to add my contribution, which is quite personal. I am absolutely convinced that this bill is not only welcome but utterly necessary for the good functioning of our health system

and ultimately better health outcomes for Victorians across our state, including the residents of Monbulk.

As the member for Northcote eloquently put it, this bill will ensure that 19th-century technology is replaced by modern, reliable technology. This bill is designed to improve the communication of health information between health services. The information that will be included on the proposed platform is only the most relevant clinical data for the purposes of treatment, not the full medical history of the person. This includes allergies to medication, hospital treatment summaries and diagnostic reports.

I would like to note that this communication already exists without an opt-out system. The problem is that much of that information sharing is via paper, pen and facsimile machine. I was almost certain that the sounds of the fax machine were consigned to the 1990s, maybe the early noughties, but in our public health system and across most health systems, unfortunately, it is still not the case. In 2023 I am sure that the general public expects better than clunky, laborious fax machines being the method for transmitting critical health data between health services when treating patients, and they are more than entitled to have this expectation. There is a reason fax machines have been superseded by more efficient database technology: they are cumbersome, they are clunky, they are slow and they are subject to failure. This bill will see the exit of such old technology.

My experience with the health system, a regular occurrence over the past 17 years since my mum was diagnosed with cancer and kidney failure, is a case in point of just why this bill is vital to providing the best possible health outcomes for my mum and my two children. I speak with their permission here today. Without divulging the specifics of Mum's history, I can say that in addition to being a dialysis patient for the past decade, she has had a hospital admission via emergency on average every year for the last 10 years for around seven-plus days at a time – most recently eight days ago. On each occasion, barring one time when I was not there for her admission following my inaugural speech in this place, when she fell and broke three ribs, I have been by her side. I have been there to support her and, critically, to discuss with the triage nurses and the multiple doctors Mum's situation and health history over the past 17 years. She can be hard of hearing, and by the time she needs to visit emergency she is often fatigued and not really up for explaining her health history at any great length.

Her history is long and it is complex; so is her medication list. Missing any critical piece of her hospitalisation history or medications could lead to a very poor outcome for her. Last Wednesday, when she attended the emergency department, Mum's medication history was not readily accessible on a database by the pharmacist, but all her medications were in her bag, which we packed for her prior to bringing her to hospital. Approximately a dozen medications were in that bag. Each one had to be noted and handwritten by the pharmacist there. This bill would have assisted that pharmacist in accessing prepopulated information, which sounds like vital efficiency to me. The room for error or omissions of information is all too great.

In addition to my experiences as a daughter in emergency departments, I have, unfortunately, had multiple experiences as a mother. Just this week my daughter had surgery. Following her surgery, she was given medication to combat nausea, an anti-emetic. For the first time, having had several surgeries in the past, she had an allergic reaction to that particular medication. The wonderful nurses noticed immediately and ceased administering the drug. We now know that she needs to avoid this medication at all costs for the rest of her life. The challenge is that I will need to recall the name of that medication, or her father will need to recall the name of that medication, or she will need to recall the name of that medication, for any future admissions to hospital, because if she is treated in a hospital outside of the one where she had that reaction, they do not have access to that information. Needless to say, the consequences could be dire if one of us gets it wrong. This bill would see a health system of shared information which would mitigate that issue for my daughter.

My other child has a heart issue he was born with, which is dangerous and requires specific treatment and management. He was admitted twice via emergency within three months last year with a very rapid heart rate. The second time he was admitted, having been driven by ambulance from school, the

attending doctor queried him about illegal substance use. After I gave a full run-down of my son's cardiac history, starting from his birth, the doctor apologised for asking the question and explained that given my son's age, without any medical history to hand, his first guess would be drug use and he would commence treatment for that. Accurate and timely diagnosis would have been more readily achieved through easy access to my son's medical history upon presentation to emergency. It would have contained a list of his specialist contacts and diagnostic results. For me it is without contention that this bill is both important and necessary. I thank the minister for this bill and I commend it to the house.

Lauren KATHAGE (Yan Yean) (16:55): I rise to speak in favour of the Health Legislation Amendment (Information Sharing) Bill 2023 or, as so aptly named by the member for Point Cook, the 'axe the fax bill' – thank you for that. The Labor government has always been committed to ensuring quality health care across Victoria. The government is not new to investing in health care, so we have a deeper understanding and a deeper commitment to looking at each of the components that makes up quality health care and proactively making improvements. We are getting it done. This bill will improve a key component of the provision of quality health care, making sure clinicians have the information they need to quickly and accurately diagnose and treat patients. This is good for the patient, good for the clinicians and good for the health system overall, as it will mean that resources will be freed up to treat the next patient and unnecessary, duplicative tests are not carried out.

Most Victorian patients will often be treated at different health services over their lifetime, and patients cannot know what information from their medical past will be critical to their medical future. This bill will improve the safety and quality of care provided to residents of Yan Yean. Yan Yean is a large electorate which sits between multiple health services, including Northern Health, Austin Health and Kilmore District Health. A resident living in Doreen or Yarrambat may choose to go to the Northern, or they may choose to go to the Austin. As a result, relevant clinical data may be fragmented across the two services. You can imagine a situation arising where a patient may prefer going to one particular hospital but when a health situation arises and they are taken in an ambulance, the ambulance might take them to the other hospital, meaning that the emergency clinicians there would have no record of their health history – and they may not be in a fit state to communicate. I have experienced that myself, having had my pregnancy care in one health service and then emergency care for my pregnancy in another health service. How much better it would be if patients at their most vulnerable moments, such as the one I have just described, were able to be treated by clinicians who could address their relevant critical needs.

I mentioned earlier that this government invests in all components of the health system. That includes investments in infrastructure. The fact that we build not close, that we build not privatise, means that the number of patient interfaces in our area is increasing. We are serious about delivering quality health care closer to home. Our \$1 billion northern hospitals plan will see a new emergency department built at the Northern and significant upgrades at the Austin. We will also have three new community hospitals in our area: Craigieburn, Mernda and the Eltham area. The Craigieburn and Mernda community hospitals will be managed by Northern Health and Eltham by Austin Health. We are working so hard to deliver quality health care close to home for people in the north.

While I know that many would agree that the infrastructure investments are impressive, I am so glad that the Liberal Party's plan to stop works on the Mernda community hospital was knocked on the head by the people of Yan Yean last November – a verdict, I believe, on the Liberal Party failing to notice that the Northern Hospital exists by failing to commit to any works at the Northern Hospital. They were roundly rejected by the people of Yan Yean last November. Our infrastructure investments are impressive. They are the right things to do, and so is system improvement. That is why this bill is so important for our health system in Victoria. I commend it to the house.

The SPEAKER: The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business. The house is considering the Health Legislation Amendment (Information Sharing) Bill 2023. The minister has moved that the bill be now read a second time. The member for Lowan has moved a reasoned amendment to this motion. She has

proposed to omit all the words after 'That' and replace them with the words which appear on the notice paper. The question is:

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

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

Assembly divided on question:

Ayes (56): Juliana Addison, Jacinta Allan, Daniel Andrews, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Paul Edbrooke, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Sam Hibbins, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Tim Read, Pauline Richards, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (24): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bridget Vallence, Peter Walsh, Kim Wells, Jess Wilson

Question agreed to.

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.

Human Source Management Bill 2023

Second reading

Debate resumed on motion of Anthony Carbines:

That this bill be now read a second time.

and Michael O'Brien's amendment:

That all the words after 'That' be omitted and replaced with the words:

'this house refuses to read this bill a second time until:

- (1) the government consults with organisations representing persons whose interests would be affected by the undermining of privileged communication facilitated by the bill;
- (2) the government provides for proper oversight of the power of the Chief Commissioner of Police to register a reportable human source; and
- (3) the government satisfies the house that what the High Court of Australia described as "reprehensible conduct" by Victoria Police in using a lawyer as an informer against her own clients in a manner which "debased fundamental premises of the criminal justice system" would not be facilitated by this bill'.

The SPEAKER: The minister has moved that the bill be now read a second time. The member for Malvern has moved a reasoned amendment to this motion. He has proposed to omit all the words after ‘That’ and replace them with the words which have been circulated. The question is:

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

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

Assembly divided on question:

Ayes (52): Juliana Addison, Jacinta Allan, Daniel Andrews, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Daniela De Martino, Steve Dimopoulos, Paul Edbrooke, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Pauline Richards, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (28): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Gabrielle de Vietri, Sam Groth, Matthew Guy, Sam Hibbins, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O’Brien, Michael O’Brien, Kim O’Keeffe, John Pesutto, Tim Read, Richard Riordan, Brad Rowswell, Ellen Sandell, David Southwick, Bridget Vallence, Peter Walsh, Kim Wells, Jess Wilson

Question defeated.

The SPEAKER: The question is:

That this bill be now read a second time and a third time.

Assembly divided on question:

Ayes (56): Juliana Addison, Jacinta Allan, Daniel Andrews, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Daniela De Martino, Gabrielle de Vietri, Steve Dimopoulos, Paul Edbrooke, Will Fowles, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Sam Hibbins, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Tim Read, Pauline Richards, Ellen Sandell, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Noes (25): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy, Cindy McLeish, James Newbury, Danny O’Brien, Michael O’Brien, Kim O’Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bridget Vallence, Peter Walsh, Kim Wells, Jess Wilson

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

The SPEAKER: The bill will be now 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.

Sandringham electorate infrastructure

Brad ROWSWELL (Sandringham) (17:12): (61) My adjournment matter is for the Minister for Transport and Infrastructure, and the action that I seek is for the minister to immediately establish a cross-agency working group consisting of the Level Crossing Removal Project, the Suburban Rail Loop, the Department of Transport and Planning, Development Victoria and both the Kingston and Bayside councils for the purposes of current projects in both Highett and Cheltenham, including the level crossing removals at Highett and Wickham roads, the establishment of the Suburban Rail Loop at the Sir William Fry Reserve and the future of the former Gas and Fuel land on Nepean Highway in Highett. Currently we have the Level Crossing Removal Project planning the crossing removals at Highett Road and Wickham Road. A few metres away we have Development Victoria overseeing plans to extensively develop the former Gas and Fuel site, and next door to that we have the Sir William Fry Reserve, which is intended to be the new Cheltenham station for the Suburban Rail Loop.

In discussions with both Kingston and Bayside councils and local residents, there are great and legitimate concerns that these projects will all proceed without coordination and with a possible detrimental outcome for our community as a result. Last year Kingston council undertook significant community consultation on how these three projects could be better designed so as to protect our natural environment and green spaces and to enhance the connectivity between both rail lines and ultimately bring about the best outcome for residents of both Highett and Cheltenham. Consultation with the community has informed carefully planned designs, and I encourage the minister also to review the body of work by Kingston council. Because these three major infrastructure projects must be viewed as a single project, it simply cannot continue to be operated by three individual agencies who have individual interests. Doing so, I fear, would be to the long-term detriment of our community. We need smarter planning, community input and better outcomes, and I implore the minister to create this cross-agency working group as a matter of priority.

Energy policy

Kat THEOPHANOUS (Northcote) (17:14): (62) My adjournment is to the Minister for Energy and Resources, and I ask the minister to meet with me to discuss how the government can make it easier for renters and low-income earners to access the benefits of more energy efficient homes. It has been four years since we introduced the Solar Homes program, and since then we have expanded and refined it to make sure more and more Victorians can transition their homes to be low cost, low emissions. Solar Homes, alongside the Victorian energy upgrades program, has enabled us to transform domestic energy use at a scale never before seen.

I am proud to say that Northcote has embraced this change, with 18.9 per cent of households now with solar on their roofs, many also taking up home battery options as well as many making use of the Victorian energy upgrades program. Across our suburbs businesses, organisations and homes are tapping into these programs to reduce emissions and lower their power bills, yet for some households too many barriers still remain that prevent them from taking up these exciting opportunities. That is why I have made it a priority to meet with residents living across public and social housing as well as private rentals and strata apartments. Every one of them deserves the same opportunities to cut down their emissions and their power bills, yet many have told me that it is still too difficult to access the existing supports. I remain committed to helping renters and low-income earners in my community to access the benefits from both the VEU and Solar Homes programs. Last term I advocated for our VEU program to better incentivise the uptake of electric systems to reduce our overall gas usage. I also

successfully worked to ensure that several social housing projects in my electorate will now be delivered completely gas free.

Our work under both *Victoria's Climate Change Strategy* and the gas substitution road map cannot lose momentum now, and that means accelerating our work to reduce domestic gas usage by giving more Victorians more choice when it comes to making the switch to renewable energy, something which will be propelled even further with the SEC. The Andrews Labor government is working towards a net zero future with an affordable, reliable and renewable energy network, but as those on this side of the house understand so well, we will not achieve climate justice for anyone unless we achieve it for all.

Bass Highway–Leongatha South–Outtrim Road safety, Leongatha South

Danny O'BRIEN (Gippsland South) (17:16): (63) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to fund a safety upgrade of the intersection of the Bass Highway and Leongatha South-Outtrim Road at Leongatha South. This stretch of highway and the intersection itself have been the site of a number of accidents, including most recently only a couple of weeks ago. The intersection is a T-type intersection of both Leongatha South-Outtrim Road and the Bass Highway, and across the road is a local country road, Rougheads Road. For traffic coming to and from it is difficult to see looking towards Leongatha if you are coming out of the Outtrim road. There have been a number of accidents. The other issue is traffic turning right into the Outtrim road does not have a right-turning lane. There is a CFA shed and the old school on either side of the road, and there is an issue there with a small incline that makes it difficult for cars coming down the road to see. If one undertakes a quick search of 'Bass Highway' and 'Leongatha South' and 'crash', there are multiple reports of crashes over the last 10 or so years. The South Gippsland *Sentinel-Times* of 28 January, so just a couple of weeks ago, states:

Another serious crash on the highway at Leongatha South

On 22 January 2017:

Man killed in car crash on Bass Highway, Leongatha South

On 9 January this year:

Two people are in hospital after they were injured in a car crash in South Gippsland

Again that was on the Bass Highway. Going back to even 2013:

Two killed in Bass Hwy crash at Leongatha

This stretch of the highway, from Leongatha to Inverloch, whilst being largely straight and flat, is very narrow. There is not much of a verge, and it is a very busy stretch of road connecting South Gippsland with the coast and many people commuting between the two towns for work. This intersection does need an upgrade. I have spoken to some of the residents nearby. I understand Regional Roads Victoria does actually have a plan for realigning the intersection to make it safer, but it obviously needs funding. I call on the minister to investigate this as a matter of urgency and to ensure that there is funding provided in this year's budget to address the dangerous intersection at Leongatha South on the Outtrim road.

Merri-bek North education plan

Anthony CIANFLONE (Pascoe Vale) (17:19): (64) My adjournment matter is for the Minister for Education. The action I seek is for the minister to provide the latest update on the development of the new education plan for Merri-bek North and to advise how the plan will benefit current and future generations of local secondary school students. As I outlined in my first speech, I am a proud product of our local public education system, having attended Coburg West Primary School. However, when it came time to attend secondary school my parents enrolled me at Northcote High School, which is still in the northern suburbs but just the other side of the Merri Creek. That was because the Kennett Liberal government's closure of the original Coburg High School in the 1990s, along with the closure

of a dozen other local schools, including Oak Park High, Newlands High, and Hadfield High, created an absence of viable local secondary school options for many young people of my era.

Fast-forward to 2009, and I was proud to have the opportunity to support the residents' successful campaign to establish a new year 7 to year 12 high school in Coburg, north of Bell Street, which eventually reopened its doors in 2015. Recommencing with just around 170 year 7 students, Coburg High has now grown to become the biggest secondary school situated within the Pascoe Vale electorate, consisting of over 1200 students today, and is on track to reach over 1400 students by 2027. Whilst Coburg High's success has come with its own growth challenges, Coburg High is a case in point in how local secondary schools can grow and thrive when the state government, local parents and communities come together to back in, talk up, believe in and, most importantly, invest in local secondary school options. That is why I am so proud to be part of a re-elected Andrews Labor government that has remained steadfast in its dedication to building the Education State, including by a record \$150 million invested and committed towards upgrading every local school across my electorate, including \$10 million for Glenroy College, \$15 million for Pascoe Vale Girls College and \$21 million for Strathmore Secondary College.

But along with these investments, as the new local member and as a local parent, I also know we have more work to do to keep improving our local secondary schools so that all students have the same opportunities to excel. That is why I was delighted to have joined the Minister for Education and the now member for Broadmeadows in October 2022 to announce that the Victorian Labor government will develop a landmark new education plan for Merri-bek North. This is an education plan that will make provision for a range of local education needs and priorities and is a plan that has been accompanied by record local investments, including for Coburg High and John Fawkner Secondary College – \$14.5 million for them. It is a plan that will provide us with a pathway locally to consider the unique challenges impacting the wellbeing and opportunities of students across Merri-bek, including at Glenroy College and Pascoe Vale Girls College. I am particularly enthusiastic about the plan providing opportunities for local secondary school communities to collaborate and become more connected in sharing and aligning their resources and expertise.

I am looking forward to working through the development of Labor's positive education plan for Merri-bek North, which we have now been given a mandate to deliver on. I would like to also take this opportunity to acknowledge and thank all of the secondary school teachers and support staff from across my electorate for their outstanding work, including Daryl Croke from the Australian Education Union and all his members, and I look forward to the minister's response.

Yarra Road Primary School

David HODGETT (Croydon) (17:22): (65) I am pleased to follow the member for Pascoe Vale and to learn about all the funding for schools in his area, because I too have a matter for the Minister for Education, and the action I seek is for the minister to visit Yarra Road Primary School so that she can see for herself firsthand the need for funding to replace four portable classrooms which are in a desolate state.

Yarra Road Primary School is a valuable asset within my electorate of Croydon. The principal Ken Darby and assistant principal Meriden James, along with their team of hardworking and dedicated staff, work hard on behalf of their students and the greater school community advocating for ongoing improvements to the school. The current portables are no longer fit for purpose. Almost two years on since I first brought this to the minister's attention, the roofs are still leaking, the windows still cannot stay open unless propped up with wood, they still contain asbestos and one of the portables has no access to running water, which significantly reduces operation of the classroom. With no access to running water, art and science classes cannot be conducted within these spaces. Students who are anaphylactic also cannot attend classes within these portables, as it is a requirement to wipe the desks down multiple times a day and this cannot be upheld without access to running water.

Whilst other, larger schools within the electorate receive substantial funding to upgrade their facilities and learning spaces, Yarra Road Primary School is continually overlooked, with only minimal funding allocated throughout the years. Just because the school's enrolment is smaller in size does not take away the need for the funding and upgrades. Every student deserves the right to have access to appropriate learning spaces. How much longer must Yarra Road Primary School wait to receive funding for the vital replacement of these portables? I urge the Minister for Education to visit Yarra Road Primary School and provide the urgent funding so that these students can thrive in their education without the barrier of inadequate portable classrooms.

Kingston fields upgrade

Meng Heang TAK (Clarinda) (17:24): (66) My adjournment matter is for the Minister for Community Sport. The action I seek is for the minister to provide the latest update on the planning for Kingston fields. Last year I was delighted to announce that the Andrews Labor government will invest \$1 million towards the master plan for a sporting precinct in Kingston, delivering new sports and recreation facilities that the whole community can be proud of. Sport is the lifeblood of so many in Clarinda, bringing families and neighbourhoods together. Our local clubs work hard to fundraise for better space and facilities, and it is important that they have a government that backs them in.

I am extremely proud of our record of investing in our local clubs and delivering better sportsgrounds and facilities. We have delivered better courts and grounds, new scoreboard lighting upgrades and changing facilities for clubs across the district. I am very much looking forward to working with the minister and the community to help deliver the vision of Kingston fields in Clarinda. I thank the minister and look forward to her response.

Rental accommodation

Gabrielle DE VIETRI (Richmond) (17:25): (67) My adjournment is for the Minister for Consumer Affairs. The action I seek is for the minister to strengthen renters rights to curb this unprecedented rental crisis, including an end to no-grounds evictions at the end of a lease, mandatory cooling, an end to rental bidding and a cap on rents. The Greens welcomed the long-fought-for changes to the Residential Tenancies Act 1997 in 2018 to make things fairer for Victoria's renters. Now renters can lock their doors and live with their pets. But there is so much more that needs to be done.

In the seat of Richmond more than half of our residents are renters. Many of those renters are being forced to live in places that do not meet standards set by the act, because of the acute crisis our rental market is in right now. In Victoria over 110,000 households are experiencing rental stress and the public housing waiting list is 120,000 people long. The link between housing stress and poor health has been well established academically, but I see it every day from renters who are facing an increasingly uncertain future because of the growing rental crisis: people like Lara, who have not had their leases renewed because they have asked their landlords to adhere to the rental standards that have been set by this act. They are feeling pressured into accepting properties that are too small, that are mouldy, where the roof is falling in or that are not accessible for their needs. They are competing with 30, 60 and sometimes 90 other people, many of whom will offer a higher rent just to get a roof over their heads. This rental crisis is not going away anytime soon. Building more homes will address some of the symptoms of the crisis, but we need to treat the problem to prevent more people from facing extreme rental stress. As thousands more people are growing desperate for a home, I ask that this government do everything they can to protect renters and introduce new protections for renters in the Residential Tenancies Act.

Glendal Primary School

John MULLAHY (Glen Waverley) (17:27): (68) My adjournment matter is for the Minister for Roads and Road Safety, and the action I seek is for the minister to visit my electorate to view the works that are currently being undertaken at the Highbury Road crossing at the pipe trail. In 2019 a young student named Vincent from Glendal Primary School wrote to the then member for Mount Waverley

to say that he felt unsafe crossing at Highbury Road on his way to school. The then member for Mount Waverley took Vincent's letter seriously and began advocating to get a new crossing at the pipe trail. The Andrews Labor government committed \$870,000 in the 2021–22 state budget to provide a signalised crossing at the intersection of Highbury Road, Sevenoaks Road and Newhaven Road. I am proud to see that those works have begun on the new crossing and are expected to be completed by late March, which is fantastic news for our local community. The new signalised crossing will provide a safe place for cyclists and pedestrians, including the students at Glendal Primary School, ensuring that our community can travel around the area safely.

Further, I would like to take this opportunity to congratulate Glendal Primary School for their amazing NAPLAN results, which put their students in the top 20 schools within Victoria, with 83 per cent of their students well above average ranking. I would like to acknowledge the principal Deborah Grossek and her assistant principals Paul Whitehead and Kym Robinson for their leadership. I was fortunate to be down at Glendal just last week to hand out the prep bags and leadership badges. I would like to congratulate the new school captains Dimi and Mishti, who I am sure will do an excellent job this year. When you are down at the school you know it is a great school because of the supportive community around it, so congratulations to everyone there.

I would like to thank the member for Ashwood for his advocacy on getting the pedestrian crossing. I would like to give a special shout-out to Vincent for bringing this issue to our attention. I look forward to the minister's response.

Mornington electorate beaches

Chris CREWTHER (Mornington) (17:29): (69) My adjournment matter is for the Minister for Environment, and the action I seek is for the minister to urgently intervene to protect local beaches in the Mornington electorate, like Mount Martha south, Mount Martha north, Hawker, Mothers, Shire Hall and other impacted Mornington electorate and Port Phillip beaches, each of which is rapidly eroding and facing significant drainage issues. The issues with these beaches and the erosion they face have been a result of multiple issues, including the 2008 dredging of the heads under the former Brumby government, issues like the construction of a concrete wave wall at Mornington Pier, changing climate as well as local drainage issues. On this point, increasing urban development coupled with inadequate outfall drainage infrastructure and frequently blocked public stormwater drains has contributed to increased run-offs into the ocean. All of these issues have caused further beach erosion, public safety risk, dangerous cliff faces, a potential risk to the Esplanade road itself, environmental damage, property damage and more. This has an impact for locals, for infrastructure, for tourism and more. They are rendering many of our local beaches in the Mornington electorate either inaccessible or dangerous.

In the case of the Shire Hall Beach, we have had the situation where in particular the Mornington wave wall – the concrete wave wall – has resulted in a build-up of sand at Mothers Beach and the erosion of sand at Shire Hall Beach. Local beach advocates and I have long advocated for the immediate clearing of stormwater drains; the renourishment of beaches like Shire Hall Beach – taking sand across from Mothers Beach; the construction of a semipermeable wave wall at Mornington Pier or an artificial reef, or both, or indeed looking at other solutions that could well work at that beach and other beaches; as well as other oceanic engineering solutions.

Going back to my question, I certainly do ask the minister and the state Labor government to urgently look at protecting our Mornington electorate and Port Phillip beaches. Again, I seek that the minister to urgently intervene.

Boundary–Derrimut roads, Truganina

Sarah CONNOLLY (Laverton) (17:32): (70) My adjournment is for the Minister for Roads and Road Safety, and the action I seek is that the minister update me on the signalisation works at the intersection of Boundary, Derrimut and Hopkins roads in Truganina. As the minister knows, this is

one of the most dangerous intersections in the City of Wyndham. Derrimut and Hopkins roads are the main connection between the City of Wyndham and the City of Melton, and folks living in my community drive up and down this road daily to access the Western Freeway. Conversely, folks from Melton and beyond use this road regularly to drive to Wyndham and other parts of Melbourne's west. Over 20,000 vehicles use this road every single day, which makes this intersection a major road safety risk, especially for collisions with cars travelling across Boundary Road or for cars turning into Boundary Road. In fact I happened to be driving down there just last week and can see just how much of an improvement to road safety this upgrade will actually be once it is complete. But fortunately, this is something that our government recognises, which is why in last year's budget we actually funded \$18.6 million to upgrade this intersection, installing permanent – and hopefully perfect – traffic lights to better regulate traffic flow in the area. This builds on the \$2 million that was funded previously to set up temporary lights, which is why I would greatly welcome an update from the minister on where this project is at.

Responses

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (17:33): The member for Sandringham raised a question for the Minister for Transport and Infrastructure, and I will pass that on to the minister. The member for Northcote raised a question to the Minister for Energy and Resources and Minister for Climate Action, and I will pass that on as well. The member for Gippsland South raised a question for the Minister for Roads and Road Safety. I will pass that on. The members for Pascoe Vale and Croydon both raised questions for the Minister for Education, and I will pass those on. The member for Clarinda raised a question to the Minister for Community Sport, and I will pass that on.

The member for Richmond raised a question for me, and I am delighted that this forum gives me an opportunity to respond to the member now. This government has been incredibly proud of the achievements that it has made to make significant reforms to the rental system. These reforms have been wideranging and quite extensive. Indeed they are something that I, as an elected representative in the seat of Essendon, am very proud of because I believe it is important that we provide protection to private renters. It is of course very important to recognise, though, the broad continuum of public housing and social housing and private housing stock. I am sure the part-time member for Richmond would appreciate the fact that the more housing stock you have in, the more it will have a deflationary impact upon prices. So I have always found it very curious – very, very curious – that the Greens political party have used every opportunity to oppose every single public housing and social housing development this government has put forward since 2014.

Let us go back to our first term of government. Strap yourself in, member for Richmond. I know this is your last meeting for the working week, but I have got plenty of time, and I am going to use every moment I can. I recall when the Greens political party and the Liberal Party signed up together – got together, conspired together – to, for example, use their numbers in the other place to torpedo the Markham development. Why? Because the Greens political party believe that ownership of public land is somehow a higher social good than ensuring that the most disadvantaged, most discriminated against members of our society have roofs over their heads – every single time.

I recall in my own electorate in the wonderful, wonderful community of Flemington the then member for Melbourne – because he represented that area in federal Parliament – organising rallies, organising campaigns to prevent the redevelopment of that community. Did the federal member for Melbourne, in the nine years of the coalition government, ever raise the issue that maybe the federal coalition government should be doing more for housing? Nope. Why fight the Tories when you can fight us? That is the view of the Greens political party. That is all they are interested in. They just want to stop us and prevent us from doing what is right and fair and reasonable: providing more social housing for the people who need it most.

I recognise the fact that the member for Richmond is a former councillor at the City of Yarra and look back to –

Ellen Sandell: On a point of order, Speaker, just on relevance, the adjournment matter was very clearly about protections in the private rental market. I understand that the landlord minister over here may not understand the needs of renters given his extensive portfolio, but it was a very reasonable adjournment matter, and he is straying quite far from answering that.

Danny PEARSON: On the point of order, Speaker, as I indicated to the member asking the question, this was an issue around rental costs and the fact that rents are going up. Now, I can appreciate the fact that the member for Melbourne might not grasp basic economics, but what I would say to the member for Melbourne is if there is more supply, it will drop down prices.

The SPEAKER: Order! That is not a point of order.

Danny PEARSON: Sorry. I am saying that I was being entirely relevant to the question that was asked of me by the member for Richmond because of the points I have outlined.

The SPEAKER: There are previous rulings from the Chair that a minister responding to adjournment matters has a far greater breadth in responding to those matters that are raised as opposed to being in question time, so the minister can continue.

Danny PEARSON: Thank you, Speaker. As I was saying, it comes down to making sure that you have got more of that supply available. Again, the federal member for Melbourne could have made an effort to fight for more funding from the coalition government; he chose not to do that, and this is where we find ourselves. This is about making sure that you have got more supply coming to the market and making sure that there are more opportunities for the community to have more housing stock available to it.

As I said, the member for Richmond was a councillor at the City of Yarra, and the City of Yarra has consistently opposed every single development in relation to the Big Housing Build. It is all good and well to come in here and say, 'You need to be doing more for private renters.' If we have got more social housing in a community like Yarra, then that means there are fewer people competing for those private dwellings in the private market, which will have a deflationary impact on prices. It follows. You cannot turn around and run that argument in Smith Street, saying 'We oppose these sorts of developments. We're against this', and then come here and say 'You need to be doing more to provide more housing for the private tenants.' It just does not wash. You cannot say one thing in Smith Street and say another thing in Spring Street and think you are going to get away with it. It just does not work that way.

No-one likes a hypocrite, no-one likes a fake and no-one likes a phoney, and the reality is that you have got to be consistent in relation to your values. On this side of the house we have put our money where our mouth is. We have invested extensively in housing right across this state – the biggest social housing build in the nation's history. Do you ever get any credit from those opposite? Nup. They just say, 'Oh well, if we kind of like it, we'll sort of take credit for it, and if we don't like it, we won't.' Let us look at more recent history, where you had the Albanese Labor government bringing a bill into the house to establish a Housing Affordability Fund, a \$10 billion fund. Where were the Greens? They were off drinking their green tea at Aussies or the trough. They did not vote. Ten billion dollars and they squibbed it. What is all that about? If you really care about this stuff, put your shoulder to the wheel and get on with it – like, support it.

This government has introduced the most far-ranging and wide-sweeping reforms in relation to providing more protection for private renters than any government has ever done –

Ellen Sandell interjected.

The SPEAKER: The member for Melbourne will cease interjecting.

Danny PEARSON: but you never get any credit from these people at all. There is never any recognition of the reforms this government has made – the most progressive government in this nation’s history. So I am sorry, but it is a bit hard to take a lecture from the member for Richmond in relation to providing greater protection for rights of tenants when we have done so much already, when we have invested heavily in terms of social housing, and they have opposed us. Every single step of the way they have opposed us. So we will not be taking lectures from the Greens political party on anything to do with tenants, on anything to do with housing – on anything at all. They are irrelevant, and they do not deserve to be taken seriously in this place.

On that, I will say the member for Glen Waverley raised a question for the Minister for Roads and Road Safety, and I will ensure I pass it on.

Danny O’Brien: Have a crack at him, why don’t you? Go and have a crack at him about something too.

The SPEAKER: Order! Through the Chair.

Danny PEARSON: You’re not going home tonight, are you, mate?

The SPEAKER: Order! Minister, through the Chair.

Danny PEARSON: Sorry, Speaker. The member for Mornington raised a question for the Minister for Environment, and the member for Laverton raised a question to the Minister for Roads and Road Safety. I will ensure that those matters are passed on to those relevant ministers.

The SPEAKER: The house now stands adjourned.

House adjourned 5:42 pm.