Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Wednesday 30 August 2023

By authority of the Victorian Government Printer

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

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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[2]	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'Keeffe, Kim	Shepparton	Nat
Cianflone, Anthony	Pascoe Vale	ALP	Pallas, Tim	Werribee	ALP
Cleeland, 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[3]	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Fowles, Will[1]	Ringwood	Ind	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
Horne, Melissa	Williamstown	ALP	Ward, Vicki	Eltham	ALP
Hutchins, Natalie	Sydenham	ALP	Wells, Kim	Rowville	Lib
Kathage, Lauren	Yan Yean	ALP	Werner, Nicole[4]	Warrandyte	Lib
Kealy, Emma	Lowan	Nat	Wight, Dylan	Tarneit	ALP
Kilkenny, Sonya	Carrum	ALP	Williams, Gabrielle	Dandenong	ALP
Wayne Farnham	Narracan	Lib	Wilson, Belinda	Narre Warren North	ALP
			Wilson, Jess	Kew	Lib

1 ALP until 5 August 2023

2 Resigned 27 September 2023

3 Resigned 7 July 2023

4 Elected 3 October 2023

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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Wednesday 30 August 2023

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

Bills

Triple Zero Victoria Bill 2023

Introduction and first reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (09:33): I move:

> That I introduce a bill for an act to establish Triple Zero Victoria, to repeal the Emergency Services Telecommunications Authority Act 2004 and for other purposes.

Motion agreed to.

Brad BATTIN (Berwick) (09:34): I ask the minister for a brief explanation of the bill.

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (09:34): The bill will repeal the current Emergency Services Telecommunications Authority Act 2004, and ESTA, its board and advisory committee will cease to exist. A new independent statutory authority, Triple Zero Victoria, will be established and governed by a board with an operational committee led by a chief executive officer.

Read first time.

Ordered to be read second time tomorrow.

Documents

Documents

Incorporated list as follows:

DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT – The Clerk tabled:

> Auditor-General – Responses to Performance Engagement Recommendations: Annual Status Update 2023 – Ordered to be published
>
> Voluntary Assisted Dying Review Board – Report 2022–23.

Members statements

Sexual assault survivors

David SOUTHWICK (Caulfield) (09:35): Last week Malka Leifer was sentenced to 15 years in prison. She cannot hurt innocent children anymore. This verdict marks the end of a deeply painful and traumatic saga that serves as a sobering reminder of the work we need to keep doing to keep our children safe. Most importantly this is about justice for Dassi, Elly and Nicole and all survivors, and hopefully this will bring them the closure and healing that they so desperately deserve. We must acknowledge the difficult truth: the school system utterly failed these women, who were innocent, vulnerable children when these horrendous crimes were committed against them. In the years since they have waited and fought for justice, and finally this has been served for them. Also we must acknowledge the bravery of these women and all the survivors at this time. I want to put on record the support that former Premier Ted Baillieu has given Dassi, Elly and Nicole all the way through this. We must all hold our heads up high and stand in solidarity with Dassi, Nicole and Elly and all survivors of abuse. After years of trauma, the time for healing and closure has finally come.

National Council of Jewish Women of Australia

David SOUTHWICK (Caulfield) (09:37): I also want to thank Helen Lewin for her three years of service as president of the national council of Jewish women and wish Judy Hacker all the best in taking up that role.

Emma King

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (09:37): I rise to acknowledge the contribution that Emma King has made as CEO of the Victorian Council of Social Service and before then the CEO of Early Learning Association Australia and the CEO of Kindergarten Parents Victoria. I got to know Emma when I was chair of Kindergarten Parents Victoria, which subsequently became Early Learning Association Australia. Emma is one of those incredible individuals. She has got exceptional stakeholder skills, she has got a really great strategic brain and she is incredibly good with detail. I look at the trajectory she was on in terms of having a real focus on the first thousand days of a child's life that she brought to bear at ELAA and at KPB, and it stood her incredibly well in relation to VCOSS. Having watched Emma's journey at VCOSS over the last 10-odd years, I see she has made a profound difference to the way in which the state is. She has made it a better state, a safer state and a fairer state through her tireless advocacy and her commitment to the underprivileged and those who are discriminated against. Emma, you should be so incredibly proud of everything you have achieved, and it is just sensational to see.

Community housing

Danny PEARSON (Essendon – Minister for Government Services, Assistant Treasurer, Minister for WorkSafe and the TAC, Minister for Consumer Affairs) (09:38): I do want to make one last point just in relation to community housing. I was delighted to visit new community housing developments in Ascot Vale and Flemington recently. It is important to note these developments were opposed by the Greens political party. Hundreds of Victorians are now going to be housed in my community thanks to the efforts of the Andrews Labor government and no thanks to the Greens political party, who stand in the way of public housing.

School camps

Tim BULL (Gippsland East) (09:38): I want to raise a matter that I hope will be addressed by the Minister for Education, who I note is here at the table, and it is in relation to school camps and the impact that the teachers pay agreement has had on school camps themselves but also on the ability of students to attend school camps. No-one denies fair pay for the hours that are being worked, but what has happened here is there has been a lack of compensation to fill in the financial holes that schools are facing because of this directive that teachers either have to have time off in lieu or be paid. Schools cannot afford in their own budgets the gap to pay the teachers, and time off in lieu is not an option because of the teacher shortage. What we are finding – I am hearing this from schools regularly – is they are making shortcuts on school camps, even if they can afford to have school camps at all, and I have a number of school camps in my electorate that have seen a huge drop-off in attendances. So I would ask the minister to please address this issue. School camps are an important part of our education curriculum. Allow students to go on school camps and also support the operators of these school camps. Schools should not have to make a decision based on financial hardship as to whether they can send their students away for this very important part of the education curriculum.

International Youth Day

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (09:40): I rise today to thank all young people and in particular students within my electorate of St Albans who have kindly submitted numerous speeches for an International Youth Day competition. Not only as the local member but as the Minister for Youth, I know that we have a growing and diverse electorate, and I had the opportunity to see firsthand the contribution of young

people throughout the west. In particular I do want to send my thankyou to Han from St Albans Secondary College, who wrote to me, and the comment that stood out for me was:

> Each and every one of us are different, and in our multicultural community, our differences bring us together and we can work as a team to better our home.

Han could not be more right. We know we have a diverse young community, and the Andrews Labor government continues to invest within the regions within Melbourne for our young people to succeed.

Legacy Week

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (09:41): On another matter, this week is Legacy Week. I want to thank all colleagues in the house who have supported Melbourne Legacy, in particular our ADF personnel who are here from Victoria Barracks. They will be at Parliament throughout the week. Please show your support by purchasing a teddy bear and some badges, and we will do what we can do to raise valuable funds that go to helping families of veterans.

Kinglake West bus stop

Cindy McLEISH (Eildon) (09:41): Year 9 student Maximilian contacted me to request that a bus stop shelter with seating be built at the intersection of Whittlesea-Yea Road and Whittlesea-Kinglake Road in Kinglake West. There is no shelter at the bus stop or nearby where commuters, many of them students, can escape the weather while waiting for the bus. Building an undercover area with seating will improve safety for commuters while protecting them from the highly variable and at times exceptionally ordinary weather in the Kinglake Ranges.

McMahons Creek pedestrian bridge

Cindy McLEISH (Eildon) (09:42): The pedestrian bridge at McMahons Creek in the Upper Yarra was deemed dangerous and pulled down in July 2017, splitting the community in half and forcing the residents, including schoolchildren, to walk on the busy road. The government has since provided funding to council to rebuild the bridge, and the designs are complete. The community are eagerly awaiting Melbourne Water's approval so works can start. Minister, stop mucking around, and ensure approval is provided asap so the community can finally have their bridge back.

Worawa Aboriginal College

Cindy McLEISH (Eildon) (09:42): On Friday I had the joy of attending the Worawa Aboriginal College Debutante Dreaming ball in the school's 40th year. Twelve senior Worawa students were presented to elders. It is an important milestone in the Worawa Aboriginal community which prepares young women to walk in both worlds. Debutantes were accompanied by students from Mount Lilydale Mercy College, all of whom excelled themselves and enjoyed the night. Congratulations, and all the best to Tanya Peeler in her relatively new role as principal of Worawa Aboriginal College. I know she will do a tremendous job, and she certainly has big shoes to fill. It is a great school, and more people need to hear about Worawa.

Glen Huntly Primary School

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:43): Recently our magnificent Minister for Education and I visited Glen Huntly Primary School to officially open the school's new competition-grade gym and refurbished library and administration block thanks to a $6.62 million investment from the Andrews Labor government. I know the school will be able to thrive even more with the state-of-the-art additions. Well done and thankyou to principal Libby Alessi, the school council, students, staff, parents and the architects and builders.

Goodstart Early Learning Child Care Centre Clayton

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:43): I was delighted to attend the Goodstart Early Learning centre in Clayton with my college from the other place the wonderful Minister for Early Childhood and Pre-Prep. Goodstart Clayton is a fantastic establishment that cares for children from many diverse cultural backgrounds. These are happy kids engaging in lessons encompassing various languages and cultures facilitated by the passionate staff. I am particularly proud of this government's rollout of kinder kids and the free kinder program. I would like to express my gratitude to all the staff, especially the centre director Kashmira Bhathena for her magnificent leadership.

Monash Medical Centre mental health hub

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (09:44): I had the pleasure of attending the new emergency mental health hub at Monash hospital. The dedicated mental health hub opened in June and specialises in delivering urgent mental health and alcohol and other drug treatments. The hub offers integrated and specialist assessment, treatment and post-discharge support. It is part of our statewide investment in providing greater access to urgent expert mental health support for Victorians. A significant reason why I entered politics was to be part of a government that provides more accessible mental health support, breaks down stigmas and helps those in need find solace, not solitude. I extend my gratitude to all the amazing staff who showed me around that day.

Tony King

Bridget VALLENCE (Evelyn) (09:44): I wish to congratulate and pay tribute to Tony King, who was awarded life membership of the Victorian Country Fire Authority at the recent Mooroolbark fire brigade annual dinner – a tremendous achievement. Anthony King is an exceptional person. A volunteer firefighter for 39 years, Tony served with distinction as captain of the Mooroolbark fire brigade for 18 years, held many other brigade roles prior to this, is also a life member of Mooroolbark fire brigade and was deputy group officer of the Melba group.

Being a leader in the fire services requires courage, compassion and dedication, qualities that Tony King has consistently demonstrated as CFA captain, prioritising the safety and wellbeing of his brigade members first. Tony King's contributions are countless and include fighting in the 2009 Black Saturday bushfires, for which Tony received the National Emergency Medal, and more recently the utterly tragic Maralee Drive, Mooroolbark, house fire, in which the brigade bravely saved the lives of two children. None of this would have been possible without the support of Tony's family, especially his wife Di. Thank you. Our community owes a great debt of gratitude to Tony King for his dedication and leadership and for especially fostering the next generation of volunteer firefighters to protect Mooroolbark and the outer east. Thank you, Tony King, for your service to Mooroolbark and to the CFA. Life membership of the CFA, Tony King – an outstanding achievement.

Lyndale Secondary College

Gabrielle WILLIAMS (Dandenong – Minister for Mental Health, Minister for Ambulance Services, Minister for Treaty and First Peoples) (09:46): I rise today to celebrate the official opening of the newly completed total rebuild of Lyndale Secondary College. This was a commitment that Labor made in the lead-up to the 2014 election on the back of some powerful advocacy from the local school community, and rightly so, because the school had not had any meaningful redevelopment since 1961 and was in desperate need. A total rebuild was certainly what was required, and it is what has been delivered.

As of today, after many different stages of construction, this school is quite frankly unrecognisable for all the right reasons. Lyndale Secondary is home to a brand new performing arts centre and canteen, a new world-class STEM learning facility, a new library, an IT wing, new staff admin facilities, an extensive student services area, a new technology art facility, a new learning environment block and

upgrades to their Building the Education Revolution building as well. It is a truly state-of-the-art facility and exactly what students in my local community need and deserve.

I want to thank Minister Hutchins, who is sitting at the table with me right now, for joining me in celebrating that milestone and also to thank the teaching and support staff at Lyndale Secondary and their principal Pam Robinson. A special shout-out to former principal Mark Moir, who was a strong advocate for this project but sadly passed away in 2021 without ever seeing it completed. He was an amazing man and an amazing advocate for his school community and for our Dandenong community more broadly.

Terry Haberman

Kim O'KEEFFE (Shepparton) (09:47): I rise today to pay tribute to Terry Haberman. Terry was a 61-year-old Indigenous homeless man that I met in 2020 at the People Supporting People food collection. Like many homeless people, Terry was depending on the organisation to provide him with food. From chatting with Terry, he had lived a fairly simple life, travelling and working on the land and living in supplied farmhouse accommodation with his work, which he said was often just a shed. He had lost his job and found himself homeless.

In chatting with Terry, he had lost connection with society. He had no bank account, Medicare card or any form of identification. He was a very private person and really did not want to discuss his circumstances or to engage in much conversation, but he did want a home. To get him back into society we needed to get his birth certificate. To secure housing and to have a bank account, you need to have identification. COVID had hit, so it was a really challenging time trying to get a birth certificate, but we persevered. We got Terry into emergency accommodation, and a few months later he was fortunate to get a one-bedroom unit through BeyondHousing. The community got behind Terry and furnished his unit. Terry got back on his feet and began working doing fencing and volunteering at one of the local op shops, becoming part of our community. He also started helping homeless people, of which he knew many. Last week I got the very sad news that Terry had passed away from a medical condition. We must continue to do all we can for the homeless. We desperately need more housing to get the homeless off the streets and to ensure they can get the support they need, just like Terry. Vale, Terry Haberman.

Junior Triple Zero Hero Awards

Ros SPENCE (Kalkallo – Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Suburban Development) (09:49): I would like to take this opportunity to congratulate Selena in Mickleham for recently being recognised as part of the Junior Triple Zero Hero Awards by the Emergency Services Telecommunications Authority. When Selena's mum first began to experience chest pains, Selena's aunty in another location called 000. From there, ESTA call taker Jack immediately contacted Selena, who was with her mum at the time. Despite being only 10 years old, Selena immediately swung into action and answered all of Jack's questions. Mature beyond her years, Selena knew what needed to be done to help her mum and reassured her that help was on the way throughout the whole ordeal. In a moment of crisis Selena demonstrated bravery, maturity and care for her mother when she was experiencing a life-threatening situation.

The Junior Triple Zero Hero Awards recognise young people for their clear thinking and composure in emergency situations when speaking with 000 call takers. For Selena to have her actions recognised as part of these awards is a significant honour. Thanks also to Jack, the ESTA call taker who nominated Selena for this award. Jack's recognition of Selena is terrific, and no doubt his composure also assisted in providing Selena with the comfort needed to be confident in stepping up as a 000 hero to assist and reassure her mum. Congratulations, again, to Selena on receiving this award. We are very fortunate to have you in our community.

Hampton Bowls Club

James NEWBURY (Brighton) (09:50): The Hampton community has saved the Hampton Bowls Club. Hoping to raise $150,000 to keep the club viable, the community has raised $180,000. The fundraising effort ended with a community day on Sunday at the Hampton RSL, where over 400 people celebrated the wonderful news the club has been saved. Thank you to Hampton for saving our bowlo.

Victorian energy upgrades

James NEWBURY (Brighton) (09:50): Elderly people are being harassed by private operators touting the state Labor government's energy upgrades program. With the program moving to exhaust fans and door seals, many are receiving up to 10 calls a day. As Dianne recently wrote to me:

> I am writing to register my distress at the … nuisance calls we are receiving … yesterday … we received 14 nuisance calls!

Payroll tax

James NEWBURY (Brighton) (09:51): The state Labor government's new health tax will cripple health services, drive up out-of-pocket expenses and make it harder for Victorians to see a doctor. As one Brighton practice recently confirmed to me, the tax will lead to decreased rates of bulk-billing and increased out-of-pocket expenses for patients, especially our most vulnerable patients. Reduced access at GPs will move more patients into the public hospital system, leading to overflowing emergency rooms, ambulance ramping, long waiting lists and spiralling costs.

Brighton electorate traffic management

James NEWBURY (Brighton) (09:51): State Labor has converted the Brighton end of South Road into a Public Transport Victoria bus terminus. As Magda recently pleaded with me, the local community is 'emotionally, mentally and physically exhausted from buses running constantly 20 hours a day, seven days a week'. There has been no consultation or even contact with the local community about the conversion near their homes. It is a disgrace.

Metro Tunnel

Luba GRIGOROVITCH (Kororoit) (09:52): As we know, I love talking about public transport, and what better reason: last week I was given the opportunity to tour the Metro Tunnel and explore the new Town Hall station. I want to give a shout-out to all of the workers, not only on this site but those across the entire project. Construction is steaming ahead with trains already testing on the tracks.

Now, what are the benefits in Melbourne's west, you might all be thinking. Well, once the Metro Tunnel opens, constituents travelling from stations within the Kororoit electorate, those stations being Rockbank, Caroline Springs and the newly opened Deer Park, will be able to board a train and only have a single interchange at Sunshine to get to the five new Metro Tunnel stations, including three stations in precincts that have not had direct rail access before. Arden station in North Melbourne will give my constituents access to job opportunities as part of the planned employment and transport precincts accommodating approximately 34,000 jobs. Parkville station will give my constituents greater access to education and health and research facilities, being on the doorstep of the University of Melbourne, Royal Melbourne, Royal Women's Hospital as well as the Peter Mac. Anzac station will give my constituents improved access to key Melbourne landmarks, such as the Shrine of Remembrance, Royal Botanic Gardens and of course Albert Park. Town Hall and the State Library stations will improve access to some of Melbourne's most popular destinations. I know I have said it before, but thank you to the thousands of dedicated union members.

Rental accommodation

Gabrielle DE VIETRI (Richmond) (09:53): Why are renters having to take their landlords to court just to have their basic rights met? Last week we heard from renters Teresa and her housemate at the rental crisis inquiry. They said that they had been trying repeatedly to get a leak in their roof fixed. After three months of asking their landlord, they were hit with a notice to vacate. Most renters are too scared to even ask for the repairs in the first place out of fear that they will get an eviction. But repairs and maintenance could be automatic in rental properties with the onus on the landlord, if they want to dispute it, to actually prove that the repair is not necessary.

We also heard from landlords who are treating bond claims like that extra cash that you pick up when you pass go. They know that most renters do not actually have the time or the money to fight it in VCAT, and so they will just roll the dice and see what they can get. But a bond should not be withheld by a landlord without proving that they actually have a valid reason to hold onto that bond. Now is the time to redress this power imbalance, to reverse the burden of proof onto the landlord and not the renter and to make renting fair in Victoria.

Australian International Academy of Education

Anthony CIANFLONE (Pascoe Vale) (09:55): I am delighted to rise and report to the house that I was so honoured and privileged to visit the Australian International Academy – AIA – King Khalid college in Coburg last week to celebrate their 40th anniversary. The school began from very humble beginnings in 1983 and has gone on to be a beacon of Islamic community education in the northern suburbs. The school started out with just around 150 students 40 years ago and has grown now to consist of 2000 students across multiple campuses: two campuses in Coburg – one on Bakers Road and one on Sydney Road; campuses in Caroline Springs, with the member for Kororoit representing that area; as well as campuses in western Sydney and internationally, in Abu Dhabi. The school, over those 40 years, has educated 10,000 students, many of whom have gone on to make significant contributions to our community, including one of the recent alumni, Mo Elrafihi, who has gone on to become the CEO of the Ethnic Communities Council of Victoria.

The school educates students from all around the northern suburbs, including in the member for Greenvale's electorate, the member for Broadmeadows' electorate and many other parts of the area. The Islamic community across Australia represents about 3 per cent of our population – 4 per cent across Victoria – but in Merri-bek in the municipality that I am so proud to represent it makes up 10 per cent of our local population. That is 16,000 residents, and at the heart of that community is the Australian International Academy, which I am so proud to stand up for and through which we announced, with the Premier, $30 million for an Islamic schools infrastructure fund.

Men's sheds

Sam GROTH (Nepean) (09:56): I was delighted to join representatives from men's sheds across the peninsula in Victoria at Safety Beach–Dromana Men's Shed to commemorate the 30th anniversary of men's sheds in Victoria at the Shedder's Big BBQ Breakfast. There was something for everyone. There was a diverse range of stalls, a barbecue and even some pigeon racing. It was also great to hear from former Hawthorn player and legendary Carlton coach David Parkin on his journey with prostate cancer and men's health. But I think the most important thing I heard was secretary Denis speaking about the important focus that men's sheds put on mental health and the positive impact he has seen through his involvement with men's sheds. I want to congratulate all the men's sheds and celebrate 30 years in this state and the great work in the community they do. While the shed had been set up to accommodate the breakfast, I look forward to visiting again and showing them all just how awful my woodworking skills are.

COACH community mentoring program

Sam GROTH (Nepean) (09:57): I would like to take the opportunity to recognise the great work that Mark Matthews and the COACH program do. They provide important mentoring opportunities

for kids on the peninsula and right across Australia. The program helps to build the emotional, educational and social strength of children who may need that little bit of extra support through mentoring. Mark shared with me the story of Jennifer and Charli and their relationship through coach mentoring and the whole program. I encourage everyone in this place and abroad to have a further look into the great work that COACH does.

Cambodian elections

Meng Heang TAK (Clarinda) (09:58): I rise today to condemn Cambodia's sham election which took place on 23 July and the transfer of power from Hun Sen to his son Hun Manet. The sham election could be described as the least free and least fair in decades. The main opposition party and only credible challenger to the ruling party was barred from contesting the election. If that was not bad enough, the lead-up to the election was marred by arrests and violence against opposition party members and supporters and civil society as well as trade unionists. This is history repeating. Rewind to the last election in 2018, when the Cambodian People's Party won every single seat in the National Assembly after the main opposition party was dissolved and its leader Mr Kem Sokha was sentenced to 27 years in jail. To say that Cambodia is a democracy is laughable. The country was promised so much under the Paris Peace Accords in 1991: pluralist democracy, free and fair elections, human rights for all. These concepts are but a dream for too many Cambodians. The Cambodian community here in Victoria will continue to speak out in solidarity with those suffering and to pursue what was promised in the accords, and we will continue to push the Australian government to do the same with targeted sanctions, visa bans and asset freezes.

Regional police stations

Tim McCURDY (Ovens Valley) (09:59): I am deeply disturbed by the Andrews government, who are now moving towards abolishment of the current one-man, one-person, police stations. Clearly the government for Melbourne does not understand our rural communities. If these cuts go ahead, our rural communities and small towns will be exposed to increased crime and illegal activity. The Ovens Valley has six one-person police stations – in Tungamah, Katamatite, Glenrowan, Moyhu, Whitfield and Dederang. It would be disgraceful if the debt burden that was created in Melbourne now becomes a catalyst for the closing of these police stations.

All Victorians are entitled to be safe and feel safe in their homes, in their businesses and on their farms. Whether it is crime or accidents that occur in the region, it goes without saying that time is of the essence. To save a life or to stop a thief our one-person police stations walk a tightrope between fitting in and being part of their community at the same time as being the long arm of the law for those who push the boundaries. In the coming weeks there will be opportunities to sign my petition to save our one-person police stations, and I urge you to keep an eye out in those towns mentioned to sign the petition to save the one-man police stations. If you live in or around Tungamah, Katamatite, Whitfield, Glenrowan, Moyhu or Dederang, please seek out the petition and add your signature to support our one-person police stations.

Power saving bonus

Tim McCURDY (Ovens Valley) (10:00): I urge the Andrews government to consider extending the power saving bonus. The cost-of-living crisis is really hurting Ovens Valley residents. The $250 can be the difference between keeping the heater on or the air conditioner on, so I really urge the government to continue the power saving bonus.

McKinnon Secondary College

Nick STAIKOS (Bentleigh) (10:00): Congratulations to all the students involved in McKinnon Secondary College's production of *The Wedding Singer* – and I will attempt to name all of them in 90 seconds: Ruben Stein-Fooks, Meirav Berger, Tom Wever, Aziz Sharipov, Seffra Tienstra, Anthony Kostelac, Mabel Green, Bella Rubenstein, Ashley Blutman, Allegra Deliolanis, Amelia Long, Ariella Liberman, Eva Sun, Honorary Leung, Isabella Ruthven, Kirra Irving, Libbi Nadler, Lizzie Wharton,

Michaela Anderson, Isabella Dekarta, Jackson Torres, Jessica Sweeney, Lia Erlich, Lulu Quaife, Michael O'Hanlon-Munro, Milana Gavrilenko, Olivia Capurro-Martinez, Pria D'Souza, Romani Parrish, Anushka Sujeet, Bella Chanysheva, Clementine Wilson, Eden Morehu, Hayley Johnston-Allen, Isabella Lewis, Kiara Naidoo, Le Quan Nguyen, Lily Lichtenstein, Maliah Murphy, Mia Kinross, Ruby Johnston-Allen, Sanika Ribadia, Sara Kumar, Sophie Wein and Tya Blutman; and the crew Anthony Smith, Milana Smirnova, Eden Dale, Sasha Kanazawa, Eliza Sharp, Linh Nguyen, Emma Nicola, Alyssa Liang, Alicia Loie, Adele Brown, Charmaine Lee, Ella Malhotra, Dionne Tran, Amber Cohen, Isabella Pettifer, Annabelle Teo, Lily-rose Rasmussen, Anu Sharma, Niki Pantelios, Misha Freeman, Tehlia Levy and Sofia Kovalenko – and I apologise if I mucked up any of that pronunciation. It was a fantastic show, as it always is at McKinnon Secondary College. They always do a fantastic job. I am so proud to have this outstanding public school in my electorate.

Port Melbourne Football Club

Nina TAYLOR (Albert Park) (10:02): I was really excited when the Port Melbourne Football Club created history by being the first ever Port Melbourne VFLW team to win a grand final – absolutely fantastic! They defeated Collingwood 5, 5, 35 to 3, 5, 23 – commiserations to Collingwood – on their home deck at ETU Stadium just last month. I was there. And you know, you are watching it, you can see it in action, and then when it actually happens you cannot believe it. It was absolutely fantastic. So well done to everyone involved.

Port Melbourne Colts Junior Football Club

Nina TAYLOR (Albert Park) (10:02): I also want to do a shout-out to the Port Melbourne Colts junior footy club, because they hosted the under-8 and under-9 lightning carnival on 13 August. Now, get this: 3000 people, 650 buckets of chips, 550 packs of footy cards, 350 egg and bacon rolls, 350 hot dogs, 250 Gatorades – and actually there was some football played as well. There was machine-like efficiency from the stalls, and it raises good money for the club – amazing volunteering. To president Annette Maloney and secretary Bernadene Voss: kudos to you to make it function so well – all those kids, and not a computer in sight. Isn't that brilliant? Also a shout-out to the umpires. I did mention the volunteers, but also the parents, who are the volunteers mainly, were just sweating there over the barbecue, keeping up the good spirit. This is great for the whole area.

Greg Jeffers

Vicki WARD (Eltham) (10:03): I congratulate Greg Jeffers on receiving life membership of the Eltham Wildcats Basketball Club. Greg's dedicated leadership and communication skills when CEO of the Wildcats deserves recognition. I greatly enjoyed working with him supporting basketball, especially our work together with the amazing former principal Allan Robinson to build a new three-court stadium at Montmorency Secondary College. Under Greg's inclusive and intelligent leadership the Wildcats grew from 4200 members and a turnover of just over $1 million when he started to one of Australia's most successful and stable basketball clubs, with over 6000 members and a turnover of $2.7 million. Along with the Monty SC build Greg also undertook at Eltham High many infrastructure improvements.

Under Greg's leadership on-court performance has improved, and the club was awarded Basketball Victoria's 2017 junior association of the year; Basketball Victoria's 2018 association of the year; and Vicsport's Community Event of the Year for the Eltham Dandenong junior basketball tournament. What really needs to be noted is Greg's improvements to club culture. In the words of club president Peter Meehan:

> He came in at a very challenging time, and left the club in pretty much the best position, socially as well as materially, that we have ever been in.

I again quote Peter Meehan, who gave high praise:

> With the exception of David Hickman, there has been no-one that has made a bigger contribution to the ongoing success of the Eltham Wildcats Basketball Club.

I thank Greg for all he has done for the Eltham Wildcats and our local community. He continues to coach despite no longer being CEO. He is an absolute treasure.

Glen Katherine Primary School

Vicki WARD (Eltham) (10:05): Congratulations to all students and staff at Glen Katherine Primary School for their production of the *Wizard of Oz*. A big shout-out to principal actors Eliza Spear, Dayne Ernest, Oliver Besbie, Lilly Montgomery, Kobi Butler, Piper Ampfea-Sloley, Jasmine Lyons, Ivy Creber, Ella Sutton and Thomas Harding.

BAPS Swaminarayan Sanstha

Lauren KATHAGE (Yan Yean) (10:05): I rise to share my heartfelt thanks and gratitude to the members of BAPS, who welcomed me so kindly to their Para Sabha on Monday night. This neighbourhood assembly is a chance for community to gather, to share food and to share faith, so I thank them for sharing that with me.

Statements on parliamentary committee reports

Integrity and Oversight Committee

Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare

Mathew HILAKARI (Point Cook) (10:06): I am so excited actually to be back here speaking on committee reports. Last time we were in the chamber I had not finished a discussion around the *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare* report. I was midway through the recommendations, and I was up to recommendation 6, as you would remember from the time, Wednesday a fortnight ago. That went through the consultants, with the consent of the witness, providing proactive periodic mental wellbeing and health calls to make sure that witnesses who have been there to improve the integrity of the state get supported, because there is a significant time that exists between when a witness provides that information to IBAC and the time of the report landing. Of course this is an incredibly important part of the services that were recommended to support witness welfare.

I would like to take us next to the Victorian Inspectorate and recommendation 9 of the report, which was to:

> engage an external and independent person or body with psychological expertise to review its *Witness Welfare Policy*, templates and standard practices to ensure they conform to best practice principles

I think that is the right thing to be doing. We of course want to have best practice principles wherever we can when it comes to the support of witnesses who provide these services to the state, so I am so pleased that the Victorian Inspectorate has received this recommendation as part of this report too. Recommendation 9 also goes on to investigating the feasibility of making sure there could be a 0.5 full-time equivalent ongoing complainant and witness welfare officer. Having these professional staff – and they recommend particularly a psychologist, mental health nurse or mental health social worker – onsite, available to be there for support for witnesses who provide these services for the state and for the benefit of all Victorians is incredibly important. There were two other recommendations, which I do not think I am going to have the time to go into today. But I might just take us finally to the Victorian Ombudsman and the recommendations related to them. Recommendation 11 goes to:

> That the Victorian Ombudsman (VO) ensure that persons who are served with a confidentiality notice or summons to appear can directly access welfare support services provided by the VO's Employee Assistance Program provider, without the need for a referral by the VO.

It is an important thing for witnesses to be able to directly contact and get support services without actually breaking confidentiality and going through the body that they have provided the witness services to, so of course I look forward to the progress on each of these recommendations.

I would just like to mention a couple of things before I finish my contribution on this matter. Sean Coley, the committee manager, and all of the secretariat provide incredibly important services to the Parliament and the Integrity and Oversight Committee on this occasion in making sure that these reports are done accurately, in a timely manner and in a professional way so that these recommendations can then be considered and adopted by the agencies. So I thank Sean Coley, the committee manager; Dr Stephen James, the senior research officer; Tom Hvala, the research officer; Holly Brennan, the complaints and research assistant; Maria Marasco, committee administrative officer; and Bernadette Pendergast, committee administrative officer. As a member of the Public Accounts and Estimates Committee – and I see a number of other members of PAEC here – I know how much the committee staff do work behind the scenes to make sure that we have appropriate reports in a timely manner.

Finally, I just want to pay a tribute to some of those committee members, and certainly some of them are in the chamber right now: the member for Narre Warren South, who was the chair of the committee at that time; the member for Sandringham, who was the deputy chair; member for Western Victoria Mr Stuart Grimley; the member for Ringwood at that time, who was Mr Dustin Halse; the member for Bayswater Mr Jackson Taylor; the member for Eltham, who is in the chamber today and it is great to see her here; and the member for Rowville. I am so glad I had this second opportunity to conclude my remarks on this report. I look forward to hearing the remarks by the member for Kew.

Integrity and Oversight Committee

The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate

Jess WILSON (Kew) (10:11): I am pleased to rise to make a contribution today on the *Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate* report published in October 2022. In particular I want to draw the attention of the house to the work of my colleagues the members for Sandringham and Rowville in their minority report. IBAC and the Integrity and Oversight Committee are two key integrity and accountability functions that are critical in providing transparency and accountability for all Victorians. 'Integrity' is a word that we hear a lot these days, but it is not just a buzzword. Government integrity is key to ensuring trust in the institution of Parliament and indeed our system of representative democracy. So it should concern us all that according to the *Edelman Trust Barometer*, which is a key marker of those that see trust in institutions, the majority of Australians now believe that governments are now a dividing force in society and the majority view is symptomatic of a trust deficit when it comes to voters and those who represent us in this place.

The saga over the independent performance audits of October 2022 published by the IOC is a new low in the very sorry state of affairs that surround integrity and accountability under this state government. The minority report of the members for Sandringham and Rowville highlights some of the significant challenges throughout the performance audit process, particularly the evident inability of the auditor to actually perform the audit process they were engaged to perform. Looking through the minority report today, the email from the member of the government at the time requesting changes to the process or that audit would not be accepted by the committee is a clear example of that.

The minority report states that the auditors claim that they were not able to obtain sufficient appropriate evidence to conduct the audit. This is a real reflection on the auditors' incapacity to undertake the work they were appointed to do by the committee. It is no doubt true, but according to the former IBAC Commissioner Robert Redlich it is also evidence of the government's attempt to discredit IBAC by instructing the audit consultants to dig up dirt on the organisation as part of the performance audit process. Now, this is a serious claim that has been made by an esteemed former commissioner, much as the Premier might like to paint him as just 'some bloke'. As former Commissioner Redlich said at the time:

> If we can't say the integrity committee of the Victorian parliament is acting with integrity, we have a very, very serious problem.

Clearly the legislative framework surrounding the independent performance audit process needs to be much more robust so that the public can have confidence in the state's integrity mechanisms. As the members for Sandringham and Rowville note in their minority report:

> … the current legislative framework in the IBAC Act and the VI Act were found to be inadequate and failed to provide necessary clarity for the Committee.

This is a recommendation that should be acted upon immediately, but no doubt the government intends to just let the next performance audit period roll around without addressing the structural issues that contributed to the debacle of the last audit report. Again, I refer to the excellent work of my colleagues the members for Sandringham and Rowville, who highlighted in their minority report the critical need for the legislation to be updated to ensure that absolute independence of the auditor, free from political interference, is guaranteed during the audit process.

As I said earlier, it is imperative Victorians have confidence in the integrity and accountability mechanisms that exist in this state, and fixing the current legislative framework so that proper performance audits can be conducted and produced should be a government priority to help restore that confidence. Of course I will not be holding my breath, given that this government seems intent on doing the opposite when it comes to ensuring confidence in our state's accountability mechanisms and this government has made it very, very clear that it has no desire to hold uphold integrity and accountability in government processes and decision-making. This is a government that is mired in corruption scandals, each one further undermining the Victorian people's trust and respect for the institution of government.

If I can with the time I have left just recap a number of the investigations that have been undertaken by IBAC and the Ombudsman into this government: Operation Watts, Operation Daintree, Operation Sandon, Operation Clara, Operation Richmond, which is yet to be publicly released, and of course the Ombudsman's investigation into the red shirts rorts and the Ombudsman's investigation into the politicisation of the public service, just to name some of the investigations. I thank the members for Sandringham and Rowville for their minority report.

The DEPUTY SPEAKER: Order! It has come to my attention that the call was for the non-government side at the start of committee reports. I apologise for the error. If the member for Gippsland South would like the call now, he can take it, or otherwise –

Danny O'Brien: I am not quite ready.

The DEPUTY SPEAKER: My apologies. The member for Laverton.

Public Accounts and Estimates Committee

Report on the Appointment of a Person to Conduct the Financial Audit of the Victorian Auditor-General's Office

Sarah CONNOLLY (Laverton) (10:16): Thank you to the member for Gippsland South. I will be sure to mention you in particular as I make a contribution on the Public Accounts and Estimates Committee report on something that I know is very close to the member for Gippsland South's heart, the appointment of a person to conduct the financial audit of the Victorian Auditor-General's Office. This is a small report but one that is required of the committee every term under the Audit Act 1994 and is indeed – and it may be a surprise for many people – a key function of the PAEC.

The Auditor-General plays a really important role in this state in ensuring that the public service – our government bodies and departments – is operating appropriately and, most importantly, is accountable to Parliament and, through us here in this place, the broader community. They make sure that the funding we allocate to government departments is actually spent accordingly. Like these public service entities, even the Auditor-General's office does need auditing, which is quite obviously something that

it cannot do itself. That is why, as many in this place would know, there is a statutory requirement for the committee to appoint an auditor for the Victorian Auditor-General's Office.

It was the recommendation of this current PAEC that Mr Kenneth Weldin of PKF Melbourne Audit and Assurance go ahead and conduct this audit for a period of 12 months. Mr Weldin replaces Mr Steven Bradby, also of PKF Melbourne Audit and Assurance, who conducted the audits for the entirety of the last term of this Parliament. Mr Weldin is the joint head of audit and assurance at PKF Melbourne and is, really importantly, a member of Chartered Accountants Australia and New Zealand – a highly qualified person. He brings a wealth of experience in conducting audits, something that, as you would expect, is critically important to auditing a government body like the Auditor-General's office. Each member of this committee I can assure you has complete confidence that he has the ability and importantly the responsibility to serve as an independent auditor. Mr Weldin will go ahead and table his audit report upon the conclusion of the 2023–24 financial year.

Most notably, this was actually the first report I had the privilege of tabling this term as committee chair, and I want to give a really big shout-out on behalf of the committee. There are members here in this chamber right now that are part of the PAEC, and I know that they will join me in thanking Caroline Williams. Caroline is an extremely capable and a very effective executive officer. She heads up members of the secretariat who worked extremely hard in preparing this report and throughout the whole process of preparing the report. Each and every day they work tremendously hard to support members of the PAEC and indeed write reports that are of a very high standard that are tabled here in this place. The authors of those reports for the work and the research that they do probably do not get thanked enough in this place. On behalf of the committee I would like to thank them wholeheartedly for the work that they have done so far to support us and in writing some great reports but also the work that I know they are going to do going forward with the committee to support the committee by doing a plethora of research and preparing such high-quality reports for members of this place to put their names to.

I also really want to acknowledge my fellow committee members who took part in this process. I have already talked about the member for Gippsland South –

A member: A bit more, though.

Sarah CONNOLLY: A bit more. Well, I do want to thank the member for Gippsland South on behalf of the PAEC for his contributions over many, many years. I am more than happy for you to point out – is it closer to a decade now, member for Gippsland South?

Danny O'Brien: Steady on. Not quite.

The DEPUTY SPEAKER: Through the Chair.

Sarah CONNOLLY: A very experienced member of PAEC, I do have to say. I also want to give a big shout-out to the member for Box Hill, who is here beside me – he has done a tremendous job; the member for Point Cook; the member for Yan Yean, who is here sitting in this place; the member for Melbourne; and as I said, the member for Gippsland South. I also want to thank Mr McGowan, the deputy chair of PAEC, Mr Galea and Mrs McArthur in the other place, who also sit on this committee.

Privileges committees

Appointment of a Parliamentary Integrity Adviser for the 60th Parliament

Danny O'BRIEN (Gippsland South) (10:21): Thank you to the member for Laverton for her very kind words and her chairing of the Public Accounts and Estimates Committee. I want to speak today, though, on the issue of integrity with respect to the report on the appointment of a parliamentary integrity adviser for the 60th Parliament by the privileges committees of both chambers, the Council and the Assembly. The committees resolved to appoint Professor Charles Sampford as the

parliamentary integrity adviser in the report tabled in June of this year. I would like to acknowledge the work in the past of Ray Purdey, who was the previous parliamentary integrity adviser but also a very long-serving, very wise and helpful Clerk here in the chamber who did a fantastic job. I had at least one occasion to speak to Ray about integrity issues, and I would encourage all members of the chamber, indeed all members of both chambers, to take the opportunity to speak to the integrity adviser and to take part in the education sessions that he will no doubt be running, which are highlighted in the report.

The role in the report indicates that the integrity adviser is to provide advice on request to current and former members on ethical issues and integrity matters relating to their role as a member of Parliament. There are also education and training functions of the parliamentary integrity adviser. I think this is a serious issue facing us here in this chamber, and I particularly think the government has a very serious problem with integrity. My colleague the member for Kew has outlined a number of issues where we have had at least five IBAC inquiries touching on the government – operations Watts, Daintree, Sandon and Clara, with Operation Richmond still to come. I was probably most perturbed a week or two ago when the latest jobs for mates issue arose. There is no doubt that there is justification from time to time for governments to appoint former MPs and ministers to important roles, and that will happen on both sides. But what I was concerned about when the latest appointment was raised of former Minister Foley to another government agency, on a fairly significant package, on top of a previous appointment to a hospital board, on top of former Minister Merlino being appointed to the Suburban Rail Loop Authority and Minister Neville as well to positions, was the response of the Premier and the complete arrogance in the way he took it. I was concerned that in particular there was a sense from the Premier that he was above anything – above any accountability – on these issues.

If you look at the history of this government, you can list a number of them. I have mentioned the IBAC inquiry reports. You can look at the red shirts issue, you can look at the issues of the former Speaker and Deputy Speaker with respect to living away from home allowances, you can look at the hotel quarantine forgetfulness of the government, you can look at the Labor branch-stacking issues, which, yes, did result in certain members of one faction being demoted and one kicked out of the party – but somehow or other the Socialist Left got off scot-free and there is no issue with that – but most particularly, I think, look at the concerns raised by the former Commissioner of IBAC Robert Redlich. The letter that he sent to the Speaker and the President alleged serious concerns about the government's activity with respect to IBAC's inquiries and suggested that members had actually asked an auditor to 'dig up dirt'. To have that raised and then have the Premier say 'I don't know anything about it because it wasn't sent to me', which is totally disingenuous, and to have the Premier then refer to Robert Redlich as 'a bloke who used to run an agency' in such belittling terms frankly provided the groundwork for members of the Integrity and Oversight Committee to then go after Mr Redlich when he appeared a couple of weeks ago in what I thought was absolutely disgraceful behaviour, trying to discredit him and trying to undermine him.

Belinda Wilson: That's not true.

Danny O'BRIEN: It is absolutely true. I would not be speaking up if I was you, member for Narre Warren North.

The DEPUTY SPEAKER: Through the Chair, member!

Danny O'BRIEN: That was a disgraceful performance on behalf of the government members – trying to belittle someone who the government, when he was appointed as the IBAC Commissioner, said was 'one of Victoria's most eminent and well-regarded jurists'.

Members interjecting.

The DEPUTY SPEAKER: Members on my right will come to order!

Danny O'BRIEN: The government has an integrity problem. It needs to do something about it. Some members in particular should be speaking to the parliamentary integrity adviser.

Privileges committees

Appointment of a Parliamentary Integrity Adviser for the 60th Parliament

Paul HAMER (Box Hill) (10:26): I would also like to speak about the appointment of the parliamentary integrity adviser for the 60th Parliament, which was actually a decision of the joint privileges committees. It was not a decision of the Integrity and Oversight Committee, and it did not involve discussions of IBAC. I want to commence by passing on my congratulations to the new parliamentary integrity adviser, who was appointed through the committee's report, Professor Charles Sampford, who recently commenced his four-year term. I have not had the opportunity to meet Professor Sampford, but Professor Sampford does come with an exemplary pedigree in terms of handling integrity matters. He has had a long and distinguished career in integrity and accountability and parliamentary ethics. He is a board member of the Accountability Round Table and has held positions as president of the International Institute for Public Ethics, convener of the World Ethics Forum, board member of the World Bank's Global Integrity Alliance and civil society member of the Open Government Forum. He is also the foundation dean of law, a research professor in ethics and the director of the Institute for Ethics, Governance and Law at Griffith University. So he is a very highly credentialed person to fill that role. I also want to put on the record my thanks to Mr Ray Purdey, who filled the role of the parliamentary integrity adviser in the 59th Parliament.

The role of the parliamentary integrity adviser is a very important role in this place. It was initiated by a resolution in 2019 coming out of some incidents that had occurred in parliaments preceding that, some of which have been outlined by the member for Gippsland South. The role of the integrity adviser is to be able to provide general advice to members on integrity matters connected to their role as a member of Parliament, including issues relating to claiming parliamentary allowances, conflicts of interest and the application of the members code of conduct. The integrity adviser also has an important role in the education and training of members so that members are fully aware of their responsibilities.

It is really important for us as members of Parliament and for Parliament as an institution of government and democracy in this state that there is strong integrity amongst all members and that we do the right thing and we are seen to be doing the right thing. I know from experience that from time to time – and I am sure all members have this – there will be approaches made by perhaps members of the community or larger organisations who are providing or offering some sort of service or initiative, and I think it is always important that members have the opportunity to take a step back and talk with the integrity adviser just to make sure and confirm that that is an appropriate role and that anything that is accepted is appropriately declared in accordance with the code of conduct. So it is a really important role that the parliamentary integrity adviser has in this place, and I do wish Professor Sampford all the best during his tenure.

As with all of these appointments, it does require a lot of work by the committee to come to the deliberation. There are 14 members on the committee, but it was particularly the subcommittee members who made this decision, and I want to thank Minister Harriet Shing and Georgie Crozier in the other place, and Minister Lily D'Ambrosio and Mr Wells, the member for Rowville, in this place, for their work in the subcommittee.

Integrity and Oversight Committee

Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare

Cindy McLEISH (Eildon) (10:31): My contribution today is on a report tabled by the Integrity and Oversight Committee, the *Performance of the Victorian Integrity Agencies 2020/21: Focus on Witness Welfare*. Members will be well aware that there are a number of integrity agencies established in Victoria, those being the Victorian Ombudsman, the Victorian Inspectorate, the Office of the Victorian Information Commissioner and IBAC, the Independent Broad-based Anti-corruption

Commission. We know they have been established with a particular object, and that is about accountability and transparency of government. These are key principles underpinning responsible government, and that can be seen in the introduction here.

I think this is an area that the Andrews Labor government has failed repeatedly in in this regard. There have been so many referrals to IBAC. It is important to note that these integrity agencies are not subject to the direction or control of the executive government and are directly accountable to Parliament through the Integrity and Oversight Committee. Despite that, the earlier IOC report, *The Independent Performance Audits of the Independent Broad-based Anti-corruption Commission and the Victorian Inspectorate*, showed direct interference by government rather than having just the oversight. We have seen some pretty amazing things in this report as well, and I will be focusing on the minority report.

The report that we have here, 'Focus on witness welfare', I think is important to stop and reflect on. The IOC, we know, is the committee that had five chairs over a four-year period, which in itself must be a record in this place. If we have a think about witness welfare, why is that important? We all need to stop for a moment and put ourselves in the shoes of a witness. Some of the witnesses that are called will be dodgy and will have something to hide. A lot of them will just be called by reference or by having something to do with, being closely aligned with or having worked with somebody and are being brought forward as someone who might have something to offer the hearing.

For many of these witnesses it would be the first time. If you are going to any of the oversight committees for the first time, whether it be the Ombudsman or IBAC, it can be very harrowing I would imagine and perhaps intimidating, because this would be an unknown experience. You do not know what to expect, how it is going to play out. I think this report has highlighted some of the shortcomings. It was instigated because of the tragic outcome of one of the witnesses, former councillor for Casey Amanda Stapleton, who took her life in January 2022. Amanda had been a witness and obviously had a very harrowing experience, not just at the time of being called but in the subsequent period and probably even the period leading up to being called. She was left waiting, and because she did not know what would happen, did not hear what would happen, the anxiety and the stress certainly grew to the most regrettable extent in that case. I imagine a lot of people would be very much suffering, wondering what the outcome was going to be. Amanda had given evidence 22 months prior. That was almost 2 years when the anxiety and tension and worry continued to grow and really escalate. She did not know that IBAC did not intend to bring criminal charges against her, so she was wondering all of this time what would happen, and that clearly got too much. So I think it is so important that all of us stop to think about what it should be like for the witnesses.

We have also had people that have gone to the Ombudsman for the first time, and many of us would have had these people come to us in our offices and seek advice about this. I had a report tabled by the Ombudsman some time ago which dealt with one matter in a former part of my electorate and one in a current part, and for the people that were in and around that, that was very stressful. They had nothing to hide in those instances, but the whole process can be very stressful. I think that we need to place a focus on witness welfare and think about how we are best to treat them. There is a lot more in the minority report that I will talk about on another occasion, because this is the infamous one where the plug was pulled during the inquiry. I will talk about that next time.

Business of the house

Notices of motion

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (10:36): I advise that the government does not wish to proceed with notices of motion 1 and 2, government business, today and ask that they remain on the notice paper.

Bills

Education and Training Reform Amendment (Land Powers) Bill 2023

Statement of compatibility

Natalie HUTCHINS (Sydenham – Minister for Education, Minister for Women) (10:36): In accordance with the Charter of Human Rights and Responsibilities I table a statement of compatibility in relation to the Education and Training Reform Amendment (Land Powers) Bill 2023.

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**), I make this statement of compatibility with respect to the Education and Training Reform Amendment (Land Powers) Bill 2023 (the **Bill**).

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

Overview

The purpose of the Bill is to amend the *Education and Training Reform Act 2006* (the **ETRA**) to make further provision for the acquisition, use and development of land for the purpose of early childhood education and care and for the purpose of services associated with early childhood education and care.

The Bill also makes minor and related amendments to the ETRA.

Human Rights Issues

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

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

- property rights (section 20 of the Charter);
- right not to have home unlawfully or arbitrarily interfered with (section 13(a)); and
- protection of children (section 17(2)).

Rights to property and privacy of home

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. The right is understood to protect real and personal property, including land, as well as other economic interests, and protects against expropriations of that property, as well as deprivations of the use or benefit of such property. For deprivation of a person's property to be 'in accordance with law', as required by section 20, the legal authorisation for the deprivation must be clear and certain, publicly accessible and it must not operate arbitrarily. Section 20 does not provide a right to compensation.

Related to the right to property is section 13(a) of the Charter, which prohibits unlawful or arbitrary interferences with a person's home. 'Home' in the context of section 13(a) has been interpreted broadly and beyond notions of legal and equitable rights. Arbitrary interferences are those that are capricious, unpredictable or unjust, as well as unreasonable because they are not proportionate to a legitimate aim sought. An interference with privacy can still be arbitrary even though it is lawful.

The Bill engages the rights In sections 13(a) and 20 of the Charter. Section 5.2.3(1) of the ETRA provides that the Minister's powers to acquire land include purchasing by agreement or compulsorily acquiring any land required for the purposes of the Act. Clause 4 of the Bill expands the purposes of the ETRA so that the Minister can acquire, use and develop land required for the purposes of the Act, as amended – that is, for the purposes of the provision of early childhood education and care, and services associated with early childhood education and care.

By operation of clauses 4 and 19, the Minister's powers in the ETRA are expanded to include acquiring land, either by agreement or compulsorily, for the purposes of the provision of early childhood education and care, including if the purposes include the provision of a service associated with early childhood education and care. Clause 19 confines the power by not allowing the Minister to compulsorily acquire land if it is only for the purposes of the provision of associated services.

Clause 20 empowers the Minister to take on lease (or under any other arrangement), or to grant or enter into any lease of (or enter into any other arrangement for), any land or premises required for a relevant purpose. Relevant purpose is defined to include providing early childhood education and care, or a direct or indirect benefit to it, or providing services associated with early childhood education and care.

The operation of the three clauses outlined above may result in deprivation of, or an interference with, a person's land or home, either by way of acquisition (in the case especially of clauses 4 and 19) or by way of restricting a person's use or enjoyment of their property (in the case especially of clause 20 with respect to leases). In my view, the ETRA, as amended by the above clauses, will provide a lawful basis that is clear and accessible to the public. Further, I do not consider that the Act, as amended, will operate arbitrarily or enable arbitrary interferences with a person's home. That is because the Bill is, in my view, reasonable and proportionate to a legitimate aim. That aim is to increase the scale of the government's infrastructure investment program to support the 'Best Start, Best Life' reforms, including provision of free kindergarten, a new universal year of Pre-Prep and 50 government-owned early learning centres. These powers are necessary to implement this program, as well as the provision of early childhood education and care beyond the life of the program. Although every effort will be made to situate facilities on government schools, other government land and partner land, new infrastructure capacity is still likely to require land acquisition. Wherever possible, land will be purchased through negotiation with the landowner. However, compulsory acquisition may be necessary (for example, if the landowner is unwilling to sell).

Section 5.2.3(2) provides that the *Land Acquisition and Compensation Act 1986* applies to the ETRA. *The Land Acquisition and Compensation Act 1986* provides a procedure for the acquisition of land for public purposes and provides a right to compensation in respect of land compulsorily acquired. Accordingly, compensation may be available under the *Land Acquisition and Compensation Act 1986* (although, as noted above, this is not a requirement of section 20 of the Charter). Further, the lawfulness of a Minister's decision to compulsorily acquire land is subject to judicial review. This assists in ensuring that the powers are subject to appropriate procedural protections.

Finally, I note that the Minister, in exercising powers to acquire land, will be a public authority under the Charter and will be required to give proper consideration to human rights in the Charter when making decisions, and to act compatibly with human rights in the Charter. This will include giving proper consideration to property and privacy of home rights, including the proportionality of any proposed acquisition.

For the above reasons, any deprivation of property or interference with a person's home provided for by the Bill would occur in accordance with law and in circumstances that were not arbitrary. Accordingly, I do not consider that the Bill limits the rights in sections 13(a) and 20.

Protection of children

Section 17(2) of the Charter provides that every child has the right, without discrimination, to such protection as is in the child's best interests and as is needed by the child. Section 17 imposes a positive requirement on the State to provide protection. The interpretation of section 17(2) has been informed by international materials. They recognise that the need to promote a child's development and education is in a child's best interests.

I consider that the Bill promotes the right in section 17(2). This is recognised by these three principles inserted in the ETRA by clauses 6 and 7 of the Bill:

- access to education during early childhood is important for the wellbeing of children and their families;
- all Victorians, irrespective of where they live or their social and economic status, should have access to education during early childhood; and
- the State will support the provision of early childhood education in areas where there is or will be insufficient provision of early childhood education.

The Hon. Natalie Hutchins MP
Minister for Education

Second reading

Natalie HUTCHINS (Sydenham – Minister for Education, Minister for Women) (10:37): I move:

That this bill be now read a second time.

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

Incorporated speech as follows:

Introduction

Today, I introduce a Bill to amend the *Education and Training Reform Act 2006* (Act) to expand the state's powers to acquire and develop land, or to take on or grant other interests in land, for the purposes of providing early childhood education and care and other associated services as part of the government's Best Start, Best Life reforms.

The Victorian Government has committed $14 billion over a decade to deliver the Best Start, Best Life reforms, including continuing the roll-out of funded three-year-old kindergarten.

This investment means that, from this year, free kinder has rolled-out for all three- and four-year-old children at participating services. This is a meaningful change that signals the importance of access to early childhood education programs for all children.

Over the next decade, four-year-old kindergarten, being kindergarten in the year before school, will transition to 'Pre-Prep.' Pre-Prep will become a universal 30-hour-a-week program of play-based learning available to four-year-old children across the state.

This will amount to a doubling of the educational opportunities available for children in their year before school. It will mean children have twice the amount of teacher-led play-based learning time to develop critical social, emotional, and cognitive skills that will set them up for life, and for the following years of their education. This will be delivered through kindergartens and long day care services.

The Victorian Government has also committed to opening 50 new government-owned early learning centres in the communities that need them most. The first of these will be co-located on school sites at Sunshine Primary School, Murtoa College, Moomba Park Primary School, and Eaglehawk North Primary School and will be open for 2025, with remaining centres delivered by 2028.

The Education and Training Reform Amendment (Land Powers) Bill 2023 will play a critical role in facilitating the delivery of these commitments, by providing already existing land powers that are currently in place for the Education portfolio to the Early Childhood and Pre-Prep portfolio, and creating a clear legislative power for other land arrangements such as leasing.

Specifically, this Bill will amend the Act to:

a) expand the minister's powers to acquire land, either by agreement or compulsorily, or to take on or grant other interests in land, for the purposes of providing childhood education and care and certain other services associated with ECEC, such as maternal and child health services and community spaces, and

b) expand the purposes of the ETR Act as they relate to:

    a. the acquisition, use and development of land by the Minister, and

    b. the provision of ECEC and associated services,

c) expand the principles of the ETR Act to recognise the importance of access to education during early childhood and state support of early childhood education where there is insufficient provision.

Summary of Bill

The Bill expands the current Education-focused powers in the Act to acquire and develop land to include purposes related to the provision of ECEC.

The purposes of the Act are currently limited to the provision of education and training to adults and children of school age. That is, references to education and training in the Act are limited to school-based education, vocational education and training (VET) and higher education. The Act does not currently make specific provision for ECEC. This Bill will amend the purposes of the Act to include ECEC, which will have the effect of expanding the purposes for which the minister's existing powers to acquire and develop land to include ECEC.

Similarly, the principles underlying the Act apply to education and training with no reference to ECEC. The Bill amends those principles to make clear the importance of ECEC and that the government will support it where there is otherwise insufficient provision.

Specifically, the Bill expands the power to compulsorily acquire land for ECEC by removing the existing limitation that land for a preschool program can only be acquired by agreement. Land will now be able to be compulsorily acquired so long as it is required for any of the purposes of the Act, which on the commencement of the Bill will include the provision of ECEC.

Finally, the Bill also provides a clear legislative power for the minister under the Act to grant or take on a lease or any other arrangement over land for the purposes of providing ECEC or an associated service.

The $14 billion Best Start, Best Life program is a true generational reform and will fundamentally shape the future of early childhood education for decades to come. Evidence shows that investment in early childhood education has significant social and economic benefits, and that for every $1 invested in early childhood education, Australia receives $2 back over a child's life - through higher productivity and earning capacity, and reduced government spending on health, welfare and crime.

Research shows that a child who has attended two years of a quality kindergarten program will, on average:

- have better cognitive, social and emotional skills when they start school (including better development in language, pre-reading, early number concepts, non-verbal reasoning, independence, concentration and social skills)
- have higher exam scores at 16, including better grades in English and maths
- have more developed social and emotional outcomes at age 16
- be more likely to take more final year exams and to go on to higher academic study.

These children are the future of Victoria, and this Bill enables this change to happen.

I commend the Bill to the house.

Cindy McLEISH (Eildon) (10:37): I move:

That this debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 13 September.

Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023

Statement of compatibility

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:39): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023.

Opening paragraphs

In accordance with section 28 of the *Charter of Human Rights and Responsibilities Act 2006*, (the Charter), I make this Statement of Compatibility with respect to the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023.

In my opinion, the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023 (the Bill), as introduced to the Legislative Assembly, is compatible with human rights as set out in the Charter. I base my opinion on the reasons outlined in this statement.

Overview

The Bill amends the *Summary Offences Act 1966* (the Principal Act) by making it an offence to publicly perform a Nazi salute or other gesture used by the Nazi Party including its paramilitary arms and to extend the current offence for publicly displaying a Hakenkreuz or other symbol that is likely to be confused or mistaken for that symbol under section 41K, to include any symbol or gesture used by the Nazi Party including its paramilitary arms.

The Bill's purpose is to prevent the harm caused by the Nazi salute and other Nazi gestures or symbols to reduce racism and vilification in the community, maintain public order, and to send a clear message that Nazi ideology and the hatred it represents is not tolerated in Victoria. This Bill follows the creation of a criminal offence prohibiting the public display of the Nazi symbol (the Hakenkreuz) in June 2022, and the government's commitment to monitor the display of other hateful symbols, as recommended by the Parliamentary Inquiry into Victoria's Anti-Vilification Protections (AV Inquiry).

The Bill will:

- prohibit the intentional public performance of a Nazi gesture, including the Nazi salute or any other gesture that is used by the Nazi Party (including its paramilitary arms) or a gesture that is likely to be confused with or mistaken for that gesture;
- expand the application of the offence of publicly displaying a Hakenkreuz or other symbol that is likely to be confused or mistake for that symbol to include a Nazi salute and any other symbol or gesture used by the Nazi party (including its paramilitary arms);
- clarify the application of existing exceptions under section 41K to the new offence of publicly performing or displaying a Nazi gesture; and

- expand the application of enforcement powers available under section 41K to the display of a Nazi gesture, including the Nazi salute.

Human Rights Issues

The Bill promotes the following rights under the Charter:

- right to recognition and equality before the law (section 8);
- right to freedom of thought, conscience, religion and belief (section 14); and
- right to culture (section 19).

The Bill limits the following rights under the Charter:

- right to privacy and reputation (section 13);
- right to freedom of thought, conscience, religion and belief (section 14)
- right to freedom of expression (section 15);
- right to peaceful assembly and freedom of association (section 16);
- right to take part in public life (section 18);
- right to property (section 20); and
- rights in criminal proceedings (section 25).

Under the Charter, rights can be subject to limits that are reasonable and justifiable in a free and democratic society based on human dignity, equality and freedom. Rights may be limited in order to protect other rights.

As discussed below, these limitations are reasonable and justified in accordance with section 7(2) of the Charter.

Right to recognition and equality before the law (section 8)

Section 8(3) of the Charter provides that every person has the right to enjoy their human rights without discrimination and has the right to equal and effective protection against discrimination. Justice Bell in *Lifestyle Communities Ltd (No 3) (Anti-Discrimination)* [2009] VCAT 1869, 277 noted the equality rights in section 8 are 'the keystone in the protective arch of the Charter', and the fundamental value underlying the right to equality is the 'equal dignity of every person'. To treat somebody differently because of an attribute rather than on the basis of individual worth and merit can undermine personal autonomy and self-realisation.

The public display or performance of Nazi gestures, particularly the Nazi salute, and other Nazi symbols impinges this right by undermining the dignity and self-worth of groups that have been historically persecuted by the Nazi Party and targeted by neo-Nazi groups, including the Jewish Community, LGBTIQ+ people, people with disability, Aboriginal and Torres Strait Islander people, and other racial and religious groups. For these communities, the public expression of Nazi symbols and Nazi gestures are an assault against human dignity and represent a form of hatred and prejudice that has no place in Victoria.

Expanding the offence under section 41K to prohibit the public display or performance of a Nazi gesture and other Nazi symbols therefore promotes the right to recognition and equality before the law by further protecting these communities, and the wider Victorian public against the harm and distress caused by these gestures and symbols.

Right to privacy and reputation (section 13)

Nature of the right

Section 13(a) of the Charter provides that a person has the right not to have their privacy unlawfully or arbitrarily interfered with.

According to Justice Bell in *Kracke v Mental Health Review Board (General)* (2009) 29 VAR 1, the right to privacy 'protects people from unjustified interference with their personal and social individuality and identity.' This includes protection from interference with a person's individual identity and physical integrity.

An interference will be lawful if it is permitted by a law which is precise and appropriately circumscribed. It will be arbitrary only if it is capricious, unpredictable, unjust or unreasonable, in the sense of being disproportionate to the legitimate aim sought.

The Bill limits the right to privacy by broadening current restrictions on a person's ability to privately display Nazi symbols and extending these restrictions to Nazi gestures, if the symbol or gesture can be seen by people in a public place, or on their person (such as on clothing) in public.

The importance and purpose of the limitation

The limitation supports the Bill's purpose to reduce racism and vilification in the community, and to maintain public order, by minimising the harm caused by the display of any Nazi symbol or Nazi gesture and by allowing such symbols or gestures to be removed from public display.

Nature and extent of the limitation

Clause 7 of the Bill limits the right to privacy by prohibiting a broader range of symbols and gestures that can be displayed under section 41K of the Principal Act. This expansion is intended to prevent the harm caused by the public display of Nazi gestures and other Nazi symbols, regardless of whether they are physically located on public or private property. The expanded offence will still be confined to acts that occur in public, or occurs in sight of a person in a public place, and will not prevent a person from owning or displaying a Nazi gesture or Nazi symbol in private where it cannot be viewed from a public place (for example, inside a private home).

Additionally, the expanded offence will continue to ensure that tattoos and other like processes (such as branding) that display a Nazi symbol or gesture will not be prohibited. This ensures the Bill is not more restrictive than necessary to fulfill its purpose and preserves rights to bodily integrity. Since the expanded offence does not apply to hate symbols generally and given the harm the amended offence seeks to prevent, this limitation is lawful and does not arbitrarily or unreasonably limit the right to privacy.

Clause 8 of the Bill limits the right to privacy by expanding a police officer's power under section 41L of the Principal Act to be exercised in relation to the public display of symbols and gestures of the Nazi Party including its paramilitary arms. This amendment is necessary to support practical enforcement of the expanded offence and to prevent any further harm from being caused by the continued display of Nazi gestures or other Nazi symbols. The Bill makes no further changes to section 41L. Accordingly, a person who does not comply with a direction to remove the Nazi gesture or other Nazi symbol from display will be liable for a fine of 10 penalty units, unless the defence of reasonable excuse applies. A direction can only be exercised in relation to the display of a Nazi gesture or Nazi symbol, which can still be displayed in private, and cannot be used for expressions of hate generally. Interference with the right is therefore lawful and does not arbitrarily or unreasonably limit the right to privacy.

Clause 9 of the Bill limits the right to privacy by expanding a police officer's power under section 41M of the Principal Act to be exercised in relation to the public display of Nazi gestures and any other Nazi symbols.

The Bill makes no other amendments to section 41M or the operation of s 465 of the *Crimes Act 1958* (Crimes Act), which sets out the conditions for such powers being exercised. Accordingly, a police officer will still be required to apply to the Magistrates' Court for a warrant to search premises and seize property that displays a Nazi gesture or other Nazi symbol and is in connection to, or as evidence of commissioning of the offence. Before a warrant can be granted, the magistrate must be satisfied by evidence that there are reasonable grounds to believe that there is, or will be within the next 72 hours, in a building, place or in a vehicle something that is connected with the offence that has been committed or might be committed in the next 72 hours, or anything that will afford evidence for the offence. The power can only be exercised in relation to symbols or gestures that were used by the Nazi Party and not expressions of hate generally. Given the fact that the obtaining of a warrant by police will also continue to be subject to court oversight, any interference with the right to privacy as a result of a warrant would be lawful and not arbitrary or unreasonable.

The relationship between the limitation and purpose

These limitations are necessary to support the effectiveness and practical enforcement of the expanded offence and to prevent or minimise any harm caused by the public display of any Nazi gesture or other Nazi symbol.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

Any further limitations on the power to direct a person to remove a Nazi gesture or any other Nazi symbol from display would undermine the objectives of the Bill since it would fail to adequately prevent a person who has committed an offence from continuing to display the gesture or symbol. It would also fail to address circumstances where a Nazi gesture or other Nazi symbol has been displayed on property by a third party (for example, by means of graffiti), since it may be necessary to direct the owner or occupier to remove the symbol or gesture, even though they have not been involved in the commission of the offence.

The current general search and seizure powers are necessary to ensure sufficient evidence can be obtained to prosecute persons that publicly display Nazi gestures or other Nazi symbols. It is also possible for secondary evidence of a Nazi gesture or other Nazi symbol (e.g. a photograph of the display) to be used instead of the property item. Under the Victorian Police Manual, police officers are required to apply the test of essentiality before seizing any property. This includes an assessment of whether the property is lawful, whether it is necessary to seize it and whether secondary evidence can be used in its place.

Right to freedom of thought, conscience, religion and belief (section 14) and the right to culture (section 19)

Nature of the right

Section 14 of the Charter provides that every person has the right to freedom of thought, conscience, religion and belief, including to adopt the religion or belief of their choice and to demonstrate their religious belief in public or private. A person must not be coerced or restrained in a way that limits their freedom of religion or belief in worship, observance, practice or teaching.

The right to culture in section 19 is based on Article 27 of the International Convention on Civil and Political Rights (ICCPR). This right ensures individuals, in community with others that share their background, can enjoy their culture, declare and practise their religion and use their language. It protects all people with a particular cultural, religious, racial or linguistic background.

The public display of Nazi gestures and other Nazi symbols undermines this right by promoting harmful ideologies that are aimed at suppressing the objectives of multiculturalism (to ensure that all Victorians can participate fully in society and remain connected to their culture and religion) by making groups targeted by these gestures and symbols feel intimidated or apprehensive about demonstrating their beliefs in public.

This was demonstrated on 26 January 2023, when a far-right group linked to neo-Nazi ideology disrupted a local Aboriginal community's mourning ceremony in Merri-bek City Council and performed the Nazi salute.

The expanded offence therefore promotes both rights by allowing multicultural and religious communities to practice religion, hold beliefs and engage in cultural celebrations, without fear of harm or vilification.

The Bill could also limit these rights by placing an evidential burden on people displaying a symbol or gesture for a religious or cultural purpose that may be mistaken for a symbol or gesture used by the Nazi Party.

The importance of the purpose of the limitation

The purpose of the limitation is to protect the public from the harm caused by the display of a symbol or gesture used by the Nazi Party by restricting display to a list of prescribed circumstances.

A report by the Jewish Community Council of Victoria (JCCV) and the Community Security Group Victoria (CSG) into Antisemitism in Victoria found there has been a steady increase in antisemitic incidents between 2019-2022, especially with the use of symbols and paraphernalia. Prohibiting the public display of symbols and gestures used by the Nazi Party minimises the harm caused to the Jewish community and other impacted groups and sends a clear message to Victorians that the display of such symbols is extremely harmful and unacceptable in our multicultural society.

Nature and extent of the limitation

Clause 7 of the Bill relies on existing reasonable and good faith exceptions under section 41K of the Principal Act and provides that a person does not commit the offence if display was engaged in reasonably and in good faith for a religious or cultural purpose. This imposes an evidentiary burden on the accused to raise evidence that the display of a Nazi symbol or gesture was done for a genuine religious or cultural purpose. However, consistent with the offence under section 41K, the expanded offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of an exception, the burden shifts back to the prosecution to prove the essential elements of the offence beyond reasonable doubt.

The relationship between the limitation and its purpose

The limitation is consistent with the Bill's purpose to reduce racism and vilification in the community, and to maintain public order by denouncing and prohibiting the public display of a Nazi gesture or other Nazi symbols, while also ensuring that appropriate uses of these gestures and symbols are permitted.

Less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The Bill could place the burden for demonstrating that the public display of a symbol or gesture was done for a religious or cultural purpose on the prosecution as an element of the offence. However, this would require the prosecution to prove beyond reasonable doubt that a symbol or gesture was not displayed for a good faith and reasonable religious or cultural purpose in every case, even where there is no evidence suggesting such a use. This would reduce enforceability of the offence and undermine the objectives of the Bill since the evidence to be adduced would often be within the specific knowledge of an accused person. Accordingly, the burden should remain with the accused person since they are best placed to provide evidence as to whether the display was done for a religious or cultural purpose.

Shifting the burden approach would also create inconsistencies with the approach to all other exceptions, such as artistic use or opposition to Nazism and neo-Nazism.

For these reasons, any limitation on these rights is reasonable and justified in the circumstances.

Right to freedom of expression (section 15)

Nature of the right

Under section 15(2) of the Charter, the right to freedom of expression includes the freedom 'to seek, receive and impart information and ideas of all kinds'. The forms of expression protected are broad, and include sign language, print, art or any other medium. The right protects criticism and protest as well as offensive, disturbing or shocking information or ideas, rather than merely favourable or popular expressions *(Sunday Times v United Kingdom (No 2).* 14 EHRR 123). However, the European Court of Human Rights has held that limitations on free expression under article 10 of the *European Convention of Human Rights*, which protects this right in a similar manner to section 15(2), can be justified in situations concerning the expression of Nazism on the basis that such expression 'is a totalitarian doctrine incompatible with democracy and human rights' (*Schimanek v Austria,* Application no. 32307/96 (1 February 2000)).

Accordingly, the right is not absolute and may be lawfully subject to permissible limitations. This is reflected in section 15(3), which contains an internal limitation that allows freedom of expression to be limited where it is reasonably necessary to respect the rights and reputation of others, or for the protection of national security, public order, public health or public morality.

The Bill limits the right by restricting a person's ability to impart certain information and ideas through the public display or performance of Nazi gestures or other Nazi symbols.

The importance of the purpose of the limitation

The purpose of the limitation is to protect members of the community from the mental and physical harm caused by the messages of hate and intimidation conveyed by the display or performance of symbols and gestures used by the Nazi Party. The Nazi regime evokes imagines of horror including the enforcement of policies on racial purification, the establishment of concentration camps and the genocide of Jewish people in the Holocaust.

The Nazi salute's historical association with Nazism and the harm it causes to the community underpins the importance of prohibiting this gesture and any other Nazi gestures and Nazi symbols that may be co-opted in its place. This equally applies to other symbols used by the regime's paramilitary arms such as the SS bolts and *Totenkopf* (Nazi death head) which were displayed on uniforms of the Gestapo and guards at concentration camps.

Despite the harm caused by these Nazi gestures and symbols, there are insufficient means to address it. The current Nazi symbol ban does not capture the Nazi salute or symbols beyond the Hakenkreuz. The AV Inquiry also found that the existing anti-vilification provisions do not adequately protect against this behaviour.

There has been a recent rise in public expressions of Nazi gestures, such as the Nazi salute, which was evidenced on 18 March 2023 where a far-right group linked to neo-Nazi ideology repeatedly performed the Nazi salute at an anti-transgender protest outside of Parliament. On 14 May 2023, the same group rallied at an anti-immigration protest where the Nazi salute was performed again in public and again in Geelong in July 2023.

The Bill is therefore intended to protect against the individual harm and wider community distress caused by these gestures and symbols, including injury to a person's dignity that results from overt expressions of hatred. The Bill sends a clear message to the community that such gestures and symbols are not acceptable and have wide-ranging, negative societal impacts. The connection between these symbols and gestures and the mass atrocities committed in Europe in the 20th century mean that the display of these symbols sits outside the boundary of what might be expected from reasonable political debate and discourse. Importantly, the limitation does not target the civility of public discourse as people are still able to hold opinions in support of Nazi ideology, and express them, but are prevented from doing so through hateful symbols and gestures.

Nature and extent of the limitation

Clause 7 of the Bill limits the right to freedom of expression by restricting the ability of any person from freely expressing information or ideas through any medium that involves the display or performance of a Nazi gesture or other Nazi symbol in public. However, the Bill does not ban other methods of communicating Nazi ideology but rather the expression of particularly offensive and harmful symbols and gestures associated with the historical application of that ideology.

There is strong evidence from stakeholders indicating how deeply upsetting and harmful the display of Nazi gestures and other Nazi symbols can be to people that view these gestures and symbols, and that their use can undermine social cohesion across Victorian communities, especially for groups that are often targeted through their use, such as the Jewish community. This limitation is therefore considered lawful and reasonably necessary to protect people's rights not to be intimidated, vilified or harassed, to feel safe, and to maintain public order.

In line with the purpose of the Bill, the exceptions which currently exempt situations where a Hakenkreuz is publicly displayed for an appropriate purpose will apply to the display of other Nazi symbols used by the Nazi Party. A person that displays or performs a Nazi gesture however will not have the same access to these exceptions to illustrate:

- If a person performs a Nazi gesture, then all exceptions under section 41K, other than the exceptions for a genuine cultural or religious purpose and the exception for in opposition to fascism, Nazim, neo-Nazim or other related ideologies, may apply
- If a person displays a Nazi gesture, then all exceptions under section 41K, other than the exceptions for a genuine cultural or religious purpose, may apply.

The relationship between the limitation and its purpose

The limitation is consistent with the Bill's purpose to reduce racism and vilification in the community, and to maintain public order by denouncing and prohibiting the public performance or display of a Nazi gesture or other Nazi symbols, while also ensuring that appropriate uses of these gestures and symbols are permitted.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The Bill could include a requirement that the expanded offence only be committed if a public display or performance of a Nazi gesture or other Nazi symbol occurs in circumstances where a member of the public who sees the display is reasonably likely to feel threatened or intimidated or subjected to hatred, or to perceive the symbol as a symbol of intimidation or hatred towards any person or group. This type of element however has been deliberately omitted on the basis that any display of a Nazi gesture or other Nazi symbol, given their historical significance and recognised messaging of hate and genocide, would invariably cause a member of the public to feel intimidated or threatened, especially for community members that have been historically impacted by the Nazi regime. Additionally, the AV Inquiry found that existing anti-vilification offences (which contain a requirement to cause harm) are difficult to prosecute and there are evidential issues which impact the effectiveness of their protections. These offences are subject to future reform.

The Bill is also limited in scope to gestures and symbols that were used by the Nazi Party including its paramilitary arms and will not apply to expressions of hate more generally. This scope recognises the abhorrent and universally understood meanings attached to such symbols and gestures, and acknowledges their use in Victoria to intimidate, cause offence and promote hateful ideologies.

Additionally, the new offence for the display or performance of a Nazi gesture or other Nazi symbol will be subject to the exception under section 41K for tattoos or other like processes (such as branding), even where the tattoo is visible on a person's body while in public. This ensures the Bill does not provide further restrictions than what is necessary to fulfill its purpose.

The approach taken by the Bill is therefore the most appropriate option to achieve the purpose of the Bill, and the limitation of the right to freedom of expression is justified.

Right to peaceful assembly and freedom of association (section 16) and right to public life (section 18)

Nature of the right

Section 16(1) of the Charter protects every person's right to peaceful assembly. Under the ICCPR, the right to peaceful assembly entitles persons to gather intentionally and temporarily for a specific purpose.

Section 18(1) of the Charter provides that every person in Victoria has the right to participate in the conduct of public affairs. The UN Human Rights Committee, when commenting on article 25(a) of the ICCPR, considered the right to participate in public life to lie at the core of democratic government.

Clause 7 of the Bill both limits and promotes the right to freedom of association and right to public life. Critically the Bill does not prevent people from meeting in public or associating together. However, it prevents people who wish to perform or display a Nazi gesture or other Nazi symbol to demonstrate their political ideology while in public, such as in gatherings or while attending a council meeting. The offence also limits the right to freedom of association by disincentivising membership to groups with Nazi or neo-Nazi ideologies, for fear of criminal sanctions if this association is conveyed through the performance or display of a Nazi gesture or other Nazi symbol.

Conversely the Bill also promotes the right to public life for those who are targeted by the display and performance of Nazi gestures and symbols. This is because people are more likely to take part in public life, including attending protests, if they do not fear being intimated or threatened by the display and performance of overt messages of hatred.

The importance of the purpose of the limitation

Expanding the offence under section 41K to capture Nazi gestures and other Nazi symbols is intended to improve protections against the harmful messaging these gestures and other symbols express and to

acknowledge the rise of other forms of expression relating to Nazism that have been, and may become, co-opted by neo-Nazi groups.

Nature and extent of the limitation

The application of the expanded offence will still be limited to display or performance that occurs in public. This means that groups who hold beliefs associated with Nazi ideology may still assemble in public or participate in the conduct of public affairs without any Nazi gesture or other Nazi symbol being displayed or performed in public. Persons who support such ideology will therefore remain free to express their opinions in gatherings or at council meetings, subject to existing laws, and may continue to own, display, or perform such symbols and gestures in private. They will also be able to publicly demonstrate their association with or support for such ideologies or groups through other means, including the use of slogans or other gestures or symbols to which this offence does not apply.

The limitations on both rights are reasonable and justified given the significant harm caused by the public display or performance of these symbols and gestures and the impact on the right to equality and non-discrimination of groups targeted by these symbols, outweighs the limitations placed on people that wish to use these gestures and symbols to display their ideology.

Relationship between the limitation and its purpose

Ensuring that the expanded offence applies to conduct that occurs in a public place is essential to the purpose of the Bill. The significant harm caused can only be addressed by prohibiting Nazi gestures and other Nazi symbols in public since this is where the harm is caused. This has been evidenced on several occasions, including on 17 July 2023 when a far-right group linked to neo-Nazi ideology performed the Nazi salute outside Geelong City Hall.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The Bill could include a requirement that the expanded offence only be committed if a public display or performance of a Nazi symbol or Nazi gesture occurs in circumstances where a member of the public who sees the display is reasonably likely to feel threatened or intimidated or subjected to hatred, or to perceive the symbol as a symbol of intimidation or hatred towards any person or group. This element however has been deliberately omitted on the basis that any display of a Nazi gesture or other Nazi symbol, given their historical significance and recognised messaging of hate and genocide, would invariably cause a member of the public to feel intimidated or threatened, especially for community members that have been historically impacted by the Nazi regime.

The Bill is also limited in scope to gestures and symbols that were used by the Nazi Party including its paramilitary arms, and will not apply to expressions of hate more generally. This scope recognises the abhorrent and universally understood meanings attached to such symbols and gestures, and acknowledges their use in Victoria to intimidate, cause offence and promote hateful ideologies.

Right to property (section 20)

Nature of the Right

Section 20 of the Charter provides that a person must not be deprived of their property other than in accordance with law. The right contains an internal limitation which provides that the right is not limited where property deprived is in 'accordance with the law'. For deprivation of property to be in accordance with law, the law (whether legislation or the common law) authorising the deprivation of property must be clear and precise, accessible to the public, and not operate arbitrarily.

The right to property is limited by expanding a police officer's power under section 41M of the Principal Act to apply for a warrant to search and seize property containing a Hakenkreuz, to be exercised in relation to the public display of Nazi gestures and any other Nazi symbols.

Importance and the purpose of the limitation

The limitation supports the Bill's purpose to reduce racism and vilification in the community, and to maintain public order, by allowing police to prevent the imminent public display of a Nazi symbol and enabling Nazi gestures and other Nazi symbols to be removed from public display.

Nature and extent of the limitation

The Bill makes no amendments to the procedure for obtaining a warrant. Accordingly, a police officer can only seize property if a warrant is obtained from the Magistrate's Court and the magistrate is satisfied that the conditions for obtaining a warrant have been met under section 465 of the Crimes Act. Given the narrow scope of the power and the requirement for police to seek a warrant from a court, any interference with property as a result of a warrant would be lawful and not arbitrary.

Relationship between the limitation and its purpose

The purpose of this limitation is to support the practical enforcement of the offence and to prevent any further harm caused by the continued display of a Nazi gesture or other Nazi symbol.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The general search and seizure powers are necessary to ensure sufficient evidence can be obtained to prosecute persons under the offence. It is also possible for secondary evidence of a Nazi symbol (e.g. a photograph of the display) to be used instead of the property item. Under the Victorian Police Manual, police officers are required to apply the test of essentiality before seizing any property. This includes an assessment of whether the property is lawful, whether it is necessary to seize it and whether secondary evidence can be used in its place.

Rights in criminal proceedings (section 25)

Nature of the Right

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

The Bill imposes an evidential burden on the accused by relying on the existing exceptions set out in section 41K of the Principal Act. These exceptions may appear to limit the right to be presumed innocent until proven guilty according to law.

Importance of the purpose of the limitation

The purpose of the limitation is to protect the public from the harm caused by the display or performance of a symbol or gesture used by the Nazi Party by restricting their use to a list of prescribed circumstances.

Nature and extent of the limitation

Clause 7 of the Bill relies on existing reasonable and good faith exceptions under section 41K of the Principal Act, and provides that a person does not commit the offence if display or performance was engaged in reasonably and in good faith for a number of prescribed purposes. This imposes an evidentiary burden on the accused to show the display or performance of a Nazi symbol or gesture was for one of the prescribed purposes.

However, consistent with the offence under section 41K, the expanded offence does not transfer the legal burden of proof. Once the accused has pointed to evidence of an exception, the burden shifts back to the prosecution to prove the essential elements of the offence beyond reasonable doubt.

The imposition of this evidential burden is necessary to support practical enforcement of the offence, acknowledging that Victoria Police will not always have clear evidence to demonstrate the accused's intention for displaying or performing a Nazi gesture or symbol. By contrast, the manner and purpose for which a Nazi symbol or gesture is publicly performed or displayed will often be knowledge that is uniquely held by the accused since it concerns their own actions and intentions. The burden is also necessary to prevent a person from displaying or performing a Nazi gesture or symbol under an exception dishonestly for some inappropriate purpose. The limitation reflects the significant harm that display or performance of a Nazi symbol or gesture causes to the community and is proportionate with the maximum penalty imposed (maximum one year imprisonment or a fine of 120 penalty units or both).

Relationship between the limitation and its purpose

The limitation is consistent with the Bill's purpose to reduce racism and vilification in the community, and to maintain public order by denouncing and prohibiting the public display or performance of a Nazi gesture or other Nazi symbols, while also ensuring that appropriate uses of these gestures and symbols are permitted.

Any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve

The Bill could place the burden for demonstrating that the display or performance of a Nazi symbol or gesture was done for a prescribed purpose on the prosecution as an element of the offence. However, this would require the prosecution to prove beyond reasonable doubt that a symbol or gesture was not displayed for any prescribed purpose in every case, even where there is no evidence suggesting such a use. This would reduce enforceability of the offence and undermine the objectives of the Bill since the evidence to be adduced would often be within the peculiar knowledge of an accused person. Accordingly, the burden should remain with the accused person since they are best placed to provide evidence as to whether the display was for a prescribed purpose.

For these reasons, any limitation on these rights is reasonable and justified in the circumstances.

As discussed in this Statement of Compatibility, all of the limitations in the Bill are reasonable and justified.

The Hon. Anthony Carbines MP
Minister for Police
Minister for Crime Prevention
Minister for Racing

Second reading

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:39): I move:

That this bill be now read a second time.

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

Incorporated speech as follows:

I am proud to deliver this Bill which fulfils a Victorian Government commitment to legislate a ban of the Nazi salute by prohibiting the public display or performance of any symbol or gesture used by the Nazi Party and its paramilitary arms.

The Government acknowledges that Nazi symbols and gestures, such as the Nazi salute, are being used to intimidate and cause harm to a wide range of groups, including the Jewish community, Aboriginal and Torres Strait Islander people, LGBTIQ+ people, people with disability and other racial and religious groups.

The intent of this Bill is to send a clear message denouncing Nazi ideology and the use of its gestures and symbols to intimidate and incite hate. All Victorians deserve to feel accepted, safe and included. These displays are intended to cause fear in our community and that is why this Bill is focused on the harm caused by such hateful conduct, which can be profound.

Government is deeply concerned and distressed by the use of the Nazi salute occurring in Victoria following last year's ban of the display of the Nazi symbol, the Hakenkreuz. When that legislation was passed, the government committed to working with Victoria Police and relevant agencies to monitor the public display of other hateful symbols to determine whether further symbols should be prohibited. There have been several abhorrent incidents that have occurred since that law commenced on 29 December 2022 including:

- In mid-January 2023, a group of 25 males gathered at Elwood's Ormond Point lookout and performed the Nazi salute.
- On 26 January 2023, a group of people performed the Nazi salute at a Merri-bek First Nations mourning ceremony.
- On 18 March 2023, a group of about 30 people marched along Spring Street, repeatedly performing the Nazi salute after an event held by a controversial UK gender and anti-trans activist.
- On 10 April 2023, a group of six men performed the salute outside the Melbourne Knights soccer club.
- On 20 April 2023, a group of people performed the Nazi salute and posed for photographs at a Bavarian restaurant in the Knox City Shopping Centre to commemorate Adolf Hitler's birthday.
- On 13 May 2023, a group of about 25 people gathered outside parliament to stage an anti-immigration rally, repeatedly performing the Nazi salute.
- On 4 June 2023, two people performed the Nazi salute in front of police outside the State Library during a protest.
- On 15 July 2023, eight men stood at the steps of Geelong's City Hall holding up a white supremist banner and performed the Nazi salute; and
- On 29 July 2023, a group of people held a ''white powerlifting competition'' at a boxing gym in Sunshine West and performed the Nazi salute in response to anti-fascist protestors.

Unfortunately, these events have highlighted the limitations of current laws in combatting this hateful conduct and the need for action. The use of the Nazi salute is unacceptable and has no place in Victoria. It is clear that Nazi symbols and gestures, particularly the Nazi salute, are being used to convey messages of antisemitism, hatred and intimidation.

I would like to read from the Jewish Community Council of Victoria's submission, to highlight the harm caused by such hate conduct:

The recent rise in public expressions of Nazism in Victoria has had a significant impact on the local Jewish community. The highly visible nature of these expressions, including significant and sustained media attention, has left Jewish Victorians feeling vilified, vulnerable and anxious about their safety. These emotions are heightened for Holocaust survivors and their descendants.

In developing this Bill, we spoke with a number of Holocaust survivors who told us that the rise of neo-Nazism impacts the whole community, and that antisemitism is often a microcosm of broader hatred toward other targeted groups. This Bill is one measure to help promote tolerance and inclusion across the community and prevent the dissemination of these hateful symbols and gestures.

Purpose of the offence

The Bill amends the *Summary Offences Act 1966* and extends the existing prohibition on the public display of the Nazi symbol, known as the Hakenkreuz. The expanded offence will prohibit the public display or performance of any symbol or gesture used by the Nazi Party and its paramilitary arms. The purpose of expanding the offence is to ensure that the expression of harmful symbols and gestures associated with an atrocious ideology that resulted in genocide is prohibited.

The offence is accompanied by powers for Victoria Police to direct a person to remove a Nazi symbol or gesture from public display, and to apply to the Magistrates' Court for a warrant to enter a premises to search and seize a Nazi symbol.

Opening statement

The Bill will not alter the parts of the preamble or opening statement which were co-designed with leaders from the Jewish, Hindu, Buddhist and Jain communities to ensure it appropriately reflects their views. In particular, the current opening statement which recognises the historic and ongoing use of the swastika in the Buddhist, Hindu and Jain communities as an ancient and auspicious symbol of purity, love, peace and good fortune remains unchanged.

The preamble has been expanded to provide additional essential context on how gestures and other symbols have adopted, including the Nazi salute, to incite antisemitism and hatred.

Prohibited symbols and gestures

The Government previously only prohibited the Hakenkreuz as the most widely recognised symbol historically associated with Nazi ideology and the Nazi party. Its display, in any form, causes immense harm and offence. At that time, the Hakenkreuz was sadly adopted in many high-profile displays, such as the Nazi flag which was flown on private property in Beulah. Given the recent rise in the performance of the Nazi salute, at protests and in very public places, the Government has expanded the prohibited symbols and gestures to include the public performance and display of the Nazi salute and any other symbol or gesture used by the Nazi Party and its paramilitary arms. This will ensure that, in Victoria, people can no longer use these symbols and gestures to cause harm or incite hatred in the community.

Definition of Nazi symbol

The Bill expands on the previous definition of Nazi symbol, which still explicitly includes the Hakenkreuz, and now also includes any symbol used by the Nazi Party. The term "Nazi Party" is intended to capture symbols used by the National Socialist German Workers' Party and its paramilitary groups from 1920 to its dissolution in 1945. These symbols, which include the SS Bolts (Schutzstaffel), the SS Death's Head (Totenkopf), flags, insignia or medals used by the Nazi Party and its paramilitary organisations, represent a particularly atrocious expression of hate and debasement of human dignity. The expansion of prohibited symbols is necessary to ensure all Victorians are protected from harm to human dignity and against discord and threats to tolerance and multiculturalism.

Definition of Nazi gesture

The Bill also prohibits the display and performance of Nazi gestures. Nazi gesture is defined as the Nazi salute and any other gesture used by the Nazi Party, including any other gesture that is likely to be mistaken or confused with those gestures. The offence captures symbols or gestures that closely resemble those that are prohibited to ensure a person cannot avoid prosecution by making minor changes to the design or performance.

The expansion of prohibited symbols and gestures offers a clear response to the recent rise in the performance of the Nazi salute by addressing existing gaps in the law. The expansion will mitigate the risk of the use of alternative symbols or gestures used by the Nazi Party to incite hatred. The Nazi salute is a gesture inextricably linked with the genocide of the Holocaust and atrocious crimes against humanity. This Bill sends a clear and strong message that these symbols and gestures are not acceptable in Victoria.

Definition of 'public place'

The expanded offence will prohibit the intentional public display or performance of any Nazi symbol or gesture in a public place. The term 'public place' still relies on the existing definition within the *Summary Offences Act 1966* and includes the expanded definition beyond only government schools to also include non-government schools and other post-secondary education institutions. This will include a TAFE institute or university. It is appropriate that the offence applies to some places that would otherwise be private under the *Summary Offences Act 1966* due to the possibility of a Nazi symbol or gesture being displayed or performed at these places.

The offence also applies where a display or performance is in public view (i.e. occurs in sight of people who are in a public place). This encompasses displays of a Nazi symbol or gesture on a private premises if it is visible to the public.

Fault elements of the offence

Like the Nazi symbol offence, the expanded offence has two fault elements. First, the offence has an intention element which requires that the person intentionally displayed or performed a Nazi symbol or gesture in a public place or in public view. Second, the offence has a knowledge element, requiring the person knows, or ought to know, that the symbol or gesture is a Nazi symbol or gesture.

The knowledge element requires either that:

1. the person knows the symbol or gesture is a Nazi symbol or gesture (subjective knowledge), or
2. a reasonable person in the position of the person who displayed the symbol or gesture would have known that is a Nazi symbol or gesture (objective knowledge).

The knowledge element safeguards against an offence being committed innocently or unintentionally. For example, by a child who does not understand the connotations of the Nazi salute, and where a reasonable person (of the same age) in the child's position ought not to have known the Nazi salute is a Nazi gesture, taking into account any other relevant circumstances. Similarly, it will safeguard against a person with cognitive impairment, who does not understand the implications of the Nazi salute and the harm it can cause, from committing an offence.

The intention and knowledge elements ensure the offence clearly targets the conduct intended to be prohibited and is not unfair in its application.

Penalty

The offence for the intentional public display or performance of a Nazi symbol or gesture has a maximum penalty of one year imprisonment or a fine of 120 penalty units or both. This penalty remains unchanged from the previous Nazi symbol offence and is consistent with vilification offences under the *Racial and Religious Tolerance Act 2001* and across Australia. It reflects the breadth of the offence, and that no injury or harm needs to be proved as a result of the display or performance.

Exceptions

Narrower exceptions for display or performance of the Nazi gestures

While important exceptions that apply to the display of the Hakenkreuz and Nazi symbols remain, the exceptions have been amended in relation to the display or performance of Nazi gestures.

Display or performance of Nazi gestures exceptions

Exceptions will also apply where the display or performance of a Nazi gesture was engaged reasonably and in good faith for genuine academic, artistic, educational, or scientific purpose, or in making or publishing a fair and accurate report of any event or matter that is in the public interest. These exceptions are intended to apply broadly to protect freedom of expression and to ensure that Nazi gestures can continue to be used and displayed for appropriate purposes.

The Bill does not provide for an exception for the *performance* of the Nazi salute in opposition to fascism, Nazism, neo-Nazism or other related ideologies. However, a person may display Nazi gestures or Nazi symbols in opposition to fascism, Nazism, neo-Nazism or other related ideologies (e.g. displaying a picture with a cross through someone performing the Nazi salute).

The religious and cultural exceptions will also not apply to the performance of Nazi gestures. This is because there is no evidence of any genuine religious or cultural purpose to perform Nazi gestures, like the Nazi salute. Likewise, performing the Nazi salute at a protest does not demonstrate a person's opposition to Nazism or fascism and it is important that neo-Nazi groups cannot attempt to use exceptions to circumvent the ban.

Tattoos and other like processes

The expanded offence does not apply where the display of a Nazi symbol or gesture is done by means of tattooing or other like process (e.g. scarification, branding). The exclusion of tattoos or like processes takes account of human rights considerations and the practical enforcement issues of capturing such displays.

Law enforcement or intelligence officer exception

There will be a specific exception for a law enforcement officer and member of an intelligence agency, where the public display or performance of a Nazi symbol or gesture occurs in the performance of their duties and is done in good faith. This might apply where such an officer has an assumed identity and is displaying or performing Nazi symbols or gestures as part of their role.

Connected with the administration of the justice system

The expanded offence also includes an exception for a person that displays or performs a Nazi symbol or gesture in the course of official duties connected with the administration of the justice system, including the investigation or prosecution of offences, if the display or performance is done in good faith. This exception is intended to ensure that the proper administration of justice is not impeded by the offence, such as where a Nazi symbol or gesture is produced as evidence when considering an offence in court. It is modelled on section 51J of the *Crimes Act 1958*, which provides a similar exception to the child abuse offences under the Act.

Consent of the Director of Public Prosecutions before the prosecution of a child

The expanded offence requires the written consent of the Director of Public Prosecutions before the commencement of a prosecution of a child for the new offences. This will act as a safeguard (along with the knowledge element of the offence) to limit the circumstances in which children could be prosecuted. In many cases, a more appropriate response for children would be educating the child about the harm caused by the display or performance Nazi symbols or gestures.

Trade and sale of historical Nazi memorabilia – Commonwealth Bill

On 14 June 2023, the Commonwealth government introduced and moved to second reading, the Counter-Terrorism Legislation Amendment (Prohibited Hate Symbols and Other Measures) Bill 2023 ('Commonwealth Bill'). This legislation which will prohibit the public display (including online) of two Nazi symbols, the Hakenkreuz and the SS Bolts. It will also prohibit the sale of memorabilia featuring the Hakenkreuz and the SS Bolts.

The Commonwealth Bill will not prohibit the public performance or display of the Nazi salute, as the Commonwealth Attorney-General has stated that such a ban is a matter for state and territory laws.

Secondary material for the Commonwealth Bill provides that their new offences are not intended to exclude or limit the operation of any law of a state or territory. Instead, the Commonwealth Bill (if passed) will supplement Victoria's existing legislation which bans the public display of the Hakenkreuz, and now other symbols and gestures used by the Nazi Party, by prohibiting online displays of the Hakenkreuz and SS Bolts, as well as the sale of memorabilia displaying these two symbols.

Police powers

The expanded offence will replicate the same police powers as the Nazi symbol offence. A police officer will have the power to direct a person to remove from display a Nazi symbol or gesture (whether on public or private property) if the police officer reasonably believes an offence is being committed. For example, where a Nazi salute is displayed on a flag, a police officer can direct a person to remove the display.

A person who, without reasonable excuse, does not comply with a direction to remove material is liable for a penalty of 10 penalty units.

As with the previous Nazi symbol offence, the Bill also provides the warrant power under the *Crimes Act 1958* applies to this offence, to ensure police can enforce the offence appropriately. This enables police to apply to the Magistrates' Court for a warrant to search premises and seize property that displays a Nazi symbol and is in connection to, or as evidence of commissioning the offence. Police can also use existing powers of arrest under section 458 of the *Crimes Act 1958* to arrest a person performing a Nazi salute.

Commencement

The Bill will commence the day after it receives Royal Assent. This will ensure that the expanded offence comes into force quickly to put an end to the steady increase in Nazi salutes that have been occurring since the beginning of the year.

I wish to thank all the stakeholders who engaged with the development of this Bill. I wish to extend a sincere thank you to the Jewish community and Holocaust survivors, who took the time to share their lived

experiences and provide vital input on the Bill. Your contributions are greatly valued and have shaped and strengthened this legislation.

I commend the Bill to the house.

Michael O'BRIEN (Malvern) (10:39): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Wednesday 13 September.

Bail Amendment Bill 2023

Second reading

Debate resumed on motion of Anthony Carbines:

That this bill be now read a second time.

Michael O'BRIEN (Malvern) (10:40): It is a pleasure to rise to speak on the Bail Amendment Bill 2023. This is an important bill for the Parliament to consider, because it deals with two – and the very concept of bail deals with two – conflicting principles and values we have in our justice system. The first is the presumption of innocence, and that is that somebody who is accused of a crime, somebody who is charged with a crime, prima facie has the right to be treated as innocent unless and until they are proven guilty in a court of law. To have somebody remanded in custody prior to their day in court is to some extent a denial of that principle of presumption of innocence. On the other hand there is the competing interest of community safety and protecting the interests of the community in being safe from people who have been charged with, in some cases, very serious crimes and who in the views of bail decision makers pose a significant risk of perpetrating further harm in the community should they be released in the community ahead of their trial. This is not an easy balance to get right, and that is reflected in the fact that every government I think – certainly in my experience in this place, every government – has made amendments to the Bail Act 1977, and this government is no different. In fact what we see today is in this bill is that the government is seeking to undo some of the changes it itself brought in in 2017 and in 2018 in response to the Bourke Street tragedy.

I think when you look at some of the figures, there is no question that we do need to reform bail at the moment. The number of unsentenced prisoners – prisoners held on remand in Victorian prisons – has gone up significantly over the last decade. There were 956 unsentenced prisoners in 2013. This rose to 2706 in 2018. It reached a peak of 3182 in 2021, and the most recent figures have it at 2763 in 2022. Those figures are from the Sentencing Advisory Council. I am also grateful to the parliamentary library, which does a great job here. They have done a very good bill brief on this bill, and they note that a Sentencing Advisory Council report from 2020:

> … found that 20 per cent of all prison sentences were time served prison sentences … In 2014, this same group only made up one in nine of offenders …

who received a prison sentence.

The relevance of that statistic is that one in five prison sentences handed down are effectively saying, 'Well, you've done so much time on remand that we're not going to further punish you. What you've done is deserving of a prison sentence, but you've already served it'. Of course if somebody is sentenced to prison for a time less than they have served on remand, there is an inherent injustice in that, and of course if somebody is found not guilty of the crime with which they are charged, yet they have been held on remand in jail, deprived of their liberties, there is a further inherent injustice in that. So I think when we have seen the explosion in the number of people held on remand in Victoria over the last decade, it certainly does demonstrate a case for change.

We have also had the tragic incident of the death of Veronica Nelson in custody. Veronica Nelson was arrested in December 2019 on suspicion of shoplifting and was taken to a nearby police station. She was questioned, she was charged and she was later taken before a magistrate, where she was refused bail on grounds that there was an unacceptable risk that she might commit a further offence while on bail as she had previously failed to answer bail. I do not have the time, unfortunately, to go through what happened to Veronica Nelson in great detail or the coroner's inquest, but it is harrowing reading. The coronial inquest report is harrowing reading. Frankly, whether Veronica Nelson should or should not have been on remand, the way she was treated in custody was absolutely appalling. I note that because there is nothing inherent in this bill today that would prevent people who are held on remand from being treated appallingly in the way that Veronica Nelson was treated. The onus is on the government. Do not just say, 'Well, we're changing the bail laws, therefore our job is done.' The job is also to make sure that people who are on remand, even for the best of reasons, are treated humanely. Nobody should press an intercom button 49 times to ask for help and be ignored in the way that Veronica Nelson was.

Given the tragic antecedents of where we are, to bring this bill forward is very important, and the opposition has taken the position that we wish to be constructive. We know that almost the one thing you can guarantee is that, when you make changes to the bail laws, they will not be perfect. We understand that. This bill is not necessarily something we would have written exactly ourselves. I can indicate that we have some concerns and will be moving amendments, and I will refer to those shortly. But on the whole the opposition does not intend to oppose this bill, because we do believe that this bill provides a step forward. There are some sensible changes in it. There are some changes that we believe could be better, could be safer, so we will be moving amendments to reflect that, because community safety is and must be a paramount concern.

We have always proposed to be constructive throughout this debate, and we will be moving those amendments in that same constructive attitude. We would like the government to seriously consider our amendments in this place and in the other place, seriously consider how these amendments can improve this bill, because we all want to see a Victoria that is safer. We all want to see a Victoria where presumptions of innocence are respected as well. The question is: does this bill get the balance right? We think it is not quite right. It is not a bad effort, and I should thank the Attorney-General. Usually legislative processes are quite combative in this place, but on this particular issue the Attorney-General and I have had discussions over a period of time in relation to this process, and I am grateful to her and to her office for facilitating that. As I say, this bill does not reflect necessarily everything that I would do if I were in her shoes, but I think it is a better bill for having had some constructive discussion along the way.

What does the bill seek to do? The bill seeks to change the tests that are applied in relation to determining bail. Perhaps just at the outset, for those who might be watching online and have no idea how our bail system works, there are at the moment three tests, effectively, for bail. For the lowest level of offences there is a test which is known as the 'unacceptable risk' test. The onus is on the prosecution to demonstrate that the person seeking bail would pose an unacceptable risk to the community if they were given bail. The mid-level test is the 'show compelling reason' test. This is a test where the onus is on the applicant for bail; they need to show a compelling reason why they should be granted bail. Then the third test, the toughest test, is the 'show exceptional circumstances' test. Again the onus is on the person applying for bail, and they need to show that exceptional circumstances apply to warrant them receiving bail. What this bill seeks to do is provide that certain offences will no longer be in schedule 2, which means that the show compelling reason test will no longer apply. It seeks to provide that bail is not to be refused in respect of certain offences, effectively saying for all these types of offences bail is pretty much automatic, and provide that the two-step test applies to children in fewer circumstances.

So the two-step test is either the exceptional circumstances or the show compelling reason test plus the general unacceptable risk test. The bill makes changes to what a bail decision maker must take into

account when dealing with an Aboriginal person or a child. The bill seeks to repeal the offence of contravening certain conduct conditions while on bail. It seeks to repeal the offence of committing an indictable offence while on bail. I should say that is an issue that the opposition is concerned about, and it will be reflected in our amendments. It makes various changes to update language used in the act, and it also expands the circumstances in which a court must hear a further application for bail.

We perhaps should not be surprised that we have seen a significant increase in the number of people held on remand. When the Andrews government introduced changes to bail after the Bourke Street tragedy, the then Attorney-General Martin Pakula said:

> We're making it harder than ever to get bail in Victoria …

That was in the media release. That was a selling point for the government about its changes to bail – 'We're making it harder than ever to get bail in Victoria' – so the government got what it wanted. It wanted to make it really hard to get bail, and that is what it did. The trouble is some people were denied bail who really should have been allowed it. People who did not pose a risk to the community, people who did not pose a risk to themselves were caught up in this. This is why we are back here today. I do not say that to score a political point. I say it simply to acknowledge that the government deliberately tightened bail significantly in response to Bourke Street, and sometimes changes have unintended consequences. I do not think for a second the government intended to have people accused of shop stealing being held in custody for weeks or months. I do not think that was the intention, but that is the way the legal changes have been applied.

It is for that reason that we will be moving amendments to require a statutory review of the changes in this bill after two years, because you can be damn sure this bill is not perfect. You can be damn sure this bill will not quite get it right. The government did not get in right 2017 or 2018. You can say the coalition did not get it quite right, perfectly right, in our changes in 2013. So if we know we are not going to get it right, let us build in a statutory review so we can properly assess how these changes have panned out and if they have had the desired effect, the intended effect, or if they have had further unintended consequences, as did previous failed changes. This might be a useful time – to aid the house – for me to circulate the amendments that the opposition will be moving, so under standing orders I wish to advise the house of amendments to this bill and request that they be circulated.

Amendments circulated under standing orders.

Michael O'BRIEN: In terms of this bill, I will take you through some of the key changes that are made, and I will flag where we think amendments should be put in place. Now under this bill many offences in the Summary Offences Act 1966 will automatically lead to bail being granted, so there will not be a debate and there will not be an argument. If it is a particular offence in the Summary Offences Act, with certain exceptions, bail is automatic, and that seems to be quite reasonable. If we are talking about relatively low-level offences, which do not pose a material risk to the safety of the community, then people should have a right to bail, given as I said, our justice system is founded on the principle of the presumption of innocence. There are some exceptions. The exceptions would be if it is one of the exceptions listed in schedule 3: if the person has a terrorism record, if the bail decision maker is a court and the court has determined there is a risk the person will commit a terrorism or a foreign incursion offence or if the person was previously granted bail in respect of offences of which the person is accused and that bail was subsequently revoked. So they are the exceptions. But otherwise, if it is a summary offence, bail is automatic. I should just indicate the nature of the schedule 3 exceptions where bail is not automatic for a summary offence: sexual exposure, common assault, aggravated assault, distribution of intimate image, public display of Nazi symbol, assaulting emergency workers or custodial officers et cetera, assaulting registered health practitioners, harassing witnesses et cetera.

Division 3 of the bill makes changes to the operation of the unacceptable risk test, and it clarifies that this test must be applied if the applicant has satisfied either the exceptional circumstances test or the compelling reason test, so a schedule 1 or a schedule 2 offence, or if it is the sole bail test. And it was

clarified to me that when considering the unacceptable risk test, it does not require there to be a risk to a particular individual. It may be a risk to any person in the community. I note an article in the *Age* from 16 August this year, and it quotes the Attorney-General Jaclyn Symes:

> "We don't want a situation where you can just go and hit the same small business 20 times in shoplifting and not be remanded. You are not necessarily posing an unacceptable risk to hurting someone, but you are posing an unacceptable risk to that small business, for instance," Symes said.

So we do think it is important that the notion of unacceptable risk not be to a particular individual. If a person is going to continually break the law and put the broader community at risk, then we believe it is important that that be the primary consideration under that unacceptable risk test.

The bill would repeal section 4E(1)(a)(ii) of the current Bail Act. In doing so it excludes from the unacceptable risk test a risk of further offending while on bail that does not endanger the safety or welfare of any other person. So in other words, at the moment you can be held on remand if the court believes that there is an unacceptable risk you will conduct further offending while on bail. This bill seeks to say that really does not apply if that further offending would not endanger the safety or welfare of any other person. So I am actually interested in how that provision of the bill tallies with the Attorney's comments that I have just read into the record, because the Attorney in those comments seems to be saying, 'Well, if you go and hit the same small business 20 times with shoplifting, then clearly that would be covered'. But this bill seems to be suggesting that if your further offending does not endanger the safety or welfare of any other person, and low-level shop theft was the example that was given, then bail would still be available, so that might be something that government members can assist with.

Division 4 changes the tests that apply to children. The bill differentiates between adults and children for the first time. Previously children were treated exactly the same as adults in relation to tests for bail. The effect of the change is to remove the two-step test for children except for specified offences. So where a child is accused of murder, attempted murder or a terrorism-related offence or has previously been convicted of a terrorism-related offence, the exceptional circumstances test will continue to apply plus the unreasonable risk test, which is always there. If the child is charged with an offence that is not on schedule 1 or schedule 2 but has a terrorism record or poses a terrorism risk, then the show compelling reason test will apply and an unacceptable risk test. If a child is charged with one of four schedule 2 offences – manslaughter, homicide by firearm, arson causing death or culpable driving causing death – then and only then the show compelling reason test will apply plus the unreasonable risk test.

Now, this is where one of our amendments comes to the fore, because we do not believe that that list is sufficient. We believe that while having the mid-level bail test apply to children is appropriate for manslaughter, homicide by firearm, arson causing death and culpable driving causing death, there are other serious offences that should be on that same list where the show compelling reason test should apply for a child seeking bail. Remember that a child can be anybody up to 17 years and 364 days old. That is what a child is under the law. We are not talking about eight-year-olds running around. Realistically, we are talking about older teenagers who are probably very, very close to being adults, and we believe that in these circumstances the following eight additional offences should be added to the bill to attract the show compelling reason test for bail in the case of a child: causing serious injury intentionally in circumstances of gross violence; rape; rape by compelling sexual penetration; sexual penetration of a child under the age of 12; armed robbery; aggravated burglary; aggravated home invasion; and aggravated carjacking. We believe these are extremely serious offences, and the idea that somebody who is 17½ can be accused of committing rape or aggravated carjacking, aggravated home invasion or sexual penetration of a child under the age of 12 and be subject to the lowest bail test there is is not something we think will keep the community safe. We are not proposing the toughest test; we are not proposing the show exceptional circumstances test. We have thought about this as a sensible, modest but important change to keep Victorians safe. We ask the government to take on board these amendments and consider them seriously, because we believe that the addition of those eight offences

in the case of a child to attract the show compelling reason test for bail will be important for keeping the community safe into the future.

With those exceptions, the basic test, the unacceptable risk test where the onus is on the prosecution, will apply to all children under these changes. Part 3 of the bill goes to what bail decision makers must take into account. There is quite an exhaustive list of what is proposed in relation to children. For example, the bail decision maker must – in addition to everything else they already need to consider under the act – consider:

> the child's age, maturity and stage of development at the time of the alleged offence;
>
> the need to impose on the child the minimum intervention required in the circumstances, with the remand of the child being a last resort;
>
> the presumption at common law that a child who is 10 years of age or over but under 14 years of age cannot commit an offence …

There are a whole lot of factors there. We are not opposed to the idea that when it comes to a child who is accused of committing an offence, the bail decision maker should take a very careful approach to consider all the relevant factors before determining whether bail is granted or not. It does get a little bit like a sociology lecture in some parts. One of the factors is:

> the fact that time in custody has been shown to pose criminogenic and other risks for children, including –
>
> (i) a risk that the child will become further involved in the criminal justice system; and
>
> (ii) a risk of harm …

In terms of risk of harm, the government should be really making sure the child youth detention is run properly to avoid a risk of harm to children. I would have thought that the government has an obligation in loco parentis. If the government is holding a child on remand, it is the government's obligation to ensure that there is not a risk of harm to the child. I am concerned the government seems to be just running up the white flag with those issues.

In relation to considerations concerning Aboriginal people there is, again, a very significant list of additional factors that a bail decision maker must take into account. It includes things such as the:

> historical and ongoing discriminatory systemic factors that have resulted in Aboriginal people being over-represented in the criminal justice system …

I acknowledge the government has been consulting with the First Nations communities on some of these issues. I do think that it is better to focus on an individual. I mean, courts are not there to decide historical wrongs, they are there to make decisions about the actions of a person in front of them. I think that matters that go to that person should be given greater weight than ideas of what might have happened to that person's family generations ago, because where does that end?

We are a great multicultural immigrant state, immigrant country. Many people have come here as refugees who have suffered considerably over the course of their lives and their families' lives, more importantly. Should that be considered? It is an interesting question, because once we start looking at the idea of historical wrongs against one group in the community – well, I see the member for Wendouree shaking her head. But when you look at refugees who have come here from war-torn countries and who maybe have not themselves experienced these things but their forebears have, is that not a relevant consideration?

Juliana Addison: Intergenerational trauma.

Michael O'BRIEN: But that is it. I think it is very hard for a bail decision maker to necessarily have that breadth of understanding and also know how intergenerational trauma may have impacted that individual before them, because ultimately these are decisions about individuals.

Juliana Addison: And institutional racism.

Michael O'BRIEN: I accept that. So that is the question. In putting these additional factors in play, first of all I hope that our bail decision makers are actually given the opportunity to understand what is meant by this and how they are supposed to apply that to a case of an individual before them, because that is not unreasonable. It is fine for the government to put these things into legislation, but then how do we equip our bail decision makers to understand these factors so they can be applied in an individual case before them? That is what I am putting on the table. Also, the fact is that there may well be other groups in our community, people we have welcomed here, who have suffered intergenerational trauma through their own circumstances. Are they not to be considered?

Juliana Addison: Everyone.

Michael O'BRIEN: Well, that is it.

I am running out of time here, so I should get through it. I have flagged our amendments in relation to adding those extra eight offences in relation to children to attract the mid-level bail test. We think that is very important. We also do have an issue with the government seeking to repeal the offence of committing an indictable offence whilst on bail. This was introduced by the coalition government back in 2013, and the effect of it is that in the case of an adult, if you get bail and then you commit an indictable offence whilst on bail, automatically the bail test is uplifted. It is automatically uplifted, usually to the show compelling reason test plus unacceptable risk. We believe that actually is an important safeguard. If somebody has been given the right, the licence, if you want to call it that, through bail to be in the community before their trial and then that right or licence is abused by that person committing an indictable offence, a serious offence, we do believe it is appropriate there should be a stronger test to get bail again. So we do not support the repeal of the offence of committing an indictable offence while on bail.

The bill also provides that rather than having to be unrepresented at a bail hearing before you can have another attempt at a bail hearing without showing new facts or circumstances, effectively you get two free goes. You can be represented at a bail hearing, and if you get knocked back you can then make a further application without showing new facts or circumstances – but only for that second attempt. Beyond that there is a requirement to show additional facts and circumstances.

As I have adverted to before, we also propose to amend the bill to have a requirement for a two-year statutory review. When I was Treasurer – I am sure the Assistant Treasurer would know it – the one thing I could guarantee about budgets was that they are not going to be 100 per cent accurate. They are a forecast; they are your best estimate. You know that the numbers are not going to come in right on the money in 12 months time. We know from history that no bail bill ever has exactly the intended effect. We always know there are unintended consequences, and given the importance of these changes to community safety and to reflecting and respecting fundamental principles such as the presumption of innocence, we believe it is absolutely essential there be a legislated requirement for a two-year review of these changes and that that review should be completed within six months and tabled in the Parliament. The opposition will not oppose this bill. We believe it represents some improvement, but it would be better and Victorians would be safer if the opposition's amendments were supported by the government.

Juliana ADDISON (Wendouree) (11:10): I rise to speak in support of the Bail Amendment Bill 2023, which makes changes to Victoria's bail laws to ensure that those accused of minor offending are not subject to harsh bail tests, while at the same time ensuring strict bail tests remain for those who pose a risk to community safety. In making this contribution I acknowledge the death of Veronica Nelson in custody at Dame Phyllis Frost Centre, which was tragic and preventable. I want to acknowledge the distress and sorrow experienced by Veronica's family, Aunty Donna Nelson, her partner Percy Lovett and all those who loved and knew her. I thank them for their advocacy for bail reform and preventing further deaths in custody, particularly of those on bail. Our government fully recognises the need for action to ensure that our bail system addresses the over-representation of

Aboriginal people in our justice system, and the reforms put forward in this bill seek to work towards this important goal.

The reforms that we are discussing today come about thanks to the leadership of our Attorney-General, and I want to thank the Attorney-General for the work that she has done; Rebecca Andrews in the ministerial office and all the advisers; as well as our public servants, who do so much work in the Department of Justice and Community Safety. Importantly, the content of this bill has been informed by targeted consultations undertaken by DJCS with key stakeholders, including but not limited to the courts, Victoria Police, the Victorian Aboriginal Legal Service – and I thank Nerita Waight, the CEO of VALS – the Federation of Community Legal Centres; Victoria Legal Aid; and the Aboriginal Justice Caucus.

The key reforms in the bill are the repeal of two offences against the Bail Act 1977, one being committing an indictable offence while on bail and the second being contravening bail conduct conditions. There will be a refocus on reverse onus bail tests on serious offending. The bill will change the bail test for children accused, with a further narrowing of reverse onus bail tests and an update on the Aboriginal-specific bail considerations. It will relax restrictions on second bail applications and allow other reforms designed to reduce inappropriate remand for minor alleged offending. The reforms proposed in this bill address many of the issues and findings raised in the coronial inquest into the passing of Veronica Nelson, the Yoorrook Justice Commission and the parliamentary inquiry into Victoria's criminal justice system.

As chair of the Women's Correctional Services Advisory Committee – WCSAC – which reports to the Minister for Corrections, I know what a difference the changes proposed will make to the lives of women in contact with the justice system. WCSAC was first established in 2003 to provide an external source of expert advice on the delivery of correctional services to women in custody and under community supervision. The committee comprises incredible women who are key stakeholders with diverse backgrounds who have considerable working knowledge and experience of the complexities and challenges faced by women in custody, and I thank them for the work they do – as well as the WCSAC secretariat.

Through my involvement with WCSAC over the last few years, I have learned more about the ongoing issues of women in the correctional services system through discussions with representatives from Corrections Victoria and those who work every day with women in our prisons. Women in prison are twice as likely to have mental illness. They are more likely to have an acquired brain injury, they are more likely to have minimal employment histories, they are more likely to have unstable housing, they are more likely to be primary caregivers of their children and they are more likely to have committed offences while under the influence of substances or to support their substance dependence.

I have had the opportunity to visit the Dame Phyllis Frost Centre (DPFC) and Tarrengower and meet with women in custody, speaking with them and listening to them. Many women in custody have complex needs and have suffered significant trauma in their lives. I am well aware of the over-representation of Aboriginal women in custody in Victoria and the importance of improving health care and disability services in our prisons. I know the impact that Victorian bail laws have had on individuals and all aspects of their lives, including their children, their employment and their housing. I am confident that the changes being proposed in this bill will bring about better outcomes for women and their children.

I would like to recognise the work of the Minister for Corrections Mr Erdogan in the other place as well as the previous ministers for corrections, including the member for Niddrie, the member for Sydenham and the member for Carrum. I welcome that the Andrews Labor government is progressively implementing reforms that recognise that women in contact with the justice system often have complex and varied needs and experience high rates of victimisation and trauma. A purpose-built centre opened in April 2022, replacing beds no longer fit for purpose and designed to help more

women get involved with rehabilitation services. The centre is the first of its kind in Australia, designed in line with trauma-informed principles.

The 2023–24 budget has invested $18.35 million for supporting the corrections system to improve community safety. This funding includes, among other initiatives, support for women to maintain or develop strong family connections while in custody, including $1.1 million to continue family engagement services in women's prisons, which provide family engagement workers, family engagement support and family therapy. We have also allocated over $40 million over five years for the women's custodial health services initiative to deliver expanded primary health services through public health providers at DPFC and Tarrengower.

The bill before us primarily proposes amendments to the Bail Act 1977 in order to improve bail tests, update the required considerations for bail decision makers, repeal certain unnecessary bail-related offences and make several other improvements to Victoria's current bail laws. There are certain tests that must be satisfied when considering whether bail may be granted, with the severity of the alleged offences determining which tests are applicable. This bill proposes to improve these tests and their application in several ways. One of the fundamental changes proposed is the concept of uplift, where a person on bail is then alleged to have committed another offence and thereby faces a much more onerous bail test than the normally applicable one for that offence alone. The consequence is that alleged low-level, non-violent repeat offenders end up on remand more often despite posing little risk to the community. To address this, the bill proposes that test uplift should no longer apply for non-schedule offences so that bail can be considered more appropriately for lower level allegations.

This bill seeks to make further sensible refinements to the unacceptable risk test, which is that lowest level test for bail. Under these changes, for low-level alleged offenders a risk of committing an offence while on bail would not be reason enough for remand unless there is a risk to the safety or welfare of another person. Additionally, the majority of summary offences would be classified as remand-prohibited offences where bail cannot be refused unless an exception applies, although appropriate conditions may apply with the possibility of remand for non-compliance. Remand prohibition will not apply to certain serious summary offences, as outlined in the new schedule 3 offence category.

In addition to directly addressing bail tests, this bill also amends the specific matters that must be considered by a bail decision maker, such as a magistrate or a police officer. Under section 3A of the current act, where a bail applicant is an Aboriginal person, bail decision makers are required to consider cultural background and other relevant cultural issues or obligations in their decision.

I would just briefly like to mention that bail considerations specific to children are also expanded in light of the inherent vulnerabilities of young offenders, for whom remand must only be a measure of last resort. This is a very important bill that is progressing Victoria to be a fairer, safer state, and I commend it to the house.

Danny O'BRIEN (Gippsland South) (11:20): I am pleased to rise to follow the member for Wendouree on the Bail Amendment Bill 2023 and the member for Malvern, who has given a very detailed and comprehensive summation of this legislation and also of the opposition's position on it. As the member for Malvern indicated, we will not be opposing this bill, but we do have some amendments that we think are crucial to improving the bill, because that is what this is about. This is really about an ongoing process of getting things right, and it is clear to all and sundry that governments do not always get justice and bail legislation right the first time. In fact it is an evolving process that goes on.

We see the background to this piece of legislation. Of course there were changes to the Bail Act 1977 under the former coalition government in 2013 and then further changes in 2017 after the Bourke Street tragedy and the fact that the accused then, James Gargasoulas, was on bail at the time of that horrible event. This is about getting the balance right. It is about getting the balance right to ensure that people who need not be in custody are not in custody because of the bail laws, but also it is about

the rights of the community and victims of crime and making sure that we protect our community from people who have done the wrong thing and deserve to have their liberty constrained. I have enormous sympathy for the family and friends of Veronica Nelson, whose case has in large part prompted these changes – and the coroners report that ensued – and there are many other cases too.

It is clear too, and the opposition accepts, that the changes that were brought in in 2017 have resulted in far too many people being remanded when they did not need to be, in some cases for periods longer than they would have received or did in fact receive in terms of sentence. So we acknowledge and accept what the government is trying to do to correct the balance to come back to a more balanced scheme, because we do not believe that people who are charged with minor offences should be unnecessarily remanded in custody. We have seen that through our justice system. We have seen the statistics that indicate that whilst the overall prison rate is going down, the rate of those on remand has dramatically increased over the last few years. That has, as the member for Wendouree indicated, impacted disproportionately on some sections of the community, particularly those of Aboriginal descent and women as well.

I also want to talk a little bit about the victims, and I want to give an example for the chamber to understand the need to get the balance right on behalf of community safety. I will talk about a case study that comes from a member of my community, someone who I know. I am also conscious that there is ongoing court action in relation to this, so I will not use any names other than to say Jim from my electorate. Jim is 77 years old. On or about New Year's Day this year in the city he was picking up a friend from an address and was putting their bag in the boot of his car when he was assaulted. He was punched by a man who literally walked past. He punched Jim twice and knocked him to the ground. In doing so, this individual broke Jim's cheekbone in two places and shattered an eye socket. This was a completely unprovoked attack. Jim did not even see it coming. There was a thump on the side of his car, and a second later he felt the first blow. This person did not speak to Jim. He did not look him in the eye. He did not say anything after the assault. The last thing Jim saw as he looked up from the ground was three people walking away. They did not look back; they did not say anything.

Jim, as I said, has suffered serious facial injuries from that, and he told me recently that his whole lifestyle has been changed as a result of this assault. He is still very adversely affected, as is his wife. He was in hospital for several days, and to this day – this happened, as I said, in January this year – he is still doing physical rehab and very clearly suffering the mental scars of that assault.

The reason I give this example is – and again I cannot verify this, which is why I am not using any names other than the facts that have been put to me – it is understood that this person had been bailed a number of times previously. I am not sure whether the person was on bail at the time. The person was also a child in the eyes of the law. As the member for Malvern indicated though, a child can be anyone under 18, and indeed I think this person was 17¾ years of age at the time. The fact that allegedly this person was on bail at the time perhaps makes it not surprising that, when he was to appear in court just recently, he did not show up – and I understand a warrant is now out for this person's arrest.

I tell this story because I think it is important that the chamber, the Parliament and indeed the government understand that there are things that happen when people are on bail that should not be allowed to happen and that those perpetrators should rightly be punished not only for their action in a criminal sense in the first instance but for breaching the privilege that comes with maintaining their freedom after having been charged with an offence from the start. That is a significant issue that the community expects us to get right, and I am not sure whether this necessarily does, particularly in these circumstances where this individual will be treated as a child and certainly was in the eyes of the law. But this is a very serious event that happened to a really good person, a good community person – which of course is irrelevant. Whether they are a good community person or not, they are a victim of crime – a crime allegedly committed by someone who was on bail at the time – and that is something that we need to understand.

So it is that I support the amendments moved by the member for Malvern, in particular retaining the offence of committing an indictable offence whilst on bail. That offence was introduced in the 2013 changes by the then coalition government, and in effect it says that if you are charged with this, there will be an automatic step-up in the test for bail on a person charged with that offence. In addition, and this perhaps goes to the sort of circumstance I just described with respect to Jim, it is to add eight serious offences to the list that require a compelling reason bail test for children. The member for Malvern has outlined those, but we believe that in circumstances of charges of rape, rape by compelling sexual penetration, sexual penetration of a child under the age of 12, aggravated home invasion, aggravated carjacking, aggravated burglary, armed robbery and causing serious injury intentionally in circumstances of gross violence – and that may well be the sort of offence that relates to the story I just told – there should be a higher threshold for bail. As the member for Malvern said, we are not talking necessarily about eight-year-olds here. We can be talking about virtually grown men and women who in the eyes of the law of course are still children. But for those very serious offences we do need to ensure that there is a higher test for bail, so I certainly support the member for Malvern's amendment with respect to that.

Finally – this probably gets me back to where I started – our third amendment is to institute in the legislation a compulsory two-year review of these changes, and I think that is appropriate. As I said, this is about getting the balance right. We have seen a number of changes to bail over the past decade, and the acknowledgement by the government and by us in the opposition – I think by the whole chamber – today is that we did not get it right in 2017. I think we can be fairly sure that we are not getting it 100 per cent right today, partly because we may not have got the wording right or we may not have got the balance right but also because circumstances change. Things change. Community perceptions change. Crime changes. So the least the government could do is to accept that particular amendment and ensure that in two years time, after there has been some interpretation by the courts and there has been some experience of these changes, it be reviewed and that within six months that review be provided to the Parliament. I think we must limit people in custody unnecessarily. But we also need to get that balance right on behalf of the community and particularly of victims of crime, and I look forward to this bill proceeding in the house.

Martha HAYLETT (Ripon) (11:30): I rise to speak on the Bail Amendment Bill 2023 today. Before I begin my contribution, I would like to acknowledge the family of Veronica Nelson, who may be watching today. I cannot possibly imagine the pain that they have been through. I express my deepest sympathies to Veronica's family, friends and community. A death in custody is never, ever acceptable, and I am committed as a member of the Victorian government to working hard to prevent future tragedies from happening.

There are important changes in legislation being brought to this place today, but we must be honest with ourselves that this is just one step in the journey we must take to ensure that a death in custody never happens again. Over the past decade there has been a significant increase in the number of Victorians remanded in custody. They have not been convicted of a crime and in some cases stand accused of minor, non-violent offences. Holding an accused person in remand in some circumstances is an important part of our criminal justice system, and I think we could all agree on that in this place. The community rightly expects that in many cases it is entirely appropriate to not grant bail to an accused individual. That is why people accused of serious crimes are subjected to the onerous exceptional circumstances test or the show compelling reason test. These provisions are designed to keep the community safe from people who have been accused of crimes such as murder, rape, home invasion or armed robbery.

But I believe that the community also expects the incarceration of a person who has not been committed of a crime to be a last resort. We know too that existing bail laws have been a major driver to the increased numbers in remand and that this is disproportionately affecting Aboriginal people, women, children and people experiencing disadvantage. The existing laws extend the onerous test to people who have committed minor, non-violent offences whilst on bail for other minor, non-violent offences. This

gives the same treatment to a person accused of theft, who may pose very little danger to the community, as to a person who has committed the most heinous of crimes. This is simply not fair. It is not a good use of resources, and it has caused our remand prisons to fill with people accused of non-violent offences. This does not sit well with this side of the chamber. We have seen that these terrible circumstances have arisen from current laws, and that is exactly why we are changing them today.

This bill will deliver a package of reforms to the Bail Act 1977 to achieve a more balanced approach. It will target the Bail Act tests at those charged with serious offending by refining the unacceptable risk test, limiting the reverse onus bail test to only those charged with serious offences and introducing a new child bail model which will give effect to the principle of custody as a last resort. It will also repeal two Bail Act offences: committing indictable offences whilst on bail and contravening conduct conditions on bail. It will update the considerations that bail decision makers must take into account by expanding Aboriginal and child considerations and considering likelihood of imprisonment and, if so, how the likely length of the custodial sentence would compare to the likely time on remand. Importantly the bill will also refine the requirements for subsequent bail applications at court, and it will prohibit remand particularly for minor offences, with exceptions.

The bill will also require bail decision makers to specifically consider whether the accused is likely to be sentenced to a term of imprisonment if found guilty and, if so, whether they are likely to spend more time on remand than the likely length of the custodial sentence. It will allow an accused person to make a second legally represented bail application before a court, without having to establish new facts or circumstances, as is currently required. This seeks to remove the incentive for applicants to try and secure a second application by appearing without a legal representative at their first application. And the bill will also make amendments to modernise and improve the act, including adopting gender-neutral terms, updating the definition of 'Aboriginal person' and making it clear that the rules of evidence do not apply in a bail application.

These are such important reforms, and we now know that the amendments to the Bail Act in 2013 and 2018 cast the net too wide. It is our job as the government of the day to make sure that the protection of the community includes all members of the community, especially those who are most vulnerable. The 2018 changes to the Bail Act were in response to the tragic events in the Melbourne CBD on 20 January 2017, when James Gargasoulas murdered six people and injured many others. He was on bail at the time, and this was not the first violent crime that had undermined public confidence in the bail system. The subsequent legislative changes after this event made Victoria's bail laws the toughest in the country, including by making it more difficult for repeat offenders to get bail. The changes were intended to ensure that offending on bail should have consequences, but it left some of our community disproportionately exposed to criminalisation and incarceration. In this respect we did get the balance wrong, and we are the first to admit that.

The reforms that we are now introducing in this bill today seek to ensure that all members of the community are protected and that low-level offending is responded to proportionally and effectively. We know that these reforms are urgently needed. They will take effect as of 25 March 2024, next year, which balances the need for change with the time that the courts, police and legal assistance providers will need for implementation.

Despite what some in the media or those opposite may say, it is important to note that this bill does not seek to reduce the onus on rapists or murders, but rather it is for people who have been accused of crimes akin to petty theft. Community safety is so important, and it is a core concern of this government. These reforms recognise that the existing laws have failed to protect parts of our community, and we need to fix that. Remand and custody should be used to keep Victorians safe, not to further punish the most vulnerable members of our community. Where the accused poses an unacceptable risk if released on bail, it is appropriate that they be remanded. The Bail Act will continue to prioritise community safety while ensuring that people are not necessarily exposed to harmful custodial episodes.

I want to sincerely thank the legal and community advocates who have helped lead these reforms, particularly advocates in the Aboriginal community. I would also like to acknowledge the public servants, the Attorney-General herself and the fantastic team in her office who have done a big, big power of work to get this to where it is today. These are not small reforms, and they should never be diminished – that they are not enough. We know that we need to do more, and that is exactly why we are getting on with doing that.

I would also like to, again, acknowledge the tragic events that shed light on the need for reform. I want to acknowledge the hardship and trauma caused by Veronica Nelson's death. I want to acknowledge Veronica's amazing family, particularly her mother Aunty Donna Nelson and her partner Percy Lovett, for their strength in turning their grief into advocacy to prevent future deaths in custody, including for those on bail. The Victorian government, which I am so honoured to be a part of on this side of the chamber, fully recognises the need for action to ensure that our bail system genuinely recognises the over-representation of Aboriginal people within our justice system. There is a long road towards reforming our justice system in Victoria, but these reforms seek to take a big step in the right direction. I am proud to see these changes happening and to be a part of a government that is doing what matters. I commend the bill to the house.

David SOUTHWICK (Caulfield) (11:39): I rise today to make some comments on the Bail Amendment Bill 2023, and can I say from the outset that in this particular area of the justice system it is really important to get the balance right. There is no question that we do need reform, and there have been a number of speakers that have already made contributions in the house talking about some of the issues surrounding the need for the reform. I think it is really important for us to be doing that work, because we must understand, firstly, the financial cost of incarcerating people and also the social cost – the revolving door element of the justice system. Once people tend to be locked up, particularly for more minor offences, we have seen lots of evidence where that spirals further on a downward slope, and certainly it does not do society and the community – anyone – any good, including, needless to say, the person that committed that offence.

But having said all of that, it is also important when we look at this particular work that we have got a balance between ensuring that we look at supporting and encouraging those people to take the right side of the path in terms of managing them through a system and safety in keeping the community safe. I want to acknowledge from the outset our Shadow Attorney-General, the member for Malvern, for the work that he has done on this particular bill. It is a very detailed bill. There is lots of information in this bill, and as I say, it is very important to get the balance right here and ensure that community safety is certainly underpinned by anything that we do here, because we do not want to see a situation where the community are left threatened or unsafe because we have not got the balance right.

A number of people have mentioned the Bourke Street tragedy, which was the first element that actually led to the tightening of the bail laws, and I want to put on record some comments around that. 2017 certainly changed the whole lives of many, and it is a reflective point. There are certain times in our lives where we recall something, whether it is a celebratory thing or a tragedy. The Bourke Street tragedy was something that we will all remember. We will remember where we were, we will remember the morning and we will remember the grief, and those that have lost a loved one will never forget that. I want to put on record my continued support for the Hakin family. Thalia Hakin, a 10-year-old girl, had her life tragically taken from her, and I regularly catch up with the Hakin family. Their lives will never be the same. Thalia's younger sister Maggie, just seeing her and what she has got to go through in terms of her life and her journey – people never really understand unless they see it what an impact something like that has on people's lives, and it is horrific. Gargasoulas was on bail. Gargasoulas should have never been on bail. The police argued for him not to be granted bail, and the series of events unfolded. So we know the reason why things were tightened, and justifiably in his case – they needed to be. At the same time we see the Indigenous community and the African community well and truly over-represented in our justice system. We need to ensure, certainly when there are less severe crimes and minor offences, that there is an opportunity for reform and

rehabilitation. Where we can, we need to ensure that we do not incarcerate people when we do not have to do that.

In terms of getting that balance right, there are three amendments that the member for Malvern has suggested, and I want to support those amendments. The first one is to retain the offence of committing an indictable offence whilst on bail. If somebody is given that opportunity, effectively given a chance – and life should always be about giving people a second chance – but they commit an offence while they are given that second chance, then I think that really does question how many times one actually does offer up that option. So retaining that offence here is important, and it is something that we should certainly not move away from.

The second part is adding eight serious offences to the list that requires a compelling reason bail test for children accused of these offences. Again, no-one wants to lock up children; it should be the last resort that we go to. Having visited the youth justice system and many of the facilities and seen some of the kids there, it does break your heart. As I said, there is over-representation of our African and Indigenous communities, so we have got a lot of work that we need to do.

In terms of the eight serious offences, including rape, rape by compelling sexual penetration, sexual penetration of a child under the age of 12, aggravated home invasion, aggravated carjacking, aggravated burglary, armed robbery and causing serious injury intentionally in circumstances of gross violence, they are more than shoplifting. That is more than being caught up in the wrong crowd. We have got to be able to really differentiate between what is quite frankly a stupid crime and what is a serious crime. What is the situation? Yes, right, somebody did the wrong thing, they have got to learn from it and there will be consequences, but the consequences should not be as severe as for, as I have alluded to, those eight offences. They are a lot more serious and should have consequences. That is where the bail laws need to not change.

The third part is to mandate a statutorily required review of the effect of the amendments after 24 months of operation, to be completed and publicly released in six months. I think this is a really positive thing. I can think of many times in this Parliament, particularly with justice reform legislation, where we have done things and we have not had that review. It is important for us to review, to see whether these things are working, whether we need to do more or whether we need to actually amend what we have done. That is a really, really good thing that could only further improve our justice system. We should always be striving for the best when it comes to keeping people safe and at the same time giving those people that do things that are quite frankly silly the option of a second chance and a right path. I think that is very, very sensible, and I would hope that at the very least we see the government supporting that amendment, if not all the amendments.

As I alluded to at the very beginning of this bill, there are a number of things that we do argue over in this chamber, and there are a lot of times when we disagree, but certainly on bail reform it is important to strive for the best we possibly can and to get the balance right between community safety and also rehabilitation. I would hope that it would be seen that way. I know that certainly that is what we have been trying to do. Community safety should be paramount. We do still see, unfortunately, so much violent crime, so there do need to be consequences. There do need to be tough laws for when people actually deliberately go out and cause severe harm and know very intentionally what they are doing. They need to understand that there are consequences for their actions, and at the same time the community can be kept safe. I think particularly with sexual assault, with violence and rapes, with aggravated burglary and that kind of thing there have to be consequences. We cannot have people that are out on bail and are recommitting offences then get bail again. You just cannot have that. That is why we are certainly supportive of the intent of the reform. It is long overdue. It is very, very important for us to ensure we get the balance right, but at the same time the amendments that the member for Malvern has suggested to the house are very sensible, and I hope the government will be supportive.

Gary MAAS (Narre Warren South) (11:49): I to rise to make a contribution to the Bail Amendment Bill 2023. In doing so I note the comments of speakers before me, including the member for Malvern, the member for Caulfield, the member for Ripon and the member for Wendouree. In noting those contributions, I note that everyone has spoken to one very important word, that being the word 'balance'. Balance is what is at the heart of this bill, and it is so important when we are speaking about presumed innocence that we do strike a balance, because it goes to the heart of what our legal system is and indeed what justice stands for.

Bail constitutes a pivotal element within our system of justice. Deciding against granting bail to an accused who is presumed innocent demands very careful and considered views due to the gravity of what that entails, and it is the bail decision makers who face that responsibility of evaluating the various multifaceted factors and potential risks, striving to make well-informed choices that uphold the rights of the accused and balance that with the welfare and indeed the safety of the community. The individuals tasked with making bail determinations approach their role with the utmost seriousness, acknowledging the profound impact of their judgements on the freedoms of the individual, and the government recognises the imperative nature of enacting legislation that directly influences the liberties of all Victorians.

Regrettably the current bail system is not functioning in accordance with its intended purpose in getting that balance right. In recognising the need for improvement, a concerted effort is being initiated to rectify its deficiencies and to enhance its efficacy as well. Reform of these laws has been called for by several reports, inquiries and legal stakeholders, most notably the coronial inquest into the death in custody of Veronica Nelson – the Nelson inquest – and the parliamentary inquiry into Victoria's criminal justice system, both of which called for reforms to make bail more accessible.

At this point I would like to acknowledge and recognise the advocacy of the family and the community of Ms Veronica Nelson, a strong Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, who tragically passed away while she was on remand. The details surrounding her death are well known – a tragic death, and a story that highlights many of the ways our system needs improvement. We acknowledge the tremendous advocacy of her family's loved ones in the wake of her passing for reforms to our bail system.

The introduction of the Bail Amendment Bill 2023 signifies an opportunity to strike a harmonious balance. This legislative proposal aims to ensure that the legal system can meticulously assess the potential risks posed by individuals engaged in serious offences to the community, but simultaneously the bill seeks to prevent unnecessary pre-trial detention for those who do not pose such risks.

Victoria currently enforces the strictest bail laws nationwide, and that is the result of two rounds of prior reforms. As pointed out by the member for Malvern, I think, there was the round of the 2013 reforms during the opposition's time in government. These introduced fresh bail offences involving summary offences carrying up to three months imprisonment. These offences encompass committing an indictable offence on bail and violating bail conduct conditions. They were followed up by the 2018 reforms of this government aimed at imposing stricter bail standards for those accused of offences while on bail. These changes included removing the presumption of bail for specified offences. Instead a presumption against bail was introduced, requiring applicants to disprove it. They introduced an uplift in bail assessment for individuals charged with reoffending on bail. This meant that repeat low-level offenders could face more stringent bail tests designed for more serious crimes. For instance, an individual committing an offence while on bail would face an acceptable risk test. Committing another offence on subsequent bail would trigger a double uplift, leading to a more demanding exceptional circumstances test.

These 2018 reforms were prompted by a well-known series of violent crimes, including the Bourke Street murders. That one in particular was committed by an individual out on bail. The purpose was to restore public faith in the bail system and implement reforms recommended by former Justice Coghlan to enhance community safety. As has been said, the combined impact of those two reforms

has resulted in a notable rise in the detention of repeat non-violent offenders on remand, and this has disproportionately affected disadvantaged individuals, particularly women, children and our Indigenous communities.

The bill puts into action eight out of the 13 recommendations from the Nelson inquest that relate to the Bail Act 1977. These changes will remove certain parts of the 2018 reforms that apply to repeat minor offenders, and the reverse onus test will only apply to serious schedule offences. The bill clarifies the term 'unacceptable risk' to mean that minor potential offences will not alone justify bail refusal except if someone's safety is threatened, like through repeated theft from a small shop. Thirdly, the bill gets rid of specific Bail Act offences like breaching bail conditions and committing further offences on bail, though these still have consequences, like revoking bail. Fourthly, it introduces remand-prohibited offences so certain minor offences will not lead to remand but bail conditions can still apply. Fifthly, the bill makes bail decision makers consider if an accused might spend more time on remand than the expected sentence length. Sixthly, it allows an accused person to make a second legally represented bail application without new facts. The bill presumes bail for children, except for severe crimes, with an unacceptable risk test still in place. The bill also updates factors to consider for bail if the applicant is a child or is of Aboriginal descent, and that is developed with input from relevant stakeholders. It requires bail decision makers to note Aboriginal-specific considerations when denying bail to an Aboriginal person. The bill clarifies and modernises the act by including gender-neutral terms and an updated 'Aboriginal person' definition and by excluding rules of evidence in bail applications.

Our courts and bail decision makers are aligned with the government's dedication to establishing a secure and equitable bail system for Aboriginal individuals and for all individuals across the state. Recognising the importance of the new Aboriginal-specific factors, comprehensive training will also be a central aspect of the reform implementation. The training aims to equip legal professionals with a profound comprehension of relevant matters to be raised and assist bail decision makers in effectively applying these considerations when making decisions. To come back to the opening of this speech, I believe that this bill strikes the right balance, taking into account all of the aforementioned factors. It is a good bill, and I commend the bill to the house.

Martin CAMERON (Morwell) (11:59): I also rise to talk about the Bail Amendment Bill 2023. As someone that is new to the chamber, I am actually able to learn about how the bail system works. Normally in my past job we would wonder why someone has been bailed and is out in the community, but I have been able to listen to the member for Malvern articulate it and explain it to us in the party room and listen to others speak on both sides of the chamber. It is a really important amendment. As society changes and we grow, I think the changes that are being put forward in the amendment and also in our amendments that we have down here – I am just hopeful that we can come to a perfect spot at a particular time where these amendments will be able to go through. It is great to hear both sides of the house speak on it.

Over the past decade there has been a significant increase in the number of Victorians remanded in custody. The operation of existing bail laws is a major driver of this increase. Disproportionately it is affecting Aboriginal people, women, children and people who are experiencing poverty for having minor incidentals where they are being caught and maybe charged by police but not being able to get bail, and it is actually clogging up the system. The purpose of this bill is to create a more proportionate bail response to low-level offending by refining the more onerous bail tests to focus on more serious offending and the gravity of the risks that are presented by a person charged with an offence. In doing so this bill will assist in ensuring the Victorian bail system laws strike the appropriate balance between the right to liberty and community safety, so that is what we are trying to get done in this amendment bill, along with a few other bits and pieces which are very important.

In the valley our crime rate is the highest in regional Victoria. For the year to 31 March there were 10,319 criminal incidents per 100,000 population recorded in Latrobe – and going up – and that is more than double the rate in the neighbouring Baw Baw shire and the highest of any municipality in the state outside metropolitan Melbourne. Our resources are already stretched thin, and police report that

remanding offenders is already difficult under the current legislation because they are released on bail as soon as they are arrested. Many know this is the case, so the prospect of being arrested is no longer a deterrent. It is amazing that you see some youth on the street that struggle to get to school and have difficulty in learning, but they know their rights and where they sit, chapter and verse. It is amazing what they can learn. Police at times feel powerless to enforce the laws, and they report that the perceived lack of consequence only leads to reoffending and drains police resources more. When the penalties do not reflect the seriousness of the offending, we end up with a revolving door of recidivism.

For those whose offending is serious and carries a risk to the community, the tough bail test should justifiably apply. I think the member for Malvern explained nicely about the three tiers and where everyone is going to sit in those tiers, so we thank him for doing that in his lead-in on this amendment bill. As I said, the wider community needs to be assured the tough bail tests will still apply for repeat offenders and for those whose offending poses a risk to community safety, regardless of whether the alleged offender is perceived to be experiencing significant disadvantage, like the proposed bill states. In my electorate, breaches of family violence orders increased a whopping 20.2 per cent for the year to March 2023. These breaches have a disproportionate impact on women and children, yet there is a sentiment that many perpetrators who reoffend while on bail get more advantage under the current system than the victims, so we need to make sure that we do all that we can for those victims.

Also in the electorate of Morwell, right across the board in most towns we are facing issues with teens and their antisocial behaviour, and it would be the same in metropolitan Melbourne and right around regional Victoria. You only have to walk down the street to see sometimes how little respect our teens have and the way they talk to and harass people on the streets. They know that the police are not going to do a lot because of the bail reforms at the moment. They know exactly where they sit. Theft from retail centres, for instance, and assaults on staff have skyrocketed this year, and management and police alike have reported feeling helpless because current legislation does not allow for appropriate and proportionate action to be taken. Just last week a security guard at a local shopping centre was assaulted by a group of teenage girls. They were attempting to steal stuff out of a shopping centre, and the job of the guard was to stop them from doing it. That was his job, but in doing that he was assaulted. It is alleged the group of girls were repeat offenders. Obviously they know this because they are there often and they have video footage of when they are there. They told the security guard that they knew there would be no consequences because of their age. That is where the youth who are doing this may struggle to learn at school, but they know chapter and verse what their rights are.

The Bail Amendment Bill proposes that a differentiated approach to child bail is necessary to address the unique vulnerabilities and complex disadvantages that children and young people can face. It also states that keeping children out of custody and in the community will encourage them to retain prosocial connections, leading to improved outcomes and community safety. However, without consequences there is a risk that the opposite will apply. Without consequences, the antisocial behaviour is only reinforced and community safety is really compromised. As I have spoken about in here a couple of times, law and order issues are at the forefront of what we speak about, along with the cost of living and whatever, but people should feel safe to be able to go down to the local shopping centre, walk in and carry out their daily duties and return home safely, whether they are in a taxi or, as our older ones are, on a bus. We just need to have things in place if people are doing stuff that they should not be doing, whether that is on the streets offending – I know the member for Gippsland South spoke about a person that was bashed in his local community. It does go on all the time, so we need to be able to have this tier of the bail system cater for our most vulnerable young people that may be showing a lack of discretion and do not need to be sitting in remand for a week trying to get out. They need to be able to be sensible about it all.

As I said before, both sides of the chamber need to be on the same page and be able to do this very important work. It is a pleasure to be able to learn about it myself, to see how it all works but then to be able to stand up and put my community's side forward. As I said, there is stuff going on in

everybody's local community, but to be able to stand up and learn about the Bail Amendment Bill and how the whole procedure works gives everybody a clearer idea. I thank the house for the time.

Katie HALL (Footscray) (12:09): I am very pleased to make a contribution to this important bill, the Bail Amendment Bill 2023. I would like to begin my contribution by acknowledging the family and the loved ones of Veronica Nelson. I would like to acknowledge their advocacy and share with them our collective grief at the circumstances of their loss. In Victoria we want to have bail laws that get the balance right. As the member for Narre Warren South mentioned in his contribution, we have spoken a lot today about balance.

It has been a nice thing to be in the chamber for this debate, because from the member for Malvern's contribution to the member for Wendouree's and member for Caulfield's contributions everyone has made thoughtful contributions to this debate. I think it demonstrates this place at its best – to try and achieve the best outcomes for the community and the justice system. We want to have bail laws in Victoria that get the balance right between being fair and tough. If there is an unacceptable risk to the community that a person would endanger the safety or welfare of any person, of course they should be remanded and refused bail. I often think about Jill Meagher, and I think about the circumstances of her death – her murder – by a man who was not only on bail but who had been paroled, and who was eventually found to be guilty of 20 rapes. He is now where he belongs. But I often think about the way the bail laws let our community down in that situation, and I think about how the bail laws let our community down and Veronica Nelson's loved ones down, when she should have been in hospital, not remanded in custody.

If a person is charged with a serious offence, such as murder or terrorism or rape or assault, only under the most exceptional circumstances can they be given bail, and that is common sense. That is reasonable policy. However, we do not want laws in Victoria that result in the over-representation of children, women and Aboriginal people who are on remand and locked up in custody. This is where the Victorian bail laws can be fairer and should be fairer. We want a justice system that is administered fairly and equally, where we strive to create a balance between toughness and fairness in the law. Our aim has always been to ensure the safety and wellbeing of our community whilst upholding the principles of justice and equality.

Our commitment to safety and security should not lead to an over-representation of vulnerable segments of our society being on remand and in custody. We must strive for a better justice system that is not only stringent but equitable. Victoria's current bail laws do not properly distinguish between low-level, non-violent offending and the serious offending that poses a risk to community safety. It is here that lies a situation that has led to an increase in remand, particularly for repeat offenders who may not pose a risk to community safety. But let me be clear: when a person poses an unacceptable risk to our community's safety and welfare, whether through acts of violence or endangerment or the gravest of offences, they must face the consequences and not get bail. We value the principles of common sense and reasonable policy in this regard. But what we have witnessed is that these policies can have unintended consequences: children, women and our First Nations community should not find themselves disproportionately affected by the rigours of the justice system. This is where the pursuit of fairness comes into play. When a person is arrested, of course they can apply to be released from custody on bail, and this is an agreement between the court and the person that they will return to court at a later stage to respond to their charge. Bail is often granted with conduct conditions, such as a curfew or travel restrictions, and is determined by the bail decision maker.

If they are not granted bail, they are remanded in custody until their matter can be heard at a later date. Whether or not a person is granted bail depends on whether the applicable test for granting bail has been satisfied, and there are three tests. The first is the unacceptable risk test. This is when the prosecution proves that there is an unacceptable risk that a person would endanger the safety or welfare of any person or commit an offence while on bail. The second, the show compelling reasons test, requires a person charged with an offence set out in schedule 2 of the act – crimes like rape and aggravated assault – to show compelling reasons as to why their detention in custody is not justified.

And the third is the exceptional circumstances test, applying to a person charged with a schedule 1 offence like murder or terrorism, and these people must establish that there are exceptional circumstances to justify bail. It is these tests that need to be refined.

The bill will eliminate the unforeseen consequences of the 2013 and 2018 reforms – the disproportionate impact on people experiencing disadvantage, particularly women, children and Aboriginal people. The bill will address the most urgent problems with our current bail laws so that low-level non-violent offenders are no longer being remanded when they do not pose an unacceptable risk to community safety. The bill will repeal those aspects of the 2018 reforms for those accused of repeat lower level offending so that a reverse onus test will apply only to the serious offences specified in the schedules of the Bail Act 1977. We do not want children arrested for graffiti or shoplifting offences put into custody.

The definition of 'unacceptable risk' will be refined to make it clearer that a potential risk of minor offending is not enough reason to refuse bail unless someone else's safety or welfare is threatened. This is a sensible reform. Whilst there will still be consequences for breaching bail conditions, as there should be, it will be a standalone offence – failing to appear will still remain a standalone offence.

The bill introduces remand-prohibited offences. This means a person arrested for an offence that is unlikely to receive a prison term will not be remanded. Those on bail for such offences will still be subject to bail conditions, ensuring community safety is upheld. We do not want people being locked up on remand for longer than any likely prison sentence, and this bill addresses that issue. We want there to be a presumption of bail for children. Certain crimes, such as terrorism and homicide offences, will be the exception, because custody has to be the last resort for children. The unacceptable risk test will still apply, so if a child is a risk to the community or someone else, they can be held on remand. This is reasonable and this is fair.

I would like to acknowledge the work of the Attorney-General. This is a really challenging thing to work through, and I know that she has worked closely with important stakeholders and that this has been informed by a range of different inquiries and different circumstances. In concluding, I think that this reform is a really important one. I am very proud to be able to contribute on it, and I wish it a speedy passage.

Cindy McLEISH (Eildon) (12:19): I too rise to speak on the Bail Amendment Bill 2023, and I would be fairly confident to say that everybody in this chamber would want the best outcome for this type of bill and for our bail system in the state, because at the end of the day we want to have a very safe community. We need it to be safe not just for ourselves but for people who are more elderly and certainly those with children and young adults as well who may find themselves targets of particular crimes at particular times. As has been mentioned in the opening speech by the opposition from the member for Malvern, the Shadow Attorney-General, it is really important that we get this right. It is for that reason the opposition are looking to be exceptionally constructive in our dealings with the government on this, because we know there have been changes; historically all governments have been making changes to this area to get it right. The lead speaker has put forward a number of textual amendments that we think will strengthen this bill. I will certainly be supporting those, and towards the back end of my contribution I will touch on those further. As I said, it is getting the balance right. Community safety is the right balance. It is really important, but so is that the alleged perpetrator has the presumption of innocence and their own rights. We do know that remand and bail play a really important part in our justice system. Some of the changes that have been put forward here in this amendment bill we certainly agree with and are very sensible, but I think, as the lead speaker has said, some of them could be better.

I want to go through a little bit of history, and many people in this chamber would be aware of the history over the last 10 years or so. The bail laws were tightened by the coalition in 2013, and one of the things that was important here was introducing specific offences of contravening certain bail conditions or committing an indictable offence whilst on bail. This is something that we still feel quite

strongly about. We had a number of very high profile cases. We had the matter of Adrian Bayley, who committed horrendous offences whilst on bail and on parole. Then we had the Bourke Street tragedy in 2017 with James Gargasoulas, who killed six people while on bail. That really prompted a lot of action by the government to get up and change the bail laws to make it harder – in fact that is exactly what the Attorney-General said at the time, that it would be particularly difficult and I think one of the most difficult – to get bail in this state because of the response. So the laws were further tightened in 2017 and 2018, and here we are now in 2023 having a look and making some further changes to those most recent changes, which the government had made because it was difficult – and it is difficult – to get it exactly right. That is the aim. But given there have been a number of changes that have not been exactly right, that is one of the reasons for one of our amendments about the statutory review after two years – so that if it is not having the desired effect there could be some further changes made.

A couple of the changes in 2017 were inserting a purpose and guiding principles section, which was about making it really difficult; a clarifying and expanding of the list of offences and that the accused must show exceptional circumstances; and a clarifying and expanding of offences and that the accused must show compelling reasons. So there was quite a lot that was done, but it has not quite had the desired effect, because we have found that the number of prisoners in prisons at the moment, those who are sentenced and unsentenced, are really growing quite remarkably. The sentenced prisoner numbers are almost level pegging over the last decade, but we can see certainly since some of these changes that unsentenced prisoner numbers, those that are on remand, have really jumped. We need to be mindful of the impact that this has not just on our justice system and our courts but also on the individuals involved, because we have had some work done by the library and the Sentencing Advisory Council that have talked about the number of people that have served time on remand which is greater than the amount of time they were given as a sentence. I think it is really important that we stop and reflect on a number of these matters.

The Sentencing Advisory Council report from 2020 found that 20 per cent of all prison sentences were time-served prison sentences, and in 2020 nearly one-third of those who received a prison sentence and had already spent time on remand received a time-served prison sentence. They had done that time already. In 2014 this same group made up only one in nine. That is a huge jump, from one in nine, just over 11 per cent, up to 33 per cent. That is really quite staggering when we have a look at those figures. So things certainly do need to be done to change this.

We do have a number of comments and concerns. As I have mentioned, there is no doubt that these need to be reformed. Keeping people on remand comes at a cost. There is a financial cost to the system and there is a personal cost, because particularly if you are somebody who gets a sentence which is shorter than the amount of time that you have served on remand, that is actually a real problem. It also indicates that we need to keep things moving through our courts.

Part of these changes are around the findings of the Veronica Nelson inquest. It was a pretty horrendous situation, the way she was treated, having to ring the buzzer continually to get help and then not receiving the help that she needed. I am not sure that there is anything here that is really going to change that outcome, but something that we still need to be very mindful of is how people are treated, because everybody needs to be treated with respect regardless of their background and condition at the time. I guess at times it is difficult for some of the custodial officers to understand and know the extent of somebody's issues, but that is part of the training that they need to have so that they understand that one size does not fit all and you need to look at everybody as an individual.

A couple of the changes that we are putting forward are through textual amendments, as I mentioned: there is a two-year statutory review which, if things are not heading in the right direction, gives an opportunity to come back and to have a look at it. I think that that is particularly useful. That would be tabled in Parliament after that review; six months later it is to be tabled in Parliament. Also, we would look to add the following specific offences to the compelling reasons bail test for children. There is quite a lot here. The bill already provides that that applies to manslaughter, homicide by firearm, arson causing death and culpable driving causing death, but we would like to add rape, rape by compelling

sexual penetration, sexual penetration of a child under the age of 12, aggravated home invasion, aggravated carjacking, aggravated burglary, armed robbery and causing serious injury intentionally in circumstances of gross violence.

There is quite a bit there for the Attorney-General to consider before this bill gets to the other place. We will have four weeks, so that is a good period of time for her to look at the amendments that we have put forward in good faith. We are very keen to work with the government to make sure that the changes that we make are not just sensible but really useful and can make a difference and protect the community as part of getting that balance right, because we do need to get the balance right. We do need to make sure that those who should be denied bail are denied bail through the level of testing that is currently available, but we also need to make sure that those offences that should be included are included. I commend the Shadow Attorney-General for his work and look forward to positive engagement by the Attorney-General to progress our textual amendments.

Josh BULL (Sunbury) (12:29): I am really pleased today to have the opportunity to contribute to debate on this important bill, the Bail Amendment Bill 2023. This bill goes to some of those core values that underpin this government, the Andrews Labor government, around fairness, around justice and around continuing to create a stronger society and a stronger community and of course making Victoria as fair as it can be. We know and understand the importance of investment in education, in health, in community services and in making sure those that live right across our great state are supported to be their best, to have those opportunities in life and to do the things that they are rightfully entitled to. But what we know and understand is that many within our community will face significant challenges within their lives.

This bill and indeed the matters contained within the legislation of course go to matters that are quite complex scenarios that, as other members have noted, should be judged on a case-by-case basis. Striking the balance, that fine line, between community safety and individual protections around fairness and around due process is, as other members have noted as well in their contributions, undoubtedly complex and undoubtedly challenging, but this piece of legislation aims to strike that balance and to wrestle back some of that fairness within the provisions in this state. I think it is fair to say, listening to contributions from our side of the house and from those opposite, that no member within this place that I have heard thus far is asserting that, upon the potential safe passage of this legislation, of this bill, the work in this space is by any means concluded – in fact the opposite. This is work that certainly we on this side of the house know and understand, as I mentioned, is incredibly complex and is incredibly dynamic. Ensuring that the provisions within this bill but right across government are those strong, sound and sustained investments in education, in health and in community services, giving those within our community the opportunity to be their best from the very earliest days in their life, is something that is very important to this government and indeed should be important to all members of the house.

This work, as I mentioned, is ongoing. We know that currently in Victoria the bail laws do not properly distinguish between low-level, non-violent offending and serious offending that poses a risk to community safety. This has of course led to an increase in remand, particularly for those repeat offenders who may not pose a risk to community safety. Reform of these laws has been noted and discussed in inquiries and with legal stakeholders, most notably the coronial inquest into the death in custody of Veronica Nelson – the Nelson inquest, I should say – which other members have mentioned, and the parliamentary inquiry into Victoria's criminal justice system, both of which have called for reforms and for some significant changes to be made within this space.

What we know is that when a person is arrested they can apply to be released from custody on bail, which is an agreement between the court and the person that they will return to court at a later stage to respond to the charge. Bail is often granted with conditions – curfews, travel restrictions – as determined by the bail decision maker, but we know when a person is not granted bail or does not apply for bail they are remanded in custody. A person on bail is presumed innocent until proven guilty, meaning there should be a presumption in favour of being given bail unless they are considered to

pose a risk to the welfare and safety of the community or they are at risk of absconding. Whether or not a person is granted bail depends on whether the applicable test for granting bail has been satisfied, and we know that the applicable test, as has been mentioned in today's debate, is one of three tests depending on what the charged offence is, one of those being the unacceptable risk test, one of those being the show compelling reasons test and the third being the exceptional circumstances test.

We know of course that provisions contained within the current framework result in outcomes that should be incredibly troubling, incredibly challenging and incredibly difficult for us all. What the changes within this piece of legislation before the house this afternoon strive to do is go back to creating a system whereby that balance is struck. The bill before us addresses the most urgent identified problems with our current bail laws so that low-level, non-violent offenders are no longer being remanded where they do not pose an unacceptable risk to community safety. This bill implements eight of the 13 recommendations of the Nelson inquest relating to the Bail Act, and the bill introduces a number of changes to the existing features of the Bail Act 1977.

The bill proposes to repeal those aspects of the 2018 reforms for those accused of repeat low-level offending by providing that the reverse onus test will apply to the serious offences specified in schedules in the Bail Act. This will be done by removing the uplift consequences for non-scheduled offences. I am rattling this off quite quickly because I am conscious of time. The bill refines the definition of the unacceptable risk test to make it clearer that the potential risk of minor offending is not enough of a reason to refuse bail unless someone else's safety or welfare is threatened, and this can capture the property-based offending that impacts welfare such as repeat theft from the same small shop or premises.

We know of course that some of those changes that I have just mentioned go to that exact point that I mentioned earlier in my contribution – the importance of striking a balance between those within our community that suffer a crime committed against them or their family or the premises that they are a part of versus those within the community who find themselves committing an offence. The system needs to be responsive, it needs to be dynamic and it needs to be able to address those concerns that go to the heart of why this bill is before the house, but importantly it also needs to take the advice and the recommendations of the report. But what we continue to say with any bill, with any piece of legislation, with any initiative that comes before the house, is that it is fundamentally important that we are listening to those in areas of expertise, whether that be in health, whether that be in education or whether that be within the justice system. It is critically important to have a set of laws within this state which go to the lived experience, the real everyday experience, of those within our community and those working within the justice system to make sure that we are listening and that we are constantly reviewing.

I will go back to that earlier point – not that I want to speak for the opposition – that what I have heard thus far, certainly from the government side, is that nobody in this house is putting the cue in the rack here. Nobody on this side of the house is saying this work is finished and it is over and this is it. We know and understand the importance of strong, sustained investment. We know and understand the importance of making sure that we are supporting those within our community that are doing it tough, that are doing it hard. But of course making sure we are going back to striking that balance between wanting to provide the safest, the most secure and the fairest community that we can provide is and should be a shared responsibility right across this chamber, the other chamber and our friends within local government and Canberra as well.

We know that having a system, having a framework, that supports those within our community that are finding life incredibly challenging and that do at times commit crimes and do the wrong thing versus ensuring we have a strong sense of community safety, a strong sense of community protection, is what this bill is all about. There are a significant range of amendments within the legislation that time has unfortunately not let me get to, but of course I do want to take the opportunity to commend all of those that have done a significant amount of work to bring this piece of legislation before the house. As part of the Andrews Labor government, I commend this bill to the house.

Roma BRITNELL (South-West Coast) (12:39): I rise to speak on the Bail Amendment Bill 2023. I do so stating at the outset that we understand the complexity of getting the balance right between the person who has committed an offence, and their presumption of innocence, and protecting the community. It is a very difficult balance to strike. I think in the presentation done already by the Shadow Attorney-General he quite eloquently presented a way that we want to work with the government to make sure we get this right. We have seen several amendments to this legislation which demonstrate that over the years there has not always been the right balance.

There were changes back in 2013 that we put into the act to strengthen the bail laws. This government also made some amendments to the act in 2017 after the Bourke Street event. The man, Gargasoulas, was on bail when six people were killed in that tragic, terrible event. You can understand why the strengthening has occurred when you see incidents like that. Now we are here again after the community have seen the report of the investigation into the death of Veronica Nelson. We see that changes are needed and we react, and that is what amendments to acts are like. Often they can be because technologies have advanced that we had not thought through and we need to come back and look at communications acts or things like that. Here we are with amendments due to changes that we have seen from unintended consequences.

Can I say from the outset on the tragic circumstances around Veronica Nelson's death that no-one in care should be ignored to the point that such a tragic outcome as death occurs. This bill will not change that. We cannot shy away from the fact that we all have an obligation to make sure we step up when we see things that are wrong. That event was quite horrific to read about. It is important to get it right now, but I am not sure we will do that, which is why I support the idea of the textual amendments of my colleague. We will need, I am sure, to review this again, but we need to try to get it right.

When you see the figures for people in remand who have not actually been tried for the crimes they are accused of, the number of those prisoners in remand in 2013 was 956. We saw that rise to 2706 in 2018 – that is a considerable increase. It peaked then in 2021 at the number of 3182. Innocence until proven guilty, the presumption of innocence, is something we hold very dear as a community and want to strive to keep. Having someone in custody when they have not actually been convicted of a crime – they have been accused of a crime – is also difficult. We need to keep the community safe, but we also do not need to be locking people up and finding when they are actually convicted that the sentence they receive is less than what they have just served in remand. That is why this balance is so challenging. We also do not want to see someone who has a not guilty outcome having served time in remand. I think that explains – I hope – why it is so important to get this right.

Whilst there are some good things in this bill and we support them, there are some ideas that we would like the government to consider respectfully. One of those is an amendment in the Legislative Assembly and Council to retain the offence of committing an indictable offence whilst out on bail. This is something we brought in in 2023 –

Michael O'Brien: 2013.

Roma BRITNELL: Sorry, 2013 – that you for that correction, member for Malvern. 2013 – I am getting ahead of myself. Maybe in 2024 we will bring in some –

A member: 2026.

Roma BRITNELL: 2026. Oh well, who knows what could happen – 2026. The years are getting me confused. It might be my age. In 2013 we changed the bail laws to bring in that if somebody breaks their bail conditions and commits an indictable offence, it is an offence to do so. I think that should be retained.

Also, our recommendation is to include eight serious offences on the list requiring a compelling reason test for children accused of certain offences. We are hoping that the government will consider adding these very serious offences to 'show compelling reason', which takes it up to another level. It is not

the highest level, which is 'show exceptional circumstances'. This is for things such as rape, rape by compelling sexual penetration – very serious things obviously – sexual penetration of a child under 12 years of age, aggravated home invasion, aggravated carjacking, aggravated burglary, armed robbery and causing serious injury intentionally in circumstances of gross violence.

The last thing we are hoping that the government will consider, and I think this is very reasonable, as are the other two ideas, is that a statutory review be required within 24 months – so two years after this comes into effect – and then the outcomes of that inquiry be released publicly within six months. They are very reasonable suggestions. It is good to see the Parliament working so well together, where the opposition scrutinises and offers suggestions, and we hope the government will take those suggestions up. Some of these things are quite difficult to talk about, especially children committing offences, but when we talk about children we do talk about children up to 17 years and nine months, so we have got to take this into account. We have got to recognise that whilst these conversations are really, really hard, what we do need to do, like with the Veronica Nelson issue, is change the systems within that are failing, not throw the systems out. Putting in care and wraparound services and using the youth justice portfolio is really a better way to get changes. We have got to acknowledge that people do make mistakes and they can do so very badly – that is real – and we have got to acknowledge that we can change things so we do not have recidivism, but we have got to make sure we put those wraparound services in.

I also want to take some time while I am speaking on this bill to thank the bail justice volunteers. Right throughout my electorate I have had the pleasure of meeting some of these people who give their time voluntarily and come out in the middle of the night. One bail justice took me in at 1 o'clock in the morning to show what he does during the night. He comes from about 60 kilometres away. His services are all free. There is no help from anyone to pay for the fuel or get him out of bed in the middle of the night, and I could see how difficult the work they do is. But volunteers really do make up the fabric of our community. In South-West Coast we are very blessed to have very high rates of volunteers when you look at the ABS figures. Towns like Terang particularly do a terrific job with the amount of volunteers they do have, and I want to recognise that in the Parliament, because towns like Terang would not function as well as they do without their volunteers, right through to towns like Heywood, Port Fairy and all of our towns. Often people would not get to appointments without the help of a volunteer driver. The kids who are having challenges at school often have people coming into the schools and giving up their time voluntarily, like those in the Standing Tall in Warrnambool program, created in our region, which supports children in the schools. There are so many extraordinary volunteers that I want to take the time whilst acknowledging the good work that the bail justice volunteers do in my electorate to also recognise many others who do wonderful volunteer work.

I will conclude my remarks by thanking the Shadow Attorney-General and member for Malvern Michael O'Brien for the work he has done on this bill. We hope that the government will take into consideration those very reasonable changes. We look forward to improving the bail system and reviewing it to make sure we have got it right in a couple of years time.

Nina TAYLOR (Albert Park) (12:48): I am pleased to speak to the Bail Amendment Bill 2023, factoring in that bail itself is a very important element of our justice system. Bail decision makers have to make literally thousands of decisions every year. These could never be easy decisions to make, factoring in that there is the potential deprivation of liberty. I have already heard many members of the chamber quite rightly speak to the issue of the presumption of innocence until proven guilty, and of course this has to remain a fundamental tenet of our justice system. I do want to emphasise that we know as a government that our responsibility to the community is to ensure that we take all efforts to protect community safety and that our reforms do not undermine our commitment to this. I just want to emphasise that there is always a clear view to that very important element when we are introducing such delicate and yet carefully considered and prudent reforms that have been informed over many, many years by many different stakeholders.

I will, on that note, pay particular acknowledgement to the advocacy of the family and community of Ms Veronica Nelson, a strong Gunditjmara, Dja Dja Wurrung, Wiradjuri and Yorta Yorta woman, who obviously tragically passed away while on remand. Her tragic death and story highlight many of the ways our system needs improvement. This is the point I want to get to as to why these reforms are being brought about in the first place. We acknowledge the tremendous advocacy of Veronica's loved ones, in the wake of her passing, for reforms to our bail system. There is no doubt that those contributions have been critical, among many, to the development of the significant and important reforms that are being brought about today.

When we are thinking about the imperative for these reforms, I think I might like to speak to the issue of Bail Act 1977 offences. Data suggests that the introduction of the two bail breach offences in 2013 has made a substantive contribution to the significant increase in Victoria's remand population, with a particular impact on women, Aboriginal people and people experiencing disadvantage. Hence we know these amendments are urgently required – and stakeholders have consistently advocated for the repeal of these offences. If we look at the data specifically, the 2019 Crime Statistics Agency *Characteristics and Offending of Women in Prison in Victoria, 2012–2018* report found that the proportion of remanded women who faced a reverse onus bail test increased from 37 per cent in 2012 to 79 per cent in 2018, and 29 per cent of women remanded in 2018 faced a reverse onus test only because of these two new offences. The same report found that the number of women entering remand with a Bail Act charge increased from 20.7 per cent to 66.2 per cent from 2012 to 2018.

Whilst it is clear that these offences have increased remand numbers, it is far less clear that these offences do anything to discourage bail breaches, and I think these are important elements that have factored into the consideration of the reforms that are being brought about today. But I do want to state a very important caveat, and that is: it is important to make clear that this is not about reducing accountability for crimes committed, it is about making sure that the consequences of offending are reasonable and proportionate. And if we have that lens when we are looking at these reforms, we can see that it is about seeking to strike the right balance with these reforms.

I note if you breach a condition of bail, you can still be brought back before the court and have your bail revoked. If you commit an indictable offence whilst on bail, you still face charges for committing that offence. The only change here is that we no longer tack on an additional 30-unit summary offence on top of it. So, most importantly, these offences will no longer uplift your bail test, and instead your bail will remain assessed by the appropriate test. We do not want to see people who commit a few small thefts facing the same test as, for instance, someone charged with terrorism. This is not how we want our system to work.

I did just want to address some further matters that have been raised through the, I think, very dignified discussion today. One was regarding the risk of property-based offending and the unacceptable risk test. A risk of property-based offending can still be deemed unacceptable and cause the accused to be remanded. To endanger the safety or welfare of any other person, the accused need not pose a risk of committing a violent or sexual offence. A person who poses a risk of further property-based offending can be remanded if that offending would put the safety or welfare of any person in our community at risk. A further note: the government recognises that property offending negatively impacts how safe people feel in our community. That is why we have made it clear in the bill's explanatory materials that where the nature of the offending puts people at risk, be it their physical safety or their wellbeing, bail decision makers can exercise the remand option – so I hope that that provides some clarity on that specific point that was raised a little earlier.

I would like to move to the issue of youths in detention. It is important we take this issue from the fundamental premise that it is critical that we do – and I think everyone in the chamber would be in agreement on this, but I do not wish to be overly presumptive – everything possible to prevent our young people getting caught in a cycle of offending. That is the premise from which reforms have been developed.

We know that disproportionate intervention at an early stage can result in children later engaging in more serious recidivist offending, particularly if that intervention involves custody where children are often exposed to antisocial peer influence. Under our current bail system the same test applies to both adults and children despite the justice system holistically taking very different approaches to youth offending. If I cut to the core element here, it is again important to emphasise that the unacceptable risk test ensures that risks to community safety and welfare are key considerations in whether bail can or cannot be granted, and this will remain even for young people. I hope that goes some way to allaying concerns that have been raised on that issue. For example, if a child is accused of home invasion, they can still be remanded where the decision-maker is satisfied that the child poses an unacceptable risk of endangering the safety or welfare of any other person – for example, by conducting further home invasions. The fact that a reverse onus no longer applies does not impact that risk assessment. That is a fairly brief example just to go some way to addressing that concern.

I do want to also speak to the issue of Aboriginal-specific considerations, because there were some concerns raised about that. If we are talking about section 3A of the current Bail Act, it sets out a list of Aboriginal-specific considerations that a bail decision maker must consider where the bail applicant identifies as Aboriginal. I note, just to emphasise, these considerations already exist in the act and were included within the act in recognition that Aboriginal Victorians remain uniquely disadvantaged in our criminal justice system and are over-represented in the remand population. These factors are a critical component in ensuring our justice system takes steps to recognise the over-representation of Aboriginal people in custodial settings, and we want to ensure these factors are fit for this purpose. What became apparent during consultation on the Bail Amendment Bill 2023 was that while there is support for these considerations – and I think that is a really important element when we are discussing this issue – there has been a lack of clarity about how to apply the considerations in a way that would support bail decision makers to best consider the issues faced by Aboriginal people. This is why, as part of the Bail Amendment Bill 2023 reforms, the Aboriginal-specific factors set out in section 3A have been updated. I do not have time to list them out, so I will cut to the chase there.

To be clear and just to round off my discussion in the 20 seconds I have, the same bail tests that apply to non-Aboriginal adults will apply to Aboriginal adults, and the same tests will apply to non-Aboriginal children and Aboriginal children. I think that is also fundamental when we are looking at the sense of how the bill more generally will apply in the community.

Tim READ (Brunswick) (12:58): In the couple of minutes that I have I will just summarise the stance of the Greens towards this bill. We greet it with genuine but qualified relief – and in doing so it is necessary and fitting that I recognise that this Parliament is on the lands of the Wurundjeri people, I pay respects to their elders, whose sovereignty was never ceded, and I echo their calls for treaty, truth and Voice – because bail reform is finally before this Parliament. We have listened to First Nations advocates and communities, and the Greens have advocated for bail law reform for nearly five years in this place since I was first elected. But my relief is also qualified because I know we can do better than this – better for Veronica Nelson, better for all First Nations people and better for all Victorians.

Changes to our bail law over the last decade have meant that the poorest Victorians – the marginalised, those with disabilities, the homeless and other vulnerable groups, particularly First Nations Victorians – are greatly over-represented in our prisons. First Nations people comprise no more than 1 per cent of Victorians, but last month they were 12.7 per cent of or one in eight adult Victorian prisoners. I particularly acknowledge the contribution earlier from the member for Malvern, who took us through the statistics of the rising prison population and the rising proportion of unsentenced prisoners in that population. This is partly about pre-trial detention and partly about representation, and I urge members to return after question time to hear the rest of it.

Sitting suspended 1:00 pm until 2:01 pm.

Business interrupted under sessional orders.

Questions without notice and ministers statements

Commonwealth Games

John PESUTTO (Hawthorn – Leader of the Opposition) (14:02): My question is to the Premier. After the cancellation of the Commonwealth Games, the Premier refused to apologise to athletes and community sport groups. Yesterday, when commenting on the Senate committee inquiry, the Premier dismissed the concerns of regional sport groups, saying he is not here to have a debate with the Bendigo table tennis association. Why does the Premier continue to so arrogantly dismiss the concerns of hardworking Victorian athletes and community sport groups?

Daniel ANDREWS (Mulgrave – Premier) (14:02): I thank the Leader of the Opposition for his question, and I reject the assertions within his question. No government I think in the history of this state has invested more in community sport than this government.

John Pesutto: And then taken it away.

Daniel ANDREWS: Look, it would appear that the Leader of the Opposition did not hear what I just said: no government in the history of this state has invested more in community sport than this government. We are very proud to think that our investments have seen more people participating and have seen upgrades to facilities – a much more equitable community sport landscape, particularly for women and girls. So I completely reject the assertion in the Leader of the Opposition's question. The facts of these matters are very clear: there is a long record of investing in community sport right across regional Victoria and metropolitan Melbourne. The facts are inconvenient for the Leader of the Opposition, but the investments have been made. If you want me to write to you with a full accounting of every dollar we have invested in community sport, I am happy to do it, because you are not so good at reading the budget papers. So we will do that so you can be fully apprised of the many, many millions of dollars that have been invested in community sport and indeed election commitments that were made last year that were delivered in this year's budget – the very first opportunity after the election last year.

What is more, in the regional package announced in relation to the decision to not proceed with the Commonwealth Games, there is a very significant investment in legacy sporting infrastructure and in tourism and major events. Of course on the last point the Leader of the Opposition made about supporting regional Victoria and all these sorts of things –

John Pesutto: You arrogantly dismissed them yesterday.

Daniel ANDREWS: Yes, that is why we are building 1300 homes right across regional Victoria. So again, if the Leader of the Opposition –

John Pesutto: Premier, nothing's been built yet. You haven't delivered any new housing stock.

Daniel ANDREWS: Yap, yap, yap. Ask the question and just keep on going.

Members interjecting.

The SPEAKER: Order! Before I call the Manager of Opposition Business on a point of order, which I am pretty sure I know what it is, I would ask the Leader of the Opposition to cease interjecting across the table. After he has asked a question, I expect all members to listen to the answer.

James Newbury: On a point of order, Speaker, I ask you on relevance to bring the Premier back to the question and ask him to refrain from the arrogant way he behaves across the table.

The SPEAKER: Order! The Manager of Opposition Business has raised a very significant point of order about behaviour in this chamber, particularly during question time. I would ask all members to take note of the Chair's rulings when you are in the chamber.

Daniel ANDREWS: As I was saying, we have invested very strongly in community sport right across regional Victoria.

John Pesutto interjected.

Daniel ANDREWS: It would seem the Leader of the Opposition is putting forward that we have not invested in community sport, which is completely wrong – completely and utterly wrong. Whether it is formal investment or informal investment, let me be clear: we have invested and we will keep investing right across regional Victoria in sport, in health, in education, in jobs, in transport.

John Pesutto interjected.

Daniel ANDREWS: The Leader of the Opposition can keep on interjecting all he likes, the facts are clear.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:07): Yesterday's Senate committee inquiry revealed that Andrews government MPs, including the Premier, Deputy Premier and local members, have failed to engage with local sporting groups since the cancellation of the Commonwealth Games. The president of the Bendigo table tennis association Gary Warnest stated:

> We've almost been ignored, disregarded in consultation.

Is it government policy to ignore, disregard and hide from local sport groups who have lost out as a result of the Premier's decision to cancel the Commonwealth Games?

Daniel ANDREWS (Mulgrave – Premier) (14:07): No, it is not. Again, I would simply point out the government has invested in very substantial terms –

A member: Record terms.

Daniel ANDREWS: Record terms, in fact – in terms of community sport, and for the Leader of the Opposition to assert otherwise is simply wrong.

A member: 83 per cent in Labor seats.

Members interjecting.

Daniel ANDREWS: Oh, we have only invested in Labor seats? And why are those seats Labor seats? Because the Victorian community voted to keep you right where you are now. Get the Toyota Tarago out –

Members interjecting.

James Newbury: On a point of order, Speaker, on standing order 108, the Premier repeatedly refers to members in an improper way and I would ask you to ask him to behave accordingly.

The SPEAKER: I would ask the Premier to direct his comments through the Chair.

Daniel ANDREWS: The parliamentary Liberal Party rabble, just to be clear, and the Leader of the Opposition –

Members interjecting.

Daniel ANDREWS: Honestly, the Leader of the Opposition – you need eyes in the back of your head, mate. That is where you need –

James Newbury: On a point of order, Speaker, on relevance. This is unhinged. I would ask you to ask the Premier to come back to the question – unhinged!

Members interjecting.

The SPEAKER: The member for Barwon South can leave the chamber for an hour. The Minister for Public Transport can leave the chamber for half an hour.

Member for Barwon South and Minister for Public Transport withdrew from chamber.

The SPEAKER: There was no point of order. The Premier has concluded his answer.

Ministers statements: veterans support

Daniel ANDREWS (Mulgrave – Premier) (14:10): This morning I appeared on behalf of Victoria at the Royal Commission into Defence and Veteran Suicide and I was pleased to be able to make a contribution to that very important inquiry into the fact that systems right across our country have failed those who have given so much in the defence of our freedom and in the maintenance of peace. Our defence force personnel put themselves in harm's way. They are people of great character and integrity, and we should be there, all of us as governments, to support them, particularly when they are vulnerable and particularly when they need that important backing – that support, that sense of belief, that sense that we believe them when they come forward and need support.

I do want to acknowledge that the shadow minister was at the royal commission hearings today as well and I acknowledge the bipartisan support across this chamber for our veterans program. We of course as a state were the first state to have a Minister for Veterans, the first state to have a proper architecture, an office of veterans, a veterans act and a really comprehensive program of important support to look after those who have given so much.

In a relatively lengthy presentation today I highlighted a number of commonsense and practical things that we can do to better support our veteran community, particularly at times of great vulnerability, and there is no more vulnerable time than the transition from defence force life into civilian life. At the moment we simply do not receive the data that we need, even names and addresses of those who leave the Australian Defence Force so that we can reach out to them and provide them with support and an understanding of all the different programs, not least of which the Victorian Veterans Card, an election commitment last year being fully delivered at the moment. I do thank the Commonwealth government for their cooperation in validating so that we can issue those cards. This royal commission is a once-in-a-generation opportunity to do more and do better, and Victoria stands ready to play a part in that.

Payroll tax

John PESUTTO (Hawthorn – Leader of the Opposition) (14:12): My question is to the Premier. Earlier today several colleagues and I met with the Victorian general practitioners who stated that 'bulk-billing in Victoria cannot survive' the Andrews government's health tax grab. How many Victorian patients will lose the opportunity for bulk-billing as a direct result of the government's tax on health?

Daniel ANDREWS (Mulgrave – Premier) (14:12): Firstly, can I indicate to the Leader of the Opposition that when it comes primary care our government has instituted the most comprehensive program of delivering primary care despite the fact that primary care is not –

John Pesutto interjected.

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

Daniel ANDREWS: Again, the Leader of the Opposition has asked the question and has no interest in listening to the answer. The point that I was about to make was that our government, through the opening of 27 priority primary care clinics – this just goes to the point that the government has a very clear record in relation to supporting access to bulk-billing services.

A member interjected.

Daniel ANDREWS: These clinics operate – well, we are seeing them now – with more than 100,000 Victorians receiving bulk-billing services that were not offered by Medicare –

John Pesutto: On a point of order, Speaker, on relevance, the Premier was asked how many patients will lose access to bulk-billing as a result of the government's health tax.

The SPEAKER: Order! A point of order is not an opportunity to repeat the question. The Premier was being relevant to the question.

Daniel ANDREWS: As I was saying, these clinics operate in 27 different locations. They operate 16 hours a day, seven days a week. They are completely free to everyone who comes through those doors. They are rolled out by this government because the fact is that bulk-billing rates in this state are not where they should be and at the end of the day –

John Pesutto interjected.

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

Daniel ANDREWS: We will come to the Leader of the Opposition's new-found interest in bulk-billing rates in just a moment. There is nothing like a convert – late to the party but you are wearing your hat. You are here. The Leader of the Opposition is late to the party, but he has finally arrived.

John Pesutto: On a point of order, Speaker, can you bring the Premier back to the question about bulk-billing rates and this health tax?

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

Daniel ANDREWS: As I was saying –

John Pesutto interjected.

The SPEAKER: Leader of the Opposition, if you want the Premier to respond to your question, I expect you would want to hear the answer.

Daniel ANDREWS: No, you ask the question, then you interject, then I respond to the interjection and you get up and do a point of order. This is apparently leadership. No wonder you are in some trouble. No wonder the Leader of the Opposition is in some trouble.

James Newbury: On a point of order, Speaker, on relevance, you have ruled, and I would ask you to refer the Premier back to your ruling.

The SPEAKER: The Premier will come back to answering the question.

Daniel ANDREWS: As I was saying, the government very strongly supports the provision of bulk-billing services. Of course these are matters for the Commonwealth government, and it is I think very challenging to have any sort of discussion about bulk-billing without referring to the fact that for nine long years we had a federal government that ripped billions and billions and billions of dollars out of primary care – and they were cheered along by the likes of the member for Hawthorn.

John Pesutto: On a point of order, Speaker, there were many representatives of general practice in the Parliament this morning. They deserve an answer about what effect the health tax will have on bulk-billing, because your health tax will do more to smash bulk-billing than any other measure of any other government.

The SPEAKER: Order! That is not the correct way to raise a point of order.

Daniel ANDREWS: If it is the Leader of the Opposition's submission that the SRO's ruling will be more significant than, for instance, nine years and almost $4 billion ripped out by someone's friends in Canberra – *(Time expired)*

John PESUTTO (Hawthorn – Leader of the Opposition) (14:17): General practitioners also advised that the Andrews government's backdated health tax grab will force over 30 per cent of Victorian clinics to the point of bankruptcy. Is it government policy to leave hundreds of thousands of Victorians without a doctor?

Members interjecting.

The SPEAKER: Order! The question has been asked. I expect members to listen to the answer.

Daniel ANDREWS (Mulgrave – Premier) (14:17): Clearly the government is about more patients receiving bulk-billing services. That is why we are running 27 clinics when this is not in any way the responsibility of the Victorian government or any state government. Again, what the Leader of the Opposition wants and what is actually happening are two different things. The notion that anyone is taking lectures from those who were nothing but a cheer squad for Greg Hunt – remember him?

James Newbury: On a point of order, Speaker, on relevance, this was an important question about industry's concerns about a 30 per cent reduction in the industry as a result of the health tax, and I would ask you to bring the Premier back to the question.

The SPEAKER: Order! The Premier was being relevant to the question.

Daniel ANDREWS: The question was about bulk-billing; apparently it is an industry policy matter now. I am not quite sure what the member for Brighton is on about, but in any event this government –

John Pesutto interjected.

Daniel ANDREWS: Well, we are not taking lectures from the likes of the Leader of the Opposition, who was a cheerleader for Greg Hunt and Scott Morrison when they destroyed bulk-billing in this country. You are late to the party, and everyone knows it.

Ministers statements: Geelong Arts Centre

Steve DIMOPOULOS (Oakleigh – Minister for Tourism, Sport and Major Events, Minister for Creative Industries) (14:19): A few weeks ago I attended the Geelong Arts Centre opening, the $140 million redevelopment of the Little Malop Street precinct. I am proud to be part of an Andrews Labor government that does what matters. We are the creative capital of the country, but this is not just a Melbourne story, this is a story right through Victoria. As the member for Geelong, the member for Bellarine, the member for South Barwon, the member for Lara and of course the Premier will tell you, Geelong now has the biggest dedicated performing arts centre in regional Australia. That is worth repeating: the biggest dedicated performing arts centre in regional Australia.

Daniel Andrews: All Labor seats. Shame.

Steve DIMOPOULOS: All Labor seats. That is an act of faith by our government in Geelong's stories, in Geelong's people and in their creatives. It is an act of faith in Geelong companies like Back to Back Theatre, who by the way won what many dub as the Nobel Prize of theatre, the Ibsen award, an internationally acclaimed award. It is an act of faith in future stars of this country like the talented Rachel Griffiths, who started in Geelong in a theatre group called Woolly Jumpers. It is not just about those stories, however. It is every young person who gets to perform at that world-class facility. It is every parent that goes to cheer them on. It is about local theatre groups. It is about national performing arts institutions like the Australian Ballet, who get to perform in world-class facilities in regional Victoria. Behind the curtain there are heaps of jobs – hospitality jobs, costume designers, technicians, crew.

This extraordinary building is a testament to Geelong's aspirations. It is a testament to all the people who have come before me: Minister Pearson; Minister Foley, the previous minister; the Premier of course from day one; Lisa Neville; people like the member for Geelong, who has been an advocate from day one; and all the other Geelong Labor members. It is an extraordinary facility. It will be there for generations. In fact, can I just say the Liberal–National opposition might want to discover Geelong. Particularly with the V/Line cheap fares, maybe you could get yourselves down there.

Payroll tax

Emma KEALY (Lowan) (14:21): My question is to the Minister for Health. Yesterday the minister stated in relation to the government's decision to charge payroll tax on tenant healthcare professionals:

> … when it comes to payroll tax absolutely nothing has changed.

Earlier today –

Daniel Andrews interjected.

Emma KEALY: Why do you speak over women? Why is it always like that?

Members interjecting.

The SPEAKER: Premier! I am on my feet. I expect the house to be quiet. Both sides of the chamber are being disrespectful to members on their feet.

Emma KEALY: Earlier today the Leader of the Opposition, the shadow health minister, the Shadow Treasurer and I met with a group of very concerned general practitioners, many of whom have just received Labor's new health tax bill for the first time, which has also been backdated for five years. If nothing has changed, why are these doctors receiving Labor's health tax bill for the first time?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (14:23): Once again I direct the member for Lowan to the answer to my question yesterday. The member for Lowan can construe this any which way she wants. She can continue to come into this place and make up things. That is her prerogative. But we are very clear. I know, I have worked with the Treasurer –

Members interjecting.

The SPEAKER: Member for Kew!

Mary-Anne THOMAS: We have met with the RACGP, we have met with the AMA and we have met with other representatives, and we continue to be open to meet with them. In fact I meet with them regularly. But let me be clear: there has been no change. Now, I can stand here and I can say that time and time again, but if you want to know and if you are interested in what is really driving –

Emma Kealy: On a point of order, Speaker, on relevance, the minister has not responded to why these doctors are receiving Labor's health tax bill for the first time, which for some doctors we heard was a bill of $500,000.

The SPEAKER: Member for Lowan, your point of order is around relevance. That is all you need to state. The Minister for Health was being relevant to the question that was asked. I cannot direct her how to answer the question.

Mary-Anne THOMAS: Again, the law in relation to the way in which payroll tax is applied in this state has not changed. Can I be any clearer? Let me tell you what is driving the crisis in general practice here in this state. It has been almost a decade of neglect from the previous federal Liberal–National parties. If you do not believe me –

John Pesutto: We don't.

Mary-Anne THOMAS: Right, okay. Thank you. Let me just refer you then to comments made by the AMA president Steve Robson.

Jacinta Allan: Is he a doctor?

Mary-Anne THOMAS: He is a doctor. He is an actual doctor, and he had this to say. Earlier this year, when commenting on the challenges that the new federal Labor government faces in this area, he said that the Albanese government:

> … has inherited a significant problem … not of its own making … that has resulted in general practice barely surviving –

Emma Kealy: On a point of order, Speaker, on relevance, this is a state government matter. It is Labor's new health tax that they are getting charged for the first time. Please bring the minister back to the question that was asked.

The SPEAKER: The minister was being relevant to the question.

Mary-Anne THOMAS: As I was saying, when it comes to understanding what is driving the crisis in primary care, you need look no further than the actions of the previous federal Liberal–National coalition government. Did we hear a peep from any of those on the other side when, year after year, there were Medicare rebate freezes? Not a peep.

Emma Kealy: On a point of order, Speaker, question time is not an opportunity to debate the question, nor is it a time to attack the opposition. Out of respect for the general practitioners who are looking at shutting their doors next week, I ask you to bring the minister back to the question.

The SPEAKER: Minister, I would ask you to come back to the question.

Mary-Anne THOMAS: I will make the point once again because it seems no matter how many times I try to explain it to the member for Lowan, she will choose only to understand or hear what she wants to hear. But let me say this: there has been no change.

Emma KEALY (Lowan) (14:27): General practitioners whom I met with today stated that being forced to pay Labor's health tax for the first time will have a severe impact on access to doctors across Victoria. Will the Minister for Health take action to ensure that the cost of GP consultations will not increase, bulk-billing services will not be lost and clinics will not go bankrupt and close, due to this tax on health?

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (14:28): What we know here in Victoria at the moment is there is only one place where you can be guaranteed access to free health care and that is a state government funded priority primary care centre. We stepped in where the federal government failed. We had the Liberal–National parties ripping $4 billion from primary care, and those apologists on the other side for those actions stood there cheering them on. To have a question from the member for Lowan – she has got a lot to say now; where was she when those on the other side were ripping funds from the National Centre for Farmer Health in her own electorate?

James Newbury: On a point of order, Speaker, on relevance, the minister knows not to debate the question. I would ask you to bring the minister back to the question.

The SPEAKER: The minister was debating the question. I ask her to come back to the question that was asked.

Mary-Anne THOMAS: Once again – I said this yesterday and I will say it again – no government has done more to support general practitioners than this government.

John Pesutto: Mary-Anne, we'll send the *Hansard* out of your answer.

The SPEAKER: Leader of the Opposition!

Mary-Anne THOMAS: We are out there recruiting more junior doctors to take on general practice, and we have established the 27 priority primary care centres.

The SPEAKER: Before I call the minister on a ministers statement, I remind members – I have said this repeatedly, and I am getting a little tired of repeating myself – members will be referred to by their correct titles. I do not care who is saying it, but you will refer to members by their correct titles.

Ministers statements: power saving bonus

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (14:29): I am absolutely delighted to update the house on how round 4 of the $250 power saving bonus is providing real cost-of-living relief to Victorian households. Closing tomorrow, the fourth round of the power saving bonus has helped more than 1.7 million households since March.

Daniel Andrews: How many?

Lily D'AMBROSIO: 1.7 million, Premier. That is on top of the 480,000 bonuses in round 1, 410,000 bonuses in round 2 and 1.85 million in round 3. In fact since the program started in 2018 4.44 million bonuses have been paid out, totalling more than $1 billion paid into the pockets of hardworking Victorian households. Right across our state, Victorian households have benefited from our bill-busting bonus. In just this round, 28,000 households have received a bonus in each of Oakleigh, Albert Park and Laverton that totals $21 million of direct bill relief, not to mention around 23,000 households in Melton, in Cranbourne and in Bellarine, closely followed by Box Hill, Preston and Broadmeadows, which have each seen $6.7 million going straight into the pockets of households in those communities. Then there were 22,000 bonuses in Geelong, in Northcote and in Sydenham, and let us not forget Wendouree with more than 21,000 bonuses.

Local members right across the state, even those opposite, have been helping out constituents with access to the bonus where needed. So if you have not applied yet and you are short of cash to pay for that unexpected bill – even a legal bill perhaps – do not postpone it. Do not put off till Friday what you can do today or indeed tomorrow. And if anyone tells you differently, sue them for defamation.

Housing affordability

Gabrielle DE VIETRI (Richmond) (14:32): My question is for the Minister for Housing. Minister, one of the three properties currently advertised on the Homes Victoria website under the affordable housing program is going for $10 more per week than the median rental price for similar properties in the same area. What is this government's definition of 'affordable' when it comes to housing?

Colin BROOKS (Bundoora – Minister for Housing, Minister for Multicultural Affairs) (14:32): I can advise the member that our definitions are clearly set out in the act. What this side of the house is absolutely determined to do through the Big Housing Build is deliver more social and affordable housing. In terms of the amount of affordable housing we are going to build, it is 2400 dwellings for Victorians. Some of those affordable homes are provided in the very projects that those members of the Greens have been opposing in Flemington and Ascot Vale and many other places. So on this side of the house, we will get on and deliver more social housing, more affordable housing and more public housing – public housing like the Markham estate, which was opposed by the Greens, and social housing like the project at Port Melbourne at the Barak Beacon estate, which was also opposed by the Greens.

Gabrielle DE VIETRI (Richmond) (14:33): I will help the minister out. The act actually fails to define 'affordable'. It only refers to income ranges, and Homes Victoria's 10 per cent discount in metro areas is only marginally better –

Members interjecting.

The SPEAKER: Order! The member for Richmond will repeat the question. I cannot hear.

Gabrielle DE VIETRI: The act fails to define 'affordable'. It only refers to income ranges, and Homes Victoria's 10 per cent discount in metro areas is a slap in the face when rents have risen by 14.6 per cent in the last year. Homes Victoria guarantees that an affordable home will be no more than market rate, but the definition of housing stress is paying more than 30 per cent of your income on rent. With rents under Homes Victoria capped at 30 per cent of the median income, to afford Labor's so-called affordable homes you have to earn more than the median income. Does the minister realise that capping rents at 30 per cent of a median income under the affordable scheme essentially locks most eligible people into housing stress?

Colin BROOKS (Bundoora – Minister for Housing, Minister for Multicultural Affairs) (14:35): No.

Ministers statements: healthcare workforce

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Medical Research) (14:35): I rise today to update the house on how the Andrews Labor government is doing what matters through our continued commitment to our health workforce. Over 340,000 workers in Victoria are in the healthcare system. That is almost one in 10 Victorian workers. Nearly one-quarter of these workers live in rural and regional Victoria, ensuring access to health care for regional Victorians and of course supporting and growing strong communities in rural and regional Victoria.

These workers contribute $63 billion to our economy every year, and since we came to government in 2014 our nursing workforce has increased by almost 30 per cent and our medical workforce – doctors – has increased by almost 50 per cent. But we will not stop there. We will keep working to grow our healthcare workforce. It is why we are making it free for 10,000 students to study to become nurses and midwives and work in our healthcare system. We have sign-on bonuses for new nursing and midwifery graduates. We are investing $32 million to support trainee junior doctors who choose the general practice specialty so that we can grow our general practice workforce. Of course we will deliver on our world-leading commitment to nurse-to-patient ratios that means that Victoria is such an attractive place for nurses to come and work. That is why we have recruited already 2000 international healthcare workers with 1000 more to follow. Only Labor will continue to support our healthcare workers. We will not go to war with them. We do not disrespect them. We will support them every step of the way.

Growing Suburbs Fund

Peter WALSH (Murray Plains) (14:37): My question is to the Minister for Suburban Development. Last Friday it was revealed that all five of Victoria's peri-urban councils were removed from the Growing Suburbs Fund eligibility list without any prior notice or consultation. Minister, why were these councils removed from that list?

Ros SPENCE (Kalkallo – Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Suburban Development) (14:38): Can I thank the member for the question and for his interest in the portfolio of suburban development. The number of councils that have been included in this year's Growing Suburbs Fund has been reduced, and that is because there are currently over 130 projects still to be delivered by councils, and we are focused on working with those councils to make sure that they are delivered rather than putting additional pressure on councils to deliver more when they are telling us that there are strains to do that, there are capacity constraints to do that. So the peri-urban –

Members interjecting.

Ros SPENCE: Are you interested?

The SPEAKER: Order! Through the Chair, Minister.

Ros SPENCE: So the peri-urban councils that were included during COVID are not included in this round, and we have returned to the prior settings because COVID is over.

Peter WALSH (Murray Plains) (14:39): Minister, Baw Baw Shire Council is one of the peri-urban councils which has been dudded by this government. To ensure that peri-urban council ratepayers are not disadvantaged, will the minister commit to putting these councils back into the Growing Suburbs Fund, please?

Ros SPENCE (Kalkallo – Minister for Prevention of Family Violence, Minister for Community Sport, Minister for Suburban Development) (14:39): I do not think that the member paid a lot of attention to my first answer. The increase in the councils included in the Growing Suburbs Fund increased at the start of COVID and –

John Pesutto: Hang on, so the increase in the increase?

Ros SPENCE: Really? You're a very rude man.

Members interjecting.

The SPEAKER: Order! Minister, through the Chair.

Ros SPENCE: Sorry, Speaker. The number of councils included in the Growing Suburbs Fund was increased at the start of COVID. Those councils are no longer included because we no longer have the need for that COVID growth.

Members interjecting.

The SPEAKER: Order! I am sure there are other members who will be grateful for being removed from the chamber for only half an hour.

Members interjecting.

The SPEAKER: The member for South-West Coast can leave the chamber for half an hour.

Member for South-West Coast withdrew from chamber.

Ministers statements: sick pay guarantee

Ben CARROLL (Niddrie – Minister for Industry and Innovation, Minister for Manufacturing Sovereignty, Minister for Employment, Minister for Public Transport) (14:41): It is a new dawn for insecure workers in Victoria. There are 1 million casual workers as I speak right now in our state. That is, 1 million in our state –

John Pesutto interjected.

Ben CARROLL: That is not including him, by the way.

Members interjecting.

The SPEAKER: Order! I will not accept this level of interjection. I remind the Leader of the Opposition that he is not immune to being removed from the chamber.

James Newbury: On a point of order, Speaker, on relevance, as much as it pains me to interrupt the third audition of the day, I would ask you to bring the minister back to the question.

The SPEAKER: Order! The minister was not answering a question. The minister is doing a ministers statement.

Ben CARROLL: The Andrews Labor government's nation-leading sick pay guarantee has been expanded to workers. We just heard the word 'audition', but we are expanding it to people in the arts community, which I know the Minister for Creative Industries is very passionate about, as is the member for Footscray and as is the member for Hastings. Can I also say we are extending it to factory workers, which I know the member for Dandenong is passionate about in her electorate, and to hairdressers, which I know the member for Sunbury is very passionate about in his electorate.

It is an Australian-first initiative – 1.8 million hours of sick and carers pay have been paid – and we are extending it under the Andrews Labor government, this nation-leading reform. It does not only help workers, it also keeps businesses safe and makes them more productive, because we know on this side of the chamber we are for workers. Look, the Leader of the Opposition does not like to talk about insecure work, he likes to live it.

Constituency questions

Lowan electorate

Emma KEALY (Lowan) (14:44): (300) My question is to the Minister for Health on behalf of local small business owners who have raised concerns about very slow payment of accounts by Grampians Health. The information I seek is a report summarising all Grampians Health debts that have extended longer than the government's policy of paying all invoices within 10 days for the period of the 2022–23 financial year to current day, including details of the value of monies owed, the names of the relevant creditors, the date that these debts first extended beyond the government policy of payment terms within 10 days, the date the debt was paid or if the debt remains outstanding and the date these creditors put Grampians Health on credit hold and, if relevant, the date that that credit hold was lifted.

Monbulk electorate

Daniela DE MARTINO (Monbulk) (14:45): (301) My question is for the Minister for Environment and concerns feral deer. Could the minister please advise what the government is doing to reduce the impacts of feral deer across my electorate of Monbulk and surrounding areas? The existence of deer across the Dandenong Ranges has long been a problem. Numerous constituents have expressed multiple concerns. They are worried about how environmentally destructive they are. Wild deer destroy habitat, which has a terrible impact on our indigenous native flora and fauna. They also have a negative impact on Monbulk's horticultural sector by trampling and eating crops. In addition to the destruction they cause, they are also a hazard to drivers, given their tendency to jump in front of cars. A fallow deer creates quite the dent, but a sambar deer is likely to completely write off a vehicle. I look forward to the minister's response.

Croydon electorate

David HODGETT (Croydon) (14:46): (302) My constituency question is for the Minister for Health. Minister, when will my constituent receive a response in relation to the correspondence regarding barriers adults are facing when seeking supports for their ADHD within the healthcare sector? This question could equally be directed to the Minister for Mental Health. I wrote to both ministers on 30 June last year and again on 20 February 2023 regarding the gaps and restrictions in the healthcare sector for adults with ADHD. The last update provided by the mental health ministerial office advised that a joint response would be sent. However, they were waiting on the health minister's office to finalise this. So I ask again, minister or ministers: when will my constituent receive a response in relation to the barriers adults are facing when seeking supports for their ADHD within the healthcare sector?

Point Cook electorate

Mathew HILAKARI (Point Cook) (14:47): (303) My question is for the Minister for Health, and I ask the minister to provide an update on how priority primary care centres, particularly the one in Werribee, are supporting the community that I represent and the wider community. As we heard in question time, this government has been supporting primary care across Victoria. Primary care has been left in a precarious position because of the neglect of the previous Liberal–National government over nine years, which has meant that access to bulk-billing continues to be very difficult in the community that I represent. Labor in Victoria has stepped up to provide primary care centres, and I hope that I will be able to have further information from the minister and to provide that to the community to see how we are supporting them and improving our primary care system and at the same time supporting our workforce in emergency departments. Recently I was at Werribee Mercy, and they described exactly how well the priority primary care centres were working. I look forward to the minister's update.

South-West Coast electorate

Roma BRITNELL (South-West Coast) (14:48): (304) My question is to the Minister for Ambulance Services, and the action I seek is for the minister to explain the contradiction between her words and those of the Civil Aviation Safety Authority (CASA) regarding the ongoing closure of the Portland District Health helipad. The minister, in her response to my inquiry, claimed that 'improvements were required to ensure compliance with current Civil Aviation Safety Authority regulations'. However, the chief executive officer of CASA has written to me to say that 'there were no changes to regulations that required the closure of the helipad at Portland Hospital' and 'the decision to suspend operations was unrelated to any changes in CASA regulations'. The response of CASA clearly indicates that the minister's answer is not satisfactory, as CASA were not responsible. The minister must explain the apparent contradiction so that Portlanders can have their helipad reopened, saving the seconds that save lives.

Narre Warren South electorate

Gary MAAS (Narre Warren South) (14:49): (305) My constituency question is for the Minister for Transport and Infrastructure and concerns the Webb Street level crossing removal project. Minister, could you provide an update on the level crossing removal and how it will benefit my constituents in Narre Warren South? The Andrews Labor government has already removed a staggering 72 dangerous and congested level crossings, and even more are to go. The Webb Street upgrade will also deliver a brand new Narre Warren station for commuters. These works will complement the other upgrades at stations that my constituents use – Hallam, Merinda Park and Lynbrook stations. I would appreciate any further information on the level crossing removal works at Webb Street and how they will assist my constituents, and I look forward to sharing the minister's response with my community.

Gippsland South electorate

Danny O'BRIEN (Gippsland South) (14:50): (306) My constituency question is to the Minister for Public Transport, and the question I ask is: will the government provide flexibility for rural bus operators with respect to the plans for all buses on the PTV network to be zero-emission vehicles by 2025? I met with a constituent last week who runs a small rural bus company, and they have got buses stored in five different towns. Only one of them is actually at a depot; the rest are generally stored overnight at a driver's location or something similar. The opportunity therefore to charge electric buses in rural councils is very, very limited, and my constituent points out that even where that might be something they could do, the capacity of the power network to actually supply the required charging infrastructure may be limited. I am seeking from the minister flexibility for rural bus operators with the implementation of the policy by 2025.

Broadmeadows electorate

Kathleen MATTHEWS-WARD (Broadmeadows) (14:51): (307) My constituency question is for the Minister for Community Sport, and I ask for an update on the installation of competition-grade sports field lighting at JP Fawkner Reserve in Oak Park. Thanks to the advocacy of so many, including former local member Lizzie Blandthorn, Tim and Tim, Rory and Steve and many community and club members, I am very proud to be able to secure $650,000 as an election commitment and budget allocation for this important project. Local sport is the lifeblood of Oak Park and brings communities and families together. Both the Oak Park Cricket Club and the Oak Park footy club are bursting at the seams and growing from strength to strength. This lighting will help the clubs grow and will allow for extended oval use, more games and training and increased participation of juniors, seniors, males and females. I take this opportunity to congratulate Oak Park footy club on their incredible success this season, with the premier women's team, the under-10s and the under-12s all winning their premierships. Best of luck to the reserves playing the preliminary this weekend and to the senior men for the grand final next week.

Mornington electorate

Chris CREWTHER (Mornington) (14:52): (308) My question is to the Minister for Consumer Affairs. What is the Andrews Labor government doing to bolster the inadequate number of rooming houses and protections for rooming house tenants on the peninsula and beyond? Mornington constituents have contacted me, interested in the outcome of the Commissioner for Residential Tenancies' call for submissions and what measures the Andrews government is adopting to rectify issues raised by rooming house tenants. The lack of rooming houses and protections and social housing generally has also been raised with me by Peninsula Voice, Mornington Community Support Centre, the shire and others. Peninsula Community Legal Centre's *Open the Door* report shows poor conditions continue to be a live issue in rooming houses and that tenants are continually vulnerable to profiteering and exploitation. With peninsula public housing stock having declined by a net 13 dwellings over the last eight years, the Ranch Mornington bordering on closure and the cost-of-living pressures reaching breaking point, what investment and protections are being instituted by the Andrews government for rooming houses and beyond?

Box Hill electorate

Paul HAMER (Box Hill) (14:53): (309) My constituency question is to the Minister for Community Sport. What is the latest information on the proposed upgrades to netball and cricket facilities at Springfield Park in Box Hill North? In this year's budget the Andrews government committed $1.5 million to this very worthwhile investment in our local community and, as the minister knows, this was an election commitment that we took to the 2022 election. There is enormous excitement and anticipation from all members of the Whitehorse Colts Junior Football and Netball Club, the Whitehorse Pioneers Football and Netball Club and the Kerrimuir United Cricket Club to see this project completed. A lot of fantastic people at those clubs have advocated tirelessly for these upgrades over that time, and I want to again pass on my special thanks to Melissa Collard, Pat Marulli, Sam Benson and Cr Blair Barker as well as Netball Victoria and the many others who have helped along the way.

The SPEAKER: Order! The house will now return to the Bail Amendment Bill 2023. Before I call the member for Brunswick, I will be reviewing today's constituency questions to ensure that they are in order. There were some that I was a little sceptical about.

Bills

Bail Amendment Bill 2023

Second reading

Debate resumed.

Tim READ (Brunswick) (14:54): Before question time I was talking about the over-representation of First Nations people in our prisons. First Nations people comprise no more than 1 per cent of Victorians, but last month they were 12.7 per cent, or one in eight, of adult Victorian prisoners. Although changes to bail laws are the chief reason that Victoria's Aboriginal incarceration rate has risen to the highest recorded levels in history, I have learned that bail reform was until now essentially a taboo topic in recent Victorian politics.

When we talk about the need for truth we are not only talking about the need to properly recognise the true history of colonisation, we are also talking about that distinctly uncomfortable ground for white parliamentarians, and that is the current policies of governments that continue to discriminate and cause injustice to First Nations Victorians today. It is a coping mechanism for those of us who consider ourselves fair-minded people to only be able to recognise the racial injustice that occurs at a distance. We seem to be more aware of injustices against African Americans in the United States sometimes than those against First Nations Victorians in our own state, which at least statistically are far more discriminatory, but truth-telling, particularly in regard to justice policy, is fortunately now starting. It

is occurring in our First Peoples' Assembly of Victoria, which I commend the government for initiating, along with its elected members and those involved.

Now in this place it is finally time for some truth-telling on justice policy and bail policies of the past decade, and the truth is harsh and brutal. These tragedies did not occur in the past or in some other place, they happened as a direct result of laws passed in this Parliament, first by the Liberal government in 2013 and then by the current Andrews Labor government that followed, particularly the repressive and cruel changes enacted in 2018. The injustice is still occurring as I speak. How could this government – and much of the media, for that matter – remain silent for over five years while this injustice was happening? The answer in one word is 'politics'. It could have been so different. Contrary to popular opinion, since 1990 and especially since 2000 general crime rates in Australia have trended downwards, including violent crimes, and this is the result not of governments getting tough on crime but of more prosaic factors – an ageing population, liquor control and prices, higher employment and new technology like car immobilisers.

Within this national trend, in 2007 Victoria was the state with the lowest crime and because of its innovative justice system also the lowest imprisonment rates and costs in the nation. In that year, 2007, the Victorian Law Reform Commission also published a report on bail law that had taken 2½ years to complete. It remains today the most comprehensive examination of Victorian bail law that has taken place. It found that the Victorian bail system, involving hundreds of bail decisions every day, was generally effective in balancing the conflict between the right to a presumption of innocence and the need to detain on remand those posing an immediate risk to public safety, but it identified room for improvement. Primarily it found that the Bail Act 1977, then an act of just 53 pages, was far too complicated and confusing, with unnecessary sections and duplicated processes making the process of determining bail more complicated than required.

The review recognised that better bail decisions relied on two factors: (1) ensuring all the relevant information was available to the bail decision maker and (2) ensuring that the Bail Act and the processes for granting or denying bail were easily understood by the bail decision maker, particularly the assessment of risk. The Victorian Law Reform Commission recommended improving the IT and record-keeping systems containing the information that police use for bail decisions and, most importantly, it recommended that the Bail Act should be simplified by removing the complicated reverse onus provisions to centre the bail decision on a single test of unacceptable risk, because at its essence a bail decision really involves one main question: is this person a risk to public safety if they are released on bail? Unnecessary and duplicated tests and processes mean more errors in bail decisions, and that means sometimes people who should not get bail are released and, more often, those that should get bail are imprisoned. But rather than adopting the recommendations of the VLRC to simplify the Bail Act and focus bail decisions on the question of risk, in 2013 the Liberal government went the other way.

Guided by no more than a talkback radio line that people were not taking bail seriously, the Liberal government introduced criminal offences in section 30 of the Bail Act, including for breaches of bail conditions. It soon became the number one offence committed in Victoria, because of course minor breaches of bail conditions have nothing to do with people taking bail seriously or not and everything to do with the fact that, to use a real example, a person with alcoholism and brain damage causing them to regularly be drunk in public is not going to stop drinking just because someone tells them to.

The 2013 amendments also represented the beginning of a new toxic period in our politics, the politicisation of bail, which meant the number of unsentenced people on remand started rising dramatically, particularly First Nations Victorians and those from other disadvantaged groups. More than 90 per cent of the significant increase in our prison population since 2014 was in unsentenced prisoners. Back in 2014, 19 per cent of our prisoners were unsentenced, fewer than one in five. Last month it was 38 per cent, double. For the past few years, it has often been around 44 per cent but above 50 per cent for Aboriginal women.

But it was another event under a different government that spurred the greatest rise in pre-trial detention in history in this state, leaving some to call this period our second convict age. I am not underplaying the tragedy or the enormity of the 2017 Bourke Street massacre, which rightly shocked Victorians, but how typical that the group who ended up feeling the harshest direct and ongoing consequences for that horrendous crime committed by a violent non-Indigenous male were non-violent Indigenous women. Among the many misconceptions about the Coghlan review conducted at that time and the bail changes of 2018 was that this directly addressed the circumstances that led to the Bourke Street perpetrator being granted bail. While Bourke Street may have been the catalyst, those circumstances were not examined until the coronial inquest in 2020. What the Coghlan review and the bail reforms actually sought to address was the public perception that bail was too easy to get, a public perception that Coghlan found, as the VLRC had found roughly a decade earlier, was essentially untrue. But Coghlan also decided that the public's perception and concerns, despite being false, must be indulged in the context of the tragedy, so the changes in response to Bourke Street were essentially an exercise in public relations, not public safety.

We see those rushed changes in the context of the febrile law and order debate leading up to the 2018 state election. As Bill Clinton showed when passing the Violent Crime Control and Law Enforcement Act in 1994, a progressive government's perceived need to prove that they are not soft on crime can have the most malevolent long-term consequences for disadvantaged racial groups. But whereas the African gangs disappeared from the news the day after the 2018 election, the poisonous legacy of those bail reforms continued. When we did finally learn the circumstances of the bail decision that led to Bourke Street and the coronial inquest of 2020, it effectively endorsed the VLRC's 2007 finding – not the Coghlan review, that is. It showed once again that the Bail Act was not properly understood by bail decision makers and police opposing bail, and it was the overcomplicated bail processes and a lack of understanding of the act that overwhelmingly contributed to the mistakes being made in the decision whether or not to grant bail.

The reforms have done exactly the opposite of what was needed, doubling the size of the Bail Act with even more complicated new tests and a multitude of new rules. Surely it does not need a pub test even to tell us that legislation that requires diagrams to try and explain how the multiple types of bail processes should work is not fit for purpose. The government even infamously boasted how complicated these processes were, calling them the most onerous laws in the nation. Today, with the 2018 and now 2022 elections behind them, the government thankfully no longer brags about these laws. Only now, after they have served their political purpose, has the government finally acknowledged the truth. Rather than brag, we can now accept that this was the most discriminatory legislation introduced into this place in decades, because the many pages of amendments did not really change the most important consideration of risk in bail decisions as provided by the unacceptable risk test in the act. But what these onerous provisions ensured was that the most disadvantaged and marginalised would always find the process of getting bail the most difficult, even if they posed a low risk to public safety.

So we had remand rates amongst groups that reflected not their risk to the community or even the seriousness of their offences but the extent of their respective disadvantage, the most remanded groups being in order: at the top, Indigenous children, then non-Indigenous children, then Indigenous women, then non-Indigenous women, then Indigenous men and finally, the least remanded group perversely being the non-Indigenous men who are statistically most responsible for the most serious and violent crimes.

Persevering with such a system created the circumstances that led to the tragic death of Veronica Nelson in 2020. It is a cause for utter shame that it required the frank findings of the coronial inquest into Ms Nelson's death and the safe navigation of two elections to push this government to finally acknowledge and address some of its mistakes in tampering with bail law five years ago – and I thank Ms Nelson's family and friends for visiting Parliament and for their efforts to reform the law, supported by the Victorian Aboriginal Legal Service. It should not have taken so long. It was apparent

just 12 months after they passed that these laws were an unmitigated disaster and an exercise in discrimination. The number of First Nations women unsentenced in prison does not just double in a year all by itself, and more broadly women do not all of a sudden start being imprisoned at a rate 1½ times higher than that of men. While there is shame that Veronica Nelson was treated so poorly in prison and denied essential health care, the most shameful aspect is, as the Royal Commission into Aboriginal Deaths in Custody explained to us 30 years ago, the fact that she was unnecessarily locked up in the first place for no good reason, just politics.

The Greens will support this bill as it goes some way to correcting these injustices, and we will have a considerable number of further amendments for when this bill moves to the other place. Among these will be to amend the bill to abolish reverse onus provisions and to simplify the process for making bail decisions consistent with the law reform commission's report and the Poccum's Law reforms called for I believe by every legal, human rights and First Nations justice stakeholder group in Victoria.

I will now speak to the two amendments that I will introduce in this place. Under standing orders I wish to advise the house of amendments to this bill and request that they be circulated.

Amendments circulated under standing orders.

Tim READ: The amendments I am circulating go to two of the themes of my contribution: the need to recognise some hard truths about the ongoing discrimination in our justice laws and systems, and the need to make sure that if such shameful discrimination occurs again, it cannot be swept under the carpet for years by a government that is expert at managing the message and controlling the agenda, as it was for the last term of Parliament. I know most of those on the government benches are genuinely committed to First Nations rights and justice, and I include the Premier in that group. But when I continually raised the unacceptable level of Aboriginal incarceration over the past five years, the unacceptable level of First Nations women unsentenced and the urgent need to reform the discriminatory bail laws in the last term I was met with nothing but politics and spin. Take when in 2021 I presented bail reform as an urgent matter of public importance for debate in this place. Looking back at that debate on the topic of bail reform, most of the government speakers failed to even mention the word 'bail'. The couple who did dismissed the need for reform by arguing it was too complex an issue to even engage with. I was accused of 'political pointscoring' by having the temerity to raise what all of us must agree was completely unacceptable data showing First Nations overimprisonment under this government. Not one government member had the decency to acknowledge the obvious truth that too many Victorians were in pre-trial detention, that too many of them were First Nations people and women and children and that the bail legislation needed to be fixed. They promoted more silence on First Nations injustice when all this issue needed was a voice and some recognition of the truth.

The amendments I circulate effectively say that a government can never again pretend that there is no crisis in the number of unsentenced prisoners, it cannot try and say that bail laws do not need fixing and it cannot try and bury the evidence of shameful discrimination in these laws, as evidenced by the record number of First Nations Victorians in prison. It is probably not well known that there was an agreement between the government and the Aboriginal Justice Caucus to review the bail reforms of 2018 and their effect on Aboriginal Victorians. The disagreement was also not honoured by the government, and no review has ever been conducted. So we need to legislate this requirement this time. Under these amendments the government will be required to report on the impact of bail reforms to the Parliament after 12 months and at four-yearly intervals after that, because it is hubris to imagine that this time we are fixing the bail laws once and for all. Inevitably we need to see how they work in practice and commit to regular review.

I am also circulating amendments to the guiding principles section of the Bail Act, emphasising a more sophisticated understanding of the relationship between remand and offending rates and the fundamental need for bail decisions not to discriminate against the most disadvantaged and vulnerable. As I remind us, this is currently occurring. I believe these amendments are reasonable and should be

supported by all members. We have to show we can do better on justice policy than we have in the recent past. I am relieved to see reform beginning, and I commend these amendments to the house.

Nathan LAMBERT (Preston) (15:10): I do want to pick up on some of the comments of the member for Brunswick. I am not sure we entirely agree with his characterisation of the 2013 and 2018 reforms. I would like to respond to his amendments, although they have only just been circulated, but perhaps to make a general observation that we can insert clauses to review bills into every single bill that goes through this house. The Parliament does have a standing capacity to change legislation. I am sure the Attorney-General is committed to understanding the data. She has made it very clear in fact that she is committed to doing further work in this area. So I am not sure if the circulated amendment is necessary – but that is a brief comment with it only just having been circulated and not having had a chance to read through it in detail.

I do want to, though, come back first and foremost, as I think other government speakers have done, to acknowledging the tragic death of Veronica Nelson. I understand her family have been watching the debate. Their advocacy has been important. We have all read the coroner's report. We all understand that she was let down in multiple ways, but most importantly I want to acknowledge that she was of course a family member and a loved one and there is nothing any of us can do in this place to change their loss.

I also want to begin by acknowledging the advocacy of some of our local organisations and individuals on this issue. The Fitzroy Legal Service, which some people may know merged with the Darebin community legal service in 2019, supports our local community members with legal advice across a wide range of matters, and they have brought their lived experience and expertise to this debate. Similarly, there is the Victorian Aboriginal Legal Service (VALS), whose headquarters are actually just around the corner from our office on High Street, Preston. We see them on a regular basis in the coffee shops around the corner, and we do note their contribution both to this debate and yesterday's debate on the Justice Legislation Amendment Bill 2023 and indeed the important ongoing role that they will play under that bill in improving the way that First Nations people are recognised and supported in the justice system. I will return to the specific proposals that those bodies put forward and that the member for Brunswick has just alluded to, but I also want to acknowledge Serena O'Meley and Alison from Gilbert Road and some other local people who have been passionate on this issue.

Like all things or like many things at least in public policy, this issue is not an easy one, because it is effectively an insurance-like situation where we are trying to balance the unlikely but potentially very bad outcomes that can come from people being in custody, being at risk of doing something bad and then going on and doing it, with on the other hand the very real costs both to the individuals but to all of us of remanding people unnecessarily. It is important to note that where you land on that particular question affects Victorians every day.

There are thousands of crimes committed in our state every week. That is the simple truth. There are thousands of people arrested every week. Some of us are lucky enough to live lives that are not heavily or routinely affected by crime, but certainly there are pockets of Preston and Reservoir where I know that crime and the justice system are a common part of people's lives. We know that in the vast majority of cases people are granted bail, but certainly there are cases, a few per cent, where they are not. I think it is important to note that we also know that the breaching of bail conditions is not an unusual thing to happen. I do not know the exact numbers, but certainly in the vicinity of 10 per cent of people on bail breach their conditions, and people who have been victims of assaults and other serious crimes are often rightfully and legitimately worried about how bail conditions will pan out. In fact previous speakers have touched on some of the very tragic circumstances that have occurred with people on bail.

These laws are important. As a general principle in the Bail Act 1977, a person accused of an offence is entitled to bail unless they pose an unacceptable risk to the community or the administration of justice. I suppose in theory you could write the bill and just leave it at that. I believe that was broadly

one of the points that the member for Brunswick was making. But as I have argued in other contexts, terms like 'unacceptable risk' are by their nature subjective.

People will and do have different interpretations of that term, and people working in the justice system know that to be the case. You do not always get consistent interpretations. I think we also have to recognise the pressure that we put on bail decision makers if we say that this is entirely upon them. In many other areas of policy we would issue at least guidelines. Indeed, as we have done here, you can put those guidelines into the act with various caveats. That is what we have in the Bail Act 1977 at the moment. I am not entirely convinced by arguments that a bail act must be shorter, not longer. I think having some guidelines in there, as we do with the two schedules – and it is important to note they do not just describe offences; they describe various circumstances around those offences. And then they obviously set out that three-tiered system for managing these decisions. I acknowledge it is unusual, as the member for Brunswick said, to actually have flow charts in there. It is a somewhat unique piece of legislation in that respect.

Within that system there are the deservedly infamous double uplift provisions, which other speakers have touched upon. They have the effect really of making the propensity to breach bail a compulsory factor in the consideration of bail decision makers. Other speakers have addressed this earlier, but I think it is time for those clauses to be reworked and to be stepped back.

Coming to the point where I started, on the 2013 and 2018 reforms, and simplifying things quickly, it was the 2013 reforms that introduced all the propensity for breaching bail arrangements and the 2018 ones that introduced the schedules and effectively those things that said that a serious offence was more likely to lead to someone not being granted bail. I think it is the belief of many in the system, and I think it is evidenced by the statistics on remand that we saw a lot of the growth before 2018.

Indeed most of the things we have been talking about, which is the really tragic situation of having people who committed crimes that possibly would not have attracted a sentence at all, or if they attracted a sentence would have attracted a sentence shorter than the time they spent on remand, were predominantly caused – as I think the member for Brunswick recognised – by those clauses that had the double uplift effect or by the clauses that just directly made breaches of bail conditions reasons not to grant bail.

I could not agree more that there are too many women in the system. Too many First Nations people are being caught in that net, as the Attorney-General said. I completely agree with the member for Ripon's earlier characterisation that those rules went too far and they were wrong, and I support entirely the clauses in this particular amendment bill that will remove and redesign those bail-related provisions and address minor offences. I certainly support the new differentiated tests for children that go hand in hand with our raising the age reforms. We also of course support the clauses that deal with that unusual and I think unintended circumstance that played a part in Veronica Nelson's case, where it was actually theoretically in someone's interest not to be represented at a bail hearing.

In the time that I have got left I do want to draw everyone's attention to new section 3A(1)(a). There is really important language there about recognising:

> the historical and ongoing discriminatory systemic factors that have resulted in Aboriginal people being over-represented in the criminal justice system …

Noting the member for Brunswick's circulated amendments, I do think that his first amendment is to a certain degree covered by new section 3A(1), but that by the sounds of it is something that might be debated in the other place.

I want just finally to come to the proposals put forward by the Fitzroy Legal Service and by VALS. There are four key proposals. The first relates to changes to the way we talk about unacceptable risk. I am not sure I have talked to people about whether those changes would actually have a large material effect, but I do think there is some merit, as they have done, in separating out the concepts of a person's safety and a person's welfare. We may have reasons to treat them differently. VALS have called for a

person to not to be remanded for an offence unlikely to result in a sentence, which, as I have touched on, is an absolutely critical step forward. I think we and VALS and other stakeholders are in complete agreement about the importance of that change being made in the bill we have here today.

They have argued for repealing all three bail offences. As they would note, we are repealing two of them. The third of course is the oldest and the most fundamental. That is the failure to answer bail. I do feel that removing that – there are other mechanisms to achieve the same effect, but it is sort of fundamentally the idea of the bail system and is something that the government is proposing to retain. Finally, they have asked to remove the presumption against bail completely. I suppose that is where they have a key disagreement with the government. I am well aware of the importance of the presumption of innocence, but the reality of the system is that there is a cascading sort of arrangement of you being arrested, charged and convicted.

As I said earlier, I think it is important within those arrangements to provide decision-makers, who have to grant bail or deny bail before there has been a chance to have a full trial, the support of some clear guidelines from us as to how that should take place. That is important, and that is why we support retaining those clear directions, if you like, for serious offences. As the Attorney-General said, it is not the end of the story, but as it stands, it is an important step in the right direction, and I commend this bill to the house.

Annabelle CLEELAND (Euroa) (15:20): I rise today to speak on the Bail Amendment Bill 2023, a bill that we do not oppose, although we urge some amendments that will benefit and protect our communities further. This is a bill that proposes a series of amendments to the Bail Act 1977 to make changes to the requirements which determine bail. These amendments are proposed in a few different ways, including providing that certain offences are no longer to be schedule 2 offences to which certain two-step tests apply, providing that bail is not to be refused in respect of certain offences which are subject to exceptions, providing that two-step tests apply to children in fewer circumstances, making changes to what a bail decision maker must take into account, including determinations relating to an Aboriginal person or a child, repealing the offence of contravening certain conduct conditions while on bail and repealing the offence of committing an indictable offence while on bail. There are also some technical changes, including various changes to update language used in the act and expanding the circumstances in which a court must hear a further application for bail.

This bill follows further amendments to our justice system this week, with the Justice Legislation Amendment Bill 2023 being thoroughly debated in this place yesterday. While that bill was primarily focused on making several fixes to the wording and clarity of various pieces of justice legislation, this bill has a more direct impact on how one area of our justice system operates. Yesterday we spoke in depth about courts, criminals, coroners, police, lawyers, firefighters, juries and tribunals. This bill has a primary focus on the processes and determination of granting bail and the criminal offences adjacent to this process.

When it comes to this bill we are debating today, there are several new considerations that I believe are really important to go over. The bill differentiates adults and children in the way in which tests for bail are applied. Previously there was no distinction. This removes the two-step test for children, except for specified offences. Where a child is accused of murder, attempted murder or a terrorism-related offence or has previously been convicted of a terrorism-related offence, the exceptional circumstances test will continue to apply, as it does for an adult, as will the unacceptable risk test. There are further considerations for children within this bill, many of which fall on the bail decision makers. This includes the child's age, maturity and stage of development at the time of the alleged offence; the need to impose on a child the minimum intervention required in the circumstances, with the remand of the child being a last resort; the presumption at common law that a child who is 10 years of age or over but under 14 years of age cannot commit an offence; and the fact that time in custody has been shown to pose further criminal risks for children, including being harmed.

Updating the laws regarding bail is nothing new and something that has been brought forward by both sides of the chamber. It is also quite clear that Victoria's bail laws are once again in need of reform. Bail laws were tightened by the former coalition government in 2013 through a series of reforms. These reforms included introducing specific offences for contravening certain bail conditions or committing an indictable offence while on bail. Another timely review of our bail laws was encouraged following the Bourke Street tragedy in 2017, and as a consequence bail laws were further tightened in 2017 and 2018. These changes were made with the clear intention of making bail more difficult to attain, preventing further crimes by those on bail, as was seen in the Bourke Street tragedy.

In the 2017 changes we saw a purpose and guiding principles section included in the act, including maximising the safety of the community and persons affected by crime to the greatest extent possible. There was also work done to clarify and expand the list of offences for which the accused must show exceptional circumstances in order to receive bail, known as schedule 1 offences. Similarly, there was clarification and expansion of the list of offences in schedule 2 offences, making the accused show a compelling reason to receive bail. These categories both operate to reverse the onus so that the accused bears the burden of satisfying the decision-maker that bail should be granted. There was also clarification that only a court has the power to grant bail in relation to a schedule 1 offence.

In 2018 more amendments followed to further tighten the bail system in our state. A police remand system was introduced which allowed police to remand a non-vulnerable adult accused of serious crimes for up to 48 hours until a court was available. The tests for bail were again changed, much as this bill today aims to do. This included setting out when each of the unacceptable risk, show compelling reason and show exceptional circumstances tests would apply as well as rewording the unacceptable risk test to emphasise the importance of community safety.

Simply put, since these changes were introduced, the number of Victorians charged with criminal offences and refused bail has significantly increased over recent years. The significant number of people held on remand comes at a cost, both financially and to the person involved. It can be hard to justify some of the circumstances surrounding the remand of an individual when it is clear they do not pose any material danger to the community. The important thing to consider is whether or not this bill gets the balance right.

I would like to explain our proposed amendments expertly spoken about in depth earlier today by the member for Malvern. These include retaining the offence of committing an indictable offence while on bail, the addition of a further eight serious offences to the list that requires a compelling reason bail test for children accused of these offences and, lastly, the mandate of a statutorily required review of the effect of the amendments after 24 months of operation to be completed and publicly released within six months. Based on this government's track record of managing criminality, policing and the justice system, it is hard to put all of my trust in their decisions. Our justice system has suffered in recent years with backlogs in our courts and tribunals and difficulties with increasing crime in regional areas. Through this we are seeing more and more people remanded, yet further criminal activity continues on our streets. Recent data from the Crime Statistics Agency has shown a rise in both criminal incidents and the number of offences recorded in my region during the past year. In the Mitchell shire, which includes many towns in the Euroa electorate, there has been a 10 per cent rise in criminal incidents and a 13.5 per cent rise in offences recorded. Family violence continues to rise at alarming rates with another 4 per cent increase in the Mitchell shire this year following further rises the year prior. Victim reports continue to surge too with 10 per cent more offences being reported by victims of crime in this region. It is particularly worrying how many of these cases relate to breaches of family violence orders, while there are also an array of theft, assault and drug offences.

Other areas in the Euroa electorate are facing similar issues. Benalla has had a similar jump with criminal incidents well above the state average and alarming news reports in recent weeks. Just two weeks ago the same page of the *Benalla Ensign* was covering a fatal hit-and-run, a shooting, drug-affected behaviour and break-ins. Some of the bail decisions for these local cases have been wildly inconsistent too. The driver involved in the fatal hit-and-run was granted bail this month after being

charged with several offences, including failing to stop and render assistance, perverting the course of justice and driving while disqualified. His actions tragically killed a 16-year-old boy named Caleb Puttyfoot, yet the driver remains on bail and is not expected to be in court again until January. My heart goes out to Caleb's family and the entire Benalla community who are grieving this tragic loss of a beautiful young man. Earlier this year a drug-affected couple stole a tractor and crashed into the perimeter fence of Puckapunyal military base following a low-speed chase with police. They were denied bail and immediately remanded. These cases relate to just a small part of my electorate. Across the state I am sure there are several cases with similar scenarios.

What we hope to see with these amendments is some consistency in the bail decision-making process. Unfortunately, while all these crimes continue, this government is making a push to remove our towns' one-person police stations. My electorate is home to some of these in Violet Town, Stanhope and Pyalong, which are among the 98 one-person stations set to be disbanded in favour of hubs in larger regional areas. These small country towns are often too far away from any major centres for a response within a reasonable time, and removing local police puts residents at unnecessary risk. A focus on police recruitment and retention in our towns would go a lot further than gutting our single-officer police stations in rural areas. While we are trying to fix our justice system through these amendments, I want to make it clear that we need more police in our towns and not less.

Mathew HILAKARI (Point Cook) (15:29): I rise to talk on the Bail Amendment Bill 2023. Of course this bill is so important, and I thank the minister for its introduction, because it sets out how we are going to change people's lives for the better – work that is not going to be completed with this bill but improves people's lives now. Decisions to refuse bail to a person accused of committing an offence – a person who is presumed innocent – should never be taken lightly. We change people's lives for the better by ensuring that they are not unnecessarily imprisoned. We change people's lives for the better by ensuring that they are not unnecessarily spending more time in prison than they would have if they had been sentenced and convicted. We change people's lives for the better by ensuring that they do not spend time in prison when they are unlikely to be sentenced to a prison term even if convicted. That is why this bill is so important.

The Bail Amendment Bill 2023 gives us the chance to get the balance more right, to make our legal system able to carefully consider the risk posed to the community by those who commit serious offences without unnecessarily remanding those who do not. The bill is so important because those people who have been in prison on remand lose their connections to their families and some people on remand lose access to their children. The bill is so important because those people who have been in prison on remand lose their jobs. Those people who have been in prison on remand can lose their homes. Those people in prison on remand can lose their connections to their communities and their support networks. Families, ongoing work, stable housing and connection to community – these are things that mean an individual is more resilient and less likely to be engaged with the criminal justice system. That is why this bill is important.

This bill goes to the heart of what a good Labor government should do – think deeply about policy, recognise when there is a problem and act, which is exactly what has happened. This government does exactly that in removing the reverse onus test for low-level non-violent offending which is least likely to put the community at risk. Victoria's current bail laws do not properly distinguish between low-level non-violent offending and serious offending that poses a risk to the community and community safety. This has led to an increase in remand, particularly for repeat offenders who may not pose a risk at all to community safety. We know that repeated offending is not actually dangerous offending, it is in fact symptomatic of disadvantage, and the disruptive impact remand can have on people's relationships, employment and housing can entrench that disadvantage and be a driver of further offending. What puts people at risk and what is a risk to community safety is repeated imprisonment, often for short terms as a result of repeat low-level crimes, entrenching engagement with the justice system and enhancing that engagement with the justice system, and no-one in our community benefits from that. The people who are most likely to go to prison are those people who have just come out of

prison and who have not had the opportunity to step away from the cycle of imprisonment. What is one of the other strong indicators of ending up in prison? It is of course having a parent in prison – imprisonment is a multigenerational driver of crime and disadvantage, a result of a person not being given the best chance to change the direction of their life.

More serious offences retain the reverse onus test – and that is correct, we should do so – keeping people in prison on remand because they are too high a risk to our community. The laws we have today are not fit for purpose, and that is why this amendment is being made. What we have seen with the present bail legislation is that members of our community are kept in jail for too long too often, and that goes on to affect their entire lives, their families and their communities. Those imprisoned on remand are not always prosecuted, and sometimes those charges are withdrawn. Those imprisoned on remand often spend more time in prison than they would have had they been sentenced. That is not just. This is not how a justice system should be carried out, because exclusion from the community is the ultimate sanction government has to put in place against those people who have committed serious crimes in our community, with the committing of crimes being the salient point.

The use of remand has increased rapidly over the last decade. In the decade to 2022 the proportion of unsentenced people in Victorian prisons increased from 20 per cent of the prison population to 42 per cent. The total number of unsentenced prisoners is three times higher than it was 10 years ago. Data suggests that the introduction of two bail-breaching offences in 2013 has made a substantial contribution to the significant increase in Victoria's remand population, with a particular impact on women, Aboriginal people and people experiencing disadvantage. We know that remand has been affecting women. More than half of Victorian women in prison are unsentenced. We know that Aboriginal people have high levels of imprisonment on remand, almost 50 per cent, and Aboriginals and Torres Strait Islanders make up just 1 per cent of Victoria's population, yet they comprise more than 12 per cent of the state's adult prison population. It is a real shame that we are in this position, and as a Parliament and as a community we need to do better.

This bill introduces a requirement on bail decision makers to identify and record the Aboriginal-specific consideration they have regard to when refusing an Aboriginal person bail. The only children in prison, and this is a really sad situation, are often in prison on remand – 83 per cent in 2022, unsentenced, not people who have been charged and convicted, unsentenced. The bill implements a presumption of bail for children, with exceptions for certain crimes such as terrorism and homicide offences. This will entrench custody as a last resort for children, something we should all be striving for, but we will still apply an unacceptability risk test. So if a child is a risk to the community or someone else, they can be held on remand. It is entirely appropriate. The bill will update and strengthen the existing provisions of the Bail Act 1977 that require a bail decision maker to consider additional factors if the applicant for bail is a child or an Aboriginal or Torres Strait Islander. The updated Aboriginal considerations in the bill have been developed in partnership with Aboriginal stakeholders, as is appropriate. The child-specific considerations reflect extensive consultation with legal bodies and bodies representing children and young people – again an appropriate response to a problem in our system.

Law reform has been called for by reports, inquiries and legal stakeholders. I have been an advocate even before I came to this Parliament for exactly the same. The coronial inquest into the death in custody of Veronica Nelson and a parliamentary inquiry into Victoria's criminal justice system both called for reforms to our bail system. Those reports identified a situation that has become far too common: people charged with repeat low-level, non-violent offences facing more onerous tests for bail, despite their risk to community safety not being the main concern. I want to acknowledge and recognise the advocacy of the family and community around Ms Veronica Nelson. Her tragic death and story highlights many of the ways our system needs improvement. I acknowledge the tremendous advocacy of Veronica's loved ones in the wake of her passing for the reforms to our bail system. They are to be commended out of a great tragedy. This bill implements eight of the 13 recommendations of the Nelson inquest relating to the Bail Act. By removing uplift from low-level offences, the reverse onus test will no longer be applied to those charged with repeat low-level offending against the Bail

Act. Instead the reverse onus test will only apply to adults charged with a very serious offence or those who pose terrorist risks. Addressing the most urgent identified problems with our current bail laws so that low-level and non-violent offenders are no longer being remanded where they do not pose an unacceptable risk to community safety will improve the administration of justice in our state.

Specifically, this bill introduces a number of changes to existing features of the Bail Act 1977, including removing uplift consequences from non-scheduled offences such as shoplifting and graffiti and Bail Act offences. Imagine being put in prison because you stole a couple of things from a couple of shops. Imagine that. That is a very difficult thing for me to accept, and I am so glad that this government is going on to change the bail laws with the Bail Amendment Bill 2023.

We know of course that there is more to be done in relation to criminal justice reform than the legislative change that we are seeing here today, particularly for those that are vulnerable or disadvantaged. There is so much more to be done to take people off the cycle of imprisonment, to see their lives improve and their families' lives improve. That work will continue. We are committed to that in this place, and I am so pleased to hear that it seems all parties are really committed to that in the contributions that people have made. Again, I thank the minister for this bill and its introduction, because it sets out how we are going to change people's lives for the better.

James NEWBURY (Brighton) (15:39): I rise to speak on the Bail Amendment Bill 2023. This is an important bill in that it makes changes to an important part of our justice system, and it is a part of our justice system that the Parliament and the broader legal system have grappled with over the recent decade in terms of managing offenders, managing difficult crimes, ensuring that people that should be in jail are in jail or people that should be on remand are on remand and allowing people that should not be on remand to remain in the community. This is another step in that process. It is important because this bill should reflect the balance required in dealing with public policy in this area. We have seen especially over the last 10 years, and from this government over the last five years, changes in terms of bail reforms to the way we deal with accused people. And what we have seen, what the statistics show and what the data show is that there has been an increase in the number of people that are on remand – quite a strong increase in fact, especially over the last 10 years. To be fair to the government, when they introduced reforms some five years ago, they did suppose that there would be an increase, and that has certainly occurred. There has been an increase.

This bill in a number of ways looks to rebalance the way that bail exists in this state. I think any mature conversation about public policy in relation to bail does need to understand that the approach to bail does need to be balanced, but we are also dealing with people who are accused in certain circumstances of very serious crimes – very serious crimes. In my community, which now has the highest number of aggravated burglaries in inner Melbourne, up from not being on the list at all I would imagine ever, this is an issue that is concerning. Aggravated burglaries and home invasions are happening extremely regularly, and they are happening to families in my community.

What is so upsetting about the types of crimes that are occurring is that they are happening to families often as they sleep. Only a couple of days ago I was talking to a mum who in the middle of the night woke up to a sound in her lounge room and came downstairs to find four people invading her home. She has four young children, and hearing her talk about the invasiveness of the crime was deeply touching. I thank her for sharing her story with me and can understand why she felt that that crime would stay with her for life and with her family for life. And I can completely understand the level of invasion she and her family felt.

Sadly, the instance is not a one-off. In fact I am regularly talking to families in my community who have suffered similar crimes – most recently, many will recall, was a young guy getting up in the morning, walking out to his kitchen and finding two men armed with machetes. I mean, can you imagine waking up to get your bowl and your Weeties out in the morning and walking out to the kitchen to find two men with machetes? This is not happening as a one-off in my community. This is happening so regularly, it is hard to be sure that it is not targeted – that there is not a targeted attack on

my community, especially in Brighton. And for families who are dealing with those crimes, they are crimes that, frankly, should not occur. We should aim for there to be no crime of this nature.

The coalition has concerns with this bill – not overall, because on balance it is important to make changes in the way that the government is proposing – but there are a couple of elements that I will briefly mention. One of them is the bail reforms and the need for one of our amendments which is being proposed to ensure that certain crimes are considered in a way where when an accused is committing these crimes in a compound way – more than once – the previous crime is properly assessed in terms of bail, because the first thing the police will say to me when I talk to them about home invasions and aggravated burglaries in my community is we have caught the person, which is fantastic, but they may have caught them eight or 10 times prior. So in terms of bail reform it is of course important to understand that we need reform to ensure that the bail system works as we want it to, but we do want to make sure that when it comes to particular crimes, those crimes are properly addressed. One of the ways, as I spoke to, will be the coalition's proposal to amend the bill.

The other thing the coalition has proposed to do is ensure that there is judicial review. We have seen bail reform a number of times over recent years, so I think it is only prudent to be considering what you are doing and reviewing what you are doing in a measured way. Unfortunately the bill in its current form does not include a review of that nature, so accepting the need for ongoing bail reform it would be only mature to review it. The coalition is proposing to do just that, and I would hope that in good faith the government would consider that amendment as well as the others proposed by the coalition.

I will finish by highlighting the urgency of these issues as they exist in my community, especially some of the crimes this bill seeks to deal with. Over the last 10 years the number of aggravated burglaries has increased by 578 per cent in my community of Brighton – 578 per cent. It is an extraordinary increase over the same time – as an aside – since the government closed the Brighton police station. We have also seen a similar concerning increase in the number of motor vehicle thefts, which has increased 310 per cent over that same time. So whilst it is important for the bail system to appropriately reflect and do what we want it to do, it is also important to understand that when it comes to particular crimes, the bill could be better.

The coalition has proposed an amendment in relation to particular crimes, especially around home invasion and aggravated burglary, where the bill could be better, to ensure that where people commit crimes, those crimes are adequately assessed at time of bail. The most disheartening thing that Victoria Police says to me – and they say it over and over again – is 'It's really tough when we catch them again and they get let out again on bail'. It is very disheartening for them. A senior member of Victoria Police recently said to me they believe there are some 200, 300 people in the state that they would say fall into the pool of people committing those crimes. So when we have a bill that seeks to address issues in the bail system, we need to make sure that we look at the 200 to 300 people that Victoria Police have identified and say, 'Do these reforms unfortunately make it easier for those people to commit further crimes?'

Sarah CONNOLLY (Laverton) (15:49): I too rise to speak on the Bail Amendment Bill 2023. I must admit it was really good to hear the member for Brighton make his contribution and feel the sincerity in that contribution.

James Newbury: Thank you.

Sarah CONNOLLY: You are very welcome. But I will say standing here as I begin to make my contribution, as someone who started off their career in criminal law and as someone who goes out regularly and speaks to youth, youth services and at schools, to local principals – and the three big police stations across Melbourne's west, just last week – it is very important in this place to think about the way in which you talk, and we all talk, about crime and who is committing these crimes.

The DEPUTY SPEAKER: Through the Chair, member for Laverton.

Sarah CONNOLLY: I am going to point out, because I cannot help myself, that people in my community were targeted mercilessly by the National–Liberal parties and indeed the former federal Liberal government. They said that Tarneit was in fact a place where people were too scared to go out to dinner. Some of those opposite may remember those comments. People in my community remember those comments, reiterated those comments. I have met people in my community that were deeply affected by those opposite's campaign on them, their race –

James Newbury: On a point of order, Deputy Speaker, on relevance, the bill we are dealing with is the Bail Amendment Bill 2023. I do not think that the bill relates to the last state election, as the member has suggested.

Danny O'Brien: Two state elections ago.

James Newbury: Two state elections ago, excuse me. I would ask you to refer the member back to the bill.

Vicki Ward: On the point of order, Deputy Speaker, there is no point of order. The member is referring to the bill under debate, and she is using historical context, which has been used frequently across the debates on this bill. These incessant interruptions with useless points of order are incredibly disappointing when people are actually trying to get a point across.

The DEPUTY SPEAKER: Order! This has been a wideranging debate. It has been a very civil debate on a sensitive topic, and I appreciate the way in which the debate has been done. I ask the member to return to the bill. There is no point of order.

Sarah CONNOLLY: Thank you, Deputy Speaker. The laws that we are talking about here in this place this afternoon as part of this bill came in the wake of the tragic incident that took place here at Bourke Street. I want to make something very clear in relation to my contribution: the unintended effects of these laws are absolutely a result, in so many respects, of the bipartisan arms race that happens when people, particularly those opposite, decide to run election campaigns – only at election time – on being tough on crime, time and time again.

James Newbury interjected.

Sarah CONNOLLY: Member for Brighton, you were not even elected. You were running in 2018.

The DEPUTY SPEAKER: Through the Chair, member for Laverton.

Sarah CONNOLLY: That was exactly the campaign that you ran in the western suburbs.

James Newbury: On a point of order, Deputy Speaker, firstly it is entirely out of order to refer to 'you' and it is quite unparliamentary, but I do refer to your comments about the debate being civil up until this point and I would ask you to refer the member to your previous ruling in relation to that matter.

Paul Edbrooke: On the point of order, Deputy Speaker, I simply put forward that this bill will affect people in the member's own constituency and also that she is talking about the lived experience of people in her electorate. It is entirely relevant.

Danny O'Brien: Further on the point of order, Deputy Speaker, if it will assist, because I think you have been here for most of the time and certainly I have been here for most of the time, whilst it has been wideranging, people have contained their comments on the bill with respect to bail. It has not been about politics, and it actually should come back to the bill.

The DEPUTY SPEAKER: There is no point of order. However, I encourage the member to stick to the bill in front of the house.

Sarah CONNOLLY: Thank you, Deputy Speaker. I do think it is important to raise the history and the background and the context of how these laws were made and why we are now standing before this house having to amend them again because of previous election campaigns that were run here in

this state and across this country about being tough on crime. Thankfully, I have to say, here in this state we have seen what Victorians think of running election campaigns on being tough on crime. Member for Kew, maybe something you can talk to your leader about when we come to the next state election is being tough on crime and how well that ended up for you.

The DEPUTY SPEAKER: Member for Brighton, I have a hunch about what you are going to raise.

James Newbury: On a point of order, Deputy Speaker, on relevance, this bill is not about the next election, and I would ask you to again refer the member back to the bill before the house.

The DEPUTY SPEAKER: Member for Laverton, it would be much appreciated if you could restrain your comments to through the Chair and return to the bill.

Sarah CONNOLLY: Thank you, Deputy Speaker. We know that these bail laws ultimately went too far, which is why now here today we are correcting them. Yes, they had the effect of keeping violent offenders behind bars, but do you know what also happened? The proportion of unsentenced people here in Victorian prisons more than doubled, from 18 per cent 10 years ago to 42 per cent. Now, for Aboriginal women that number skyrocketed to a 243 per cent increase, and of course this resulted in the very tragic death of Veronica Nelson in custody.

Veronica was not in remand for a violent crime. She did not kill anyone. She did not assault or cause grievous bodily harm to anyone. She was on remand for a shoplifting offence. We know that Victorians want to have confidence in their bail system so that they can feel safe in their communities, but a balance needs to be struck so that people who commit minor offences are not stuck in prison or in jail for months on end or forced to prove why they should get bail, instead of the other way around.

The bill makes changes in the following ways. It removes the double uplift provisions that were introduced five years ago. Under the current legislation double uplifting occurs when a person who commits an offence whilst on bail has their new test for bail uplifted to a more onerous offence. This has given rise to a reverse onus test where an accused has to prove why they should be granted bail, as opposed to the prosecution proving that an accused should not be granted bail. This increase has been proved by data. What reports have shown is that back in 2012, 37 per cent of remanded women faced a reverse onus bail test, and this increased to 79 per cent in 2018. That was an increase of 42 per cent. We know that most people who commit low-level offences are not a safety risk to the public. There is no need to keep them on remand, most importantly, for any longer than necessary.

In addition to this, the bill also improves the definition of unacceptable risk, which is used to deny bail to an accused in a way that makes it clearer that a potential risk of minor reoffending is not enough to refuse bail. An exception is carved out for instances where minor reoffending is a risk to someone's safety or welfare. I think the example cited by the Attorney-General was an instance where someone engaged in repeatedly stealing from a specific store as a potential scenario where bail might not be granted for a minor offence. In addition to this the bill does go ahead and remove what we have called bail offences. Under the current law a person who commits an offence whilst out on bail will not only receive a charge for the crime they have committed but will receive an additional charge as well.

This is an incredibly important bill before the house that is being debated this afternoon. It is something that my community has had a long history with, and it certainly bears the brunt, election upon election, of campaigns and slogans about being tough on crime. It has been really lovely this afternoon to share some of the lived experience, the hurt, the pain, the angst and the absolute embedded racism that comes out of election campaigns where slogans such as 'tough on crime' are used to mislead the community and used as a divisive mechanism to hurt communities and mislead communities. I therefore commend the bill to the house.

James Newbury: On a point of order, Deputy Speaker, I would ask you to bring the member back to the bill. The bill is the Bail Amendment Bill, and the contribution was outside the –

The DEPUTY SPEAKER: Order! The member's time has expired, as you know.

Business interrupted under sessional orders.

Grievance debate

The SPEAKER: The question is:

That grievances be noted.

Member conduct

James NEWBURY (Brighton) (16:01): I grieve for the people of Victoria because they are seeing a Parliament led by a Labor government turn their great place, their great Parliament, into a rotten place, where behaviour that is being perpetrated by some is completely unacceptable and not of the standard that would be expected by the Victorian community – behaviour that is rotten. Partly we are seeing a government that has the wrong priorities, a government that is focusing on not the needs and concerns of Victorians but its own nest, but also a government that is allowing behaviour that could only be described as rotten. We have seen that most recently and most egregiously in relation to allegations against one of the members in this place, and I am sure that many felt completely distressed by the allegations that were made and, sadly, the allegations that followed. We read reports of the government holding meetings with its members where members of the government I understand raised concerns about the behaviour of the member for Sunbury or the member for Narre Warren South.

Anthony Carbines: On a point of order, Speaker, the member for Brighton knows well, if he wants to make allegations and wants to cast aspersions on members in this place, he should do it by substantive motion. He should not do it in this way, and he should be made to withdraw.

James NEWBURY: On the point of order, Speaker, for clarity, there was no aspersion cast. If the minister feels that there are questions to be answered by the members and he is putting that to the house, that is completely within his remit. I referred to two members, and that is all.

The SPEAKER: The member for Brighton has not cast any aspersions, and I would caution members, within this grievance debate, about impugning members of Parliament.

James NEWBURY: Hear, hear. I accept your ruling. I completely understand your ruling, and I certainly have not done that in referring to media reports recently that referred to a number of members, their behaviour and concerns that were raised by both members and staff in relation to this place. I completely understand why those issues were raised, and I understand that members raised at that time, as has been ventilated in the house and publicly, ways that the Parliament could do better to ensure that this place is not a rotten place and ensure that behaviour is not allowed to be rotten around this place.

When you look at proposals for parliamentary integrity commissioners, which are sitting somewhere on someone's desk, getting dust on someone's desk, when you look at potential codes of conduct that sit on people's desks gaining dust – I mean, some of us remember the suggestion for members to be tested for alcohol on the way into the building, and of course that was famously put on someone's desk. But in a number of ways over recent years we have seen a government actively stopping any oversight of poor behaviour, and in fact I would submit to the house that in doing so it has allowed that behaviour to flourish. As a member of this place I do not want to see that. I know that all of us in the coalition do not want to see that. We saw a terrible example in the last Parliament of one member behaving inappropriately in his office, and that issue was made public at the time in relation to his behaviour, the use of his office and his interpersonal relationships in his office. This type of behaviour is rotten. It is wrong.

Taxpayers put us into this place and provide resources so that we can work on their behalf, and I am certain that the majority of members of this Parliament work seven days a week. They set aside time that they could be spending with family, they miss important occasions, they miss time with their children regularly and they miss important events, so when these things happen all of us feel ashamed by what has been allowed to flourish by the few.

The Premier, as the leader of the government, has the power to make changes, to bring about reforms and to ensure that he does not oversee a rotten place, a place not only where behaviour is rotten but where committee processes have been bastardised. The have been absolutely politicised. We know it not just because the allegations are made, we know it because senior Victorian figures have raised those concerns. We saw it with the Integrity and Oversight Committee – allegations of leaking and conspiring. It is outrageous to think that a committee of this place would be politicised in that way – absolutely outrageous. We now see other committees being what could best be described as totally deconstructed, politicised committees. It is a sad thing to know that our committee system has broken down to a point where the government of the day has no semblance of interest in conducting committee work, genuine committee work, conducting work on behalf of Victorians, and instead allows these committees to be politicised. So it is not just about behaviour, it is the way that the government has allowed the systems of this place to degrade. Part of the reason we are seeing that is because the government is descending into what could only be described as a civil war.

Today we saw an audition of three potential deputy premiers, all of them hopping up at the dispatch box. In my time in this place I have never seen three ministers refer to more members of their backbench and compete to refer to more members of their backbench in ministers statements than I did today. I mean, I am not sure what the ministers statements were. All I heard was a list of vote for me, vote for me, vote for me, vote for me from three potential deputy leader candidates. I would say you do not just need to look at question time. I mean, Labor is giving a running commentary in the media of the potential candidates jostling to replace Dan – excuse me, the Premier; I was quoting. I am more than happy to offer that to the minister at the table, the Minister for Casino, Gaming and Liquor Regulation, for the house's assistance – that running commentary of who is jostling to replace the Premier. I am more than happy to table that for the government's assistance.

We saw that today. As a result we have seen the government descending into some sort of civil war as they work out what is next and who is next. We see members of this place being kicked out of their faction. We see auditioning. We saw the most egregious hit on a minister in recent weeks that I am sure most have seen in this Parliament in some time. It was an extraordinary internal hit on a minister, a minister who was obviously given an opportunity to audition today for Deputy Premier. Sadly, there was an instance where members were signed up, allegedly, to a minister's branch after they had passed away. How terribly tragic and sad those allegations, if true, are; it is terribly sad that behaviour of that nature could occur.

What was I think most offensive, but in line with what we are seeing in terms of government behaviour and the rottenness of this government, was a 5 o'clock media release saying no-one was to blame. Well, I am sure every Victorian now knows, no matter what allegation is put to Labor, no-one will be to blame. I have never seen such a long media release confirming the body of work that was put into the investigation into the minister, the feverishness of the media release in stating how hard the former member of this place worked to prove that no-one was accountable. That is unfortunately a continual excuse when it comes to rotten behaviour and when it comes to behaviour in this place.

Sadly, it is not just that the Premier will not take responsibility and clean up the rottenness or clean up the systems that he has allowed to degrade; we know that often he does not even turn up to this place. The Premier regularly now will not turn up to this place. When we have divisions in the mornings, he is almost never here. In recent weeks he has not been here for days, and that is a sad reflection on the lack of interest he has in cleaning up what are some of the issues in this place. It is terribly sad.

What I think has happened to the Labor Party is they have been in government now for so long that they have forgotten who they are here to represent. They have forgotten the need to ensure that they uphold good standards in the Parliament, that they ensure that their team upholds good standards in this Parliament, and that is unfortunately not what is happening. We have seen it most outrageously in recent weeks in terms of both the member who is not here today, a member who reportedly has written to the Premier – and I am sure at some point many will want to understand what he has written about – and also other allegations that have been put in Labor meetings around behaviour of other members.

It is deeply concerning that in this Parliament and the systems around this place the government has allowed a rottenness to perpetuate, and I know every Victorian is tired of that rottenness. They are tired of that behaviour, and they want to see it cleaned up.

Housing crisis

Lauren KATHAGE (Yan Yean) (16:16): Before I set out what I grieve for I do feel it behoves me to note that the member for Brighton has incorrectly characterised a recent women's caucus meeting. We have many women's caucus meetings. There are many women on this side of the chamber. We gather, we meet and we have dinner together, and we will always work to make this place and the whole of the state a better place for women. We know how to achieve that, and do you know why – because we are a government that is woman-strong, we are a government that is woman-proud and we are genuine in our care for women and our support for women. We do not raise the topic of women's safety on the floor of Parliament as a political tool – how vulgar, how rotten, how nasty. We raise the safety of women to address it, and we do it with our family violence reforms. We raise women's health so that we can improve it, and we do through record investment in women's health research. We raise the activities of women because we want to support them through groundbreaking investment in female-friendly sport. Let that be the record in this place.

I grieve for Victorians who desperately want a home but have to face those opposite who are getting in the way. Victoria is in a housing crisis, and it is a crisis of supply. So why are the Greens trying to reduce supply? We have heard from the Grattan Institute that boosting housing supply would especially help low-income earners. Irrespective of its cost, each additional dwelling adds to total supply, which ultimately affects affordability for all homebuyers. In my electorate of Yan Yean I have been struck by the increased difficulty of people to find a rental home, and I have particularly noticed that it seems to be single mothers facing this difficulty in my electorate.

Rents are cheap where I live, but a lack of rentals means that people cannot secure a home. Homelessness has become a very real prospect. The government's work to strengthen the safety net for people not able to access housing is being undermined by those opposite. The Greens political party will have you believe that they are the friends of people who cannot find a home while simultaneously contributing to the lack of affordable housing. We have heard previously from the member for Richmond about encountering a woman who was homeless and needed help. That is a situation I have been in many, many times as a worker in homelessness, family violence and youth shelters, so I understand the member's consternation but I cannot understand her actions or the actions of her party.

As a homelessness worker I worked with clients to access the housing market, and one of the options that was very often preferred by women was the social housing managed by community housing organisations. Through this model, usually a head leasing model, women were able to access secure affordable homes and, crucially, benefit from wraparound support as they dealt with the difficulties in their lives. I think here of one particular client who asked me to attend her community housing organisation interview as a support person. This woman was successful in securing a home, and in time she went on to volunteer for the organisation. Further along the track for her she was able to work for them when she had separate housing of her own. This is good, right?

Every new social and affordable home built through government investment is a home that is taking pressure out of the housing market. As well as providing a home to a family in need, this investment puts downward pressure on overall rental prices in the private market, improving housing affordability. It is why we are working hard to deliver innovations such as the ground lease model. This grows social housing and addresses the lack of secure long-term rentals in well-located areas. It is delivering large-scale redevelopments, contributing to our $5.3 billion Big Housing Build. These enable a mix of social, affordable and specialist disability accommodation dwellings to be delivered without selling public land, without privatising, and it delivers increased housing supply, connected communities,

opportunities to leverage federal government funding and an ability to reduce energy bills for renters by building better homes.

So it is a first of its kind for social housing in Australia, and construction completion is targeted for later this year for a significant number of homes, with residents taking up space as early as 2024. That is good, right? Not according to the Greens, who are peddling fear and actively opposing projects that will deliver more housing for renters. Not only will it deliver a minimum 10 per cent increase in social housing for people on the Victorian Housing Register, including some of Victoria's most vulnerable, but it will also deliver affordable market rentals.

This hypocrisy of the Greens campaign around privatisation is bad, but what is worse is that they actually acknowledge, like the member for Prahran did, that this will remain publicly owned, the Bangs Street redevelopment in his area. I have personally been involved in setting up head leasing programs for community organisations. To hear the Greens pretend this is about privatisation and profit when community organisations' and our government's driving concern is to support our communities is frankly offensive and demonstrates that they are not in touch with the community services who are doing the work and not just the talk.

The Greens political party preach about the need for more housing. They have even met a homeless person, but when they get the chance to do something about it, they oppose it. They wreck it. On our side of the chamber, we are not focused on preaching. We are focused on fixing, in partnership with community organisations that have genuine insights and genuine care for people experiencing homelessness. This work includes the Big Housing Build, with more than 7600 homes completed or underway, and our affordable housing rental scheme, which will deliver 2400 affordable homes across metro and regional Victoria. I note that the member for Richmond had a rather specific question around the definition of affordable housing during question time in her question for the Minister for Housing. I think there is a very specific answer that is available to that in the legislation. I had a look myself, so the member for Richmond might want to avail herself of the information so that she too could potentially answer her own question.

On top of that we have the $1 billion regional fund, which will deliver more than 1300 social and affordable homes to Victoria's regions. I wish it was just the Greens who were blocking the supply of housing, but we also have to contend with the Liberal Party. Unfortunately, this is a long-running battle at both a state and federal level. When the Liberals were last in government, they slashed the housing assistance budget by $340 million – from $462.8 million under the then Bracks Labor government to an estimated $131 million in 2014–15. They made it harder for people living with severe mental illness, such as my brother, to access the rental market by cutting $1 million from support services. As planning minister, the former Leader of the Opposition prioritised lining the pockets of donors instead of supporting housing affordability. Those priorities are wrong – that is what is rotten. When the Andrews Labor government introduced the Residential Tenancies Amendment Act 2018, with over 130 reforms to make renting fairer for Victorians, the Liberals voted against it in the Legislative Assembly. They then tried to amend the legislation in the Legislative Council to make it legal for landlords to force renters to pay an additional two weeks rent, as an extension of the security bond that had already been paid, if a renter wanted to have a pet. After the Liberals' unfair amendments were defeated, they voted against making renting fairer again – again.

But it is not just ancient history; we are still contending with the cuts and bad decisions of the former Liberal government. We have read in the news – and those of us who live locally know – of the challenges faced by residents living in the Cloverton estate, which was approved by former senior ministers when those opposite were last in government. This government, with the strong advocacy of the member for Kalkallo, is working hard to address the challenges those opposite have created for residents. Those opposite have a fundamental lack of knowledge and respect when it comes to the outer suburbs. When addressing a state Liberal conference, the former Leader of the Opposition pondered how we convince a couple with two jobs in the Mernda growth corridor to move to Wangaratta. Well, we are not just a growth corridor, we are a community. We have footy clubs and

barbecues in the park. We have volunteer orgs and well-equipped local schools. We have an ambulance station, a police station, a community hospital under construction and even our own train line – all thanks to Labor. Instead of showing disdain for the outer suburbs, the other side should have shown commitment to building the infrastructure that communities need to thrive. Instead, when they were last in government they promised not a cent of infrastructure for my electorate of Yan Yean – and this may be one of the few cases where they were true to their word, as they truly did not invest in Yan Yean at all. No wonder they preferred people did not build a life and did not build a community in the outer suburbs. That is not the way of this government, and our housing statement will demonstrate our respect for people like me and my constituents, who live in the outer suburbs. In my community of Yan Yean over 5000 households are renters, and I am proud that they are represented by a government which has a track record of making housing fairer for all Victorians.

The 130 reforms I referred to earlier are the biggest change to the Residential Tenancies Act 1997 in more than two decades. These reforms included removing no-reason notices to vacate, allowing renters to keep pets in their properties and to make some modifications to make their house a home, cracking down on rental bidding and making it easier and faster for renters to get their bond back – I am sure many people have experienced the difficulties waiting for your bond to come back before you move to your next property. Under our reforms, rent can only be increased once every 12 months, and we introduced rental minimum standards that will provide safer, more energy-efficient housing for renters.

Those opposite block and oppose because they do not understand. They do not understand the outer suburbs. They do not understand the lives of renters. They understand the inner city. They understand the life of the landlord. Well, we are here for everybody. We are here for the renters and the landlords, and we are here to make Victoria a fairer place for all people so that everyone can truly have not just a house but a home and everyone can have access to the security of a home and the comfort to know that they can raise their children in a stable location. Only Labor governments provide the protections that tenants need and build the homes that Victoria needs to grow our supply of housing. Our federal Labor colleagues just recently announced the largest increase to Commonwealth rent assistance in over 30 years. Those opposite would never have the guts. In the same week the federal parties of those opposite, the Greens and the Liberal Party, stood together to block the $10 billion Housing Australia Future Fund to prevent homes being built for people who need them, and that is why I say to those opposite: get out of the way. Let us make housing more accessible.

Bushfire preparedness

Tim BULL (Gippsland East) (16:31): I rise today to contribute to the grievance debate, and I grieve for the people of country Victoria today and particularly those in the far east of the state. I do not grieve for them for the shocking condition of their local roads – I have done that before – or for the lack of infrastructure investment or the soaring cost of living and massively increased state debt. Today I grieve for the lack of bushfire preparedness in our region.

Just four short years after we should have learned the lesson of a lifetime we see ourselves in a very vulnerable state again. Following the 2009 bushfires we had a royal commission, and it recommended that at least 5 per cent of the bush be burnt on a rotational basis to keep us safe. These are the pre-eminent bushfire scientists in the country saying you have got to burn at least 5 per cent. Some who presented to that 2009 Victorian Bushfires Royal Commission recommended 8 per cent, in line with what occurs in Western Australia, but we settled on 5 per cent. In 2015, after this government came to power, it decided to head down a different path, and it set up its own new inquiry. Why we needed another inquiry after we had had a royal commission I am not sure. But it came up with a new inquiry to come up with a more palatable outcome for what it wanted, and what it has done is it has ended up with a lot less fuel reduction burning being done. This new approach basically said we are only going to focus on fuel reduction burning around the townships and around assets – that is where we're going to focus our fuel reduction burns, it is no use burning out in the wider bush. This new approach was called *Safer Together*, and our Minister for Environment, Climate Change and Water, Lisa Neville, said at the time:

> Our new approach is about doing more to reduce the risk of bushfire, and knowing what we do is more effective.

How did *Safer Together* go in 2019–20? It did not go real well when it had to pass the test of a hot summer. Under *Safer Together*, just five years after *Safer Together* came in, we saw probably the second-biggest bushfire in our recorded history in the state.

There are a couple of points I want to make. Firstly, many locals saw this coming, because under *Safer Together* they knew that the fuel loads in the bush had reached record levels that they had not seen before in their lifetimes. These people came into my office, stopped me in the street and approached me at coffee shops. They were former firefighters, they were departmental staffers or they were old timber industry workers. They were people who had worked in the bush all their lives, and they said to me, 'We're going to have a megafire because we've allowed fuel loads to increase out of control'. I am not saying this after the event because in 2019, in October, I wrote a lengthy column in our local paper based on what these people who had lived in the bush all their lives were telling me, that if it was not this year, it would the year after or the year after.

Anyway, it happened. It is not rocket science. If you allow fuel loads to build up to record levels, how is it ever going to end apart from a megafire? There is no other way it can end. It is as simple as that. When we have a warming climate and we let fuel loads build up to the levels that we have, it is only going to end in a horrible, horrible situation, and we saw that. So while the bushfires royal commission, our pre-eminent scientists, recommended 5 per cent, no, we got a group together in 2015 that said that is going to cost a bit much; it is a bit hard to do. They came up with a program since then where we have only had 1.5 per cent of the bush burnt on a rotational basis. Now, when the recommendation from our pre-eminent scientists is 5 per cent and they come up with 1.5 per cent, I mean, the world has gone mad. We are just not listening to the people who know. The result was a 1.6 million-hectare fire – 396 houses destroyed. There were lives lost under *Safer Together*. We are safer together because we are burning a lot less of the bush. We are not safer, we are more at risk, and we continue to be at greater risk. Because of the current huge fuel loads which now exist four years later because of all the dead trees, the debris and the black wattle infestation – country members have seen all this – a very flammable undergrowth has grown back after the fires. We now find ourselves in the same situation, and those same people who warned us this was going to happen are warning us that it is going to happen again – and it will only ever end in major fires.

When we have these major fires the Greens come out – there are none in the chamber at the moment – and they shout 'climate change'. It is the only reason. A warming environment is part of the puzzle, but whether we have got climate change or not, summers are hot and record fuel loads are going to end up in megafires. You cannot just simply pluck climate change out and say that is the cause. We should be doing more burns. We should be doing more cool, controlled burns throughout the year to make sure that we restore the balance of the bush, because we put out all these lightning strikes and fires in summer, and when the cooler months come we do not restore the balance. If we let those fires go, they would be simmering away for three or four months over every summer, but we go in and we put them out because we want to protect our communities. But you then have to restore that balance that you have altered, and we do not restore that balance. I want to quote Professor Kevin Tolhurst from the University of Melbourne, probably one of the most pre-eminent bushfire scientists in this country but certainly in this state. Just two weeks ago he said:

> The legislation of restricting fire has been counterproductive to a large extent.

He said:

> … we really need to change our whole philosophy of having fire in the landscape.

He strongly supports reintroducing more low-intensity fire into the landscape, and he is correct. He is 100 per cent right. He is saying what the wise old heads in all of our communities keep coming and telling us. He strongly supports more year-round burning more regularly and creating a mosaic outcome of fuel reduction burns. It is a situation where we are miles away from that outcome that not

only the bushfires royal commission recommended but experts like Professor Tolhurst are recommending.

You can get away with it for a while, this *Safer Together* fluffy stuff. You can get away with that for a while, but it is always going to catch up with you. When the fuel loads build and build and build, you might dodge a bullet one summer, but it builds and builds and builds. And it caught up with us not only in 2020 but in 2009 and 2007 and 2003 – all major, major, major fires. Dr Tolhurst – I think I promoted him to professor before – summed this up very well when he said:

> We should be going in and burning … areas as often as we can to break up the landscape, so it's not much of a stretch from the way the traditional owners used to use fire in the landscape.
>
> As they moved through the landscape they would ignite areas that were flammable as they passed through and they passed through often enough that over time they would continue to burn the most flammable parts –

regularly –

> and then you're left with less flammable areas that would burn later in the summer season.

You can see from these comments it is all about burning regularly and consistently. We are not doing that in this state, and it leaves us in the bush vulnerable.

Let us talk about the effectiveness of fuel reduction burning for just a few moments. I do not know if many members of Parliament saw this – I know a few did – but when we got the map of the footprint of the 2019–20 fires in East Gippsland, it was incredible the amount of times where it stopped where it abutted a fuel reduction burn done in the last two years. I think honourable members have seen that map. In seven or eight locations the fire burnt and almost stopped immediately with no people present. There were no firefighters at lot of these places. They were at some, but in other places the fire stopped of its own accord because it hit a fuel reduction burn reduced area.

One of the best examples was at Painted Line Link Track just out of Orbost. The fire actually hit there on a day of a really hot northerly, and it still stopped it. The fuel reduction burn that had been done the year before still stopped it, and there are great aerial shots around of that occurring. Now, in recent times the government has provided commentary that burning the wider bush is ineffective. I put up the Tostaree fire as evidence that burning in the wider bush is effective. What happened at the Tostaree fire is it was threatening the township of Orbost, and it was in the tranquillity of the night, miles from any township, where it came up against a fuel reduction burn in the early hours of the morning. The intensity had gone out of the fire, and it was there that firefighters were able to get on top of that fire.

Now, we cannot predict where a fire is going to go, and we cannot predict the weather of the day. We have got to maintain fuel loads in the wider bush because it is often going to be in the wider bush where we can stop these fires that the next day might impact on townships. That is why fuel reduction burns in the wider bush are also important. These cool burns that are done are also much better for the environment. Going through the wider bush after 2019–20 was like walking through a moonscape. There was nothing there, everything destroyed, dust on the ground. It is a better outcome for the environment.

In Victoria the government only ever really achieves its bushfire residual risk target of 70 per cent when it counts the wildfire that has occurred. Now, this is interesting. These are the fires that they claim under *Safer Together* they are protecting us from, but they count those areas to reach their fuel reduction targets. It is a nonsense. The fuel reduction target has got to be the target that is achieved through fuel reduction, so we do not have to count those megafires after the event, after it is too late. So the government says it is protecting against its burn targets and then leaving a more flammable landscape in the years afterwards. This is what we are seeing now.

Now, what happens with a cool burn is it gets rid of the rubbish on the ground, the fuel loads on the ground that need controlling. When we have a fire like we had in 2019–20 that destroys everything, the regrowth of all the shrubs, the black wattle infestation and a bush they call petrol bush because it is so flammable just pop up everywhere. So after a major, major really hot fire we actually end up

three or four years later with another explosion ready to occur, whereas if we managed this through regular cool burning, we would never find ourselves in that situation. The minister should go now and inspect the areas that were burnt in 2019–20 in East Gippsland, because what the minister would find now is debris lying all over the ground. She would find a lot of very, very flammable undergrowth, including black wattle infestation right throughout a whole lot of the bush, and she would see a landscape and a scene that is what has got us all very, very concerned about this summer again.

Four years after we should have learned our lesson we find ourselves hopefully dodging a bullet, but we are very, very likely going to have significant fires in the east of the state again. You know, I had a briefing with the CFA on Friday a week ago where they said our soil moisture content in the east is as low as it has ever been before. That does not augur well for summer when we as a collective have allowed fuel loads to get out of control. It can only end one way.

To make matters worse, before I finish, as everyone from the country will know, when the proverbial hits the fan, the first line of defence is our timber industry. They are in there, pushing the firebreaks with flames and sparks around their cabins. They are doing the hard yards; they are in there protecting our communities and putting their lives on the line. That is what they have done year after year after year, and recent years have been no different. So now we are faced with our first line of defence being taken away – removed, the timber industry gone – massive fuel loads in the bush and the government continuing to trot out this rubbish that we are safer together because we are burning a lot less just around the townships. We are fair dinkum living in fantasy land. We are living in dreamland if we think that we are safer because of this new burning program that has been introduced.

It is time we got serious about this, we started listening to the experts and we started putting in place regular burns to make sure that our communities are protected. And if we are going to get rid of the timber industry, for goodness sake, while we are sorting out what goes on there, let us put a whole truckload of those fellows and their machinery and those families on contract to look after us for at least the next two summers.

Housing crisis

Martha HAYLETT (Ripon) (16:46): I would like to continue from the amazing contribution of the member for Yan Yean, who grieved for many different things that I will also be speaking about – the crisis of housing that we are facing. We are facing a crisis of housing supply, and I genuinely grieve for a Victoria under the Liberals and the Greens, who would rather block and ban housing than get on with delivering it. I grieve for Victorians, who want choice in where they live, including in rural and regional Victoria, and who do not have the support of those opposite to do that. The Liberals are divided on where to build housing. Some of their members in the north are calling for increases to density to help with the housing crisis, whilst others in the east say, 'Oh, not in my backyard. I don't want it here. Put it somewhere else'.

Meanwhile the Greens political party do not support our housing statement, despite the fact that they have not read it because we have not actually delivered it yet; it is still being written as we speak. Instead they are attempting to write their own housing statement for political pointscoring, and we saw earlier during question time that the member for Richmond thinks that she knows more than the Minister for Housing, which is just absolutely laughable. They just want to point-score; they want to take credit for our projects. They want to take all of the credit and act like they are doing it, rather than us on this side of the chamber. They could not care less about delivering affordable housing in rural and regional Victoria, as they are instead just obsessed with winning inner-city seats. I very highly doubt they have left the inner city in a very long time.

Members on this side of the chamber are the only representatives who truly care about ensuring all Victorians have a place to call home. Tragically, those opposite only care about throwing stones, and only when they actually turn up, because the Greens political party are very rarely in this place if they do not have to be. I remember seeing this for myself when I worked in the not-for-profit sector, advocating for more public housing to be built. I tried as hard as I could to meet with all sides of

politics, and unsurprisingly next to no Liberals and Nationals responded to my meeting requests. The only Liberal who did respond was the former member for Kew. I caught up with him in his electorate office. He had a picture of the Queen on the wall. Instead of caring about our housing crisis and those needing public housing, he was completely, solely focused on how we could kick more people out of public housing to free up our housing stock. That is all he wanted to talk about to public housing advocates: chucking people out of public housing. It is so disgraceful, it is so disheartening and it is just representative of an opposition in Victoria that pretend to care about housing but, when push comes to shove, demonise vulnerable people. They do not have any vision for building more social and affordable housing.

This is in stark contrast to this side of the chamber. We walk the walk, we do not just talk the talk like those opposite. We are delivering the $5.3 billion Big Housing Build and the $1 billion regional housing package that our state needs. Our Big Housing Build has already delivered 7600 brand new homes right across Victoria, including in my electorate, which I am so proud about. We now have nine brand new social housing properties in Mitchell Park, with 30 more on the way. We are building 29 new homes as we speak in Ararat, and I am fighting for more to be done there. These homes have changed lives and they have saved lives. In total the Big Housing Build will build more than 12,000 new affordable homes, with 25 per cent of them in rural and regional Victoria.

Our $1 billion regional housing package will also deliver an extra 1300 social and affordable homes where we need them most. There are so many excited locals in Ripon who cannot wait to see more homes delivered, and when we made that announcement I got so many emails and so many phone calls from people interested in seeing housing in their particular community within Ripon. These funds are a game changer for our communities, and it will mean that we can build the much-needed key worker housing our industries have been screaming out for. It will mean that we can address the chronic housing supply issues and rental stress so many are experiencing. I know so many other members in this place experience this as well, but I cannot go anywhere without the topic of housing coming up.

Just last week I met with True Foods. You may not know them, but they are an amazing commercial bakery in Maryborough that employs 320 locals. They make tortilla wraps, naan and flatbreads, including for KFC and Subway, so you have probably enjoyed them. They said that one of the biggest issues stunting their growth as a business is the lack of available housing in the region. So many major employers in St Arnaud and Ararat raise this issue with me as well, and having that extra $1 billion – and I will continue to say it in this place – will make such a difference. One billion dollars in regional Victoria is a huge amount. It will create jobs and economic opportunity. It will help so many of the most vulnerable people in our society.

But the Greens political party do not want people in Ripon to have a house. They would rather block and stall and oppose and wreck progress. In Canberra they are continuing to abstain from the vote on the federal government's Housing Australia Future Fund and effectively stopping vulnerable people from getting a roof over their head. They are making housing affordability worse, and they grandstand and talk a big game, but they never deliver a single thing. They would rather hold out for a whimsical utopia than get on with delivering right now. They are always thinking about what the perfect vision is rather than actually getting on with delivering in this moment. They have never heard the words 'compromise' or 'pragmatism', but they very much know the words 'block', 'stop' and 'abstain'. They stoke the flames of nimbyism – we know they do – and when they have the chance, especially at a local government level, they shut down much-needed housing projects and get in the way of progress. They cannot be trusted with the housing crisis.

Meanwhile, with their mates, they have the Liberal–Greens alliance, and the Liberals' and Nationals' track record on housing speaks for itself as well. When they were last in government, they slashed the housing assistance budget by $340 million. The member for Yan Yean spoke about this earlier, but I am just going to say it again because it is so horrible. They made it harder for people living with severe mental illness to access the rental market by cutting $1 million from support services. Under Jeff

Kennett over $176,000 was cut from tenants associations that supported private renters and public housing tenants. As planning minister, Matthew Guy consistently voted against reforms to make renting fairer for Victorians, and I think that probably some of those opposite also voted against making renting fairer in this state.

When we brought in 130 reforms, which have made such a huge difference and so many renters speak to me about those reforms still, those reforms in 2018, the Liberals voted against them. They tried to amend the legislation in the upper house to make it legal for landlords to force renters to pay an additional two weeks rent as an extension of the security bond that had already been paid for renters to have pets. They are solely for landlords and not for the millions of renters that we have in this state.

They do not care about renters. They do not care about people experiencing homelessness. They will rock up to homelessness charity events to make themselves feel good, and then they will come to Parliament and will vote against housing action and housing reform. Many of them actually genuinely think that you cannot end homelessness. They think homelessness is an inevitability, which we know is not true, and the research shows it. They think that you should not support people in times of need, that they should just pull themselves up by their bootstraps and get a job.

When they had the chance, in those miserable, miserable four years that we all remember, they cut public housing renewal funds by over $300 million compared to the Bracks–Brumby years. Every single time they get their hands on government, they cut housing assistance – every time. They turn their noses up at people seeking shelter.

Members interjecting.

The SPEAKER: Member for Polwarth, you will get your turn.

Martha HAYLETT: 'Oh, those poor people. We cannot help them.' As recently as last year the former housing minister Wendy Lovell, who is in the other place, said, 'There's no point in having social housing in wealthy areas where the children cannot mix with others.' This is a current opposition MP. She is the former Minister for Housing. It is so disgraceful. They are disgraceful comments –

Members interjecting.

The SPEAKER: Order! Member for Polwarth, you will have your turn.

Martha HAYLETT: and I grieve for a state where a Liberal housing minister would have those views and do so little to address our housing crisis as a result.

While those opposite continue to pretend to care about everyday Victorians, the state Labor government is actually delivering for them. We are delivering – let us list it out, this is not even the full list – free kinder for three- and four-year-olds, free nursing and midwifery degrees, free car regos for apprentices, school breakfast programs, doctors in schools, mental health workers in schools and $250 power saving bonuses. The Nationals and the Liberals are going around their electorates, saying look at the $250 power saving bonus. They are claiming the credit for it. We are also delivering affordable housing that will have a positive impact for generations to come. In Ballarat we have delivered almost 150 social housing properties and have another 223 underway. Our guaranteed minimum investment in the Ballarat region is $80 million, and there is $15 million in the Golden Plains shire too. In Ararat we are investing $13 million in new affordable housing, and we are building affordable housing in the Hepburn shire, in Northern Grampians shire and in the Central Goldfields shire as well.

This is the important work that only Labor governments do. Unlike those opposite, we know that a safe and secure place to call home gives Victorians a solid foundation to thrive. Every new home being built through government investment is a home that is taking pressure out of the housing market. It provides for a family or an individual in need as well as putting downward pressure on overall rental prices in the private market. Our affordable housing rental scheme, which the member for Richmond

pretends she does not know – 'What's going on there?' – is pretty simple. It is an incredible program, and it is delivering 2400 affordable homes to help that missing middle – people who may not be on the waiting list yet but can never afford to buy a home. We need to make sure that we prevent them from actually getting to the point where they are on that waiting list, and that is what that program is all about. It is not just delivering in metro areas, it is delivering in rural and regional areas as well. Our $1 billion regional housing package will deliver for Ripon and our rural and regional areas, in Labor seats as well as in National seats, as well as in Liberal seats. We are delivering for all Victorians. We are delivering 1300 new homes as part of that project – and all the while the Greens are block, block, blocking. They block housing developments in their backyards. And the Liberals are basically silent on social housing.

They expect everyone to get money from mum and dad to buy a home – they do not care. We also saw a decade of neglect by the former Abbott–Turnbull–Morrison governments, and where were those opposite during that time? Where were they? Were they asking their mates in Canberra to do more for affordable housing? No. Were they pushing for more funds to end homelessness? No. Was the member for Kew, in her role as an adviser to the former federal Treasurer, asking him to do more? No, seemingly not. We see the federal coalition again voting against the Albanese Labor government's Housing Australia Future Fund, stopping important money from being unlocked for the benefit of so many across our nation.

I have got more to say, but I am running out of time. I do want to say that we have an amazing housing minister, an amazing Premier, a Deputy Premier, a cabinet, a public service and an incredible construction industry who are delivering for Victorians in need. We know that there is more to do, and we are the first to admit that. We have come so far as a government in just the last five years to address the housing crisis. Housing is the number one issue in Victoria right now, and that is why we on this side of the aisle are working tirelessly to address this pressing issue.

Housing crisis

Richard RIORDAN (Polwarth) (17:01): I grieve today for the people in Victoria, whether they are on our country roads or desperately, desperately seeking shelter in a home or in a place that they can call home. I was just listening to the contribution there from the member for Ripon, who read her speaking notes given to her by the Premier's office, clearly, talking about the housing results in Victoria. She is quite right: they are worth grieving about. This government has –

Belinda Wilson: On a point of order, Deputy Speaker, the member was referring to the member for Ripon reading her notes that were given to her from the Premier's office, which I believe is untrue.

The DEPUTY SPEAKER: What is the point of order, member for Narre Warren North?

Belinda WILSON: Untrue comment by the member.

The DEPUTY SPEAKER: That is not a point of order.

Richard RIORDAN: I think the record will bear out the truth or otherwise of the member's comments –

Brad Battin: Or the embarrassing point of order – one of the two.

Richard RIORDAN: Or the embarrassing point of order. The issue that we have in Victoria at the moment is this government has been overseeing since 2014 the decline in availability of housing in this state, and whether it is land supply, whether it is rental accommodation or whether it is public housing, social housing or affordable housing – whatever type – Victoria is in a critical mess. That mess is shown day after day, and sadly the ignorance of the government to the problem at hand is demonstrated nearly every sitting week. We hear the minister talk about 12,000 new homes and his $5.4 billion Big Housing Build, but what are the results of that investment for Victorians? It is a very, very poor outcome.

In fact for two years now this government has failed to produce its stocktake of what properties it owns, how many it has added and the net benefit of this government spending and largesse. Sadly members of the government do not understand the difference between opening a new housing development and replacing one they have just demolished. What Victoria needs is a net increase in available houses and places for people to live, not a net-neutral amount or an actual decline. We saw a decline from about 2016 to 2020 in actual housing stock, and then the government tried replacing houses, but not at a rate sufficient to meet the demand. Sadly, again this morning I checked the homeless waiting list here in the state of Victoria, and there are 67,985 families as of today waiting for somewhere to call home, waiting for a place that is suitable for their requirements and is safe for their family to live in. That is a shocking figure, because we know that back in 2014 that figure was only around 9900. It has been a massive, massive increase in people missing out. We grieve for those people in Victoria who are waiting for somewhere to live and have been waiting a long time.

We grieve for the people at the coalface – the government employees, the volunteer agencies, the outreach groups, the church groups and the community advocacy groups – all those people who on a daily basis are taking phone calls and sitting with desperate, desperate people who are waiting for notification that they are going to have somewhere other than a couch or a car or a caravan to call home. These people are doing the dirty work of the government. They are left every day having to face the most heartbreaking stories of families that have not got anywhere to live or call home. They are left to deal with that, and they know that there is very little coming onstream that can support them.

We know, for example, as the homeless list here in Victoria continues to grow, some of our regional areas are the worst affected. For example, Geelong – areas of the members for South Barwon, Geelong, Bellarine, Lara, and it encroaches across into my area of Polwarth along the Surf Coast – has just seen an enormous increase in people on the homeless list. It has the largest growth of any of the regions in the state of people on the waiting list. I grieve for them, because there are no solutions. The state government's planning frameworks and overlays and their relationships with local councils have at times almost completely broken down.

There has been a lot of talk in the media recently that the government is going to streamline planning. Well, I have not yet spoken to anyone that thinks, once a planning application comes before the minister and comes down here to Spring Street to be assessed directly by the minister, that that in any way speeds up that process. In fact in my own electorate I know of multiple housing developments that could, if they could get the go-ahead and be started, actually add many hundreds of homes to a tight rental and housing market that would really give much reprieve to the people waiting. Yet it is sitting down here for months and months – into years – and is still not progressed by this government. So this government is letting down the people that can make a difference, and it is also letting down those that are suffering from the lack of housing.

We have also seen this year the direct attack on anyone who wants to provide extra housing, through increases in land tax and stamp duties and other costs and charges that are really just taxes on renters. These costs go directly to the weekly costs and charges that landlords have to charge tenants – they are just unfair taxes – and increases in rent. In some of my coastal communities whole households are being charged nearly $50 to $60 a week in extra land tax costs, and that is directly as a result of policies of this government.

Rural and regional roads

Richard RIORDAN (Polwarth) (17:07): I move also to grieve this afternoon about the parlous state of country roads. Whether you are in Polwarth, Colac, down the Hamilton Highway, down the Princes Highway or along the Great Ocean Road, there is report after report after report of unsustainable potholes, edges on the sides of roads, drainage and other things really making it quite unsafe. Recently on school holidays I had the opportunity to sneak over the Murray River with my family, and the difference in the roads is really quite something. It is a shame to think that that most important of civic assets that we have in the state – that is our road network – is just becoming so

dangerous and is in such a deteriorating state. It does not matter whether they are in the big cities or out in the country, Victorians are suffering from this.

I just point very clearly to one of the most tragic yet factual ways to measure the decline in Victorian roads and the investment in and management of them. These stats are, once again, available live as of now for the sad and tragic death toll on Victorian roads. From 30 August across the years there were 133 deaths back in 2018. We are now at 191 this year already. That is a 44 per cent increase in fatalities on Victorian roads over the last five years – a 44 per cent increase. That is a massive increase, and it is not just a one-off either. The five-year average is 151, and it has just been increasing. Even through the COVID years of 2020 and 2021, when up to 60 per cent fewer cars were on the road, the road toll still increased. I point specifically to both 2020 and 2021, which were much higher than 2018. Of course now at 191 it is becoming a real crisis in regional Victoria.

We know that this government has misallocated funds in an enormous way on its road network. We have seen the rollout of wire rope barriers, which are supposed to be saving lives and they are not. One of the reasons could be that time and time again now when we are driving down our highways and byways in regional Victoria these wire rope barriers are sitting damaged and broken on the side of the road. Anyone who knows about their efficacy knows that a broken wire rope barrier is actually more dangerous than a fully and correctly installed one. So this government not only cannot fix the potholes and dangerous intersections but is now not even able to maintain and look after the infrastructure it put in place in the last 10 years to try and keep people safe, and sadly it is coming out in the road toll.

We know it is to do with the quality of the roads, because the road toll data breaks it down into drivers and passengers. We have got a 38 per cent increase in drivers perishing on our roads but a massive 105 per cent increase for people in cars. It is a huge increase, and it is not being shared by cyclists; it is not being shared by motorcyclists and pedestrians. This is a result of our roads that should be fit for 100 kilometres an hour, for people travelling regularly to feel safe on the roads, and they are clearly becoming much less safe. While the increase in fatalities is shared between city and country, the numbers are stark. In rural Victoria only last year, 88; this year, 108 – a 31 per cent increase just on our rural roads in the last 12 months. When we look at the overall figure of 44 per cent year on year increasing across Victoria, then we know something is not happening that should be.

When discussing the road toll people are often quick to blame people and say there are too many hoons on the road or young people. Can I just share with you that I grieve for the way that our roads have gone, because it is not just our young drivers. There are significant increases in the age bracket from 21 to 39, and that maybe we could expect to see. But we are also seeing a tragic, nearly 50 per cent, increase in those over the age of 70 dying on our roads. You cannot accuse our oldies and mature drivers of being reckless hoons. That cannot be the excuse. It is about road quality, it is about safety on the roads, it is about our edges and it is about our line markings. It is about our safety infrastructure on the roads, which is just not up to spec. When we look right across the region, it is affecting families and it is affecting lives. So I grieve for those people today.

Finally, I want to spend some time grieving really for the lot of regional Victoria and the way this government has been targeting them just in the last six months. Starting only last Friday the Growing Suburbs Fund was denied to our fastest growing regional councils. My own area, the Surf Coast shire and the city of Torquay, was relying on that stream of funding to help pay for its new indoor pool, which is now set to be in jeopardy. This government has callously just slashed it away. Today in the Parliament they blamed the fact that COVID is no longer around. So because we do not have COVID, we now cannot have extra funding for our fastest growing regional councils, which actually is a nonsense. It does not make any sense, and yet this is the level of contempt this government holds for regional Victoria.

Just in my area we have seen the Geelong fast rail cancelled, we have seen the area growth fund cancelled and we have seen an enormous reduction in maternity services for Geelong and the Surf Coast. In fact who would have thought that we are now at the point where there have been five

occasions since April when young mums have been diverted from Geelong through to Werribee. I mean, our second-largest city can no longer guarantee being able to provide birthing services to the women and families in our region, because it is just simply not funded. Again, the government solution is well beyond 2030. It is too long, and it is going to take too much time for people to wait that long.

I also grieve for the fact that in regional Victoria – I have spoken about the roads – there has been a significant cut to ongoing maintenance funding for our roads. So when we are driving on the roads, they feel terrible. We know they are dangerous and they are unsafe, and we know that this government has not prioritised them. It has deliberately taken funding from regional roads to put to its folly projects in Melbourne at the expense of country Victorians.

Of course nothing has symbolised the contempt for regional Victoria more than the cancellation of the Commonwealth Games. We grieve about that not because it is the loss of the international attention and the loss in tourism and the loss of focus and the loss of pride that many of our regional areas were expecting. In fact listening to the Senate inquiry, where there were Aboriginal groups, local tourism bodies, other agencies, they were setting themselves up to put their communities in the limelight for the future.

This government has a huge contempt for regional Victoria. It has a budget black hole; it has a budgetary problem. It is $200-something billion in the red. It has to find cost savings. It has to make cuts to services, and it is not looking at its vanity projects in Melbourne. It is not looking at tunnels or rail crossing removals, it is looking at regional Victorians. It is looking at health services, it is looking at road safety, it is looking at the funding for community infrastructure and it is penalising those communities that have less resilience, the least capacity to deal with significant cuts. For Victorians today, we grieve that this government refuses to listen, refuses to wind back its attack on country Victoria. This is not the way that regional Victorians can be sustainable in the future.

Suburban Rail Loop

John MULLAHY (Glen Waverley) (17:16): I grieve for the members of my community if the Liberals ever got their wish to scrap the Suburban Rail Loop (SRL). Since the beginning of modern-day Melbourne our city has grown around a core city centre, radiating outwards. It has shaped so much of the contemporary Melbourne we know, from our radial transport network to the location of workplaces and affordability of housing. Until now, the expansion has continued, pushing further into what was once agricultural land. By 2050 Melbourne will have a population of 9 million, the current population of London. It is crucial that we make investments into public transport infrastructure and community amenity now so we can best serve Melburnians down the track.

I grieve a scenario where the Liberals hold power and gut the pipeline of infrastructure projects underway to prepare for a growing Melbourne, including the Suburban Rail Loop. Reflecting on the infrastructure that has made Melbourne the livable city that it is, projects like the city loop or the Eastern Freeway took years to build, but I cannot imagine a livable or functional Melbourne without them. No, they were not cheap at the time and the governments that commenced planning and early works were not the governments that cut the ribbon. But what the people of the Glen Waverley electorate want is a government that is deeply committed to a better Victoria for the long term, not a government that plays short-term political games.

People want foresight and they want a gutsy transport and planning policy, and we are looking forward to 2050. The Andrews Labor government is proud of delivering the Suburban Rail Loop, the most important infrastructure project in Victorian history. The Suburban Rail Loop will recalibrate the way our city continues to grow and reshape our public transport network for generations to come. The orbital 90-kilometre twin rail line will connect every major suburban and regional rail line in Victoria, allowing people to travel around the city and between the other rail lines rather than having to travel into the CBD, interchanging and then heading out again. It is a game changer for all of Victoria.

I grieve a Melbourne where the Liberals get their way and our rail network becomes stuck in time. The SRL will slash travel times from Glen Waverley to Melbourne's education, health and employment centres and only the Andrews Labor government is making it happen. A trip from Glen Waverley to Monash University will be slashed from 20 minutes to 3 minutes. Similarly, a trip from Glen Waverley to Deakin Burwood in your electorate, Deputy Speaker, will be cut from 30 minutes to 5 minutes. Astonishingly, travel from Glen Waverley to Box Hill will be sliced from 50 minutes to less than 10 minutes and from Glen Waverley to Southland it will take the journey time from 70 minutes down to 15 minutes. Once completed, 7000 people will use Glen Waverley SRL station every single day.

I grieve for those Victorians who, if the Liberals had their way, would be stuck in traffic and spending less time doing the things that matter. Not only will it completely change how we get around, it will change the areas at each SRL station for the better, creating strong communities with quality open space, amenities, housing options and employment choices. It is terrific news for my community in Glen Waverley and indeed all of the SRL station precincts across the city. I am very happy to be holding another Glen Waverley public reference group meeting tomorrow – not on Friday, tomorrow. I thank you, Deputy Speaker, for the times that you were holding those meetings as the member for Mount Waverley in the 59th Parliament. I would like to give a shout-out to the team that are on that precinct reference group: John Taylor from the Waverley RSL; Greg Male and David Schulz, great community representatives for the Glen Waverley district; the management team at Ikon; Joanne Wastle of the Glen Waverley Secondary College; Sarah Maguire and Mitchell Zadow from the Glen Waverley Traders Association; and Joseph Bailouni from Campbell Place.

It is all at risk, with the Liberals committed to tearing it all up. I grieve for the Victorian Liberal party and their short-sightedness. They do not just want to destroy the plans for the critical rail infrastructure, but also world-class communities that the SRL will create in my electorate and across Melbourne. In Glen Waverley the project is set to reshape our community for the better, and the early stages of this structure and precinct planning are underway. In fact just yesterday a discussion paper was released for community feedback, and it is full of details about what we have heard so far from locals in Glen Waverley. People want more shops, more great restaurants, more community facilities and more civic spaces for all to enjoy. There is one thing they certainly do not want, and that is for the Liberals to pull the pin on a game-changing project, because for my community that will not only mean worse transport options and fewer amenities and community services but also an absolute catastrophe for improved housing options and affordability.

We have heard from the community about the desire for more affordable and diverse housing options close to the centre of Glen Waverley. It is what the Suburban Rail Loop will deliver, and it is what the Victorian Liberals have tried at every step of the way to tear down. They threw the kitchen sink at it last year, but the good people of Glen Waverley were able to see through it and see the benefits the SRL will bring to our community. Because they did not just back it resoundingly in 2018; come 2022 community support was even stronger, and the results in the Glen Waverley district are a case in point.

The Andrews Labor government is making the Suburban Rail Loop a reality. There has been a power of work underway, including the development of a full business case and a detailed environment effects statement and continued work on refining designs. With construction now underway, the rubber has truly hit the road. The SRL will be delivered in stages, the first of which will be SRL East, from Cheltenham to Box Hill. Works are currently focused on preparing the station sites along the corridor at Southland, Clayton, Monash University, Glen Waverley, Deakin Burwood and Box Hill. By 2026 tunnel-boring machines will be in the ground, and trains will be taking passengers from 2035. We are getting on and getting it done. SRL East alone will create 8000 quality construction jobs for Victorians, with many thousands more jobs supported around the station precincts once complete, because these precincts will be reinvigorated as places for Victorians to live, study and work.

I grieve the consequences of the Victorian Liberals' delusions of cancelling this project. In the coming months the Andrews Labor government will begin detailed planning on the Glen Waverley precinct

to create a world-class community. The focus is on delivering what our community wants most: quality and diverse housing options, more great dining and shopping precincts, better connectivity to existing public transport, lush, open green spaces and terrific amenity. I encourage all in the Glen Waverley district to contribute to this process through the Engage Victoria website and the range of in-person events being hosted in our community. The SRL is more than just an infrastructure project. It is a community amenity project, a housing project, and we are getting it done. The SRL is going to transform Melbourne for generations to come, with slashed travel times and improved community amenity. Now is the time to make the most of the SRL and all the benefits it will bring to our local residents, to our great Glen Waverley traders and to all who call our community home.

I equally grieve for the state of the Greens political party if they got their hands on the levers, because if their actions in blocking transport and housing progress is anything to go by, we would be in for a hellstorm. The thing about the Greens political party which is so clear is the complete disconnect between their rhetoric and reality. Whether it be in planning policy, housing policy or transport policy, I grieve for the hypocrisy.

Deputy Speaker, in my electorate of Glen Waverley we are lucky to have the terrific route 75 tram. This important transport connection stretches from the Vermont South shops along Burwood Highway to Deakin Uni, in your electorate, and then intersects with the Alamein line in Glen Iris and continues to Camberwell Junction, Hawthorn station and into Richmond, the CBD and Docklands. It is a critical link for my community to access services and amenities, and we are very lucky in the Glen Waverley electorate because every single tram stop in my electorate is an accessible tram stop, with raised platforms, tactile ground surface indicators, quality shelter, access ramps and wide platforms. It would be terrific if all the tram stops along route 75 were up to this standard, but I grieve that it is sadly not the case. Many passengers across the tram network do not have the same quality of public transport infrastructure, and not out of any lack of attention by this government but instead from the Greens political party's influence over local councils, especially in inner Melbourne.

There are two key elements in the equation for an accessible tram network. The first is more low-floor trams and phasing out the older generations of trams, and the Andrews Labor government is proudly leading the way with the boldest tram rolling stock agenda in our country under the leadership of the Minister for Public Transport, the member for Niddrie. Take for example the E-class trams, which have become a feature of the streetscape – indeed out the very front of this building, turning from Spring Street into Bourke Street on the route 96. We have a hundred of these in our network, first ordered back in the Brumby days and then significantly expanded under the Andrews Labor government – made in Victoria by Victorians for Victorians. And that is not all: with the construction of the next generation trams set to get underway imminently, these hundred new trams will transform our network for the better and are the largest investment in locally made trams in Australia's history. It is not just good news for Victorian manufacturing workers and public transport users, who will get to ride on these new trams. By introducing these new trams to the fleet, it will create a cascade of other low-floor rolling stock into the new routes and lead to the phase-out of the oldest, least reliable trams. This is terrific news for public transport accessibility and livability in our great state.

But there is a second important part of the accessibility equation that we need for accessible tram stops, and that is where I grieve. I grieve because this is where the Greens councils roll out their typical hypocrisy. They rave and rant about the importance of accessibility, and that is something I agree with wholeheartedly. But the problem is the action here, because instead of backing the Andrews government's rollout of accessible tram stops, they throw the kitchen sink at stopping progress in its tracks. Whether it be in Fitzroy, in Pascoe Vale or in Brunswick, Greens have culled the Andrews government's plans for accessible tram stops. It is shameful, but it is typical of the nimby Greens political party. I grieve because it is some of our most vulnerable people living with a disability and the elderly who suffer the most, all because of the hypocritical Greens political party, masquerading as activists, screaming and shouting while stamping out the light of positive change and progress.

I grieve also that this is the same Greens political party hypocrisy seeping into housing policy. Again they rant about the need for radical change, but their actions highlight all that is wrong with what they stand for, because instead of building social and affordable housing, the Greens political party spend all their time blocking and stopping social and affordable housing. The Andrews Labor government is proud to be delivering the Big Housing Build – the largest single investment into social and affordable housing in Victorian history. And it is not just talk, it is action. We are investing more than $5.3 billion to deliver 12,000 new dwellings across Victoria. It is truly a win-win: expanding social housing stock, supporting quality construction jobs and providing world-class 7-star sustainability rated homes for Victoria's most vulnerable. The Big Housing Build is changing lives, because we know that we cannot properly support vulnerable Victorians without first ensuring that they have a stable place to call home.

It is why the Big Housing Build in Vermont in my electorate is so critical and close to my heart. Similarly, it is why the projects like the Markham estate in your electorate of Ashwood are so important, Deputy Speaker. But Markham is an excellent example of the Greens and their hypocrisy. I grieve because there was an alliance between the Greens and Liberals that voted in the upper house to stop the Markham estate. But the Andrews Labor government will not be stopped in delivering quality social housing in the east, because we build homes for vulnerable people in our community. The old, run-down site was home to 56 dwellings, but thanks to the Andrews government and in spite of the Greens and Liberal political parties' ongoing opposition, the new Markham estate is the site of 178 beautiful homes. This only happened, though, because of the Labor government. It is exactly why electing a Labor government matters. If the Greens and Liberal parties had had their way, hundreds of Victorians would not be in their new homes in Ashburton at the Markham estate.

It was also terrific to attend the sod turning at the social housing construction site on High Street Road with you, Deputy Speaker, and the Minister for Housing. Although not in my electorate, the site is right on the border and will provide safe and affordable social housing for those in our area, predominately people aged over 55. This project will deliver 96 apartments, providing housing for up to 135 people. The project is also creating 450 jobs, which is great for Victorians and great for the local economy in Glen Waverley.

I grieve for what housing, planning and transport policy would become should the Liberals or Greens political parties have control of the levers of the state government, because the evidence is clear: they do not build, they do not create, they do not change. It is only the Labor governments that get things done and walk the talk. We do not scream through the megaphones of nimby process. We do not tear up the transport infrastructure projects Victorians need and vote for. Only the Andrews Labor government is doing what matters in Glen Waverley district and across our great state. I am proud every day in this place to be part of it.

Mildura electorate health services

Jade BENHAM (Mildura) (17:31): Today I grieve for the state of the public health system in Sunraysia. The continued ignorance – and we are being ignored at every turn by the Andrews Labor government – towards the health needs of the Sunraysia community is nothing short of disgraceful. The people of the north-west have waited patiently for the release of the master plan for the Mildura Base Public Hospital, which they remind us at every turn was handed back to the public. And yet the Minister for Health came to Sunraysia last week to declare that 'No, public', which we have handed the hospital back to 'We're actually not going to release a master plan to you'. Outrageous! 'You will not be privy to the plan that we have for your public health care and for your hospital.' In my mind, there are possibly three key reasons for keeping it hidden from the public. But first, I am going to give this all a bit of context. The previous Minister for Health Martin Foley stated in a media release in May last year that:

> To support the future health needs of the local community, the Government is progressing a Master Plan which is on track to be completed in mid-2022. The Master Plan is assessing the feasibility of expanding the existing hospital while comparing this with developing a second hospital campus elsewhere.

Excuse after excuse for the delay was offered up after this media release in May 2022, first by the former health minister Mr Foley and now by the current health minister. That hospital takes in a tri-state area because that is where we are as far as isolation goes. We serve people from as far up as Broken Hill and over into South Australia. It is a tri-state catchment we are operating on. During the election campaign the people of Mildura watched on as Labor announced funding for other regional hospitals all over the state but nothing for us. However, the Nationals and the Liberals committed $750 million for a new hospital – $750 million.

Let me be very clear here. The thing that Mildura Base Public Hospital does have is incredible staff. It is absolutely not an attack on them, although some people might like to tell you otherwise. The system is broken, and this is a grievance of the people. The staff care for their community whilst working in a facility that no longer meets the healthcare needs of the region. Patient wait times in the emergency department have exceeded 12, 15 or 18 hours, and this is unacceptable. It is unacceptable not just because they are waiting there for up to a day to be seen but because we have no choice. Because of our isolation, we cannot just pop to another emergency department. One does not exist.

We talk about priority primary care clinics. The one that they have opened in Mildura and bang on about is open one day a week for a few hours, serviced by a GP that services everything else. Without him, we would truly be lost. The Andrews Labor government clearly has no plans and has committed to nothing, in fact quite the contrary. The current hospital, as I said, no longer meets the health needs of the Sunraysia community. We need a new world-class hospital, a teaching hospital, as well as a state-of-the-art GP clinic that we could also teach in through the Monash School of Rural Health so that our incredible rural generalist Dr Travis Taggert can train new GPs as he has been talking about and wishing for on the ground in Mildura. What a way to grow your own workforce and keep GPs in the regions.

It is quite literally now a matter of life and death. I am getting calls every single day to my office from people that want to raise this issue, but they do not want to complain, they do not want to raise a formal complaint, because they do not want it to reflect badly on the staff because the staff are doing an incredible job in a system and a facility that is broken. Now, I was admittedly concerned when it was announced that it would be handed back to public management. I thought, 'Yeah, okay, this will make a good media release, maybe it will be a good thing', but I was concerned that as soon as this happened and the media was done, that it would result in the hospital being underfunded and ignored by Labor. That is exactly what has happened. These concerns have become a reality, with the refusal of the Andrews Labor government to progress and release the master plan and even acknowledge the obvious need for a new hospital.

Even worse, the 2022 financial statement for the Mildura Base Public Hospital for the year ended 30 June 2022 shows that the Andrews Labor government had failed to provide sufficient operating funding to cover the operating costs of the hospital – what a surprise that funds have been mismanaged. There is a pattern here. In the 2021–22 financial year the hospital recorded an operating loss of $2.337 million. The net financial result for the period saw the hospital record a net loss of $3.743 million. This is not the financial result a public hospital, a health service, would incur if the government provided sufficient and adequate recurrent funding, and the concerns that I held at the time about the change of management have become a reality. Labor talks a big game about their commitment to the Victorian health system, but the system is broken due to a systemic lack of investment by this government, and the Mildura Base Public Hospital is a prime example of this.

On 3 May this year I invited the Minister for Health to Mildura to release the master plan. Last week she came to Mildura but not to release the master plan.

Brad Rowswell: Did you catch up?

Jade BENHAM: No, we did not catch up – I was not invited. It was quite the contrary.

Tim Bull: Does it exist?

Jade BENHAM: We will get to that. It was to make an announcement not for a new hospital but for $14 million for medical records upgrades in Mildura, Swan Hill and Kerang. Medical records are important, no doubt, but this is a distraction tactic. We will sprinkle some funding over it to make it look like we care, but it is a token gesture, along with a couple of other health services. Medical records are important, but it is infuriating when we have been screaming out for a master plan, 30 new emergency department beds and a new hospital. We need it – honestly. I mean, what are we to be taken for? Just because we live where the sun shines, does not mean that we are silly. We can see exactly what is going on here, and it needs to be called out.

Further to that – and here is the kicker – she stated to the press in a press conference that the master plan would not be released to the public. The minister stated that the master plan would not be released to the public, that it is an internal working document and would not be released – outrageous. Here is another kicker, especially after she said multiple times in this place, along with the Premier, that the master plan would be released soon. We have been led down the garden path it seems.

Let us refresh some memories. On 31 August 2022 the Minister for Health said:

> The 2021–22 budget did include that $2.1 million to develop a master plan for the Mildura Base Public Hospital. I want the member –

the previous member –

> to know that that work is very well underway and is very close to being finalised. I look forward to having more to say … in relation to this once the work is finalised.

Twelve months later, a backflip. Who would have ever thunk it? The Premier said on 22 June 2022:

> … there is a master plan process that is underway, and the government, in its decisions for the future, will be well informed by that master plan process.

He also said in response to a supplementary question from the previous member:

> We will be informed by the master plan, and of course we will work with you to lobby the new federal government to make sure that they can be a partner in any improvements for health, particularly in rural and regional Victoria.

Premier, you can work with me. I will lobby whoever we need to lobby to get a new hospital and to get the health care that people that are putting food on your plate deserve. I have brought it up, and I asked for the release of this master plan on 3 and 18 May. Also in the other place it was brought up on 5 April, 8 February and also 22 May this year, yet all we are getting is radio silence. They spend all this time looking at handing back a hospital from third-party management, but they are never going to get anywhere looking in the rear-view mirror. We need to be looking forward now. You might well say that the current Mildura hospital was built for profits. We have heard this over and over. But when it was run by a third party, they did not have to beg for critically needed new ED beds, and documents like this were delivered at AGMs when they were required.

I will say it again: the staff in this hospital do a remarkable job, an absolutely remarkable job. There are not enough of them, but they are doing a remarkable job – sometimes having to work in hallways, seeing patients in waiting rooms or having to send people home when they know they should be in a hospital bed but they simply physically do not have the room. They all deserve a medal. They really do. Everyone that contacts my office, like I said, does not actually want to raise a complaint, because they do not want it to reflect badly on those amazing staff. They are absolutely brilliant. So do not let those on the side tell you that we go around attacking healthcare workers. That is absolutely not the case. We are attacking the system, the underfunded system, and the hospitals and the healthcare system in regional and rural Victoria that are getting ignored, especially one like this, which takes in three

states. It has a catchment of three states and over 100,000 people are served by this hospital. What they are doing in this hospital and within this system is truly remarkable.

In my mind there are a few possibilities as to why the master plan will now not be released despite it being stated that it would be released.

A member: What are they?

Jade BENHAM: One, it does not exist. Maybe the master plan just does not exist.

Jess Wilson: That'd be embarrassing.

Jade BENHAM: Well, there are a couple of others yet. Let us not jump to conclusions too quickly. Two, the master plan shows that they plan to cut services to perhaps maternity, which has already been done, or other critical services. It could. We do not know until it has been released. There could be many theories. Until it is in front of me in black and white and in front of the public that it is being returned to, we will not know. The third one, number 3, is a real concern for everyone in our region – that the master plan shows an amalgamation with Bendigo regional health, bringing it in from a subregional health hospital to a regional hospital, which then has the potential also to take in the incredible multipurpose services that have amazing funding models and serve the communities of Robinvale and the Mallee track in the best way possible because of that funding model for the MPSes. We want to protect that with everything we have because, if they are absorbed, we risk seeing what has happened with Grampians Health occur in my region, and I will not stand for it. I will go down kicking and screaming to protect those MPSes. So which is it? Is it number 1; does it actually exist? We do not know. Does it show a cut to services? We do not know. Or is it written on the letterhead that shows 'Bendigo regional health'?

A member: Show us the plan.

Jade BENHAM: Show us the plan. That is all. It is a public hospital, and I grieve for the people of the Greater Sunraysia region, the people that it serves in New South Wales and the people that it serves in South Australia because if we continue down this road without a plan that is available to the public so that they can at least have their say on this, which their taxes are paying for, then of course we are on a road to nowhere.

It is an absolute disgrace that after being invited to Mildura to release the master plan, the minister would actually do the opposite and come to Mildura to announce that there will be no master plan released to the public. It is absolutely outrageous. They need to release where the master plan is up to right now – whether it does exist, whether it does not exist. Accountability is all we want, and it appears as though the Premier and the health minister could not even spell it.

Planning policy

Nathan LAMBERT (Preston) (17:46): As a former Mallee resident, it is always a pleasure to follow the member for Mildura. I rise to finish the grievance debate tonight. I rise to grieve for future planning decisions if the Liberals are elected to government in Victoria again, and if history is any guide, it is possible that the Liberals will be elected again at some point. I do admit that. I hope to live for another 50 years or so, and I would be very pleasantly surprised if Labor were in power for all of it. But we will campaign against the election of a Liberal government. One of the reasons we will do it is because we do not want Liberal governments making planning decisions in our area, and I feel all Labor members would agree: they do not want Liberal governments making planning decisions in theirs.

It is always a little difficult to tell where the Liberal Party sit on planning decisions because they are a little bit opportunistic, especially when in opposition. But we do know the broad perspective that they come from, and that is a free market perspective. We do know the circumstances in which senior Liberal Party decision-makers have often made their key decisions about planning, and that is over

dinner and some very fine wine with some of our major property developers. Perhaps if I can, I will just take you back to 2011 when there were some very famous dinners.

Members interjecting.

Nathan LAMBERT: I could take the interjection. We could come to that particular matter, but before I get there chronologically, there were some famous dinners attended by the member for Bulleen as Minister for Planning. You can read all about them in the *Age.* Unfortunately they do not mention exactly which restaurants were involved; I am sure they were very pleasant. Following that there were some further decisions made regarding Fishermans Bend that also made it into the *Age*, about 20 times. You can also note that they ultimately ended up benefiting people close to the Liberal Party. As the media reported at the time, Mr Guy:

> … stunned the political and property worlds when he rezoned a massive 250 hectares of … South Melbourne and Port Melbourne –

a decision described as –

> … the most contentious decision by a Victorian planning minister for decades.
>
> …
>
> … CBRE commercial property director Mark Wizel estimated land values had increased up to 500 per cent since the rezoning.

I am very happy to be corrected, but I do not think a Labor planning minister has ever rezoned 250 hectares to deliver an overnight 500 per cent capital gain.

Of course in the same year, Deputy Speaker, as you might remember, we had the infamous Ventnor case where the planning minister went against the original advice of his own department, the local council and two independent planning panels. Now, I want to be clear. I am not saying that planning ministers always have to listen to the advice of councils or planning panels. Planning ministers are there for a reason, but we do note the land in question was owned by a Liberal Party member, and indeed you can read more about that in the papers or the Ombudsman's report.

To be fair, a lot of us on the Labor side have met with property developers. I recently met with David Steele from Metro Property Development. They are building some fantastic new townhouses near Darebin Creek. They have a very good track record of sustainable development. We met with them to discuss some issues about the pathway along Darebin Creek. We recently met with Assemble and discussed the mix of dwelling types at the development they are proposing at Preston Toyota, and I have met with Sam Tarascio and the team at Salta to discuss Preston Market. I have a suspicion that my meetings with Mr Tarascio were perhaps not as pleasant as his meetings with the member for Bulleen. But of course we have those conversations because they are important. The point I want to come to is that we know from those meetings what they are like, and we know what property developers say. They always say the government has to get out of our hair, let business be business and just let us build what we want. They always say the same thing. They say, 'If you were building an extension on your house, you would just want to do what you want, and we are only asking the same.' Naturally they have a very free market perspective. That is their prerogative. But they also tell us that they get a very good reception from Liberal Party MPs when they make those comments. Indeed it is well known within the industry that there are some people who sit back and think, 'You know what, I might go ahead with my development under the Labor government, but I might just land-bank and wait for a Liberal government to be elected', because they know that they will get a greater capital uplift from that Liberal government. I understand some people even do the calculations, 'What's my time value for money having to wait for a Liberal government to be elected so that I can get a bigger capital gain?'

When we ask what do we fear about the election of a Liberal government, we fear that planning decisions will become too free market. I could talk about Preston Market in particular, but I think everyone in Preston knows what would have happened if the Liberals had been in power with respect

to Preston Market. Instead I actually want to talk about something different, which is townhouses. About 80 per cent of our densification in Reservoir and Preston over the last 15 years has been townhouses, especially in the northern part of Reservoir. We have a lot of large blocks there, and a lot of them have now been divided up into two-bedroom townhouses. We are looking at thousands of dwellings in total. If we think about the way the Liberal Party would approach those townhouses, they would say, 'Hey, just let the free market prevail. Build as many as you want'. But the reality is that even decisions like building townhouses affect the broader community.

In our part of the world, you are getting a significant population uplift, and an important thing you have to do is provide the services for those new residents. That is why we build new schools like Preston High, put in new ambulance stations like the one that we have got at Gilbert Road. But I want to note this, and I want to pick up some comments by the Deputy Premier yesterday. Building the transport infrastructure, in particular, for growing areas – and I know the Minister for Roads and Road Safety, who is at the table, knows this – is not easy. If we look at the part of the world I am talking about in Reservoir, you cannot just easily build a new road into the city. We do see a lot of pressure on our intersections, on Boldrewood Parade and Broadway, so that is why we in the Labor Party are always thoughtful about the community impacts, even on townhouse developments.

I am reminded that if you think about the last election when the Liberals went to that election promising to release 11,000 hectares of land, almost 300,000 lots, on the suburban fringe, they had no plan for how to manage the transport infrastructure or any infrastructure for that development. The point I want to make here this evening is that the same applies to brownfield development in places like Reservoir. If you are not thoughtful about the way you do it, you will have significant negative effects for the community.

Then, if I can, I will move to a different type of housing, the sort of gentle density housing, as it is known, that we are trying to see a bit more of close to transport infrastructure. We have a bit of a different problem with that – that we are not quite seeing enough of it in our part of the world. We have High Street, which runs from Keon Parade all the way down to Westgarth. The Mernda line runs along that street; the 86 tram runs on it. It is the perfect place to put in some higher buildings, some multistorey buildings, yet still to this day on most of High Street – you can go 10 kilometres – it is mainly two storey. So we are seeing some positive developments there, particularly south of Bell Street, but up in Preston proper, the original town of Preston, because you have got these smaller subdivisions we are not seeing the developments that we would like to see with respect to gentle density. I understand the Greens cannot really talk about private housing at the moment because they are locked into this existential battle with the Victorian Socialists, but the Liberal Party hopefully can, and we do hope to see some positive suggestions from them to back up their rhetoric.

Finally, I want to come to big developments in our part of the world. Now, it is occasionally the case that you do get sites that are thousands of square metres in established suburbs. Preston Market is of course one example. But the point I want to make about those big sites is that big sites are the ones that need the closest attention of government to the impact on the broader community, because you are not just building a single building, you are often building a neighbourhood. They will always be – those big sites – a site-by-site negotiation. The developer will have a certain expected return and the government will be looking for certain things for the community that we need. Ultimately, if the process works well, we will split the benefits: the developer will get a reasonable risk-weighted return and the community will get the surplus. But if we think back to those dinners I was talking about between Liberal Party MPs and major property developers – if they are down at Gimlet or wherever it is that they choose to go for those things – we know that the developers will always say, 'We need simplicity. We need certainty. Things are held up too much. Why won't you just let business be business?'

The point I want to make is that nobody holds up developments that are fantastically friendly and the community love. Developments get held up in this state because developers are trying to take a lot and give back very little, and that is always the reason. The Liberal Party will say to them, 'Oh, don't worry. We'll just make things easy for you.' As a Labor Party we say to them, 'You need to make

things easy for yourself: you need to work with the community. You need to be open and transparent about the way you negotiate, and you need to be prepared to accept a reasonable return.'

I just want to touch on the Joseph Road development in Footscray. I agree with the member for Footscray, who has spoken about it before: this is not always on the list of notorious planning decisions in this state, but it should be. The former Liberal Minister for Planning, the member for Bulleen, approved almost 7000 dwellings with no developer contribution down there. I used to live nearby, and I used to jog along Joseph Road. It was an extraordinary sight: you had a dirt road with 30-storey buildings next to it, none of the infrastructure those people needed and some of the buildings half-completed. I can tell you it was an absolute shock to locals in Footscray that you could get planning outcomes like that in a modern city like Melbourne. So to reiterate, that is not the approach the Labor Party takes, and it is not the approach we will take to Preston Market and other large sites.

I do want to speak very briefly about Preston Market. We are still in a relatively uncertain point in discussions about that market. I want to acknowledge that for the traders and for the workers – for the hundreds of people who work there – it is a difficult time. People in this chamber will know that I had a pretty robust contest with an independent candidate, Cr Gaetano Greco, at the last election. Cr Greco and I –

Mathew Hilakari: It all turned out okay.

Nathan LAMBERT: It all turned out okay – we did not agree on everything. But I will tell you, one thing we agreed on was that when it came to discussions about Preston Market, the Liberals and the Greens were nowhere to be seen. Every now and again in the other place they pop up for 5 minutes and they make a contribution, but the reality is they have not been on the ground doing the thoughtful work to resolve that issue. To my astonishment earlier this month the Liberal member for Northern Metropolitan Region in the other place stood up and announced Minister Kilkenny's planning amendment, which she had worked for months on – it was incredibly detailed – was apparently the Liberal's election policy. I am not sure how he extracted that. I am not sure they even put a media release out about it. But I thoroughly enjoyed that. It is like when we hear our friend the member for Mornington talking about better government regulation for rooming houses; I think he was talking about it earlier today. We know these people. We are talking about people who go to Institute of Public Affairs meetings and talk about freedom all day. These are people who sit down with developers and say, 'We'll fast track anything for you'. Half of them have got Trump posters up on their walls.

Brad Rowswell: On a point of order, Deputy Speaker, I have been listening quite carefully to the member on his feet. I would ask you, please, to pay very special attention to the member on his feet and the fact that he is skirting quite closely to casting aspersions on members in this place and the other place and remind him that that may only be done by substantive motion.

The DEPUTY SPEAKER: Imputations on members are disorderly. I do not see the member creating one, but I advise all members not to cast aspersions on other members.

Nathan LAMBERT: I will take your advice, Deputy Speaker. I will just note as a fact that the Liberal Party preferenced the Freedom Party in a whole bunch of suburbs up in our part of the world, and we will have more to say about that at a later date. But wrapping that up, I grieve for Preston Market quite seriously, because if they had been elected, the simple truth is they would have waved through 2200 apartments on that site without a moment's thought. We disagree with the ideology, but we disagree with the thoughtlessness as well.

I had sort of hoped to speak at some length as well about the social housing plan currently in the federal Parliament, which has been blocked by the Liberals and the Greens. I am not sure I am going to get much time in my last minute to truly do that justice, but I do want to fully endorse the earlier comments of the member for Ripon on that particular topic. The policy that the federal government has put forward is a good policy. We support it. It is based on work done by the Grattan Institute. A lot of the criticisms of it are unfair. We do not expect the Greens necessarily to get the detail of it, but the

important point is that we are currently having a big debate about the housing plan in the federal Parliament because we have a Labor government that has actually brought a housing plan to the federal Parliament, and it is notable that over the last decade or so we have not had many of those debates. The member for Kew, perhaps, who was working for the federal government at the time, might remember that they did not bring any high-profile housing policies to the federal Parliament.

In conclusion, I grieve for the possibilities if a Liberal government is elected. We do have a planning statement coming from this government. We all look forward to it. It will be a thoughtful one. It will not be a free market one. It will be one that makes sure our important densification is done in a way that thinks about the communities it affects.

Question agreed to.

Bills

Bail Amendment Bill 2023

Second reading

Debate resumed.

Jess WILSON (Kew) (18:01): I was delighted to briefly start my remarks earlier, but I rise to speak on the Bail Amendment Bill 2023, and can I start by commending the member for Malvern for his considered amendments this morning and for his detailed remarks on this piece of legislation. I know he has taken considerable time over recent weeks to work through the detail of the legislation and to present these considered and important amendments to the house today for the consideration of this chamber.

Before I address the member for Malvern's amendments I want to touch on the purpose of the bill, which is by and large a very, very sensible piece of justice reform. We had yesterday another piece of justice legislation before the house looking at tidying up and housekeeping and making some important changes to ensure our justice system is fit for purpose, and this bill seeks to do that by amending the Bail Act 1977 and changing the requisite tests applied in making determinations about an individual's bail. This includes providing that certain offences are no longer to be schedule 2 offences; providing that bail is not to be refused in respect of certain offences; providing the two-step tests apply to children in fewer circumstances; making changes to what a bail decision maker must take into account, including determinations relating to an Aboriginal person or child; repealing the offence of contravening certain conduct conditions whilst on bail; repealing the offence of committing an indictable offence whilst on bail; various changes to updating language used in the act; and expanding the circumstances in which a court must hear a further application for bail.

This bill does recognise that Victoria's bail laws do require some reform, and I think we have had discussion right around the chamber today to that effect. Since 2013 we have seen a number of bail reforms passed under both the former Liberal government and of course the Labor governments over the past eight years, and these reforms have sought to tighten bail laws and were in many cases direct responses to a number of incidents and to the Bourke Street tragedy of 2017, when six people were tragically killed.

As a consequence of these reforms over the years the number of Victorians charged with criminal offences and held on remand has significantly increased. In some cases this has been warranted, and it is critical that Victorians are not let down by the criminal justice system allowing individuals out on bail when they pose an unacceptable risk to our community. But there are also significant numbers of people who are held on remand in this state and whose incarceration comes at a great cost, of course both personal and financial in terms of taxpayer dollars. It comes at a significant personal cost to those individuals – as well as their families and loved ones – who are remanded, and there are situations where Victorians spend more time in remand than the actual sentence handed down for the crime committed. Indeed the Crime Statistics Agency has stated that in 2018 only 61.7 per cent of women

remanded in custody went on to receive a prison sentence, including time served, and that 8.5 per cent of unsentenced women's charges were not proven in court.

This piece of legislation seeks to deal with some of these issues where we have seen the number of people remanded not meeting the requirements of the justice system. As I said, this significant cost is also one to the Victorian taxpayer when those who end up in remand do not actually pose a material threat to the community. As a general principle it is difficult to argue that people being remanded in circumstances where they do not pose a material danger to the community is justifiable. So I note that the amendments contained in this bill are a response to the call by the coroner to review the Bail Act 1977 following the death of Veronica Nelson while on remand in 2018 after having been refused bail. The coroner found that Veronica's death was preventable and could have been avoided with reasonable standards of care and diligence on remand. In particular the coronial inquest called for a review of this act, with a view to repealing provisions that may have a disproportionate adverse effect on Aboriginal and Torres Strait Islander people. The coronial inquest found that the current act results in individuals:

> … presenting no risk to community safety and that are unlikely to attract a prison sentence, routinely result in remand …

As I said previously, this bill seeks to deal with this issue and largely represents sensible and necessary reform to reduce the number of people held on remand who do not pose a risk to our community. It is absolutely vital as lawmakers we learn the lessons from Veronica's death, which the coroner has ruled as preventable, and take steps to ensure Aboriginal people are not disproportionately and adversely affected by our bail laws. That is why the Liberal and Nationals coalition will not be opposing this bill.

I do note, however, that I share the member for Malvern's concerns about whether the provisions contained in this bill strike the right balance between people being remanded unnecessarily on the one hand and ensuring community safety on the other. I know that in my own electorate of Kew the community is rightly concerned about a range of criminal offences, about a range of crimes – burglaries, aggravated burglaries, car theft. Small businesses regularly raise the fact that they are seeing an increase in theft and petty crime. We need to ensure that, while we are seeing more individuals remanded, we also are hearing the concerns of victims of crime and those who have often been a victim of crime due to a repeat offender. The statistics do show a 42 per cent increase, year on year, of a breach of bail conditions.

If passed, this bill will make it significantly less likely that people accused of crimes who fall under certain categories will be held on remand, and while this is an important measure it is essential that some safeguards do remain in place to protect the community from individuals who pose an unacceptable risk to public safety. That is why the member for Malvern has circulated a suite of highly sensible amendments that aim to, first, retain the offence of committing an indictable offence whilst on bail and (2) add eight serious offences to the list that requires a 'compelling reason' bail test for children accused of these offences. This includes the crimes of rape, rape by compelling sexual penetration, sexual penetration of a child under the age of 12, aggravated home invasion, aggravated carjacking, aggravated burglary, armed robbery and causing serious injury intentionally in the circumstances of gross violence. As you can see, these are all very, very serious crimes, many of which involve the use of a weapon when it comes to aggravated home invasion or aggravated carjacking. It seeks to ensure that we are striking that balance between ensuring those people who are not a threat to our community are not remanded but for those who do pose that unacceptable risk to our public safety the appropriate safeguards are in place.

The third amendment that the member for Malvern has circulated is to mandate a statutorily required review of the effect of the amendments after 24 months of operation. This is to be completed and publicly released within six months. This is an important safeguard across the entire piece of legislation, the amendments here today, to ensure that after them being in place for two years we assess their effectiveness, we make sure that they are meeting the expectations for these changes and that we are seeing the outcomes in the justice system that this piece of legislation aims to achieve.

A review of this piece of legislation, of these amendments – and then making sure that that review is made public and that the community is able to understand the outcomes from this piece of legislation – will be very, very important to ensuring its effectiveness going forward. These amendments aim to keep the intention of the bill, which is of course to avoid unnecessarily holding individuals on remand, while ensuring that there are robust safety measures in place to safeguard the community from unacceptable risks posed by some individuals.

It is imperative that we do strike the right balance between reducing instances of people being held on remand unnecessarily with community safety. It has been the discussion in this place today to ensure that we do strike that balance, that we review the number of reforms that have taken place over the past decade and that we find a solution to these. It is for this reason that we will not oppose this bill. But we have put forward via the member for Malvern a number of amendments that aim to strike that balance to ensure community safety, and we commend these amendments to the house and urge those opposite to give them due consideration.

Nick STAIKOS (Bentleigh) (18:11): It is a pleasure to rise to speak on the Bail Amendment Bill 2023. We have been debating this legislation in the house for the entire day today, and it is certainly striking how many very measured, very considered and very thoughtful contributions have been made by members on both sides of the house, including the member for Kew, who we just heard from. I think that is because members recognise that this area of public policy is very delicate, very complex and an area of public policy that does not have a huge margin of error, because it is about the safety of the community but it is also about the welfare of people who come into contact with our justice system.

If we look at the last 10 years – and we have heard about this a number of times throughout the day – there have been two major tranches of bail reform, following two horrific crimes that shook our state to its core. I was not in Parliament when Jill Meagher was tragically murdered, but I was in Parliament during that Bourke Street tragedy, and I remember we as a house spent the entire day on a condolence motion, such was the scale of that tragedy. In fact one of the victims of Bourke Street was a 10-year-old girl from my electorate, and along with the member for Caulfield I attended her funeral. We know just how important this issue is for that reason.

With the best of intentions both sides of the house supported those bail reforms, and they were important. But we have since had a problem of non-violent people remanded in custody who should not have been. One of those people was Veronica Nelson, and our thoughts are with her family. The community does want people in custody who pose a risk to community safety, and fair enough. But I think the community would also find it unreasonable and unnecessary to deny bail to non-violent people, and many in the community would think that it is unwarranted to revoke bail from someone for breaching bail conditions while on bail for non-violent offences that would probably not result in a custodial sentence anyway.

I think in the best way possible this bill seeks to find that very, very difficult and delicate balance. The bill will address the most urgent identified problems with our current bail laws so that low-level non-violent offenders are no longer being remanded where they do not pose an unacceptable risk to community safety. The bill implements eight of the 13 recommendations of the Nelson inquest relating to the Bail Act 1977. The bill introduces several changes to existing features of the Bail Act 1977, and I will briefly go through a few of those examples. The bill repeals the 2018 reforms for those accused of repeat lower level offending by providing that reverse onus tests will apply only to the serious offences. The bill refines the definition of 'unacceptable risk' to clarify that minor offending is not enough to refuse bail unless someone else's safety or welfare is threatened. The bill introduces remand-prohibited offences so that particular offences that are unlikely to result in a prison sentence will no longer enable a person to be refused bail. Those on bail for such offences will still be subject to bail conditions, ensuring community safety is upheld. The bill implements a presumption of bail for children, with exceptions for certain crimes such as terrorism and homicide offences. The bill introduces a requirement on bail decision makers to identify and record the Aboriginal-specific

considerations they have regard to when refusing bail to an Aboriginal person, such as systemic factors that have resulted and continue to result in the over-representation of Aboriginal people in the criminal justice system and remand population and the increased risks for Aboriginal people in custody.

I have listened to a number of the contributions throughout the day, including from members opposite, and I did hear the member for Malvern, as lead speaker for the opposition on this bill, introduce some amendments, which mainly relate to child offenders. I also heard particularly the member for Morwell talk about a few incidents in his electorate of youth offending. I will just say this about youth offending, because community safety is obviously paramount and there is some behaviour that we see, including from young people, that is unacceptable. I see some of that in my electorate, and I have people from my electorate who get in touch with me to express their concern about incidents that occur. But this idea that the solution for young people aged 13, 14, 15 or 16 who are offending is to just simply lock them up and remand them in custody – the community actually loses out in the long run. The community loses out in the long run because study after study after study has shown that those young offenders who have been in detention have higher rates of recidivism than those young offenders who were under community-based supervision. It is study after study that shows us that.

I think when it comes to crime we have all just got to take a deep breath and have got to look at this issue in a sensible, logical way, because at the end of the day we are all concerned about community safety. It is a very high priority – absolutely a very high priority. But we have got to look at this issue holistically, and that is what our youth justice system does. The member for Morwell said that at a shopping centre there were a number of young people who were intimidating a security guard, and in that instance the solution cannot be a completely punitive solution. Our youth justice system is about diversion, and our police – and this government has funded more than 3600 extra police – work closely with youth justice workers to make sure that we are actually setting young people on a course back to being good citizens, because we do not want young offenders to end up being adult offenders. The community loses out in the long run, and that is why we have got to take a deep breath and take a measured approach to these issues. I received an email recently from a constituent in response to an unacceptable incident of a robbery at a local supermarket – completely unacceptable. But the email said that these young people should be taken off the streets permanently, and 'permanently' was in capital letters. But we have got to be realistic about this. Very few people in this state are incarcerated permanently. The solution is to make those young offenders decent adults. That is what our youth justice system needs to seek to do.

Again I acknowledge all of the members in this house for their very decent, very thoughtful, very measured, very considered contributions, and on these issues we need to see more of that approach as legislators, because it is not about the short-term political sugar hit. For too long it has been about that. Let us have more of these debates, more of these discussions, because at the end of the day that is what will make our community safer. I commend the bill to the house.

Kim O'KEEFFE (Shepparton) (18:21): I rise to speak on the Bail Amendment Bill 2023. The bill seeks to amend the Bail Act 1977 and to make consequential amendments to create a more proportional bail response to low-level offending by refining the more onerous bail test to focus on more serious offending and the gravity of the risks that are presented by a person charged with an offence. In doing so, this bill will assist in ensuring that Victoria's bail laws strike the appropriate balance between the right to liberty and community safety.

Over the past decade there has been a significant increase in the number of Victorians remanded in custody. The operation of existing bail laws is a major driver of this increase and disproportionately affects Aboriginal people, women, children and people experiencing poverty. I acknowledge the tragic case of Veronica Nelson, who died in 2020, and I express my sincere sympathy to her family, friends and community. At the time of her death Veronica was on remand, having been refused bail for a shop theft related offence. The coronial inquest into Veronica's death found that Victoria's bail system had a discriminatory impact on Aboriginal people that resulted in disproportionate rates of remand, with the most significant impact being on Aboriginal women.

The bill makes changes to the tests that are to be applied in making determinations in relation to bail, including by providing that certain offences are no longer to be schedule 2 offences to which certain two-step tests apply, providing that bail is not to be refused in respect of certain offences, subject to exceptions, and providing that two-step tests apply to children in fewer circumstances. The bill makes changes in relation to what bail decision makers must take into account, including by reforming the provisions about what a bail decision maker must take into account when making a determination that relates to an Aboriginal person or a child. It repeals the offence of contravening certain conditions and the offence of committing an indictable offence whilst on bail and makes amendments to clarify, modernise and otherwise improve the act. It provides for sureties to be referred to as 'bail guarantees' and 'bail guarantors', replaces gendered language, regularises references to bail undertakings and expands the circumstances in which a court must hear a further application for bail.

The amendments in the bill that is before us seek to address the remand of those accused of relatively low-level offending and particular impacts of the Bail Act 1977 on vulnerable groups in the community, such as, for example, as we have said, Aboriginal people and women. Currently we have people in remand who are waiting for their cases to be determined, and in many cases the time in remand has been longer than their sentence, or they may not have been sentenced at all. This is clogging up the system, is costly and is one of the most significant areas being addressed in this bill.

The amendments in this bill refine the bail test to focus on serious alleged offending and serious risks, and they are intended to reduce the over-representation of vulnerable groups in the justice system, as already highlighted. The bill abolishes the double uplift provision which in the past had made it more difficult for people who had committed an offence whilst on bail to be granted bail for a new offence and repeals the bail offences breaching bail conditions and committing further offences while on bail, which have been shown to disproportionately impact women, children and Aboriginal people.

The bill introduces remand prohibited offences which effectively means that people will not be remanded in custody for offences that are unlikely to result in a prison sentence. It changes the rules on making a second bail application so that individuals do not need to prove new facts and circumstances if their first application is denied. It implements a presumption of bail for children with exceptions for certain crimes like terrorism and homicide offences. It requires bail decision makers to record how they have considered specific self-determined Aboriginal considerations when making a decision about bail for an Aboriginal person.

The government last introduced changes to Victoria's bail laws in 2017 following the tragic events that occurred in the CBD of Melbourne on 20 January of that particular year, when James Gargasoulas murdered six people and injured many others on the streets of Melbourne. At the time of Mr Gargasoulas's actions in the CBD, he was on bail, and this was not the first time a violent crime had undermined the public confidence of Victorians in the state's bail system. The Honourable Paul Coghlan QC was asked by the government to conduct an urgent review into the state's bail laws with the primary aim of increasing community safety and restoring Victorians' trust in the state's bail and justice systems.

At the time of Mr Coghlan's review the government committed to implementing all of the recommendations in his first report. Some of the changes that were made in 2018 had a disproportionate impact on people who were already experiencing significant disadvantage, in particular Aboriginal people, people with disabilities, children and women. This bill refines the bail test to focus on serious alleged offending and serious risk; reduce over-representation of vulnerable groups in Victoria's justice system, including women, Aboriginal people and children; and balance appropriately the response of the system to accused people with the rights and protections of victim-survivors and the community. Remand custody is designed to keep Victorians safe. It is not to further punish the most vulnerable members of our community. We must ensure that the bail conditions are appropriate to the crime.

In 2018 Shepparton opened the Koori Court, which has provided local Indigenous people who have offended with a comfortable environment, and offenders are supported by their elders and provided with wraparound services. The objective is to reduce reoffending and the cycle of imprisonment. It is one example of trying to address the increasing level of crime. Like many communities, we have rising numbers of criminal offences and victims of crime and an exhausted police workforce.

Today we heard about the addition of amendments to the bill put forward by the member for Malvern, including a two-year review to ensure that in two years time these changes have been effective and that we see the much-needed positive change in bail reform.

John MULLAHY (Glen Waverley) (18:27): It is an honour to rise and speak in favour of the Bail Amendment Bill 2023. This piece of legislation is the product of intensive policy work done by the Attorney-General in the other place and her whole team. From the outset I would like to thank the Attorney-General as well as the Minister for Police; the Minister for Corrections, Minister for Victim Support and Minister for Youth Justice; and also the Parliamentary Secretary for Justice, the member for Albert Park.

I know in many contributions so far my colleagues have addressed their own experiences with the impacts of crime, including that shocking massacre in Bourke Street just a few years ago. I will not give the criminal the honour and notoriety of being named here in this place. Like many, I still remember the day clearly, and it did mark a turning point for bail laws in this state. It showed us the system was not working, and the government committed to large-scale reform. At the time we appointed the Honourable Paul Coghlan QC to lead a review into what needed to change, because no Victorian charged with violent offences should access bail and commit further violent crime and put the safety of our community on the line. Coghlan's work was twofold, aimed at both improving community safety but also restoring faith and trust in the justice system. In the end we accepted all of Justice Coghlan's recommendations and went even further, but we cast the net too wide. We acknowledge this mistake and that we have to do better, which is why we are here today making important changes to our bail system, which seeks to balance justice and fairness while protecting our community.

For me, that goal remains deeply personal. In 2008 a dear friend of mine, Wendy Chow, lost her life at the hands of a violent criminal. I will not speak his name in this place either. In the weeks and months after her murder the journey to find justice impacted me deeply, and this bill today is based on that same principle – the importance of just punishment for the crime that is committed. And that punishment must absolutely be proportionate to the impact of that crime. When the government strengthened our bail laws we did cast the net too wide. We took the nuance, compassion and proportionality out of the bail process. This bill rightly returns these principles while ensuring community safety is not compromised.

In its most basic form the number of Victorians who have had bail rejected and been remanded in custody has risen much faster than our crime rate, and that has had deeply human consequences on our most vulnerable Victorians. In particular women, children and First Nations people have borne the brunt of these unintended consequences. They have been held in custody for non-violent minor offences because the benchmark for bail applications for those offences is just as high as for those charged with serious violent offences. Throughout this debate we have heard many examples of the unintended consequences of these bail laws that were adopted. A man was kept in prison overnight because bail was difficult to access, which should be the case for those that have been charged with violent offences, but this man was imprisoned for stealing $2 worth of petrol.

The number of children who have been imprisoned without bail has increased significantly, which is acceptable if those children have committed violent offences, except in many cases they have only committed very minor non-violent offences. We know the deep importance of children maintaining their prosocial connections in the community. For many, being in prison because they cannot access bail after committing a minor offence has been life changing. We have also heard of the unique

challenges faced by Aboriginal and Torres Strait Islander people in accessing a just and fair outcome in the bail system. Existing laws do make provisions for the consideration of disadvantages faced by First Nations people in our justice system, but these provisions have been poorly understood and even applied inconsistently. Again, as a consequence, people who committed minor non-violent offences were remanded in custody, and that has had deep consequences for many across our community.

We have heard in depth about the consequences of our bail laws at the Yoorrook Justice Commission, Victoria's first-ever dedicated truth-telling forum hearing about the injustices faced by First Nations communities. The commission heard evidence that the number of First Nations people entering prison unsentenced as a consequence of previous bail laws rose by 560 per cent in the 10 years to financial year 2019–20. As a government we acknowledge this devastating trend cannot and should not continue. I would like to pay my thanks especially to the loved ones of Veronica Nelson. Thank you for your impassioned advocacy in Veronica's name and memory for reform and change to our bail laws. Today because of your voices we are creating a more just set of bail laws to keep the community safe and ensure proportionality of punishment in bail decision making. So I would like to take some time and talk about the practical important changes this piece of legislation will usher in.

Most significantly the Bail Amendment Bill changes the test that individuals must go through as part of a bail application. As part of the post Bourke Street reforms these tests were applied to all Victorians who applied for bail, from those who were charged with minor non-violent summary offences all the way to those charged with violent crimes. While violent offenders have been unable to be released on bail, the blanket nature of these tests mean that those who have been charged with non-violent crimes have not been treated proportionately. A prime example I mentioned earlier is of the person who stole $2 of fuel but was remanded in custody because of these very high tests. This bill ensures that serious offences will continue to face the strict reverse onus test, but it will not extend to those less serious, minor offences which pose no risk to community safety. Importantly, the unacceptable risk test will be changed so that an individual's bail application cannot be knocked back purely on the risk of another offence being committed. Instead, this will need to be examined in proportion to the initial offence and the risk of danger to the community's safety, because again, while crime is always a serious matter, the reality of stealing $2 of fuel is very different to violent crime. The unacceptable risk test must now take this into account.

Another element of this bill I would like to raise is the strengthened protection for First Nations people and Victoria's children, who have borne the brunt of the unintended consequences of our strict bail laws. The consequences of an experience in the prison system are often life changing for First Nations people and children. As a matter of principle, these experiences should be avoided when they are not necessary or proportionate. As I mentioned, existing legislation already has provisions where First Nations people should have their unique cultural and personal experiences considered, but these provisions have been poorly understood and inconsistently applied. This bill changes that. Bail decision makers will have to explain how they took these factors into account, thereby strengthening the provisions to protect our most vulnerable Victorians.

Similarly, new provisions will also be introduced so that the bail decision makers better consider the impacts of the imprisonment of children. Fundamentally, the remand of children should be a last resort and only applied proportionately to those who pose a serious threat to community safety, and this bill goes a long way to achieving that and ensuring that children are able to keep their prosocial connections in the community where possible.

There are so many positive reforms in this bill. Unfortunately I cannot go into depth on each of them, but I fundamentally believe this bill is good. I say that as a proud member of the Andrews Labor government but also as someone who has acutely felt the impacts of violent crime in our community. This bill seeks to find a balance, keeping violent offenders out of our community and ensuring bail decisions are proportionate while minimising the injustice faced by our most vulnerable. What this bill certainly does not do is make it easier for those who have committed violent crimes and pose an ongoing

risk to the community. Like the person who took the life of my friend Wendy, these individuals deserve to feel the full force of the law. Anything less would be disproportionate and wrong.

I strongly support the Bail Amendment Bill. In my eyes it will help create an appropriate and proportionate balance in future bail decision making without compromising the safety of our community. This bill will improve the justice system for all, and I commend it to the house.

Chris CREWTHER (Mornington) (18:36): I rise today to speak on the Bail Amendment Bill 2023. As my colleague the Shadow Attorney-General and member for Malvern noted, bail has a long history in the criminal justice system, with bail laws attempting to strike the balance, rightly, between not infringing on the liberty of an accused person who is entitled to the presumption of innocence and ensuring that an accused person will attend court and will not interfere with witnesses or commit other offences. Whenever you amend legislation like the Bail Act 1977 there are bound to be inevitable or unforeseen consequences, and we do need therefore to be very careful when moving the needle on the scales in this balancing act. In 2017 and 18 the government tightened a number of bail rules in response to the Bourke Street attack committed by James Gargasoulas, who was at the time on bail. In response the then Attorney-General said:

> We're making it harder than ever to get bail in Victoria …

So the measures introduced were of course very stringent in both the 2017 stage 1 changes and the 2018 stage 2 changes. This has understandably led to an increase in the number of people refused bail and held on remand, as the former Attorney-General had predicted. In 2013 there were 956 unsentenced prisoners held on remand. This rose to 2706 people in 2018, and it peaked at 3182 people in 2021. Most recently, in 2022, it was 2763. These changes were and have been criticised by various community groups, including many legal organisations and Aboriginal community groups, who claim that the consequence of the changes was that an increasing number of vulnerable and/or disadvantaged people were held on remand who posed no or little risk to the community.

Tragically, the death of Veronica Nelson and subsequent coronial inquests illustrate the urgency of reforming the Bail Act and, as recommended by the coroner, repealing provisions that have a disproportionate adverse effect on Aboriginal and/or Torres Strait Islander people. At this time I would acknowledge Veronica Nelson and her family and friends and those around her.

As the member for Malvern, the Shadow Attorney-General, also noted, the sentence of time already served has increased as a proportion of sentences from one in nine to one in five. In 20 per cent of cases the judge determined that the time a person had been held on remand was a sufficient sentence for their crime. Of course if the judge had wanted to impose a shorter sentence, the convicted person could not get that time back, and if the accused were to be found not guilty then their time on remand would have been an unnecessary deprivation of their liberty by the state. When the increase in the proportion of time served sentences is viewed with the increasing number of people being held on remand, I believe we run the risk of not properly respecting an accused person's presumption of innocence.

On the other side of this balancing act of bail reform is making sure the accused person will show up for their court date as well as protecting the community from other crimes that an accused person might commit. That is why I support the targeted and specific amendments proposed by the member for Malvern, which will in limited circumstances make it more difficult for a person to be bailed for serious crimes unless there is a compelling reason. These careful and considered proposed amendments include retention of the offence of committing an indictable offence while on bail, the addition of a compelling reason bail test to eight serious offences for children and the inclusion of a statutorily required review after 24 months. While the government says that the unacceptable risk test will be able to be used to deal with people who continue to offend while on bail, the bill seeks to remove the offence instituted by the former coalition government in Victoria in 2013 of committing an indictable offence while on bail. This offence is a schedule 2 offence, meaning the onus is put on the accused person to show a compelling reason that they should be released on bail, which is the mid-

level test of the three bail tests. Given an accused person in a situation of being charged with multiple offences, it makes sense to impose this higher threshold to prevent the likelihood of more offences being committed while on bail.

The amendments we are proposing, as mentioned, also include making sure that the compelling reason test is applied to eight serious offences. This amendment would mean a higher threshold being required to be met before a person under the age of 18 is bailed for offences including rape, rape by compelling sexual penetration, sexual penetration of a child under the age of 12, aggravated home invasion, aggravated carjacking, aggravated burglary, aggravated robbery or causing serious injury intentionally in circumstances of gross violence. The current bail test for these charges, which is the lowest threshold bail test, is that the onus is on the prosecution to show that the accused poses an unacceptable risk to the community. Even though this is for children, that includes people aged 17, and given the serious nature of these alleged offences I believe it is appropriate for a higher threshold to apply. The higher threshold test, which is only the mid-level test of the three bail tests, is that the applicant for bail must show compelling reason that they should be bailed.

The reason why we must have a higher threshold test for those under the age of 18 is perhaps illustrated best by the circumstances of James and his family, in my electorate of Mornington. James reached out to me after a home invasion during which a young offender with 140 charges – yes, that is 140 charges – against him ransacked James's home and car and also stole his car and his wife's handbag and purse, all while he was home. It should never be the case that a young offender with such an amount of crimes against them – 140 in this case – is roaming the streets. In these extreme cases of course there must be a higher threshold before a young person is bailed. My response to James, and I will reiterate it today, was while we need to focus our attention on preventing low-level young offenders from entering the system in the first place, in the instance of repeat young offenders who have committed serious crimes and evidently have no remorse for those crimes, we need to prioritise community safety and ensure that those offenders are not on the streets continuing to engage in antisocial, criminal behaviour. In some ways we should be directing them to more positive thrills, such as via a program that I believe we should have in Victoria based on the Icelandic Prevention Model now being implemented globally in many nations by Planet Youth, which saw Iceland go from having one of the highest situations of antisocial behaviour, drug and alcohol use and criminal activity in the 1990s to having one of the lowest in the world today.

As I said at the start of my contribution, we need to be careful of unintended consequences when amending legislation. Legislation can have many unintended consequences, and as noted by the Shadow Attorney-General, I am sure that the government did not intend such a gargantuan increase in the number of alleged offenders on bail or remand and it did not intend for low-level alleged criminals accused of, say, minor shoplifting offences to be held on custody for weeks or indeed months. That is why I support the amendment to include a statutorily required review of the effects of this legislation after 24 months and that this review should be completed within six months and be tabled in Parliament. Such a mechanism will be essential in ensuring that we can get the legislation as close to being perfect as we possibly can, properly assessing how the changes we speak about today have panned out in reality and if further changes are needed to protect against any unintended consequences we might have.

On bail and the situation of when we do and do not keep people in custody, it would be remiss of me not to also raise and take the opportunity at this time to mention the parole application that haunted my community recently, that of Frankston serial killer Paul Denyer. I note that the member for Frankston is here in the room with me, and I believe he attended the 25th commemoration a number of years ago with me. I recently had the opportunity to attend the 30th commemoration with family, friends and others in the community. Thankfully Denyer was denied parole earlier this year after serving 30 years for the murder of three young women – Elizabeth Stevens, Deborah Fream and Natalie Russell – and the attempted abduction of Roszsa Toth. However, the current parole system means he can repeatedly continue to apply for parole, putting the victims' families under great stress

every time. On 17 May this year the Liberals and Nationals introduced a private members bill modelled in a similar fashion to legislation applying to Julian Knight and Craig Minogue to keep Denyer behind bars. Unlike the strict changes to bail laws brought about a number of years ago following the Bourke Street murders, which apply to all, this is a specific piece of legislation that would apply just to Denyer. Noting that the government has looked very carefully at this bail legislation, I also at the same time ask them to carefully re-look at that bill.

Anthony CIANFLONE (Pascoe Vale) (18:46): I rise to speak in support of the Bail Amendment Bill 2023, and in doing so I would like to acknowledge the Attorney-General, the Minister for Corrections and the Minister for Police and their respective teams for their work and efforts in putting together this bill.

Victoria's current bail laws do not properly distinguish between low-level, non-violent offending and serious offending that poses a risk to committee safety. This has led to an increase in remand, particularly for repeat offenders who may not pose a risk to community safety. Essentially this bill is about balance, proportionality and safety both for the wider community and for alleged and vulnerable low-level offenders. The bill introduces a suite of changes to the Bail Act 1977 to ensure our bail laws protect the whole community and better target the use of remand to cases where it is necessary to prevent an unacceptable risk to community safety. The bill incorporates learnings and improvements to bail reforms that were previously introduced in 2013 and 2017 by the Victorian government.

Victoria's bail system fundamentally operates to allow people charged with an offence to apply to be released from custody until their case is heard in court in accordance with the presumption of innocence. Whether or not a person is granted bail depends on whether the applicable test for granting bail has been satisfied. These tests include the unacceptable risk test, the show compelling reason test and the exceptional circumstances test. If bail is refused, a person is remanded in custody for this period. When bail is granted to an individual, conditions that are set by the court must be followed. These can include, for example, that the accused person will agree to come to court when their case is scheduled to be held and that they will not contact witnesses. Reporting regularly to police is the other measure. Where bail is not granted to an individual and they are incarcerated during the period up to their court case, this time may count towards any prison sentence imposed by the court. That an accused person should be held in a separate area of detention from persons who have been convicted of an offence is another requirement.

However, through the reforms that were introduced in 2013 and 2017 respectively, as a result of two tragic and devastating crimes, Victoria currently has the most stringent bail laws in the country. In 2013, following the tragic murder of Jill Meagher near Hope Street in Brunswick just south of my electorate at the hands of an evil and violent male offender who was on bail at the time, the Bail Act was amended to introduce new bail offences, being committing an indictable offence while on bail and contravening a conduct condition of bail. In 2017, following the Bourke Street tragedy where six people were killed and approximately 30 injured, the Victorian government asked the Honourable Paul Coghlan QC to undertake an urgent review of Victoria's bail laws, with the aim of further increasing community safety and restoring the public's trust in the bail and justice systems. The subsequent legislative changes made Victoria's bail laws, again, the toughest in the country, including by making it more difficult for repeat offenders to get bail, removing the presumption in favour of bail from specific offences and enabling an upward shift – an uplift – in the bail test for people who were charged with reoffending while on bail. This meant that people would face more onerous bail tests intended for more serious offences when committing repeat low-level offences.

When combined, these 2013 and 2017 changes were intended to ensure that offending on bail would have increased consequences for breaching bail requirements; they were designed to restore public confidence in the system. However, the changes which came into effect in 2018 resulted in a significant increase in remand and prison numbers for many vulnerable low-level and non-violent offenders across the community. For example, we have heard numerous cases throughout the debate today, one of which was about a man who was charged with stealing less than $2 worth of petrol, then

refused bail and held in custody for nearly 24 hours because the uplift provision meant he faced the most onerous bail test.

The double uplift provision has also resulted in those accused of repeat low-level offences facing the same tough reverse onus bail test as those charged with those most serious of offences, such as murder. Again, for example, a charge of a minor shop theft allegedly committed when a person is already on bail for an earlier charge of shop theft results in the person having to show a compelling reason to be granted bail. This is also the same test that applies to serious offences such as rape. A further minor shop theft allegedly committed on bail then results in the person having to establish exceptional circumstances in order to be granted bail. This is the same test applied to an alleged murderer, yet the total value of these thefts could literally be just a few dollars and the risk to overall community safety very minimal. Yes, of course there should be consequences for committing a crime and, yes, of course there should be consequences for breaching bail, but it is clear that the current consequences are far too harsh and far too broadly applied, because when we start treating a murderer the same as someone potentially stealing a loaf of bread just to survive, you know that the scales of justice are unevenly balanced.

The approach of lumping together low-level offenders with serious and violent-level offenders is not a first, however, for this state or for this country and in fact can be traced back to the very origins of this nation's postcolonial history that in many ways I believe have long continued to influence the very approach that governments have taken when it comes to crime and justice policy. Let me take everyone back a little bit here. As set out by the National Library of Australia, from January 1788, when the First Fleet arrived at Botany Bay, to the end of convict transportation 80 years later, over 160,000 convicts were transported to Australia. With respect to the First Fleet, there were somewhere between – depending on which records you look at – 1000 and 1100 people who made that voyage. Many did not survive. That voyage consisted of between 750 and 780 convicts. Of these convicts, based on various records I have managed to canvass today, there were around 160 convicts on board who were convicted for murder, but there were also around 20 convicts who were convicted for stealing a handkerchief and 15 convicts who were convicted for stealing a cap, along with many, many others and dozens for much lower level crimes that today would very much be considered petty.

Building on this era, many know that I represent a suburb that for an extremely extended period for better or worse was home to Pentridge Prison, a place that has an extremely dark history and that for well over a century was literally the end of the line when it came to Victoria fulfilling its criminal justice policies from the 1850s right up to its closure in 1997 – almost 150 years. However, the time lines around the establishment of Pentridge are in fact quite profound when, again, it comes to helping to some degree explain the approach of governments over successive decades and persuasions when it comes to informing crime and justice policy. As outlined in Richard Broome's wonderful *Between Two Creeks* book, the history of Coburg, it was in December of 1850 that 16 prisoners were marched north by armed wardens from Melbourne jail – the Old Melbourne Gaol today – to establish what became known as the Pentridge stockade, an action which formed the foundation of what eventually went on to become Pentridge Prison, which went on to become greater Melbourne's main remand and reception prison until its closure in 1997.

However, it was not until July of 1851 that Victoria was actually formally separated from New South Wales and was formally recognised as an independent colony, it was not until 1856 that the Parliament of Victoria, this building, was actually constructed and opened and of course it was not until January 1901 that Victoria was declared a state of the newly federated Commonwealth of Australia. The fact is we had Pentridge before we had the colony of Victoria, we had Pentridge before we had the Parliament of Victoria and we had Pentridge before we had the state of Victoria. Let the record show that we had a prison before we had a Parliament. When you build prisons before parliaments, that has to have some sort of lasting legacy and influence on the way in which governments address crime and justice policy. So whether it was at Botany Bay in New South Wales or Van Diemen's Land in today's Tasmania or whether it was in today's Coburg, which largely grew and evolved around the establishment of Pentridge Prison, the fact is we are a country and a state that has been established on

the dispossessed lands of First Nations people and a country where we had prisons before parliaments. I genuinely believe that we as policymakers have a responsibility to be fully aware of this history, especially as we increasingly turn our minds to questions of fairness and justice in this place, including when it comes to the need to modernise bail reform even today.

In this context we now know that the 2013 and 2018 changes to the Bail Act did leave some in our community disproportionately exposed to criminalisation and incarceration. In this respect we now understand and acknowledge that we did get the balance wrong. Reform of these laws has since been called for by several reports, inquiries and legal stakeholders, most notably the coronial inquest into the death in custody of Veronica Nelson, which was investigated via the Nelson inquest, whose tragic death, family and loved ones I acknowledge and I express my sorrow and sympathies to. However, it was also the parliamentary inquiry into Victoria's criminal justice system which called for reforms to bail.

In this regard I draw the house's attention to the parliamentary inquiry into Victoria's criminal justice system's report of March 2022, which sets out the impacts the changes had on vulnerable community cohorts, and as stated on page 433 of the report, reforms to the system that were introduced in 2013 and 2017:

> … have had an impact on the Victoria's prison population, with a significant increase in numbers of people being remanded in custody. Importantly, the current bail system has had varied negative effects on individuals charged with an offence, and has disproportionately impacted cohorts such as women, Aboriginal and Torres Strait Islander peoples, children and young people and persons with a disability.

Indeed the report made a number of findings that go directly to informing the reforms that are contained in this bill, including finding 37, which found that:

> Women, particularly Aboriginal women and women experiencing poverty, are disproportionately …

impacted. Finding 39 says:

> Victoria's bail system must balance the maintenance of community safety with the presumption of innocence for people accused of an offence. Victoria's criminal justice system does not currently appropriately or fairly balance these objectives.

That is why this bill is so important, and it is why I commend it to the house and support it. In doing so I would like to flag my previous experience of being an advocate for young people for many, many years through the establishment of the Oxygen youth centre, where we literally stood up for the most disadvantaged and vulnerable young people. That is there now on Gaffney Street in Coburg, which the Minister for Youth recently visited with me.

Wayne FARNHAM (Narracan) (18:56): Wasn't that a lovely history lesson from the member for Pascoe Vale? Very interesting. I am happy to rise today to speak on the Bail Amendment Bill 2023, a bill that this side of the house does not oppose. We do seek some amendments to it, as the member for Malvern expressed earlier, and I might not get time to go to those amendments, but I congratulate the government on bringing forward this bill. I have been saying for quite a while when we talk about the government business program that we need to bring bills to the house that do benefit Victorians and make Victorian lives better – any government. I feel as though in 2013 the Liberal–National government amended bail laws, and then in 2017 after the tragedy in Bourke Street this present government amended bail laws as well. It is about reform and it is about review. With the way society is now and the way things change it is a government's responsibility to reform and review, and that is what will make our society better.

But it would be remiss of me not to talk about that not long ago – many of you will know this incident – there was a young man that was king-hit outside Crown Casino, and he died. His parents and his family are from my electorate. The fellow that hit him had had three previous assault charges brought against him, and then he cowardly king-hit this man and this young fellow died. Now those parents do not have a son. They will never see grandkids. It was an absolute tragedy. So I think when we talk about bail reform and the way we react as governments we do have to look at the circumstances of the day. The reason I bring this up is because I feel as though when we have repeat offenders we have to look

at things very carefully, because with repeat offenders it is the victims that are always suffering, and it is more than one victim most of the time. It is multiple victims. My heart goes out to that family. I know that family very well. I grew up with the parents and the family involved, and I know they are really, really struggling now because of this action.

But I will move on. I will move on to the amendments that our shadow minister put forward. They are commonsense amendments. When we talk about things like rape, rape by compelling sexual penetration, sexual penetration of a child under the age of 12, aggravated home invasion, aggravated carjackings, aggravated burglary and armed robbery, and causing serious injury intentionally in circumstances of gross violence, they are very, very serious crimes. They are not stealing a basketball out of someone's backyard –

The DEPUTY SPEAKER: Order! I am required under sessional orders to interrupt business now, and the member may continue his speech when the matter returns before the house.

Business interrupted under sessional orders.

Adjournment

The DEPUTY SPEAKER: The question is:

That the house now adjourns.

Elective surgery

Wayne FARNHAM (Narracan) (19:00): (321) My adjournment this evening is for the Minister for Health, and the action I seek from the minister is to address the crisis that is our hospital waitlist for urgent care. This week I met with Shane Adamiak, who has long suffered with debilitating pain in his knee, which has led to a drastic decline in his quality of life. I have known Shane Adamiak for a very long time, and like most men of my age, we tend to ignore problems or we tend to think it will be okay. When Shane was asked three years ago what the pain level was, he said, 'Oh, she'll be right, it's about a six.' That is a typical response from someone my age. Unfortunately, though, his knee surgery has been delayed three times. Some of the reasons for the delay were that (1) a doctor was on holiday; (2) – the second reason – was that there was a worldwide shortage of knee parts, which was interesting; and I am not quite sure of what the third reason was. Unfortunately Shane now is living in extreme pain. He struggles to walk across the road. A little bit similar to the member for Gippsland East's contribution last sitting week, what was probably more distressing for Shane was that after his third cancellation he got a text from the Austin Hospital – and you could not write this even if you tried – that actually said 'We hope your surgery went well and you are comfortable'. Well, it was a little bit embarrassing for the Austin, because they did not actually operate on his knee, and Shane was quite distressed. What I am asking is that the minister address the issue of the elective surgery list and put that as a priority. I would be happy to pass on Shane's details to the minister to maybe try and resolve his issue, because his quality of life now is not very good.

Renewable energy infrastructure

Paul MERCURIO (Hastings) (19:02): (322) In December last year the Andrews Labor government declared an area off the coast of Gippsland as an offshore wind power generation zone. In March this year the Andrews Labor government named the Port of Hastings as the location for the Victorian renewable energy terminal, which will be based in my electorate at the old Tyabb reclamation area. In the 2023–24 budget I am very happy to say there was $27.3 million allocated to my electorate for the Victorian renewable energy terminal. I direct my adjournment debate to the Minister for Climate Action, and the action I seek is to invite the minister down to Hastings to have a look at the site, meet with the Port of Hastings and hear from them what work is currently being undertaken to progress this initial stage of developing the capability to construct the wind turbines required for the offshore wind farms. If approved, the Victorian renewable energy terminal will be capable of supporting offshore wind delivery of up to 1 gigawatt per year, processing turbines up to

18 megawatts and servicing multiple offshore wind developments concurrently, placing Hastings at the centre of Australia's offshore wind construction and deployment. This project has targets for 2 gigawatts of offshore generation capacity by 2032, 4 gigawatts by 2035 and 9 gigawatts of offshore wind energy generation capacity by 2040, which is a key requirement to help the state government achieve its commitment. This project will also deliver significant and positive economic benefits to local businesses, not to mention the jobs that will be created and available to the local community. I look forward to the minister's visit and to providing an update to my community on how the Victorian renewable energy terminal is progressing.

Commonwealth Games

Martin CAMERON (Morwell) (19:04): (323) My adjournment matter this evening is for the Minister for Tourism, Sport and Major Events, and the action I seek is for the minister to provide compensation to businesses in the Latrobe Valley who will be thousands of dollars out of pocket as a result of Labor cancelling the Commonwealth Games. Last week I met with the owners of a motel located on the doorstep of the would-be athletes village in Morwell; the small family-run business was buzzing last month after securing a huge contract. After lots of back and forth the motel reached an agreement with Team England and Team Wales, who decided to use the motel as their base for six weeks in the lead-up to and during the games. Team England had been out several times to Australia, such was the want for this to be their home base. The upgrades that the owners had made to the motel then seemed to be about to pay big dividends. The contract, worth $300,000 or around that amount, was due to be inked the very day Premier Andrews and Minister Allan cancelled the Commonwealth Games, but instead of preparing for the influx of visitors that would surely bolster their small business, the owners are now devastated. All their hard work will amount to nothing.

Like so many in my electorate and across regional Victoria, this business has survived the closure of Hazelwood, COVID lockdowns and skyrocketing operational costs by the skin of its teeth. This massive blow at the hands of the Andrews Labor government has set small businesses back years and tens of thousands of dollars, yet they have unbelievably not been considered or even mentioned in discussions about compensation or financial relief. My electorate has been decimated by the Andrews Labor government. The Premier has pulled the rug out from under the local workforce with the closure of Hazelwood, the white paper mill, the native timber industry and soon all coal-fired power stations. Our small business sector is resilient – do not get me wrong – but the cancellation of the Commonwealth Games is a huge hit that must be met with financial aid. Minister, what is being done to ensure small businesses in the Latrobe Valley and regional Victoria are adequately compensated for the financial losses associated with Labor's cancellation of the Commonwealth Games – or as we call it in the valley, the Con Games?

Nara Community Early Learning Centre

Nathan LAMBERT (Preston) (19:07): (324) My adjournment matter is for the Minister for Early Childhood and Pre-Prep, and the action I seek is for the minister to visit the Nara Community Early Learning Centre to hear about some improvements they hope to make to their kindergarten and long day care service. Nara is a not-for-profit, community-focused centre that operates from the Melbourne Polytechnic campus on St Georges Road, just near Preston Market, and on an average day it cares for and educates over 60 children, from six-month-old babies to kindergarten children who are preparing to transition to school. The centre is very highly regarded locally and has achieved an 'exceeding national quality standard' rating. They have 22 staff there, more than half of whom have worked there for over a decade. I think that speaks volumes to the very positive culture developed by longstanding centre director Gina Lousa.

Unfortunately the centre is quite cramped in terms of its internal space, and the staffroom in particular is very small. It has no windows, and the Joeys Room for the under-twos does need some refurbishment. The team there have drawn up some plans for an extension to the building. They had done some previous extensions there that provided more space for the children, but of course an early

learning centre is also a workplace. I think it is very much to their credit that this particular extension will provide staff with the space that they need and deserve for planning, meetings and taking breaks and so forth, and of course in supporting the staff and supporting their retention it will ultimately enable them to increase the number of kindergarten places they provide.

I am sure the minister, if she does get down there, will enjoy chatting to Gina, Noshin, Lauren, Christine and the whole team. They have a lot of great thoughts about this government's Best Start, Best Life reforms – very supportive thoughts, I should add – but of course various ideas and comments that they want to contribute based on their many years of collective experience.

Turning to the minister's other portfolio, I am sure she will also enjoy chatting to Sonol there, who does Nara's sustainability work. Sonol is very passionate – she was actually out planting some native ground cover with us the other day on Cheddar Road along with Christine Banks and some other community members – and she might even take the chance to talk to the minister about some further support for revegetation efforts. But it is in the minister's capacity as Minister for Early Childhood and Pre-Prep that we ask her to visit Nara, and we thank her for her consideration.

Albury–Wodonga adolescent mental health services

Bill TILLEY (Benambra) (19:09): (325) I wish to raise a matter for the attention of the Minister for Mental Health, and the action I seek is for the minister to urgently approve and fund eight acute inpatient beds for adolescent mental health at Albury Wodonga Health. There are a lot of people suffering – families throughout the district – but at present there are nil, none, nada of these adolescent beds in the district. These beds are for adolescents who present with acute episodes of mental illness on the border.

Let me give you one example. Mac – that is not his real name – has homicidal ideations and has begun acting on those thoughts. He actually wants to murder somebody. He no longer goes to school. He requires hypervigilance from his parents, and they have exhausted all their leave entitlements. In fact Mac's father works in the disability sector. He no longer sees his psychiatrist in face-to-face consults after he tried to strangle him. He recognises these thoughts but struggles when it comes to preventing himself from acting on them. During a recent episode Mac, this teenager, presented at Albury Wodonga Health emergency department because there are no beds for his condition and the mental health inpatient services we do have are for adults. You can imagine that adults with mental ill health would need to be involuntarily placed in these places for a whole range of issues, but they are not for those adolescents that require therapeutic treatment. He was confined to a bed in emergency for two days. His mother had to sit by the bedside because there were no specialists available to supervise or treat her son for two days. Mac was transferred to Box Hill, which is an acute adolescent mental health facility and, from the border, is our default option, but after three days he was discharged with some pills and no therapy.

The impact on the families, friends, schools and communities is devastating. The Royal Commission into Victoria's Mental Health System was quite clear on the need for treatment to be close to home. It was also clear on the dire lack of acute inpatient beds for adolescent mental ill health in country Victoria. In country Victoria we only have 25 per cent of the population but we do not have a single bed. In rural and regional Victoria those under 25 are in desperate need. I want something simple: I want eight beds in Albury–Wodonga. I am informed these beds should be in increments of four – that is why I am asking for eight. It is the best way to create, manage and staff specialist teams, and it is the best way to help our young people. I thank the minister for hearing me today for a short time.

Cultura

Ella GEORGE (Lara) (19:12): (326) My adjournment matter is for the Minister for Multicultural Affairs, and the action that I seek from the minister is to visit the Lara electorate and meet with the local organisation Cultura. Cultura is a new organisation that is a result of a 2022 merger between Diversitat and Multicultural Aged Care Services. They have some terrific programs on offer that

support our multicultural community in the Geelong region. In particular they provide vital support for newly arrived refugees. Cultura provides settlement services, youth and community programs, arts programs, cultural events and aged care. Cultura also organised the largest free celebration of cultural diversity, the Pako Festa, and the state government is backing the Pako Festa with funding of $200,000 per year over the next four years. I am so incredibly impressed by the broad range of programs that Cultura have on offer to assist newly arrived residents, individuals and groups from multicultural and diverse backgrounds living in the Greater Geelong region, and I look forward to introducing the Minister for Multicultural Affairs to Cultura and the important work that they do in the Geelong community.

Bushfire preparedness

Ellen SANDELL (Melbourne) (19:13): (327) My adjournment tonight is for the Minister for Emergency Services. Earlier this month we learned that Victoria's aerial water-bombing capacity has been slashed ahead of summer, which is pretty scary as we head into another period of El Niño. Leaked documents from Emergency Management Victoria and obtained by the *Age* suggest Victoria's aerial firefighting capacity has been cut by about 40,000 litres compared to last summer. This was supported by data from the National Aerial Firefighting Centre, while six other pilots and commanders within the sector also allege that surge capacity is going backwards. This report comes just a few years after the horrific Black Summer bushfires, which we all remember, and a few weeks after what NASA called the hottest July in human history. Gutting water-bombing capacity this year would be catastrophically short-sighted as the climate crisis begins to escalate.

The Royal Commission into National Natural Disaster Arrangements called on all governments to expand aerial firefighting fleets, and Victorian Labor at the time was broadly supportive of this. Yet according to the contract data there are currently just 32 Victorian-based aircraft able to drop water or retardant, compared to 38 last year – so 32 compared to 38 last year – 40 in 2021 and 35 back in 2019. So we have got fewer than in 2019, and we have actually gone backwards since Black Summer. Because Labor contracts these helicopters and vehicles rather than buying them outright, we also learned that Victoria will lose access to a former military Chinook helicopter due to a contract dispute between the operator and the Labor government.

I know that Emergency Management Victoria disputes some of this analysis, but I think that Victorians deserve to know exactly what is going on here, after these reports. It is important because early detection of bushfires and putting them out early will become increasingly important in protecting us from the increased risk of bushfires due to climate change. I know the government likes to talk about their planned burning program, but this comes with significant impacts too – we cannot burn all the bush across the state to get rid of bushfire risk completely, and we should not. We want to preserve nature but also protect ourselves from bushfires. We can actually do both if we have well-resourced early detection for bushfires and enough waterbombing capacity to put fires out when they start. If we do not have this, we are walking into a disaster.

The action I seek is for the minister to urgently release the updated figures on how much waterbombing capacity we have in litres and in aircraft numbers in Victoria, going into this summer. New South Wales buys water bombers outright, and really Victoria needs to start doing the same and to also significantly boost our aerial firefighting capacity to protect us from what will inevitably, unfortunately, come over the next few summers.

Eltham Redbacks Football Club

Vicki WARD (Eltham) (19:16): (328) My adjournment matter is for the Minister for Community Sport, and the action I seek is for the minister to come and visit the amazing Eltham Redbacks Football Club. With a combination of funding from the Andrews Labor government, a fantastic new scoreboard has been erected at the Eltham Redbacks Football Club. Not only allowing for coverage of games and enhancing sponsorship opportunities, the club has also used the scoreboard for inclusive community events. This scoreboard has been amazing for the football community, but it was absolutely brilliant

to get together on the pitch and watch the Matildas in their matches in the Women's World Cup on the big screen. I can assure you that our community has been right behind the Matildas, and I also commend the Redbacks for the work they are doing in encouraging girls and women to play soccer, including their new women's social football program. A big shout-out to Ivan Dalla Costa, Joanne Filipou and Gabby Montagnese and all Redbacks volunteers for their leadership. This scoreboard as well as the state government's contribution of $2 million towards extending and refurbishing the pavilion and the new pitch we built at the St Helena Secondary College clearly show the Andrews Labor government's recognition of the value of grassroots sports and bringing communities closer together. Minister, I ask you to come and visit the amazing Eltham Redbacks Football Club and their volunteers and see the fruits firsthand of the hard work of these members, players and supporters who have helped make this club so special.

Ouyen Primary School site

Jade BENHAM (Mildura) (19:18): (329) My adjournment matter tonight is for the Minister for Planning, and the action I seek is that all means necessary be taken so that the land of the old Ouyen primary school at 10 Hunt Street be rezoned to be able to be sold to accommodate the need for housing in the town. Several residents and organisations in the Ouyen community have contacted my office regarding the future of this site with an interest in purchase. Ouyen primary school, like I said, located at 10 Hunt Street in Ouyen, merged with the Ouyen secondary college in 2014 to form the Ouyen P–12 College. The land that the primary school was located on became surplus to education requirements in 2014. A strategic Crown land assessment from April 2018 determined that there were no or low public land values present and supported disposal of the land. The land is now in the process of being rezoned from public use zone – we know rezoning is a lengthy process, but that was 2014, nearly 10 years ago. There are a lot of hoops to jump through – I get that as well – including native title matters and consultation, which is currently sitting with the First People of the Millewa–Mallee. I have contacted their office, and they are yet to respond with an update.

Recently I did write to the Minister for Education and was promptly responded to, which I very much appreciate. The minister said:

> I am advised that, at this stage, there is still no resolution with respect to native title matters which would allow the land to be progressed for sale. As you can appreciate, such matters can take time to achieve resolution. I note that the Department of Transport and Planning's land and property area is responsible for the rezoning and work to prepare the site for a future sale, including consultation with Traditional Owners.
>
> In the interim, I can confirm the site is regularly maintained by the Victorian School Building Authority's Land Regeneration Program. As the former school site is inoperative, its maintenance needs different attention to when the school was operating …

which we can all appreciate as well. This process is nearing 10 years and the patience of community members in Ouyen is starting to wear a little thin, but Ouyen Inc, as a community organisation that are driving this, are being very, very patient. They do a lot of great work, and they just want to see a result sooner rather than later.

I seek whatever action is necessary to progress the planning consultation and the rezoning issues that have brought this to a complete standstill so that the land can be sold and used for the benefit of the Ouyen community and in fact to build houses on it.

Box Hill transit interchange

Paul HAMER (Box Hill) (19:20): (330) My adjournment matter is for the Deputy Premier in her capacity as the Minister for the Suburban Rail Loop, and the action that I seek is that the Suburban Rail Loop (SRL) precinct planning process, which has recently been announced, investigate and incorporate the upgrades needed to provide a modern bus interchange at Box Hill. The way that the Suburban Rail Loop connects with the interchange at Box Hill will be critical to the success of the entire project.

The Box Hill transport interchange is already one of Melbourne's busiest transport hubs, with tens of thousands of bus, tram and rail passengers passing through Box Hill every day. While Box Hill's transport interchanges were advanced for Melbourne at the time, they are now 40 years old and would not have been designed for a life cycle far beyond the present nor for current expectations of amenity or access. With thousands more daily passengers expected to pass through Box Hill when stage 1 of the SRL is completed in 2035, it is critical that the plan for Box Hill includes a new modern bus interchange that meets current and future demand and maximises the value of the SRL investment.

The Suburban Rail Loop will transform the way in which people in Melbourne move around our city, and that will deliver social, economic and environmental benefits to my electorate of Box Hill. For residents of the Box Hill electorate it will mean vastly more efficient access to thousands of jobs, education and health facilities right across Melbourne. It will provide better access to the jobs-rich area around the Box Hill CBD to workers from across the metropolitan area. The project presents a unique opportunity to re-imagine the entire precinct and to greatly improve the livability of the Box Hill CBD. A new bus interchange will form a critical component of that plan. I look forward to the minister's response.

Responses

Colin BROOKS (Bundoora – Minister for Housing, Minister for Multicultural Affairs) (19:22): The member for Lara raised a matter for me in my capacity as Minister for Multicultural Affairs, and that was for me to visit with the member the wonderful organisation in the Geelong region Cultura. The member outlined the wonderful services that Cultura has provided in Geelong over decades. She ran through some of those services: settlement services, aged care, training programs, homework clubs, driver education and a whole range of services to that community.

Victoria is, I think, one of the best multicultural societies in the world. We certainly have challenges, but it is a great state that embraces so many different cultures where people share those cultures. Cultura is a great example of an organisation that helps to bring people together. Of course the member mentioned in her contribution Pako Festa, which I think takes place in February next year. Our government is very proud to be supporting that wonderful festival where people come together with a $200,000 per year over four years commitment that has been followed through in the recent budget. We will have more to say about the actual funding allocation very shortly, but that is a wonderful festival run by a wonderful organisation, and I really look forward to visiting with the member that wonderful organisation.

I will just take the opportunity to say the member for Lara is doing a great job in the Geelong region. I met recently with her and some other members of that region where we met with the council to discuss housing issues. She is doing a fine job. She fills the big shoes of the previous member for Lara Mr John Eren, who sends me the odd text message when Collingwood and Geelong are playing. I have not heard from him over the last couple of weeks, but I am sure I will early next year. We send our best wishes to John.

There was a matter raised by the member for Narracan, directed to the Minister for Health.

A member: Who is also doing a wonderful job.

Colin BROOKS: The Minister for Health is doing a wonderful job. Oh, the member for Narracan is doing a wonderful job. His issue was to ask that the minister address the crisis that is the waitlist for urgent care, in his words. He outlined a serious case that affected a patient that had come to him – Shane Adamiak, I think, was the name. I will make sure that the Minister for Health gets that matter referred to her.

The member for Hastings referred a matter to the Minister for Climate Action, inviting the minister to visit the Port of Hastings with him to discuss offshore wind construction, if I have got that matter correctly.

The member for Morwell raised a matter for the Minister for Tourism, Sport and Major Events, seeking that the minister provide compensation to businesses in the Latrobe Valley that have been affected by the decision not to proceed with the Commonwealth Games, and I will make sure that that matter is referred to the minister.

The hardworking member for Preston has raised a matter for the Minister for Early Childhood and Pre-Prep, requesting that the minister visit the Nara early childhood centre, and he indicated the great work that the staff there do and the long periods of time that those staff stay at that particular centre. It is a great place to work, by the sounds of it. They have some plans for a refurbishment they wish to discuss with the minister. I will make sure that the minister is referred that particular matter.

The member for the Benambra raised a matter for the Minister for Mental Health, and the issue that he raised was that the minister urgently approve and fund eight adolescent acute mental health beds at Albury Wodonga Health. He outlined one particular, fairly serious, instance of an example that had been raised with him, and I will make sure the minister receives that particular matter.

The member for Melbourne raised a matter for the Minister for Emergency Services, and I will seek the member's guidance on this. I understand the matter she raised was that the minister urgently release the updated figures on aerial firefighting capacity. I am happy to take some further advice from the member on that particular matter and refer that to the minister.

The member for Eltham raised a matter for the Minister for Community Sport requesting that she visit the Eltham Redbacks Football Club with the member for Eltham. I remember being at the opening of the home of the Matildas at La Trobe University. The government invested $101 million to create that wonderful sporting facility. There were a couple of Matildas in attendance just before the World Cup, and they had a host of Eltham Redbacks junior players there who were just so excited to be at that venue with some of the Matildas present.

The member for Mildura raised a matter for the Minister for Planning, requesting that the land at the old Ouyen Primary School site be rezoned for housing. As the Minister for Housing, I am certainly on board for more housing supply, so I will make sure that that matter is referred on to the Minister for Planning.

The member for Box Hill raised a matter for the Minister for the Suburban Rail Loop, requesting that the planning for the Suburban Rail Loop include consideration of a new bus interchange at Box Hill, and I will make sure that that matter is referred to the minister.

The DEPUTY SPEAKER: The house now stands adjourned until tomorrow.

House adjourned 7:28 pm.