



Hansard

LEGISLATIVE ASSEMBLY

60th Parliament

Thursday 19 October 2023

Office-holders of the Legislative Assembly

60th Parliament

Speaker

Maree Edwards

Deputy Speaker

Matt Fregon

Acting Speakers

Juliana Addison, Jordan Crugnale, Daniela De Martino, Paul Edbrooke,
Wayne Farnham, Paul Hamer, Lauren Kathage, Nathan Lambert, Alison Marchant,
John Mullahy, Meng Heang Tak, Jackson Taylor and Iwan Walters

Leader of the Parliamentary Labor Party and Premier

Jacinta Allan

Deputy Leader of the Parliamentary Labor Party and Deputy Premier

Ben Carroll

Leader of the Parliamentary Liberal Party and Leader of the Opposition

John Pesutto

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David Southwick

Leader of the Nationals

Peter Walsh

Deputy Leader of the Nationals

Emma Kealy

Leader of the House

Mary-Anne Thomas

Manager of Opposition Business

James Newbury

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

Member	District	Party	Member	District	Party
Addison, Juliana	Wendouree	ALP	Lambert, Nathan	Preston	ALP
Allan, Jacinta	Bendigo East	ALP	Maas, Gary	Narre Warren South	ALP
Andrews, Daniel ¹	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 ²	South Barwon	Ind	O'Keefe, 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 ⁵	Warrandyte	Lib
Edwards, Maree	Bendigo West	ALP	Southwick, David	Caulfield	Lib
Farnham, Wayne	Narracan	Lib	Spence, Ros	Kalkallo	ALP
Foster, Eden ³	Mulgrave	ALP	Staikos, Nick	Bentleigh	ALP
Fowles, Will ⁴	Ringwood	Ind	Suleyman, Natalie	St Albans	ALP
Fregon, Matt	Ashwood	ALP	Tak, Meng Heang	Clarinda	ALP
George, Ella	Lara	ALP	Taylor, Jackson	Bayswater	ALP
Grigorovitch, Luba	Kororoit	ALP	Taylor, Nina	Albert Park	ALP
Groth, Sam	Nepean	Lib	Theophanous, Kat	Northcote	ALP
Guy, Matthew	Bulleen	Lib	Thomas, Mary-Anne	Macedon	ALP
Halfpenny, Bronwyn	Thomastown	ALP	Tilley, Bill	Benambra	Lib
Hall, Katie	Footscray	ALP	Vallence, Bridget	Evelyn	Lib
Hamer, Paul	Box Hill	ALP	Vulin, Emma	Pakenham	ALP
Haylett, Martha	Ripon	ALP	Walsh, Peter	Murray Plains	Nat
Hibbins, Sam	Prahran	Greens	Walters, Iwan	Greenvale	ALP
Hilakari, Mathew	Point Cook	ALP	Ward, Vicki	Eltham	ALP
Hodgett, David	Croydon	Lib	Wells, Kim	Rowville	Lib
Horne, Melissa	Williamstown	ALP	Werner, Nicole ⁶	Warrandyte	Lib
Hutchins, Natalie	Sydenham	ALP	Wight, Dylan	Tarneit	ALP
Kathage, Lauren	Yan Yean	ALP	Williams, Gabrielle	Dandenong	ALP
Kealy, Emma	Lowan	Nat	Wilson, Belinda	Narre Warren North	ALP
Kilkenny, Sonya	Carrum	ALP	Wilson, Jess	Kew	Lib

¹ ALP until 5 August 2023

² ALP until 29 April 2024

³ Sworn in 6 February 2024

⁴ Resigned 27 September 2023

⁵ Resigned 7 July 2023

⁶ Sworn in 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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Thursday 19 October 2023

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

*Members***Member for Mulgrave***Resignation*

The SPEAKER (09:33): I wish to advise members that it is my intention to issue a writ on Monday 23 October for a by-election to be held for the seat of Mulgrave on 18 November 2023. I will write to party leaders to confirm when I have issued the writ.

*Documents***Documents****Incorporated list as follows:****DOCUMENTS TABLED UNDER ACTS OF PARLIAMENT** – The Clerk tabled:

National Parks Act 1975 – Report 2022–23 on the working of the Act

National Parks Advisory Council – Report 2022–23

Recycling Victoria – Report 2022–23

Renewable Energy (Jobs and Investment) Act 2017 – Victorian Renewable Energy Target (VRET) – Progress Report 2022–23

Victorian Electoral Commission – Report 2022–23

Victorian Inspectorate – Report 2022–23.

*Business of the house***Adjournment**

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:34): I move:

That the house, at its rising, adjourns until Tuesday 31 October 2023 at 12 pm.

Motion agreed to.*Members statements***Surf Coast planning**

Richard RIORDAN (Polwarth) (09:34): My members statement today brings to the house's attention the petition from some 310, or thereabouts, Torquay residents about something which came to their attention without any warning or consultation – one of the government's Big Housing Build projects. The people of Torquay absolutely embrace the need for more public and social housing in their community – it is one of the least supplied forms of housing – but what they are not happy about is that in an estate where families and people have moved to, with very clear planning provisions in that area that they are to be single-dwelling lots or within standard planning areas, the state government has allowed a development that will see some 12 self-contained units built on a lot that would otherwise be available just for one or maybe two homes. This is causing great consternation in the community because there are many more developments to go ahead in the Torquay area. People need to be able to buy and develop in those areas with the confidence that what they are buying into, what they are investing their life savings in, can actually be maintained. This is an unfair imposition. This housing is much needed in the community – it could be developed in this community without any doubt – but it needs to be in the right spot, it needs to be thoughtful and in the government's quest for the big build it must take it into consideration.

Father Nhan Le

Ben CARROLL (Niddrie – Minister for Education, Minister for Medical Research) (09:36): On Sunday 27 August I joined by local community to celebrate Father Nhan Le of St Martin De Porres parish and St John Bosco's on his 25 years of ordination to the priesthood. In 1980, at 21 years of age, Father Nhan made a bold decision to escape Vietnam due to the war and communist occupation of the south. With his brother, Father Nhan made a treacherous journey over high seas in a small fishing boat. He said the fishing boat was like a leaf in the raging water, but every morning brought new life and new hope in the raging water. Ten years later Father Nhan's parents were able to join him, and he was able to join the seminary in 1992, accepted first into Corpus Christi in Clayton before coming across to St John Bosco's, Niddrie, and St Martin De Porres, Avondale Heights. When describing his vision for the future of the church he says that he wants the kingdom of love, justice, mercy and compassion to extend to all. I will end this statement today with a lovely quote from Father Nhan himself:

Looking back at my life, I can see all is grace. My heart sings of God's gracious love and praise, "Forever I will sing the goodness of the Lord."

Thank you, Father Nhan, and congratulations on your 25 years of service. You have been an outstanding member of the community in Niddrie and Avondale Heights, and may you have another wonderful 25 years service too.

Wellington Biggest Ever Blokes Barbecue

Danny O'BRIEN (Gippsland South) (09:37): It was a great pleasure to be one of 420 blokes in the room on Friday at the Wellington Biggest Ever Blokes Barbecue in Sale, raising money and awareness for prostate cancer. This is a fantastic local event that has become the hottest ticket in town in recent years, sold out every year well in advance because it is a great day of entertainment, camaraderie, food and fun – and all for good cause. In addition to raising funds for research, the Biggest Ever Blokes Barbecue has helped fund a prostate nurse at Central Gippsland Health for the past few years. This year Sam Newman and Dave O'Neil provided the politically incorrect entertainment along with John Silvester, aka Sly of the Underworld, who had the big crowd in silence with his tales of the seedier side of society. Congratulations to committee chair Ian Bye, who also happens to be the mayor, and all the hardworking committee who volunteered their time to put on a great day for the fellas.

Biketoberfest

Danny O'BRIEN (Gippsland South) (09:38): A hearty 'well done' also to the volunteer committee behind Saturday's Biketoberfest event in Leongatha which brought hundreds of bikers to town to celebrate various types of gleaming chrome and undertake their local Black Dog Ride to create awareness of depression and promote motorbike safety month through October. The weather was not exactly great, but the stalls and side events brought hundreds of extra people to town – great for tourism, local businesses and the community. Congratulations to Steve Busana and his committee and the Leongatha chamber of commerce for all their efforts.

Meeniyen Community Plan

Danny O'BRIEN (Gippsland South) (09:38): Finally, congrats to the Meeniyen Progress Association for the launch of the new *Meeniyen Community Plan* last week, which I had the pleasure of attending. The plan has been developed through community consultation throughout this year and I look forward to working with local, state and federal governments to deliver as much of it as we can.

Wyndham early parenting centre

Tim PALLAS (Werribee – Treasurer, Minister for Industrial Relations, Minister for Economic Growth) (09:39): I rise to update the house on the recently completed Wyndham early parenting centre in my electorate. With doors opening later this month, the centre is set to become a support hub for new parents living in the west. As Wyndham is one of the fastest growing LGAs in the state, with

110 babies born each week, it is so important that parents have access to specialised support close to home. The centre is equipped to assist parents to build their parenting skills – from newborns to toddlers. Tweddle Child and Family Health Service has supported young families in the inner west for over 100 years. I am proud that our government has expanded the services closer to home for residents in the rapidly growing outer west. From helping with sleep, settling, feeding and bonding, the centre helps build better parent-child relationships and ensures all children are meeting their developmental milestones. The Allan Labor government is committed to improving the lives of our youngest constituents and their parents. The Wyndham early parenting centre will help parents as they adjust to parenthood, helping to reduce postnatal depression, isolation and stress. This is only the first of 12 new and upgraded early parenting centres moving to the state. From the 2023–24 budget we saw \$148 million invested in expanding our early parenting services network. We want the best start for all Victorians, and as the member for Werribee I am excited to see the benefits the Wyndham early parenting centre will have for children and parents locally.

Country Fire Authority Rye brigade

Sam GROTH (Nepean) (09:40): I was delighted to join Rye CFA recently to celebrate their 75th anniversary and brigade dinner honouring some of our local heroes. After 20 years of service to the Rye CFA and local community, ex-captain Glenn Diamond was awarded the prestigious Rye fire brigade Life Membership Medal. Glenn's commitment to our local community is nothing short of inspirational. I want to thank him for his work over the last two decades with the Rye CFA.

Owen Yanner and Drew Cole won the award for the most determined improvement throughout the year, while Lieutenant Tim Griffiths and Lieutenant Locky Yanner were joint runner-up firefighters of the year. All these individuals represent the future leaders of our local community and fire brigade. However, the two major awards of the night, the Hec McMillan Award for firefighter of the year and the Captain David McKenzie Award, were awarded first of all to my good friend – and I want to congratulate him – Lieutenant Rob Thompson, who was the firefighter of the year. Rob is a pillar of our local community, and we are proud to see him recognised in this way. I also want to congratulate Rye CFA's immediate past brigade president Bob O'Toole for receiving the captain's award. Bob has been a mentor and a friend to many. We want to thank him for his service, and once again that has been duly recognised. I want to thank all the members of Rye CFA, all the members of CFA right across Nepean and the broader Mornington Peninsula and CFA members right across the state. They volunteer, they give service to all of our communities, and we wish them the best as we head towards this year's fire season.

Whittlesea City Council

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:42): I rise to speak about workers at Whittlesea council taking protected industrial action. Represented by the Australian Services Union, workers are seeking a modest wage increase that keeps up with the cost of living and the introduction of a 35-hour week for band 3 workers, who build and maintain local roads, care for the elderly and provide local services. The current offer from the Whittlesea council would see these low-paid workers' wages go backwards in real terms over the next three years.

The council refuses to continue to bargain and is putting this agreement to a vote without union agreement next week. Council has also engaged in anti-union activity, engaging contractors to perform work where ASU members have taken industrial action and threatening to reduce conditions if workers vote no in the upcoming vote. Workers are asking the Whittlesea council to return to the bargaining table, and the union and I are by their side in wanting workers to be paid a living wage.

Syro-Malabar Cultural Centre

Lily D'AMBROSIO (Mill Park – Minister for Climate Action, Minister for Energy and Resources, Minister for the State Electricity Commission) (09:43): I would also like to thank Dr Johnson George,

Shiji Joseph, Fr Varghese Vavolil and the board of directors from the Syro-Malabar Cultural Centre for inviting me to their wonderful megashow alongside more than 1000 other attendees. The Syro-Malabar Catholic Church and the Syro-Malabar Cultural Centre in Epping provide vital spiritual support to the growing community, young and old. It was also an exciting evening showcasing a variety of cultural programs, as well as of course the lighting of the lamp ceremony.

Middle East conflict

Gabrielle DE VIETRI (Richmond) (09:43): The death toll continues to rise and it is now close to 5000 as Israel continues indiscriminate bombing of civilians in Gaza. Israel has now cut off electricity, food and medicine to over 1 million civilians on a piece of land that is half the size of Melbourne, and drinking water is running out. There have been 111 attacks on health care by Israeli bombs in the past 10 days, including on a hospital, which killed 500 civilians. The UN says that mass casualties coming out of Gaza are unlike anything they have ever seen.

But these attacks did not start on 7 October. The violent colonisation of Palestine started 75 years ago. For decades Israel's extremist government has murdered Palestinians and denied them their basic rights. Children who grow up in refugee camps, who can see the sea on the horizon, never have the right to feel the waves lapping at their feet. Western governments, including this one, have declared support for the genocide and dispossession of Palestinian people under the guise of self-defence. There will come a time of peace, and their complicity will be understood. I stand in solidarity with the movement for a free Palestine, for lasting justice and peace. There must be a ceasefire and an end to the illegal occupation of Palestine.

Voice to Parliament

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (09:45): I rise today to pay my respects to the Dja Dja Wurrung, the Wurundjeri and the Taungurung people who are the traditional owners of the lands that make up the electorate of Macedon. I acknowledge and offer my respect to First Nations communities and leaders in Macedon and across the nation who fought for yes with great courage and spirit, and I also acknowledge the many thousands of allies and volunteers, including many Labor members, who stood with them to assist throughout the campaign. I also want to acknowledge the real dismay and hurt that so many Aboriginal people are feeling right now, and I want to let community know that I respect the week of silence that many Aboriginal people and organisations are taking.

One of the great privileges of being an MP, one that we all share, is to be able to work so closely with traditional owners and with Aboriginal communities. I get to do this in my own electorate and of course across the state in my ministerial role. Being able to experience such significant sites as Budj Bim and Wil-im-ee Moor-ring with elders and to walk the Hanging Rock precinct with traditional owners has been a great honour – to really engage with and learn so much more about our country's 60,000-year history. I know that our government will continue to find opportunities to grow this knowledge and understanding for all Victorians. Here in Victoria our work on voice, on truth, justice and treaty will continue.

Sophie Nichols and Jordan McCormick

Jess WILSON (Kew) (09:46): I am delighted to speak about two very talented people today, Sophie Nichols and Jordan McCormick, both of whom are in the gallery this morning. Sophie and Jordan were part of Team Australia at the Special Olympics World Games in Berlin, Germany, in June this year. Sophie has been part of the Balwyn Gymnastics Club since she was eight years old, training hard for many years to compete in the Special Olympics. All that hard work paid off with Sophie winning two gold medals and a silver medal – an amazing effort. Jordan played in the Australian women's B-grade basketball team at the Special Olympics, and they brought home the bronze medal. Jordan was the highest pointscorer for her team, scoring three-pointers, which brought the house down.

I have had the privilege to get to know these very special young women through the Kew Neighbourhood Learning Centre. Can I acknowledge the incredible work that KNLC's executive manager Barbara and her team do to empower young adults with a disability to reach their full potential. It would be fair to say that both Sophie and Jordan live their lives every day as per the Special Olympic oath:

Let me win. But if I cannot win, let me be brave in the attempt.

Sophie, Jordan, you have made your country very, very proud and are role models for young women right across Australia.

Donnybrook Road–Mitchell Street, Kalkallo

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (09:48): On 29 September the vastly improved Donnybrook Road–Mitchell Street intersection in Kalkallo was officially reopened after a short but intense two-week construction blitz which has completely transformed the intersection. This \$6 million project has brought a huge amount of relief to local commuters with travel times from the exit of the Cloverton estate onto the Hume Freeway cut from an average of 46 minutes to just over 2 minutes. This relatively simple but absolutely effective upgrade includes a new dedicated left-turn slip lane for southbound travel onto the Hume Freeway as well as widening of the freeway on-ramp, relocation of street lighting and the modification of the roundabout.

Since the intersection opened residents have been in contact with my office to pass on just how much these upgrades have improved their daily commutes to work and to the school drop-off. Last year I sponsored a petition calling for funding to deliver this incredibly important piece of infrastructure, which was intended to provide interim relief pending the future duplication of Donnybrook Road and signalisation of the intersection. The petition received more than 1300 signatures from local residents, demonstrating just how important this issue is to my local community. That is why I am thrilled that this project is finally complete. The project provides the much-needed relief that residents had been calling for, but I know there is much more to do. I thank the more than 2200 community members who signed the recent petition calling for funding to commence the future duplication and signalisation works, and I will continue to work with them and continue to advocate for these works that are needed for this growing community.

Positive Ageing Festival

Martin CAMERON (Morwell) (09:49): It is the Positive Ageing Festival month in the Latrobe Valley, and if you are 55-plus years young my goodness are there some things for you to do. From movies, daytrips, live music, pickleball, swimming, venue tours, opera and orchestra performances, you will need a rest in November to recover from all the shenanigans from the month of October. I called past the live performance from Melissa Langton and band on a wet, wet day, and the indoor venue was perfect. With a large crowd singing along it was great to be in attendance. A big shout-out to Kath Roberts for the invite, and I am sure everyone enjoyed the performance. I even had time to do the CPR and defib training that our wonderful paramedics were teaching in the foyer.

Gippsland Motorcyclists Toy Run

Martin CAMERON (Morwell) (09:50): Also it was time to turn some snags on the barbie for the Gippsland Motorcyclists Toy Run. The toy run raises funds and takes toy donations from the community so some joy and smiles can be put on children's faces who may not be able to have Christmas presents under the tree. The toys are collected by the motorcycle club and then make the journey via a motorbike convoy on the roads of the Latrobe Valley before being handed out to some very grateful support groups. The flowing white beard of Santa riding a motorbike is certainly a sight that turns a lot of heads as the convoy hits the roads. Well done to Alf and Stella, and a huge shout-out to all the riders who make this a most wonderful day.

The SPEAKER: I might head down to Morwell.

Voice to Parliament

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (09:51): ‘We know that a lot of First Nations people will be hurting today.

We know that for many Australians, the pain they feel will linger – and for others, it may never fade at all.

To First Nations people, we say this clearly: Victorians respect you and your culture.

So said the Premier on the weekend.

The Voice was intended to be a way to hear what First Nations people have to say, and work to build a better future – together.

We can all get behind that principle.

Australians have decided that the Commonwealth approach to change the Constitution – in this particular way – was not the right way to go ...

I would just like to add that the Jagajaga electorate, in which my Ivanhoe electorate sits, recorded a 54 per cent yes vote, and I thank them all.

First Nations policies

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (09:51): Four years ago the Victorian First Peoples’ Assembly was set up. This year we had our second round of elections. Aboriginal Victorians put their faith in the process. The doubling of voters on the Assembly roll is testament to that. It is a model with bipartisan support, and I truly hope that continues. The government is currently considering the recommendations of the Yoorrook Justice Commission’s second report and will respond in due course, and I was pleased to be a witness at the hearings in my role as Minister for Police along with other justice ministers. Treaty negotiations are expected to begin early next year once the Treaty Authority and Self-Determination Fund are in operation. First Nations people can be assured of my commitment to them, and it reflects my electorate’s commitment to them and the Allan Labor government’s commitment to First Nations people.

Albury Wodonga Headspace Day

Bill TILLEY (Benambra) (09:52): A couple of Saturdays ago I had the privilege to speak at Wodonga’s Headspace day. As most in this place know, Headspace is an early intervention mental health service for 12- to 25-year-olds. The theme for this meeting a couple of Saturdays ago was ‘Rubbishing unreal expectations’. It was an important day. Headspace is doing great work, but I do not think it is an unreal expectation to provide regional beds for adolescents suffering an acute mental health episode. The Royal Commission into Victoria’s Mental Health System was quite clear on the need for treatment to be close to home. Regional and rural Victoria have 25 per cent of the population of Victoria, but we do not have an adolescent acute mental health inpatient service anywhere outside of Melbourne. The indictment on this is we need the beds now.

Melrose Drive, Wodonga

Bill TILLEY (Benambra) (09:53): On another matter, I also believe it is not an unreal expectation to have the suicide barriers on Melrose Drive over the Hume Freeway in Wodonga finally built. I have lost count of the promises made on this. In August it was five years since Ken Wright’s wife Carolyn died at this bridge. Federal money has been available since 2019, money in the state budget since 2022. In February the Minister for Roads and Road Safety said it would be done in the second half of the year, contracts were tendered and fabrication works were set to go. It is now mid-October and there is no sign of any action.

Bayside P–12 College

Melissa HORNE (Williamstown – Minister for Casino, Gaming and Liquor Regulation, Minister for Local Government, Minister for Ports and Freight, Minister for Roads and Road Safety) (09:54): I have got awesome schools in my electorate, but I want to give a shout-out to a couple of them because recently I had the privilege of attending Bayside P–12 College with the then Minister for Education, who is in the chamber, Natalie Hutchins, and we had a terrific time turning the first sod that is going to occur down at Bayside college. This is an awesome investment. It is a \$6 million investment that is going to upgrade maths and science blocks and transform that learning space for students and teachers alike. In fact Bayside college is such an awesome school that it was named the Schools that Excel's winner in the western suburbs after it achieved its best VCE results in 10 years, so I would really like to give those teachers a bit of a shout-out.

Altona College

Melissa HORNE (Williamstown – Minister for Casino, Gaming and Liquor Regulation, Minister for Local Government, Minister for Ports and Freight, Minister for Roads and Road Safety) (09:54): Also I was down last week at Altona College because they invited me to the official opening ceremony for all of their new school buildings. It was a fantastic day of celebration, with speeches and a tour from the student leaders. I too would like to congratulate the principal there and all the teachers indeed because you can see the dedication of them all. On top of that we have got year 12s going into exams very soon, and I would like to wish every year 12 student across Williamstown the very best in those exams coming up.

Uncle Kevin Coombs OAM

Natalie HUTCHINS (Sydenham – Minister for Jobs and Industry, Minister for Treaty and First Peoples, Minister for Women) (09:55): I rise today to extend my condolences to the family and loved ones of Uncle Kevin Coombs OAM, who sadly passed away at age 82 just two weeks ago. Uncle Kevin was a highly respected Wotjobaluk elder with connections to Wemba Wemba and Wurundjeri. Uncle Kevin was born in Swan Hill and competed in five Paralympic Games on behalf of Australia. As documented in his recent testimony to the Yoorrook Justice Commission, from his ancestors' experiences at Ebenezer Mission to his grandfather's poor treatment despite his sacrifices in World War I to the racism Uncle Kevin experienced and the challenging times in hospital after his accident and throughout his life, Uncle Kevin became an important advocate for disabled sports and his community. He was this country's first Aboriginal Paralympian. His advocacy and work in Aboriginal health, education and the justice system means there have been significant benefits to the community through his work. In 2000 when Uncle Kevin addressed the Victorian Parliament he stated:

We cannot expect attitudes to change and problems to disappear overnight, but genuine goodwill and a genuine desire for reconciliation will find the means to effective change.

Such powerful words that still stand today. I wish to offer my sincere condolences to his family.

Middle East conflict

Natalie SULEYMAN (St Albans – Minister for Veterans, Minister for Small Business, Minister for Youth) (09:57): I rise today to offer my thoughts and prayers to the communities of Israel and Palestine. What has happened in the last 10 days has been truly shocking. The scenes break my heart and the hearts of all Victorians. I want to acknowledge the hurts and suffering experienced by many innocent civilians. All lives are precious, be it the tragic loss of lives in Israel or the loss of Palestinian lives in Gaza. I know that this is a very difficult time for everyone. I have reached out to my friends in the Muslim and Jewish communities. This is a time to support one another. We are a vibrant multicultural society in Victoria, and we stand united with our communities. I want to make it clear that I stand with you throughout this time and offer my support and prayers to you all. Salaam. Shalom.

Mont Albert Primary School

Paul HAMER (Box Hill) (09:58): Congratulations to Mont Albert Primary School for their recent production of *Annie*, which I had the pleasure to attend. The students put on a fantastic show, which is testament to their hard work and the dedication of their teachers. I thoroughly enjoyed watching the performance, which featured themes of friendship, trust and resilience. I was equally awed by the musical performances and the costumes, clearly reflecting countless hours of dedication and refinement. I would like to give some specific shout-outs to members of the cast for their performance – Miranda, Ella, Mia, Jessie, Evan, Lauren, Elsie, Skye, Livinia, Eric, Jack, Ellie, Samira, Connor, Eloise, Zara, Alyssia, Maksim, Sophie, Elena, Marco, Kira, Charlie, Sienna, Emily and Gabriella – and the students of years prep, 1 and 2 who were all part of the ensemble. I also wish to commend the production director Cassie Sulc for her excellent work and all the behind-the-scenes crew. Finally, I would like to commend principal Jason Walker for his leadership as well as the teachers, parents and volunteers that worked behind the scenes to guarantee the success of this performance.

Our Lady of Sion College

Paul HAMER (Box Hill) (09:59): On Wednesday 10 October I had the pleasure to attend the year 12 graduation ceremony at Our Lady of Sion College in Box Hill and present the Mollie Holman Award to the student who makes the greatest contribution to the promotion of STEM education. I wish to congratulate Zoe Bairamis, who is the STEM captain at Sion, as this year's winner. Zoe is a great mentor who works with peers and younger students and is always there to assist and encourage others in their STEM learning experience. Can I also wish all of the year 12 students at Our Lady of Sion College and all other year 12 students in Box Hill the very best of luck in their upcoming exams.

Cranbourne electorate schools

Pauline RICHARDS (Cranbourne) (09:59): I am very pleased to have the opportunity to talk about the schools of Cranbourne, as other members of Parliament have done. I was really honoured to spend a couple of hours with the year 11 students from Cranbourne East Secondary College and particularly the professional development skills class. These year 11 students were sparkling wits. They certainly took me through my paces, asking me some very insightful questions and leaving me feeling good and optimistic about the future. Congratulations to Cranbourne East Secondary College. Having spent some time there, I was then able to open the covered basketball courts funded by the Labor government. Unfortunately they gave me a basketball and they asked me to throw a couple of hoops. My skills are not in that area, so hopefully there is no video footage. I understand that there possibly could be, but I will do whatever I can to keep that footage out of the public domain. I am not going viral for that reason, that is for sure. Cranbourne West Secondary College was great. The Treasurer came to visit last week, and they took him through his paces. I feel like there is a bit of a theme in Cranbourne. Rob Duncan was terrific. I also visited St Agatha's primary school, and I am always grateful for the insights and generosity of the principal there.

Jamie Trotter

Pauline RICHARDS (Cranbourne) (10:01): In the last couple of seconds I would like to say happy birthday to Jamie Trotter. Jamie had a happy birthday this week. He is the heart and soul of Cranbourne.

Middle East conflict

Nathan LAMBERT (Preston) (10:01): Some members of our family live in a moshav near the Gaza Strip. They are okay in the sense that they have not been physically harmed by the recent attacks, but their lives will never be the same again. War is always full of horrors, but people going from door to door murdering and terrorising non-combatants in front of their families is a special kind of horror. It was at My Lai, it was at Deir Yassin and it was at Eshkol. Thousands of innocent Palestinian men, women and children have also been killed, including the family members of our fellow Victorians. Our hearts go out to them. When their family has been killed by Israeli bombs, they will be rightfully

devastated and angry. I have spoken with the Australia Palestine Advocacy Network. I have spoken with local Palestinians. I have spent time in Ramallah. I think we all agree that as this conflict continues we should try to be as humane as possible in our comments, acknowledge the suffering on both sides and distinguish between the actions of people and the actions of their leaders. We must keep in mind that our responsibilities as Victorian MPs in a subnational government are to own multicultural and multifaith communities. I do not think that any of us should be out trying to win votes by making divisive comments about a tragic overseas conflict. We hope for peace, and our thoughts are with everyone whose families are suffering and grieving.

St Arnaud Agricultural Show

Martha HAYLETT (Ripon) (10:02): The weekend of 7–8 October saw the 143rd St Arnaud Agricultural Show, or as locals put it, ‘the best agricultural show in town’. There was plenty to enjoy at this year’s annual show as well as a long list of winners, from the best egg exhibit to photography, homemade preserves and some of the most amazing wheelbarrow gardens. This year also boasted a full schedule of showjumpers and show-ring events helped made possible by our Labor government’s lighting upgrades at Lord Nelson Park. Another big contributor was the hardworking local Landcare group, the Buloke and Northern Grampians Landcare Network, who as always show up for their local community, sponsoring some fantastic entertainment and interactive displays. I want to thank the incredible bunch of locals who helped put this event together, including president of the St Arnaud Agricultural Society Peter Knights and his hardworking committee, including the shearing subcommittee, which this year put on a shearing competition that ran from 8 am until late into the evening. I also want to pay a special tribute to Joan Supple. Joan has been a part of the St Arnaud annual show for the past 40 years as pavilion secretary, and I was so pleased to see her contribution honoured with her very own plaque. It is people like Joan that help keep the culture of our country agricultural shows alive, ensuring that generations of rural Victorians and their families can enjoy all the fun and food of this incredible event.

Yan Yean electorate schools

Lauren KATHAGE (Yan Yean) (10:04): Achievement unlocked: I am so pleased that the architects have been appointed for not one but two school upgrades in my area. Whittlesea Secondary College is taking the first steps towards its \$11.7 million upgrade. Similarly, Wandong Primary School can look forward to working on the plans for their \$10.1 million upgrade. It is such an exciting time for the school and the leaders and the parents and the staff to dream and envision what their school could look like, making sure that they have got the world-class facilities to match their world-class teaching. I am so proud to represent two such fabulous schools.

Business of the house

Notices of motion

Colin BROOKS (Bundoora – Minister for Development Victoria, Minister for Precincts, Minister for Creative Industries) (10:05): I advise that the government does not wish to proceed with the notice of motion, government business, on the notice paper, but we ask that it remain on the notice paper.

Bills

Crimes Amendment (Non-fatal Strangulation) Bill 2023

Statement of compatibility

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (10:06): In accordance with the Charter of Human Rights and Responsibilities Act 2006 I table a statement of compatibility in relation to the Crimes Amendment (Non-fatal Strangulation) Bill 2023.

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 Crimes Amendment (Non-Fatal Strangulation) Bill 2023 (the Bill).

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

Overview

The Bill seeks to protect and promote the rights of victim-survivors of family violence by implementing the following reforms:

- Amending the *Crimes Act 1958* (the Crimes Act) to include two new offences of non-fatal strangulation:
 - o an offence of intentional non-fatal strangulation committed against a family member, with a maximum penalty of five years' imprisonment ('the 5-year offence'); and
 - o an offence of intentional non-fatal strangulation committed against a family member which intentionally causes injury, with a maximum penalty of ten years' imprisonment ('the 10-year offence').
- Amending the *Family Violence Protection Act 2008* to include choking, strangling or suffocating a family member, or threatening to do so, in the definition of family violence.

Human Rights Issues

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

- Right to life (section 9)
- Protection from torture and cruel, inhuman or degrading treatment (section 10)
- Privacy and reputation (section 13)
- Right to liberty and security (section 21)
- Rights in criminal proceedings (section 25)

Promoting the right to life (section 9) and the protection from torture and cruel, inhuman or degrading treatment (section 10)

Section 9 of the Charter provides that every person has the right to life and has the right to not be arbitrarily deprived of life and section 10 provides that a person must not be subjected to torture or treated in a cruel, inhuman or degrading way. The government is required to use all means necessary to protect the health and life of all persons in Victoria.

Introducing non-fatal strangulation offences promotes both rights. Non-fatal strangulation can be fatal or cause serious, long-term injury. It is a particularly serious form of offending when committed as an act of family violence, where it is an indicator of serious future risk, including homicide. In circumstances of family violence, non-fatal strangulation is rarely isolated and often indicates an ongoing and escalating pattern of violence and coercive and controlling behaviour. While this conduct is already criminalised, the nature and predictive elements of non-fatal strangulation can be obscured when offenders are charged with generic offences, which may also attract inappropriately low penalties. Creating standalone offences will assist police, early intervention services and justice agencies to better identify, monitor and respond to instances of non-fatal strangulation and family violence. By enabling these earlier responses, the reforms seek to reduce further instances of family violence and allow intervention prior to a potentially fatal outcome.

Privacy and reputation (section 13)

Section 13 of the Charter provides that every person has the right not to have their privacy (including private, consensual sexual behaviour), family, home or correspondence unlawfully or arbitrarily interfered with.

This right is promoted by the availability of consent as a defence to the 5-year offence, including when non-fatal strangulation occurs as a sexual activity. This reflects evolving sexual practices in the community. When injury is not intentionally caused, and parties are wholly consenting to the practice, their privacy should be protected and promoted by the law.

Consent is not available as a defence for the 10-year offence. I accept that this restriction may limit the right of Victorians to engage in private, consensual sexual behaviour, and I am satisfied that the limitation is reasonable and justified. Non-fatal strangulation is an inherently dangerous act which can cause loss of consciousness or prove fatal, even when consensual. These significant risks, which may not be present in other sexual practices, justify excluding consent as a defence to the 10-year offence – where injury is not just possible, but must be intentionally caused.

I am satisfied that there are no less restrictive measures that would protect Victorians without limiting this right.

Right to liberty and security (section 21)

Section 21 provides that every person has the right to liberty and security (section 21(1)); that a person must not be subjected to arbitrary arrest or detention (section 21(2)); that a person must not be deprived of his or her liberty, except on grounds, and in accordance with procedures, established by law (section 21(3)); and that a person awaiting trial must not be automatically detained in custody (section 21(6)).

The word ‘arbitrary’ has a particular legal meaning. In section 21(2) of the Charter, it broadens the right beyond freedom from unlawful arrest and detention – an arrest or detention will limit the right because it is ‘arbitrary’ if it is capricious, unjust, unreasonable or disproportionate to a legitimate aim.

The *Bail Act 1977* (Bail Act) contains mechanisms to ensure bail decision makers pay particular attention to family violence risks when deciding whether or not to grant an accused bail. For example, in relation to bail applications for an accused charged with a family violence offence, the Bail Act specifically requires bail decision makers to consider the risk of the accused committing family violence if released and whether that risk could be mitigated either through bail conditions and/or the creation of a Family Violence Intervention Order.

Clause 5 of the Bill adds choking, strangling or suffocating a family member, or threatening to do so, to the list of behaviour that is considered family violence in section 5(2) of the *Family Violence Protection Act 2008*. By doing so, it ensures that Bail Act provisions which relate to family violence will apply to non-fatal strangulation offences, including the Bail Act’s definition of ‘family violence offence’. A further effect of this amendment may be that, if a person is charged with the offence of threat to kill, and the basis of the threat is choking, strangling or suffocating a family member, Schedule 2 of the Bail Act may apply. This would require a bail decision maker to apply the ‘show compelling reason’ reverse onus test in considering whether to grant bail for the offence of threat to kill as a family violence offence, which may reduce a person’s likelihood of being granted bail and limit the right to liberty and security. However, this is not a new limitation, as the conduct of threatening to choke, strangle or suffocate a family member would likely already meet the definition of family violence and could fall within schedule 2 of the Bail Act.

Requiring a deeper consideration of family violence risk when considering bail applications for those accused of these offences does engage the right to liberty and security. However, I consider this right is not limited as any deprivation of liberty that would occur would be on grounds, and in accordance with procedures, established by law and detention would not be arbitrary. This requirement seeks to promote victim-survivor safety by ensuring decision-makers turn their minds to the risks posed by non-fatal strangulation. However, it will not automatically lead to bail being refused if the bail decision maker considers that risk can be appropriately mitigated. This greater consideration of risks is complemented by the Bill introducing guiding principles for interpreting and applying the new offences (new section 34AC of the Crimes Act 1958), which will alert police, bail justices and magistrates to the potential and likely consequences of further offending by an accused.

Rights in criminal proceedings (section 25)

Section 25 of the Charter provides for various rights of a person charged with an offence during criminal proceedings. The right to be presumed innocent in section 25(1) is closely related to the protection against self-incrimination contained in section 25(2)(k) of the Charter. This right provides that a person charged with a criminal offence is entitled not to be compelled to testify against themselves or to confess guilt. This right is at least as broad as the common law privilege against self-incrimination. It applies to protect a charged person against the admission in subsequent criminal proceedings of incriminatory material obtained under compulsion, regardless of whether the information was obtained before or after the charge was laid. Both the presumption of innocence and the protection against self-incrimination encompass the right to silence, which includes the right of an accused to be free from adverse inferences drawn from their silence. These rights are integral to the fairness of the justice system, given the grave consequences of being charged with a criminal offence, including potential loss of physical liberty, social stigma and psychological and economic harms.

Clause 3 of the Bill engages the right to the presumption of innocence and the right against self incrimination through the addition of new sections 34AF–34AJ, which form the defence of affirmative consent for the 5-year offence. This defence will apply where the conduct constituting the offence – the choking, strangling, or suffocating – is committed as a sexual activity or in the course of a sexual activity. The defence will be made out where the complainant either consented, or the accused had a reasonable belief the complainant consented, to being choked, strangled or suffocated. The accused’s belief will not be reasonable if they did not say or do anything to ascertain consent.

When raising the defence, an accused person will need to point to sufficient evidence demonstrating that either the complainant consented or that they had a reasonable belief that the complainant consented. While the prosecution must then prove beyond reasonable doubt that the accused did not say or do anything, this may be easier to prove in the absence of any evidence from the accused and the defence may fail as a result. This may limit the right to be presumed innocent and the right against self-incrimination because the practical effect of the provisions may be that, even though not required by the legislation, an accused must lead evidence of certain matters as part of their defence. For example, they may decide to give evidence that they said or did something to ascertain consent. This may in turn abrogate their right to silence and freedom from adverse inferences being drawn from their silence, as well as expose them to broader cross-examination, including in relation to other elements of the relevant offence.

While I accept that this provision may limit an accused's right to silence to some degree, I am satisfied that the limitation is reasonably justified for the reasons that follow.

The 5-year offence serves an important and pressing objective of addressing the prevalence of family violence in Victorian society, and its devastating and lifelong impact on the safety of women and children in particular. Non-fatal strangulation is an inherently dangerous act, with potentially severe consequences. It is also a significant predictor of future fatal violence. It is therefore important that when the 5-year offence occurs as or during a sexual activity, the available consent defence sets an appropriate standard of consent consistent with that applied to sexual offences.

Common law consent, which allows for consent to be inferred and only requires a defendant to believe that consent is present, even if that belief is unreasonable, is not an appropriate standard in this context. The Bill therefore adapts the affirmative consent model recently introduced by the *Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022* as a defence where the 5-year offence occurs as or during sexual activity. This sends a strong message about the importance of taking steps to obtain consent and how it must be obtained by those who participate in non-fatal strangulation during sexual activity. By requiring an accused to have said or done something to ascertain consent in order for that belief in consent to be reasonable, the Bill appropriately directs scrutiny to an accused's actions in obtaining consent. This will support an effective justice system response to sexual violence and ensure consistency with Victoria's high standards for consent in the context of sexual conduct.

Although this does limit rights in criminal proceedings, Parliament considered such a limitation was justified and proportionate when considering the 2022 affirmative consent reforms on which these reforms are modelled. The limitation is mitigated by the fact that the Bill does not place any legal burden on an accused to disprove elements of the offence charged, nor does it reverse the onus of proof in respect of the consent defence. Consistent with the usual allocation of onus of proof for defences, if the accused wishes to rely on the affirmative consent defence, they must point to sufficient evidence raising the defence. The burden is then on the prosecution to disprove the defence – in this case, to prove that the complainant did not consent, and that the accused did not have a reasonable belief. Hence, while the accused may decide to bring evidence in support of the defence, there is no legal or practical requirement that they do so, and where the prosecution does not disprove the defence beyond reasonable doubt, the defence will be able to succeed even where an accused does not give evidence.

In my view, there are no less restrictive means available to address consent in sexual contexts which have the same level of efficacy for victim protection. This is because the framing of the defence is clear and robust in expressing the need for reasonable belief in consent, and the associated actions a person must take.

I am also satisfied that sections 34AI(3) and (4), which impose a legal burden of proof on an accused to establish, on the balance of probabilities, that they have a cognitive impairment or mental illness that was a substantial cause of their failing to say or do anything to ascertain consent, is compatible with the Charter. My reasons are the same as those expressed in the Statement of Compatibility for the Justice Legislation Amendment (Sexual Offences and Other Matters) Bill 2022, which introduced sections 36A(3) and (4) of the Crimes Act on which sections 34AI(3) and (4) are based.

As such, I am satisfied that reforms introducing the affirmative consent defence provisions for the 5-year non-fatal strangulation offence are compatible with the Charter. To the extent that they may limit rights in the Charter, those limits are moderate and reasonably justified to achieve a critically important aim.

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) (10:06): 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:

Strangulation is a highly dangerous and easily fatal form of violence which can cause unconsciousness within seconds and death within minutes. Blood clots, stroke, and brain damage caused by strangulation can cause death quickly, and up to weeks or months after the event. Victim-survivors of non-fatal strangulation may also suffer from long-term physical and/or mental disability as a result of the conduct.

Non-fatal strangulation is a particularly dangerous and insidious form of family violence. In circumstances of family violence, non-fatal strangulation is rarely an isolated event and often reveals an ongoing and escalating pattern of violence and coercive control. Someone who survives non-fatal strangulation by a current or former intimate partner is seven times more likely to be seriously injured or murdered by that partner. Because of this, non-fatal strangulation is recognised in Victoria's Family Violence Multi-Agency Risk Assessment and Management framework as a serious risk factor, associated with increased likelihood of death or serious injury for victim-survivors. However, the absence of a stand-alone offence has been a barrier to appropriately responding to the serious and unique risk profile posed by family violence offenders who use non-fatal strangulation as a means of terror and control.

The Bill delivers on Victorian Government commitments, including in the 2023-2027 Gender Equality Strategy and Action Plan, to introduce a stand-alone offence of non-fatal strangulation. The offences introduced by this Bill will more effectively hold offenders to account and will also provide clearer indications to police and community service practitioners of escalating violence and control in family violence contexts. Additionally, the Bill aims to improve understanding of the dangers and potential lethality of non-fatal strangulation among police, courts and community service practitioners and help drive more effective medical, legal and law enforcement responses.

Much work has gone into developing these offences, and I want to thank stakeholders for their considered views. I would also like to acknowledge the powerful advocacy from the family of Joy Rowley, who was a victim of non-fatal strangulation prior to her murder.

The non-fatal strangulation offences

This Bill will introduce two new offences of non-fatal strangulation into the *Crimes Act 1958* – an offence of non-fatal strangulation with a 5-year maximum penalty and an offence of non-fatal strangulation intentionally causing injury with a 10-year maximum penalty.

Both offences will capture a broad range of conduct

The offences will prohibit 'choking, strangling or suffocating' which will be defined, non-exhaustively, as:

- applying pressure to the front or sides of the neck
- obstructing or interfering with a person's respiratory system, or
- impeding respiration.

Some Australian jurisdictions that have stand-alone offences have seen courts narrowly interpret the terms 'choke, strangle or suffocate' where these terms are not clearly defined. These narrow interpretations have imposed inappropriately high evidentiary burdens on the prosecution and may serve to further traumatise victim-survivors. The broad definition used in this Bill aims to avoid this issue.

For both offences, the conduct must occur between family members

While a broad definition of the prohibited conduct is appropriate, the government has listened to concerns that this definition increases the risk of inadvertently capturing conduct outside the scope of the intended reforms, with community groups who are already over-represented in the criminal justice system likely to be disproportionately affected.

Accordingly, the offences will only apply to conduct between family members. This will also focus on the main policy rationale of the reforms – to appropriately respond to the serious and unique risk profile posed by family violence offenders who use non-fatal strangulation as a means of terror and control.

The definition of 'family member' used in this Bill is the same broad, flexible definition used in the *Family Violence Protection Act 2008*. This definition includes children, parents, stepparents, siblings, current or

former spouses and domestic partners, as well as current or former intimate personal relationships (which need not be sexual in nature). It also includes other relationships that could reasonably be regarded as like that of a family member. Community understanding of what makes someone a ‘family member’ continues to develop and change over time. Using this definition of ‘family member’ will ensure that the scope of the offences keeps up with contemporary community values and expectations.

In many cases, it will be clear whether a complainant and accused are family members without the complainant needing to give evidence. Accused persons will not be able to assert that they mistakenly and honestly believed they were not a family member of the complainant. However, they will be able to contest whether they met the definition of ‘family member’ at the time of the alleged offending.

The focus of this Bill on non-fatal strangulation of a family member is not intended in any way to minimise the seriousness of non-fatal strangulation in other contexts. The government hopes that the Bill will increase awareness of the risks and consequences of non-fatal strangulation more generally. Non-fatal strangulation that falls outside the scope of this Bill will continue to be dealt with by existing offences, such as causing injury offences and assault.

The 10-year offence

The 10-year offence is designed to capture conduct where the offender intentionally injures their victim with an act of non-fatal strangulation. ‘Injury’ includes both physical injury and harm to mental health. The element of intentional injury means there is a higher level of culpability attached to this offence, triggering the higher maximum sentence. It is also consistent with comparable existing offences that have 10-year penalties, such as conduct endangering life and intentionally causing injury. This offence is framed to capture the most egregious forms of non-fatal strangulation.

The 5-year offence

The unique nature of non-fatal strangulation means it often leaves no visible signs of physical injury, or injuries may only become evident weeks or months after the offending takes place. Historically, this has made prosecuting non-fatal strangulation challenging, with prosecutors resorting to charging offenders with common assault to get a conviction. Common assault only attracts a maximum penalty of three months, which is inadequate for such serious offending. The 5-year offence addresses these issues by imposing an appropriately high maximum penalty and only requiring that the offender choked, strangled or suffocated the victim-survivor – there is no requirement that the non-fatal strangulation cause injury, unconsciousness or incapacity.

Defences will be available for both offences

Existing common law and statutory defences such as self-defence, duress, or sudden and extraordinary circumstances will be available for both the 5-year and 10-year offence.

Consent will be available as a defence to the 5-year offence but will not be available for the 10-year offence in any circumstance. Excluding consent as a defence to the 10-year offence recognises that non-fatal strangulation with the intent of causing injury cannot be done safely. While this is a departure from the general position for other Victorian criminal offences, it is justified by the application of the offence to conduct against family members only, and the very serious risks posed by the conduct which caused that injury.

The 10-year offence also contains statutory exemptions for medical conduct and body modification performed in good faith. Statutory exemptions for the 5-year offence are not necessary as the lawful excuse of consent will operate to ensure the 5-year offence does not capture body modification or medical procedures.

Sexual activity and the defence of consent applicable to the 5-year offence

Consent will be available as a defence to the 5-year offence. The Victorian Parliament has long recognised that the common law defence of consent is not appropriate for sexual activities. As such, a new statutory defence of consent will apply where the non-fatal strangulation occurred as a sexual activity. In these circumstances, the defence will be made out where either the complainant consented to the non-fatal strangulation, or the accused reasonably believed the complainant consented. In line with the sexual offence reforms passed by Parliament in 2022, consent in this context will be defined as free and voluntary agreement and must be communicated – absence of resistance is not sufficient to establish consent, and consent cannot be assumed even if the parties had previously consented to the same sexual activity with their current or former partner. An affirmative consent model provides victim-survivors with stronger protections and recognises that sexual non-fatal strangulation is an increasingly common practice, particularly amongst young Victorians. The defence also incorporates the recent reforms to the meaning of ‘reasonable belief’, so that an accused cannot be found to have held a reasonable belief that the complainant consented if they did not say or do anything to determine whether their belief was correct.

The common law defence of consent will apply when non-fatal strangulation does not occur as a sexual activity. This will ensure that the 5-year offence does not inadvertently punish legitimate conduct between

family members, such as occurs during contact sport, medical procedures, hugging, massages, and tattoos and other bodily adornment.

Guiding principles will assist courts and the wider community in understanding this form of family violence offending

Many known difficulties affect the identification and management of family violence offending. The risks of non-fatal strangulation have also not always been widely understood by those who come into contact with victim-survivors and offenders, contributing to low detection and prosecution rates. To support the new offences, the Bill contains guiding principles that courts must have regard to when applying the offences, including in sentencing. These principles include the fact that non-fatal strangulation often occurs within the context of family violence, is a predictive risk factor for future harm or even death, and that even short or individual periods of non-fatal strangulation can create an atmosphere of fear and compliance.

Consequential amendments will support implementation of the Bill

The Bill also amends the *Family Violence Protection Act 2008* to insert choking, strangling or suffocating of a family member, or threatening to do so, into the list of behaviours constituting family violence.

This consequential amendment will ensure that that non-fatal strangulation is recognised as an act of family violence in family violence intervention order and family violence safety notice processes. It will also mean that the protections afforded by Part 8.2 of the *Criminal Procedure Act 2009* to family violence complainants giving evidence in court will be available in non-fatal strangulation proceedings. Further, it will have the effect that bail decision makers must consider whether there is a risk of further family violence, and whether that risk could be mitigated, when considering whether to grant bail to persons charged with either of the non-fatal strangulation offences.

Conclusion

Introducing these offences into the *Crimes Act 1958* will bring Victoria in line with most states and territories in Australia who have enacted stand-alone non-fatal strangulation offences. Given their significance, the government will liaise with stakeholders on the operation of these offences, to ensure they work effectively and as intended. This review process will also be able to draw upon experiences and learnings in other jurisdictions that have recently introduced stand-alone non-fatal strangulation offences.

This Bill is an important piece of legislation that will ensure appropriately serious penalties are available for this very serious form of offending. It will also provide better protection for victim-survivors, particularly in the context of family violence, and provide vital information to police and community service providers in how they understand, identify and assess family violence risk.

I commend the Bill to the house.

Michael O'BRIEN (Malvern) (10:06): I move:

That the debate be now adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned for two weeks. Debate adjourned until Thursday 2 November.

Special Investigator Repeal Bill 2023

Second reading

Debate resumed on motion of Anthony Carbines:

That this bill be now read a second time.

Michael O'BRIEN (Malvern) (10:07): I appreciate the call on the Special Investigator Repeal Bill 2023. This is a very sad bill. It is a sad bill because what it is is the efforts of this Labor government to sweep under the carpet once and for all the disgrace, the stain on Victoria's legal system that was the scandal of Lawyer X.

For those of you playing along at home or playing catch-up, Lawyer X was the decision by Victoria Police and senior members of Victoria Police to use as a human source a criminal barrister – to use a criminal barrister Nicola Gobbo to inform against her own clients in order to secure convictions. This was an appalling decision. It demonstrated an appalling lack of judgement and fundamentally it betrayed the very principles on which our system of criminal justice is based. Any person in this state should be able to go to a lawyer to seek legal assistance in relation to a charge, and they need to know

that the lawyer is on their side, not on the side of the prosecution. It really is as simple as that. When you go to your lawyer, your lawyer has got to be on your side, not on the side of the Crown. The actions of Victoria Police and the actions of Nicola Gobbo absolutely betrayed the interests of those clients and absolutely betrayed the principles of our legal system.

This is something that Victoria Police fought tooth and nail to stop ever coming to light. It only did because there was an IBAC investigation that was conducted by former senior lawyer and former Supreme Court judge Murray Kellam, who reviewed Victoria Police's human source management. This occurred in July 2014 under the former coalition government, I note. The report was concluded in February 2015. It found that there was a high degree of negligence by Victoria Police in its management of human sources, particularly its use of Nicola Gobbo as a human source.

Full disclosure: I knew Nicola Gobbo at university, where we were both involved in student politics. Nicola Gobbo was a member of the Labor club, a very active member of the Labor club. She was a very strong Labor club member and she stood for the Labor club on many occasions and got elected as student newspaper editor and to a few other things. I was on the other side. I do know Nicola Gobbo from those days, but I have to say it has been quite a few years since I have crossed paths with her. I do not hold any personal animosity towards her, but I think her actions as a barrister in betraying the interests of her clients were absolutely appalling, and they have resulted in her being struck off the roll of barristers and solicitors of this state.

Having conducted this review of Victoria Police's use of human sources and particularly Nicola Gobbo, IBAC advised the DPP about this, and the Director of Public Prosecutions at the time formed the view that, because of what had been uncovered and released to them, Victoria Police should let some of these people who had been convicted on the secret evidence of their barrister know about it. Victoria Police fought this tooth and nail. There was some excellent journalism that occurred to try and uncover what had gone on, and I acknowledge Anthony Dowsley and Patrick Carlyon from the *Herald Sun*. They worked on this for years, and they were blocked at every turn. Victoria Police spent millions and millions of dollars seeking suppression orders, but ultimately it wound up in the High Court of Australia, the highest court we have in our nation.

The case was known as *AB v. CD; EF v. CD* because they were all using pseudonyms at the time. It was handed down on 5 November 2018, and it was a unanimous judgement. All seven justices of the High Court of Australia came to the same view. In this case the pseudonym EF was used for Nicola Gobbo. I will read a particular passage and any reference to EF should be understood as a reference to Gobbo:

EF's actions in purporting to act as counsel for the Convicted Persons while covertly informing against them were fundamental and appalling breaches of EF's obligations as counsel to her clients and of EF's duties to the court. Likewise, Victoria Police were guilty of reprehensible conduct in knowingly encouraging EF to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill-will. As a result, the prosecution of each Convicted Person was corrupted in a manner which debased fundamental premises of the criminal justice system.

I do not think I have read a more damning indictment issued by the highest court in this country than that of the behaviour of Victoria Police and of an individual lawyer. At this point Nicola Gobbo's identity became public knowledge. The actions of Victoria Police became public knowledge, and this led to a chain reaction of people who had been convicted having their convictions quashed, having their convictions overturned. Apart from being unethical, irresponsible, reckless and stupid, Victoria Police's actions did not even achieve the intended results because people have now walked free from jail because they were convicted on that tainted evidence provided by Nicola Gobbo.

One of these cases was where a person who had been convicted on the basis of Gobbo's evidence was appealing. This is a statement of the Court of Appeal of Victoria in the case of *Faruk Orman v. The Queen* dated 26 July 2019. The court was constituted by President Maxwell and Justices Niall and Emerton. Paragraph 11 says:

The Director –
meaning the Director of Public Prosecutions –

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

The court goes on. Paragraph 12:

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

Faruk Orman walked free, but we know that Tony Mokbel, a convicted drug trafficker, Mr Big of the drug world, is seeking to use what Victoria Police and Nicola Gobbo did together to try and get out of jail now. So how many more serious crooks – dangerous people – will wind up being released back into the Victorian community because of the disgrace of the Lawyer X scandal? That is why the government's attempt to sweep all this under the carpet with this bill we are debating today simply will not wash. It will not wash, because we know this has got a long way to play out, and the consequences of this, not just for the legal system but for Victorians, are still to be accounted for.

Following the outrageous conduct and its publication, the government had no choice but to announce a royal commission, and it did so. It made a misstep at the start and appointed as one of the royal commissioners former South Australian police commissioner Malcolm Hyde. Mr Hyde later had to withdraw from the royal commission when it became clear that he had been at Victoria Police during a period in which Gobbo had been working as a paid informer. So the commission continued with former Queensland Court of Appeal president Margaret McMurdo AC, and those recommendations were handed down on 30 November 2020. Amongst those recommendations was recommendation 92, and it provides:

That the Victorian government, within 12 months, develops legislation to establish a Special Investigator with the necessary powers and resources to investigate whether there is sufficient evidence to establish the commission of a criminal offence or offences (connected with Victoria Police's use of Ms Nicola Gobbo as a human source) by Ms Gobbo or current and former police officers named in the Commission's final report or in the complete and unredacted submissions of Counsel Assisting.

The royal commission recommended the Special Investigator be appointed, because clearly the royal commissioner understood that what had been uncovered to her in the evidence produced was clearly something which raised a big red flag that crimes had been committed. Now, the Parliament passed the Special Investigator Act in October 2021 and the government appointed as the Special Investigator former justice of the High Court of Australia the Honourable Geoffrey Nettle AC KC. Justice Nettle is one of the most eminent legal figures this country has ever produced. His integrity is beyond reproach. His intellect is beyond reproach. His independence is beyond reproach. He was an excellent choice as Special Investigator. As we will soon see, the government was not best pleased with the fact that he brought that independence to his role.

Having been established in 2021, the Special Investigator and the Office of the Special Investigator undertook their work to establish evidence as to whether crimes had been committed by Victoria Police, by Nicola Gobbo or by others in relation to the whole Lawyer X scandal. The OSI was given a very significant budget; tens of millions of dollars was provided to the OSI to help it do its work. It had very significant powers. Remember, the reason for this is because it is the greatest legal scandal in this state's history, and the idea that nobody had committed any offence was something that the royal commissioner found very hard to believe, which is why she specifically recommended a Special Investigator be set up to obtain evidence of crimes. Just to give you one example, one brief of evidence that was collected and assembled by the Office of the Special Investigator consisted of more than 5000 pages of admissible documentary evidence, many hours of audio recordings and multiple witness statements.

The OSI – Special Investigator Justice Nettle and his team – worked tirelessly. They worked thoroughly, they worked carefully and they assembled thousands and thousands of pages of admissible evidence, all pointing to crimes having been committed. That was their job. Interestingly, the way the government set the OSI up did not provide for the OSI to have the power to bring charges directly. It is interesting because other organisations can bring charges without going through the Director of Public Prosecutions. Local councils can bring charges directly. WorkSafe can bring charges directly. Many organisations can bring charges directly without having to go through the Director of Public Prosecutions. But in this case the Labor government decided, ‘Oh, no, we’re not going to let the OSI make those decisions itself; we’re going to hand that off to the Director of Public Prosecutions.’ The trouble is – and this is one of the great failings of this government, and this is why I say the opposition opposes this bill – the DPP and the Office of Public Prosecutions had an inherent conflict of public interest. The OPP and the DPP work with Victoria Police every day on a whole range of criminal matters. There is a very close relationship between the OPP and Victoria Police in relation to their daily work. And with great respect to the office of the Director of Public Prosecutions and to Ms Kerri Judd KC, who is the current DPP, it was not appropriate that a Victorian DPP who worked so closely with Victoria Police should be the person making the call on whether charges should be brought against Victoria Police in relation to the Lawyer X scandal.

In other matters prosecutors have been brought in from other states to make those sorts of decisions independently. In relation to the Victorian Ombudsman’s current inquiry into the politicisation of the Victorian public service by this government, the Ombudsman decided not to undertake that work herself because there would be a perception of conflict of interest. She brought in a senior person from another state who would not have that same perception of conflict of interest. Honourable members would understand that whether or not there was an actual conflict of interest is one thing – and I do not go to whether there was an actual conflict of interest – but a perception of a conflict of interest is just as bad. When you have a Victorian DPP and Office of Public Prosecutions who work day in and day out with Victoria Police in assembling evidence to make decisions over prosecutions in a range of matters that go through the County Court and the Supreme Court, there is an obvious perception of a conflict of interest, and the government should have dealt with that.

The government should have dealt with that by providing the Office of the Special Investigator with the powers to bring charges directly. If for some reason the government did not wish to do that, then the DPP should have brought in a prosecutor from another state, who would not suffer from that perception of a conflict of interest, to make that call, but that is not what happened. The Victorian DPP, who works day in, day out, and her office, which works day in, day out, hand in glove with Victoria Police, made the decision not to bring any charges despite thousands and thousands of pages and years and years of investigative work and despite an admission by Nicola Gobbo that she was ready to plead guilty. The DPP said, ‘Let’s not bring any charges.’ It looks like a cover-up. It looks like one.

Again, I cast no personal aspersions on the DPP, but the government has allowed this situation to occur because the government did not provide the Special Investigator with the powers to bring charges directly and the government did not require that a person from interstate, with clean hands, with no perception of a conflict of interest, was brought in to make those decisions. The government is responsible for this. I read in the *Australian* newspaper this morning that people are concerned about attacks on or criticism made of the DPP. Well, the government engineered the situation in which the DPP was placed in that position, and they should never have done it.

The OSI, as members would know, tabled a special report to Parliament this year, and in that special report Justice Nettle explained that he was being blocked at every turn in his efforts to see charges brought, to see people brought to justice who were responsible for the Lawyer X scandal. I will quote directly from his report. In paragraph 32, he says:

... the Director added that she took the opportunity also to make “observations about the passage of time and the impact it has on the decisions ahead for our respective offices in relation to any further briefs of evidence”, leading the Director to conclude that: “As it stands, the passage of time will undoubtedly have a significant

bearing on the prospects of conviction ...[which] is also a matter I would have to take into account in determining whether it is the public interest to proceed with a prosecution ...

Does the DPP seriously believe that because perverting the course of justice happened a few years ago it is no harm, no foul – that there should be no accountability, that people who engaged in what the highest court of Australia unanimously found to be reprehensible conduct should be able to walk free? That appears to be the view of the DPP: the passage of time mitigates against bringing charges. Well, I thought for serious criminal matters our criminal law provides that there is no statute of limitations. If you committed murder 30 years ago and the evidence is there to charge you, you get charged. You do not get to walk away on the basis that you concealed your crime for a few years and people only just cottoned on to it. You can sense the absolute frustration of Justice Nettle in this report. In paragraph 42 he says:

Since it now appears to me that the Director will not grant OSI permission to file any charge of relevant offence, I consider it to be pointless for OSI to continue. In my view, the appropriate course is for OSI to be wound up.

What a disgrace. What an absolute disgrace. What a stain on Victoria's justice system that after High Court challenges, royal commissions, the establishment of an Office of the Special Investigator, years of work, thousands of pages of evidence and tens of millions of dollars of public money, the government's answer is 'Nobody did anything wrong. Let's walk away'. But we know from red shirts that that is this government's favourite type of scandal – a scandal where you get exposed, somebody says sorry, but no-one ever gets charged. That is this government's favourite type of scandal: 'Oops, we got caught. But that's it; that's where it ends'. No wonder the government is pushing this through, but it is wrong. This bill is wrong. The entire attitude of this government towards this scandal is wrong and disgraceful. That is why I move:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government puts in place measures to ensure that those responsible for the Lawyer X scandal are held to account'.

There should be no use-by date on corruption. There should be no use-by date on conspiracy to pervert the course of justice. The government seems to think there should be and so does the DPP, according to the Special Investigator. It is not simply the opposition who is calling this out. Some of the most senior lawyers in the country have expressed similar views. Former justice the Honourable Stephen Charles, a former judge of the Supreme Court of Victoria and a former judge of Victoria's Court of Appeal, is quoted in the *Age* as saying he was 'appalled' that Judd, being the DPP, had rejected Nettle's recommendations to begin prosecutions against police.

"One of the main purposes of our criminal law is to deter crime. Over more than a decade, our police engaged in serious criminal behaviour which the High Court unanimously said should never be repeated," Charles said. "The failure to start the prosecutions recommended by Justice Nettle is an open invitation to the police to repeat their appalling misbehaviour."

This from former Justice Stephen Charles of the Court of Appeal. On that point, let us not forget that in this term of Parliament the government put through the Human Source Management Act 2023, which precisely allows for the Lawyer X scandal to happen again. Rather than passing a law that says that under no circumstances should a criminal lawyer be used to inform against their client, because the High Court has already said you cannot do it, the government said, 'Let's try and find a way to make it legal. Yes, there's a few hurdles, there's a few boxes you've got to tick, but let's allow that to occur again'. The government cannot argue otherwise, because we moved amendments that would have explicitly prevented a lawyer being used as a human source against their own client, and this government rejected them. The Honourable Stephen Charles's concerns are absolutely right, because this government has legislatively laid a path to have a Lawyer X situation happen again.

Gavin Silbert KC, a former chief Crown prosecutor, in the same article said the jury should be backed to determine if Gobbo's evidence was credible. Silbert said:

Gobbo offered to plead guilty and give evidence now. What more do you need than that?

What more indeed? This DPP will not even take a guilty plea at its worth. Well, there will be a lot of champagne corks being popped down at Victoria Police headquarters and amongst the criminal fraternity of this state if this bill passes. This government wants to sweep it all under the carpet and pretend that nothing happened. But this is not going to go away. Tony Mokbel and people of his ilk are still going to try and use the Lawyer X scandal as a get-out-of-jail-free card. If those people wind up walking the streets, this government can look to itself as to why that has happened. This government was in place when the Lawyer X scandal occurred, and this Labor government is in place when it is trying to cover it all up. Of course the government cannot even leave it at that; this government has to try and pursue its critics. The former Premier, the former member for Mulgrave, decided to come out and attack the esteemed Geoffrey Nettle, the former High Court judge who was the Special Investigator:

“Investigators don’t make good prosecutors,” Andrews said. “There needs to be a separation. If you have investigated the matter, you are altogether too close to it to be making decisions about whether a conviction is likely.”

I had not realised that Mr Monash Arts Degree was all of a sudden a legal expert on the separation of powers. My goodness! To think of somebody like Daniel Andrews lecturing somebody of the ilk of Geoffrey Nettle is just unbelievable.

Gary Maas: He was Premier of the state – something you never were – Premier of the state. What are you talking about?

Michael O’BRIEN: Mate, if you were any further on the backbench you would be in the car park, so you just be quiet.

The DEPUTY SPEAKER: Through the Chair, member for Malvern. Order, member for Narre Warren South.

Michael O’BRIEN: I do not think I have ever seen such a vociferous response to an outrageous attack by a Premier on an esteemed former judge. There was an open letter that was signed by I think over 30 senior Victorian barristers, who were absolutely appalled. Their statement says, in part:

... these statements published in The Age ought never to have been made in respect of such a distinguished and well-respected jurist as Mr Nettle. They ought to be retracted and a public apology published ...

Also:

... they are misguided, wrong and inappropriate ...

‘Misguided, wrong and inappropriate’ – that pretty much sums up this government’s approach to the entire Lawyer X scandal. This government really believes that after a High Court case, a royal commission, setting up an OSI, years of investigation and thousands of pages of documented evidence, audiotapes and videotapes, the answer is it all goes away, nothing is supposed to happen – nothing to see here, no-one held accountable. It is a massive slap in the face to Victorians who believe that we have a justice system that works. It is a massive slap in the face to Victorians who believe that they are all equal before the law. There is no equality before the law here. If you are mates with Labor, if the government wants to keep you on side, they are not going to push too hard. Why wasn’t the OSI given powers to directly bring charges? Why didn’t the government insist that a Director of Public Prosecutions from another state who did not have a perceived conflict of interest in relation to the Lawyer X scandal be brought in to make the decisions?

The answer is this government has got what it wanted: a nothingburger. This government has got exactly what it wanted: nobody called out who could make life difficult for the government. That is what this is all about. It is a protection racket, and this government is disgraced by it. This is the greatest legal scandal in this state’s history, and the government’s response is nobody is accountable and no-one pays the price except for Victorians. Victorian taxpayers pay a price. Victorians who want to go to see their lawyer and want to be sure that they are not going to be informing on them to police pay a price, because they cannot even be sure of that. Victorians who may wind up living next to a Tony

Mokbel or somebody else who gets their conviction quashed because of this Lawyer X scandal will pay a price, but the government does not.

This is a government that has been here for too long. It is all about deals. It is all about looking after its mates. There is no principle left, and that is why this bill is terrible. This bill should be opposed. The opposition does oppose it. The *Herald Sun* editorial of 12 July sums it up:

If Justice Nettle – who was lauded by the government for his legal experience – was convinced charges should be laid then he should be given power to lay them.

In the end, public confidence in the justice system is at stake.

Public confidence in the justice system in this state is at stake, and with this bill this Labor government has comprehensively failed that test.

Steve McGHIE (Melton) (10:37): Today I rise to contribute to the Special Investigator Repeal Bill 2023. We have just heard a contribution from the member for Malvern. I can assure him that this is not a protection racket, but he can use that sort of language and try to create this hysteria, as the Liberal opposition does with most things in this state. This is about the Office of the Special Investigator's (OSI) job being done. That is what this bill is about. Their job has been done, and it is about winding up that office.

As I am the first speaker for the government side in the debate, I want to thank the Attorney-General's team and the Attorney-General herself for the thorough work that they have done on this legislation. It is the result of the complete implementation of every one of the recommendations of the Royal Commission into the Management of Police Informants, and I want to acknowledge that. In the member for Malvern's contribution he was unfortunately slurring our current Victoria Police members and our legal and judicial members, and I think that is really unfortunate because our VicPol members do a wonderful job. I will come to it later in my electorate, but they do a fantastic job, and most of the legal and judicial members do a wonderful job. That does not mean to say that all industries do not have some people that obviously do not perform to the best, and that includes in this chamber and in this Parliament. I extend my thanks to our VicPol members and those that work in the legal and judicial system for the great work that they do and in particular our VicPol members for keeping us safe in this state.

In 2021 the Victorian government stood up the establishment of the Office of the Special Investigator as an independent statutory office. Its core purpose was to investigate potential criminal conduct and breaches of discipline related to the Victoria Police's use of Nicola Gobbo as a human source. It came with a substantial financial commitment of over \$25 million to fund it and its investigations. This legislation before us today is designed to further ensure the future of the justice system and the accountability we expect of them, increasing transparency and the responsible use of public resources within our legislation.

Earlier this year our government made the significant decision based on careful evaluation and expert advice to wind down the OSI. We are doing this because, as I said earlier, its job is done. Its purpose is fulfilled; it is no longer required. We are grateful to Geoffrey Nettle AC KC and the *Special Report to Parliament* presented to the public earlier this year, in June, which outlined that after thorough investigation he expressed his views that given the Director of Public Prosecutions decision not to file criminal charges in relation to the cases presented the investigations into criminal actions and disciplinary investigations should cease and the Office of the Special Investigator should be wound down along with any disciplinary investigations. That is what Geoffrey Nettle had said. Of course with disciplinary actions against people you cannot take disciplinary action against individuals. In particular in relation to the suggestion of taking disciplinary action against Victoria Police members if they no longer work for VicPol or any other respective agency, the thought of taking at least some disciplinary action is impossible when they no longer work there or when most of them have either retired or resigned.

This bill is grounded in legal protocols and ethical considerations and, as I have mentioned, the complete implementation of the royal commission's recommendations. It has been shown that every recommendation of the royal commission has been made real, every recommendation has been borne out and the changes have been done. One of the things that the royal commission specifically rejected was the idea that the OSI should have prosecutorial powers. I know that the member for Malvern was saying that he thought that the OSI should have such power. Again, we reinforce the question of whether an investigator should prosecute the charges, and we would say no.

The independent prosecutor has had the benefit of reviewing all of the evidence and all of the issues and cannot prosecute with the likelihood of any conviction. Failing to get a conviction helps nobody. One of the most important skills that a prosecutor has is the ability to assess whether or not a prosecution could lead to a conviction, and in every one of these cases it was determined that this could not happen. Again, I think we have to show respect to the DPP in regard to their judgement on that. Of course the DPP clarified that while she did not rule out the prospect of authorising future prosecutions, she needed strong credible evidence to do so. So it is still left open in some of these issues that that could happen, depending on what potential briefs may come forward, and she would consider the merits of those briefs in regard to that.

The government's decision to decommission the Office of the Special Investigator was a difficult but necessary one; it was a decision rooted in the principle of upholding the law, ensuring fairness and respect in due process. For those not familiar with the process of prosecution, once the investigator considers enough evidence has been gathered to substantiate a criminal charge, cases are presented to the DPP, and again the DPP make a decision on whether to proceed with those matters. They are all assessed with the determination that the prosecution should only proceed if there is a reasonable prospect of conviction and if it serves the public interest, which is in line with Commonwealth prosecution requirements. Again, the DPP obviously found that those measures were not going to be met.

I would like to be clear about the briefs provided by the Office of the Special Investigator. The independent Director of Public Prosecutions, with complete oversight of all of the evidence, the entire picture, found no reasonable prospect of conviction, and that led them to decide not to file charges. This decision was made following careful examination by that independent body in accordance with well-established legal procedures. Again, we saw much reporting of this in the media, and it does not matter what the media report or what the public think at the time, they do not have all the evidence before them, whereas the DPP did have all the evidence. We have full confidence in the independence of the Department of Public Prosecutions, and of course the speculation that has been made around future DPP prosecutions is not appropriate, noting that it has not been ruled out.

The past two years have seen a large volume of records, some of which are quite sensitive, that have been created. This bill makes provision for enduring the safe carriage and preservation of them to the Department of Justice and Community Safety. All those records are required to be retained – and will be – and be initially received by DJCS, and those determined to be worthy of preservation will be delivered to the Public Record Office Victoria. Those records that do not fit the criteria of worthy will be appropriately disposed of according to the developed retention and disposal authority.

It was concluded that there was neither merit nor public interest in the OSI continuing its investigations without substantial grounds to establish relevant offences, and recommendation 94 of the Royal Commission into the Management of Police Informants explicitly recommended that the Director of Public Prosecutions be responsible for deciding whether to prosecute and for conduct of criminal proceedings arising from the Office of the Special Investigator's investigations.

In the short time that I have left I want to come back to thanking again the great VicPol members, particularly in my area of Melton, for keeping us safe and for the great work that they do. I did visit them recently, and they are a fantastic group of people that we can rely upon. As I say, not everyone in industries meet the standards, but I can tell you out my way I am very happy with my local VicPol

workforce. With the member for Kororoit I went out to Werribee last week to the Werribee police station. That is an amazing place, and amazing people work there.

This is an important bill. Obviously it will be debated heavily. I do not agree with the opposition's position, but I do commend the bill to the house.

Peter WALSH (Murray Plains) (10:47): I rise to make a contribution on the Special Investigator Repeal Bill 2023. Can I start off by reminding the member for Melton that this debate is not a reflection on the rank-and-file police – it is a reflection on some parts of police command from that particular time – and that we all hold our rank-and-file police in the highest regard in our communities, and the jobs that they do to keep our communities safe. But it is about making sure that everyone is accountable to the law.

If you go back in history, this effectively started with the police operations around what were called the gang wars of the late 1990s and early 2000s and effectively a culture that developed within some elements of the police force, particularly some of the higher command in the police force, of 'We need to do whatever it takes to actually end this gang war'. Unfortunately 'whatever it takes' was not legal, and that is what the issues that come out through this are: there were means used that have been proven to be illegal, particularly surrounding Nicola Gobbo as a lawyer ratting on her clients. One of the greatest sins, I would say, of any lawyer is betraying the confidence of their client. Legal privilege is one of the major tenets of our law, and that trust between client and lawyer is very important in making sure there is justice done in our legal system. Once someone rats on that, that undermines the very tenet of what our legal system does. I think that is effectively what the High Court found when the High Court finally ruled that Gobbo's name should no longer be suppressed. It found that Gobbo's action in purporting to act as counsel for convicted persons while covertly informing against them was fundamentally an appalling breach of obligations as a counsel to her clients and to the duties of the court.

As I understand the law – although I am not a lawyer – the first obligation is to the court and the legal system, and then to the client, and both those tenets were broken by Gobbo in doing that, with the encouragement by some people in Victoria Police, because they were of the view that whatever it took, it had to be done to stop the gang wars that were happening at the time. Their Honours went on to say:

Likewise, Victoria Police were guilty of reprehensible conduct in knowingly encouraging –

Gobbo –

to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill-will. As a result, the prosecution of each Convicted Person was corrupted in a manner which debased fundamental premises of the criminal justice system.

That is what this is all about. The Special Investigator was to do investigations that came out of the royal commission, and as the Shadow Attorney-General said, there were views that there should have been charges laid against members that were involved in that particular process, but the DPP chose not to go forward with any charges there. That is why I would say to the member for Melton and other members on the other side: the job has not been done. No-one has been held to account. This is another example with the Andrews government where there are inquiries set up, there is a lot of talk and there are a lot of pages of reports actually produced but no-one is ever held to account for wrongdoing under the Andrews government regime, and I am firmly of the view that nothing will change with the new Premier.

We saw this with the hotel quarantine investigation. We had an inquiry and we had evidence. Watching it on the screen, even as a non-trained lawyer I felt with the prosecution by the counsel assisting there were always one or two more questions that I would have asked that might have got to the bottom of the hotel quarantine. But they always seemed to pull back at the threshold issue and did not ask the pertinent questions to get the answers that were needed around who was actually responsible under the whole debacle of hotel quarantine and who signed off on the \$80-something million it cost. There was no-one held to account out of that.

This is just another example where there has been a long process followed and some very eminent people have been used who have made recommendations that have not been followed because this government does not want to hold their mates to account. Nepotism is corruption, and one day the lid will be lifted and the truth will come out that things have been covered up to protect Labor mates through this particular process. We have the issue of friends in high places who use that influence to make sure that people are not held to account. As the Shadow Attorney-General said, we believe the reasoned amendment that the Shadow Attorney-General has moved:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government puts in place measures to ensure that those responsible for the Lawyer X scandal are held to account'.

is the tenet of what we are talking about with this particular bill. We should not be getting rid of the office; we should actually be giving them powers. We should have different legislation coming into this place that gives that office the power to lay charges. It should not be left to the DPP to second-guess what they think should happen. We have had a pre-eminent lawyer do this investigation and make recommendations that there should be charges, there should be people held to account, but we are now saying 'No, we'll abandon it. We'll put all the files away in the government records and everything will be hidden forever'.

This is why we need to make sure that this bill does not pass, that the office is not wound up and that the office is actually given improved powers, greater powers, to make sure that people are held to account, because unfortunately people are very cynical about the system here in Victoria now that no-one is held to account. No-one is held to account for the things they have done wrong, because if you are a Labor mate, you get covered up. There almost effectively needs to be a royal commission into the Andrews government –

Members interjecting.

Peter WALSH: No – and the nepotism, the cover-ups, all the issues that have happened –

Tim Richardson interjected.

Peter WALSH: I think you are out of your seat, mate, if you want to interject. But if you want to come back here and debate it, I am very, very happy to.

The DEPUTY SPEAKER: Through the Chair, Leader of the Nationals.

Peter WALSH: You can just go through the list, and it all starts with the red shirts scandal – and scandal and scandal and scandal –

The DEPUTY SPEAKER: The member for Mordialloc is out of his seat.

Michael O'Brien: He's trying to edge around to the right. He should go back to the left.

Peter WALSH: I think he is actually stranded in nowhere land, because neither the left nor the right want him. He seems to be a bit of a refugee. You have seen people who have been elevated in the pecking order above the member for Mordialloc, so perhaps he is a bit of a refugee that no-one really wants in their camp at all. He may laugh, but –

Tim Richardson interjected.

Peter WALSH: In all seriousness, this is a key issue before the house that goes to the fundamentals of our legal system, goes to the fundamentals of the separation of powers where the Parliament should be separate to the judiciary. I would suggest that there has been a merging of those issues with how this particular investigation has been carried out. There has been no result to this investigation. As I said to the member for Melton, the job is not done. People in Victoria are sick of cover-up. They are sick of investigations that never ever lead anywhere, and they are very cynical. They are very cynical of the fact that the Labor Party machine has infiltrated the public sector so far, infiltrated some parts

of the judiciary and the police force so far, that no-one will ever be held to account for what happens if people break the law. What the Ombudsman is doing about the politicisation of the public sector is very critical work, because at the moment there is no frank and fair and independent advice being given. It is advice being given for what the Labor Party wants to suit Labor mates, to cover up for Labor mates so that no-one is held to account for the things that go wrong in this state.

Dylan WIGHT (Tarnet) (10:56): It gives me great pleasure this morning to rise and contribute on the Special Investigator Repeal Bill 2023. I would like to reflect on the Leader of the Nationals' contribution for a small moment at the beginning of my contribution. It is always a journey with Walshy; you are just never quite sure what the destination is going to be. To go from the substantive part of this bill to then speak about red shirts, royal commissions into the Labor Party and all manner of other things – I sort of contemplated a point of order, but most of it was pretty funny so I thought we would just keep moving through.

In essence this bill represents the next incredibly important step in our ongoing commitment to ensure transparency, accountability and efficiency within our legal system. The Office of the Special Investigator, the OSI, was established by the Special Investigator Act 2021 back before my time in 2021 following the recommendations of the Royal Commission into the Management of Police Informants, a royal commission that was born out of a situation that I think all of those on this side of the house agree was entirely inappropriate. It was formed to delve into matters relating to potential criminal conduct and disciplinary breaches, specifically conduct and breaches concerning the Lawyer X matter. Since its inception, OSI has operated with the objective of bringing clarity and resolution to the issues that it was tasked to investigate.

Upon the recent tabling of a special report by the former Special Investigator Geoffrey Nettle in June 2023, the conclusion was drawn that the OSI has in fact achieved its objectives. The report recommended the winding down of that office. In receipt of the report and those recommendations, that is exactly what this bill today aims to do. Recognising the comprehensive work done by the OSI, the Victorian government publicly acknowledged this recommendation and, as I said, has decided to decommission the OSI. Today's bill therefore serves to implement the process of decommissioning and transitioning, ensuring all responsibilities, records and obligations previously under the OSI are seamlessly and securely transferred to the relevant state entities. Through this bill we also aim to preserve protections and safeguards that were established for the OSI records and its officers, making sure that the integrity of the information and the welfare of involved personnel are maintained. That is something that is critical as part of this legislation and something that this government takes very, very seriously.

As I said, the nuts and bolts of the real purpose of this bill are to decommission the Office of the Special Investigator; wind up the OSI and its statutory role; transfer assets, liabilities, rights and obligations to state; preserve protections for OSI records and officers, which as I said is an incredibly important part of this bill and something that this government takes very, very seriously; continue oversight for residual complaints; and repeal amendments made to other acts by the Special Investigator Act 2021.

In the short time that the Office of the Special Investigator existed it was able to carry out the work and achieve exactly what it was there for. The OSI completed its work per the commission's recommendations. As I said earlier in this contribution, born out of the Lawyer X situation there was the Royal Commission into the Management of Police Informants in this state. It was absolutely appropriate to have that, and it was absolutely appropriate to pick up the recommendations of that commission. The OSI, in the short time that it has been in existence, has been able to complete that work quite thoroughly. All RCMPI recommendations related to the OSI have been fulfilled, and the royal commission implementation monitor supports the OSI's decommissioning. So this bill implements the government decision and commitment to decommission the OSI, as I said. We announced relatively recently – it was a public announcement – that the OSI would be decommissioned on 27 June 2023 following the tabling of a special report in Parliament by the former Special Investigator Geoffrey Nettle, as I mentioned earlier. That report recommended that we

decommission the OSI, and we were comfortable to do so because it had achieved its objectives, which were born out of recommendations of the royal commission to investigate potential criminal conduct and disciplinary breaches in relation to the Lawyer X matter. Where the OSI determined that relevant offences may have been committed, its role was to compile briefs of evidence to be filed alongside recommended charges for determination by the Victorian Director of Public Prosecutions. And as I said, the OSI has fulfilled all of those obligations in line with the commission's recommendations.

In the short amount of time that I have remaining I think it is, as the member for Melton did, entirely appropriate as we speak about this bill to recommend the police officers that serve my communities of Tarneit and Hoppers Crossing. We have quite a large police station and a large police force that service Wyndham North, where the suburb of Tarneit lies. I was lucky enough to visit Wyndham North police station only a month or so ago with the Minister for Police Anthony Carbines and to go into that facility and see the fantastic work that they do, not just stopping crime and catching people who have done the wrong thing but also the engagement that the local police force in Tarneit and Hoppers Crossing do throughout the community, which is absolutely amazing. I do not think it would be right of me or anybody else to speak on the substantive bill at hand without recognising the local police force that serves the community. As I said, it is not just about catching people that have done the wrong thing or stopping crime, it is about the community work that they do in schools, in sporting clubs and in places of faith that makes them so fantastic. I commend the bill to the house.

Chris CREWETHER (Mornington) (11:06): I rise today to speak on the Special Investigator Repeal Bill 2023, particularly as the Shadow Parliamentary Secretary for Justice and Corrections. This is a bill that I am very concerned about along with the Shadow Attorney-General and other colleagues. This bill repeals the Special Investigator Act 2021, abolishing the Office of the Special Investigator and revoking the appointment of the Special Investigator. It also transfers all assets and liabilities of the Office of the Special Investigator, the OSI, to the state as well as substituting the state as a party to all legal proceedings to which the OSI is a party. The bill has several other main transitional and savings provisions as well as changes to the Victorian Inspectorate.

The Minister for Police, Minister for Crime Prevention and Minister for Racing, in his second-reading speech of the bill, emphasised:

Victorians can be confident that the OSI has fully investigated criminal conduct and breaches of discipline arising from Victoria Police's use of Ms Gobbo as a human source to the extent possible.

This bill raises once again concerns of integrity and transparency of government actions. Is it that the government is nervous about the power that special investigators play in ensuring accountability and transparency within the government? Special investigators are, as we know, appointed to probe into matters of significant public interest such as allegations of corruption, misconduct or abuse of power. Taking away power from special investigators once again erodes the public's trust in the government's commitment to upholding the law and maintaining ethical standards. Such a move undermines the checks and balances necessary to prevent abuse of authority within government agencies. It creates an environment where government actions are less scrutinised, potentially allowing for misconduct to go unchecked or more unchecked. Indeed Victorians' confidence in the government's integrity record, I would suggest, is at an all-time low, and Victorians have every right to be sceptical about the Labor government's integrity, with five separate corruption reports naming the Labor government in just 15 months.

The bill also ends the prospect of accountability for those responsible for the Lawyer X scandal, where former criminal barrister Nicola Gobbo was used by Victoria Police as a human source to provide information about her criminal associates. It was an unprecedented scandal, with the High Court ruling that Victoria Police's recruitment of Ms Gobbo was 'debased, reprehensible, atrocious and corrupted'. Likewise, there was appalling conduct within Victoria Police in knowingly encouraging Ms Gobbo to act as an informant and essentially sanctioning reprehensible breaches of the sworn duty of every police officer to discharge all the duties imposed on them faithfully and according to law, without favour or affection, malice or ill will. That does not go to the matter that I would raise, which is that

Victoria Police as a whole do a great job. We should be proud of each and every one of our police officers who are on the ground on a regular basis, but the circumstances in this situation are indeed concerning.

Winding up the OSI essentially means that those who were responsible for the Lawyer X scandal will walk away effectively scot-free without any accountability. This Labor government was never going to allow its buddies within Victoria Police who were responsible for the Lawyer X scandal to be held accountable. That is why the Office of the Special Investigator was never given any powers to prosecute. What did the government have to hide? And what does the government have to hide?

Other organisations can bring charges – local councils, WorkSafe and many others can bring charges directly without going through the Director of Public Prosecutions. The DPP works closely with Victoria Police every single day. It was never appropriate that a Victorian DPP should be the person making the call on whether or not charges should be brought. In other matters prosecutors have been brought in from other states. As my colleague the member for Malvern so well pointed out, in the Ombudsman's inquiry into the politicisation of the public service the Ombudsman decided not to pursue that matter herself – she brought in a senior person from another state. We ask ourselves why: why was the OSI never given the power to prosecute? Why was somebody else not brought in instead of giving the DPP the final call? It is because this Labor government lacks integrity and is bordering on corrupt.

Not one Victoria Police officer will be charged over the unlawful decision to use Ms Gobbo as an informant against her clients. That is despite hours of audio and 5000 pages of admissible documentary evidence across multiple operations all pointing to crimes having been committed. The OSI did their job, and they did their job with diligence and determination. The intransigence of the Director of Public Prosecutions and the refusal of the Labor government to give the Office of the Special Investigator power to bring charges directly means that justice has failed to be done. To be honest, I am not surprised. Doug Drummond, the Queensland special prosecutor whose work led to the jailing of a former police chief in Queensland Terry Lewis and other corrupt police, said:

The police and the Labor government of Andrews are so closely entwined that I wouldn't have any confidence in a prosecution run by prosecutors who were subject to political direction ...

How embarrassing. How absolutely embarrassing. For Mr Drummond to suggest that elements of our police institutions have been potentially corrupted by the Labor government is very worrying. It is especially worrying as there are institutions here in Victoria that have failed to protect the rights of the accused. The former Premier and the current Premier have had the power to correct this – to correct one of the most egregious assaults on our judicial system in Victoria's history – yet they have chosen to do nothing. How did the former Premier respond to former High Court judge Geoffrey Nettle's tireless hours of work and pursuit of accountability for all of those involved in the Lawyer X scandal? He stated:

Investigators don't make good prosecutors ... There needs to be a separation. If you have investigated the matter, you are altogether too close to it to be making decisions about whether a conviction is likely.

Justice Nettle is a highly eminent jurist who has served this country and our justice system with dignity and distinction. The same cannot be said about the former Premier. The former Premier's comments were described by 38 of Victoria's eminent legal practitioners as 'misguided, wrong and inappropriate'. To somehow suggest that Nettle lacked objectivity and the capacity to form a reasoned and unbiased opinion just shows the extent of the arrogance of our former Premier and this government. Comments were also made by the 38 lawyers as a reflection of Mr Andrews's:

... lack of understanding of the extremely high level of skills and professional objectivity that a former Judge of both the High Court and the Court of Appeal is trained, and more than well qualified, to bring to bear on all professional tasks.

These comments really should have been retracted by the former Premier, but they never were and they never will be. What is clear from this is that the \$103 million Royal Commission into the

Management of Police Informants has, it seems, been largely a waste of time and taxpayers money. Not only this, the tens of millions of dollars dedicated to the Office of the Special Investigator have been seemingly a waste as well. It is clear that nobody in Victoria will ever be held accountable for the gross miscarriage of justice that was the Lawyer X scandal just because the former Premier, in his seeming arrogance at the time, decided to play hardball with the Honourable Geoffrey Nettle.

Being able to access and assess records to investigate and determine offences ensures the integrity of this state and this government and falls into the best interests of the public. The position of the OSI needs to be retained, with its full powers clear to extend beyond its original mandate of investigating the Gobbo and Victoria Police issue. The OSI was required to ensure the integrity of the state of Victoria in this issue, and this role was not redundant to maintaining the ethical standards into the future.

This bill is wrong. There is no equality under the law here, and the government's incompetence has again been exposed, just as, for example, we have seen with the recent Commonwealth Games cost blowouts, as members and my colleagues have roundly pointed out and as indeed the member for Nepean rightly pointed out in his speech yesterday. There have been cost blowouts there. We have also seen the EV car tax ruled as unconstitutional by Australia's High Court, not to mention that that is a tax seemingly flying in the face of Labor's environmental claims of wanting to increase EV car purchases. So I join my colleagues in opposing this bill, and I support our reasoned amendment, put up by the member for Malvern, which states:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government puts in place measures to ensure that those responsible for the Lawyer X scandal are held to account'.

I hope the government will support this reasoned amendment. Public confidence in our justice system is at stake.

Nina TAYLOR (Albert Park) (11:16): I am pleased to rise to speak on this very important bill, and I do wish to acquit some of the concerns that have been raised by the opposition. The Director of Public Prosecutions is independent. They have strict conflict rules and procedures, which are not engaged here as there is no conflict and the government is not going to interfere with the decision of an independent body. I just say that as a starting premise. The DPP obviously has the discretion to decide if a referral is necessary and appropriate. Further to the conflict issue – I want to address that straight up, because I think that is a significant issue that has been raised in the chamber at this point in time – I refer to page 158 of the report of the Royal Commission into the Management of Police Informants (RCMPI), and I will say 'commission report' from now on:

The Commission has not received any evidence to suggest that any past actions of any former DPP or their officers have compromised the independence of the current DPP. The Commission considers that the DPP will exercise her statutory responsibilities with independence, including the discretion to prosecute any matters arising from the proposed Special Investigator's investigative work.

I also did want to refer to the media release of the DPP on 27 July 2023:

In relation to recent allegations aired in the media on 26 July 2023, the assertions are factually incorrect.

The DPP did not have a conflict of interest as asserted. The DPP has never acted for Simon Overland in any personal capacity and has in fact never met him. Recent media coverage refers to a 2010 coronial proceeding in which the DPP, as a member of the Bar, represented the Chief Commissioner of Police as the head of Victoria Police. It is common for the Chief Commissioner of Police to be a named party to legal proceedings involving Victoria Police. This does not mean instructions are sought from and provided by the Chief Commissioner of the day. The then-Chief Commissioner was not a party to that 2010 coronial proceeding in any personal capacity.

The DPP has never received a brief of evidence from the OSI against Simon Overland. The DPP has not ever met or acted for any of the individual police officers the subject of the OSI's brief of evidence in which a special decision was made that there were no reasonable prospects of conviction. This brief was in respect of a charge for conduct that spanned a few days and was not a charge in relation to the entirety of the conduct that was subject to the Royal Commission.

On 26 May 2023, the DPP requested any further brief of evidence to be provided expeditiously. The OSI provided no further briefs of evidence to the DPP for consideration.

The DPP and OPP regularly give advice and prosecute matters in which the accused are police officers. The OPP has conflict of interest procedures to ensure that file allocation, decision making and access to material is not compromised.

As previously stated in the Director's response to the OSI's Special Report, any further briefs submitted by the OSI would have been considered on their merits.

Obviously we are here to debate significant issues, and having this bill is a good opportunity to do so and to get the necessary clarity, so we welcome discussion on these matters in in-depth detail. That is very important, but I do think there were some pretty broad, sweeping statements that were flat-out sledging public authorities and Victoria Police as well. I know VicPol in my area work very hard and do their best to protect the community, and I think just some care with the way that criticisms are delivered could be taken on board – just some respect. That does not in any way compromise the ability to raise questions about particular issues.

Looking at the issue of prosecutorial powers, this was considered and rejected by the RCMPI, and I have referred to that. I should note IBAC refers the prosecution decision for almost all matters, including most summary matters and all indictable matters, to the DPP. IBAC do this because they recognise that it is very difficult for someone who has been involved in investigating someone to be impartial in determining whether that person should be charged. That is a fair point, and it is not actually the issue of what I think; I think that is broadly accepted as a very fair and reasonable assessment and process which followed in this particular matter. I should further say that WorkSafe has an MOU with the Office of Public Prosecutions with regard to indictable offences via the OPP but that WorkSafe may do summary offences and that local council has never used the prosecution powers. Again I think there were some broad, sweeping statements which might add a bit of colour and flourish to the debate but do not necessarily go to the heart of the issues which we are discussing here in a way that pays credit to the very hard work and considered work of those involved in these matters.

In terms of the issue of trying to minimise the considerations of the DPP to the passage of time it should be noted that the DPP generally has to consider the reliability of witnesses, and whilst the member for Malvern may consider Gobbo to be reliable, it is certainly open for the DPP and a reasonable person to disagree with that. I just put that to the chamber. Issues that they have to look at – are there missing witness statements, are there gaps in evidence, and the reliability or otherwise of witnesses, inadmissible evidence – these things surely have to be taken into account and are reasonably to be taken into account. If on assessment of a brief provided to the DPP for consideration they consider that there are no reasonable prospects of conviction but there may be reasonable prospects after a curial process has been invoked and further evidence obtained, they will not authorise the commencement of that prosecution. These are fair, reasonable and sound elements when we are looking at, for want of better words, the rules and controls around the operation of the DPP, and I just think some care should be taken before holus-bolus sledging out our public officials. Nuance is important – that is all I am saying – with regard to this discussion. I am not saying we should not debate the issue, so I just want that to be very, very clear.

I think the other very critical point is to look at the commission itself. It was established in December 2018 to investigate matters that go to the heart of Victoria's justice system and how police use informers with confidentiality obligations. No-one here is in any way contradicting the purpose of the royal commission. That absolutely had to be undertaken. It was an appropriate course of action. No-one is resiling, I should say, from the imperative to have the commission. The commission's extensive and detailed inquiry uncovered significant historical shortfalls in the criminal justice system, and the government committed to addressing those shortfalls to ensure that this can never happen again. I think that is also important, because it was alleged that somehow nothing has resulted from this very critical work that was undertaken in the commission and that could not be further from the truth.

Government has followed through on its commitment, and the Office of the Special Investigator completing its work in line with the commission's recommendations is a key part of that, adding to the significant work already undertaken by the government. That work includes the implementation of a wide range of changes, including to Victoria Police's practice, policy, structure and culture in the use of human sources. Government has also made key changes to Victoria's disclosure regime in criminal proceedings, and work is currently underway to implement the Human Source Management Act 2023, which passed Parliament in May 2023.

I do not want to re prosecute that bill. That is already on record in *Hansard*, but I just did want to raise one matter that could be considered by those opposite. If we play devil's advocate, what would happen if the bill banned Victoria Police from registering lawyers as human sources outright, ever, under all circumstances? It could prevent lawyers from confidentially providing critical information to police to allow them to act to prevent threats. Surely that is a reasonable reason. The probability of that happening is probably extremely low, but we cannot absolutely exclude that. That is one of the important nuances that were glaringly avoided and trampled over, should I say, by the opposition. I think that these are the kinds of nuances that can be very dangerous if they are not actually taken into account when we discuss these bills and also the respect of the community as well as the hard work of the Attorney-General, who has certainly taken these very difficult matters into account to ensure that the bill has been drafted appropriately to allow for all contingencies that are probable. That is right and proper and reasonable under the circumstances, however unpalatable it may be to have to allow for such circumstances, but we know threats can occur – threats to national security, the community or life or welfare of a person. It is reasonably obvious that these are very, very significant issues that would lead to such circumstances occurring.

Nicole WERNER (Warrandyte) (11:26): I rise today to voice my strong opposition to the Special Investigator Repeal Bill 2023. On its face this bill proposes the repeal of the Special Investigator Act 2021 and the abolishment of the Office of the Special Investigator, and it introduces a series of consequential changes. While I understand the need for streamlined government operations, I believe this repeal is a step in the wrong direction for justice and accountability in our society.

Before we repeal this act, I need to remind the government what made it necessary in the first place. The Special Investigator Act 2021 was established for an important reason, even if those opposite have forgotten. It was created in response to concerns and controversy surrounding the use of Nicola Gobbo as a police informant and the need for a thorough investigation into potential criminal conduct and breaches of discipline relating to her recruitment and management. The Royal Commission into the Management of Police Informants recommended the establishment of a Special Investigator, which subsequently led to the formation of the Office of the Special Investigator. Now we are all presented with a bill that proposes to undo all the work and resources that have been invested in this investigation. Justice should not be measured solely by the number of cases brought to court; it must also include the search for truth and accountability. The existence of this Office of the Special Investigator was a critical step towards achieving this. Once again the Labor Party has shown its true colours, acting as a protection racket for criminals.

Nicola Gobbo's actions have affected over a thousand cases, resulting in the overturning of numerous convictions of possible criminals. Let me share some examples to illustrate the gravity of this situation. Tony Mokbel, who had been convicted of importing a commercial quantity of cocaine in 2000, saw his conviction quashed by the Victorian Court of Appeal on 15 December 2020. The president of the court Chris Maxwell did not mince his words when he described Gobbo's actions and those who facilitated her informing as disgraceful. At the time of the ruling, Maxwell indicated that the court would consider whether the charges should be reinstated; however, Commonwealth prosecutors decided not to pursue the matter any further.

Faruk Orman's case is equally troubling. Initially convicted of killing Victor Peirce on 1 May 2002, his conviction was set aside on 26 July 2019 due to what was termed a substantial miscarriage of justice. Gobbo's involvement in calling Victoria Police to influence a key witness against Orman cast

serious doubts on the fairness of the trial. Orman's acquittal raises questions about the transparency of the process and the possibility of evidence being withheld from his defence. While Chief Commissioner of Police Shane Patton offered an apology for this miscarriage of justice, Victoria Police have argued against compensating Orman, placing the blame squarely on Gobbo's conduct rather than their own officers.

Zlate Cvetanovski, who had been convicted of commercial drug trafficking, had his conviction overturned on 30 October 2020. After serving 11 years in custody, he had only around a year left in his sentence. Gobbo, while acting for Zlate, convinced a key witness to cooperate with Victoria Police and testify against him. The Court of Appeal declared that there had been a substantial miscarriage of justice, and prosecutors noted that a retrial of the case would be unjust.

These cases are not isolated incidents. They highlight a systemic problem that warrants our attention and scrutiny. Because of actions of the government there are possibly murderers and drug dealers walking the streets in your community. The government's role in this matter raises questions about the integrity of our justice system and its commitment to protecting the rights of all individuals. It is our duty as parliamentarians to demand transparency, accountability and fairness in our legal system. It interests me very much why the Labor government spends so much time protecting criminals. Whether it is the Bail Amendment Bill 2023 or the one we are debating now, it is the government's priority and prerogative to make sure that those who seek to do harm to our community go free, while the state stands idly by.

You would think that after the biggest legal scandal of my lifetime the government would have made it harder for lawyers to be used as human sources. Funnily enough they are actually doing the opposite. The Human Source Management Act 2023, despite purporting to make it harder for lawyers to inform against their clients, actually makes it easier, creating an unchallengeable power of the chief commissioner to register a reportable human source. But do not take my word for it. Former judge Stephen Charles KC has said his view is that it is possible that under this legislation police could manipulate lawyers by threatening to prosecute them for other matters unless they register as a human source. Dr Matthew Collins KC, the former president of the Victorian Bar Association, said:

All Australians are entitled to know that, when they seek legal advice, the information they provide to their lawyer will be treated in the strictest confidence.

I think it was put best by the member for Malvern, who said this bill will result potentially in situations where people go to jail who should not and people do not go to jail who should.

Something I learned from the Andrews and Allan government is that it is very expensive to do nothing. Victorians have spent a whole lot of money on nothing. Victorians spent \$1.16 billion for no east-west link. Victorians spent more than half a billion dollars for no Commonwealth Games. And to the issue at hand –

Sarah Connolly: On a point of order, Acting Speaker, as much as we are all closely listening to the member for Warrandyte's contribution in this house, unfortunately she has strayed somewhat from this bill. I know it has been perhaps a wideranging debate since the time that I came here to sit down in this place, but I do have to say, if you could please bring her back to the bill.

Michael O'Brien: On the point of order, Acting Speaker, the member for Warrandyte was clearly talking about the waste of money through the OSI and royal commission with no outcome and comparing it to other wastes of money. It is entirely within the scope of the bill.

The ACTING SPEAKER (Paul Hamer): Order! There has been a wideranging debate, but I do ask the member for Warrandyte to come back to the Special Investigator Repeal Bill, which is the subject of this discussion.

Nicole WERNER: Adding to the issue at hand, Victorians spent \$120 million for no charges against any current or former police officers in the Lawyer X saga. Let us not forget the Office of the

Special Investigator has been at the forefront of pursuing accountability and justice in the wake of the disgraceful Lawyer X scandal – a scandal that I think even those opposite can agree has rocked the very foundations of Victoria’s justice system. The Lawyer X scandal compromised the integrity of our legal system and perverted the course of justice, and its repercussions continue to reverberate through our legal landscape. The bill before us threatens to bring an end to the prospect of accountability for those responsible for this dark chapter in our legal history. If the Office of the Special Investigator is dismantled, it effectively means that those who played a role in the Lawyer X scandal may walk free without facing any form of accountability. This is a deeply concerning development, particularly when we consider that a highly respected former High Court judge has explicitly found that there exists sufficient evidence to secure convictions on criminal charges. The crux of the matter lies in the stubbornness of the Director of Public Prosecutions – DPP – and the refusal of the Labor government to grant the OSI the power to bring charges directly. This glaring oversight has led to an alarming situation where justice has failed to be delivered. The very purpose of the Office of the Special Investigator to ensure that those responsible for such a scandal face the consequences of their actions is undermined by this refusal.

The implications of this bill go beyond mere legal proceedings; they strike at the heart of our commitment to upholding justice and accountability. We must seriously question whether dismantling the Office of the Special Investigator is in the best interests of our society, our legal system and the values we hold dear. The Lawyer X scandal is a dark stain on our justice system, and to end the prospect of accountability for those involved is a disservice to all who seek justice, fairness and accountability. But do not take my word for it. To quote the commissioner for the Royal Commission into the Management of Police Informants:

... Ms Gobbo’s conduct as a human source for Victoria Police, while practising as a criminal defence lawyer, was extensive and sustained. It was also inexcusable. Her breach of her obligations as a lawyer has undermined the administration of justice, compromised criminal convictions, damaged the standing of Victoria Police and the legal profession, and shaken public trust and confidence in Victoria’s criminal justice system.

Although it may not be what they say out loud, their silence and inaction speaks louder than any well-rehearsed speech could. The lack of charges means that it is possible that another Lawyer X scandal is not far away.

In conclusion, it is evident that the Special Investigator Repeal Bill 2023 is a dangerous step backward for justice and accountability in our society. The establishment of the Special Investigator’s office was a crucial response to the Lawyer X scandal, a scandal that compromised the integrity of our legal system and continues to cast a shadow over our legal landscape. We must remember. Let us not forget the lessons of the past and ensure that justice prevails even in the face of powerful interests.

Sarah CONNOLLY (Laverton) (11:37): I too rise to speak on the Special Investigator Repeal Bill 2023. This is a small bill that does exactly what its name suggests: it repeals the Special Investigator Act 2021. To put it more clearly, the bill facilitates the winding up of the Office of the Special Investigator and transfers all of its rights, assets, liabilities and obligations back to the state. The OSI was first established back in 2021 as part of our government’s response to the Royal Commission into the Management of Police Informants, a very important royal commission indeed. In the time that I have been here I have seen quite a number of bills that we have introduced into this place over the past couple of years relating to just this royal commission, and I think by now we have taken action on just about every recommendation handed down in that report. This includes setting up the implementation monitor to see that the changes we – as well as Victoria Police and Court Services Victoria – are making are properly adopted. That was a very important bill put through this house. Earlier this year the government passed the Human Source Management Act 2023, which I had the privilege of standing in this place to talk about. It creates a new framework that oversees how Victoria Police go ahead with and then manage their informants. I believe that I did stand here to speak on that bill earlier in the year while it was being debated in the Parliament. In fact we should be very proud in

this place of the 55 recommendations for our government to act on that came out of the royal commission. As I said earlier, it was a very important and very much needed royal commission. Forty-nine of these recommendations have been delivered, including this one, and the remaining six are on track. Of the other 56 recommendations, 41 have been delivered.

A lot has been said in this place about the substance matter of the royal commission and the Lawyer X matter that precipitated it. As I have said before, the circumstance that led to this royal commission was a grievous misstep by police and a violation of lawyers ethics. Confidentiality is one of the most fundamental duties that a lawyer has to their client. What we know from the royal commission's findings is that Lawyer X was asked by police to break that duty and was used as an informant on her own clients. As a result a lot of people were put away – for very good reasons, I might add – with around 1000 convictions now at risk of being overturned, and some of them already have been. That is why this royal commission was so, so important in ensuring not only that this does not happen again but, importantly, that those responsible for carrying out this breach of justice are properly punished.

In this particular respect, the act that we are repealing set up the OSI, headed by the Special Investigator Geoffrey Nettle, to investigate potential criminal conduct and disciplinary breaches connected to the Lawyer X matter. Where it did find that offences may have been committed it would then brief evidence to be filed for determination by the Director of Public Prosecutions. The OSI's role was to do exactly that and nothing more, and it has done just that.

The Special Investigator's report has since been tabled in Parliament, which I believe was in June, and the implementation monitor responsible for overseeing our response to the royal commission is satisfied that the OSI has fulfilled its purpose. We have currently seen Sean Morrison in the role of Special Investigator to oversee its winding up, and this is supported by all relevant stakeholders including the Department of Justice and Community Safety (DJCS), Victoria Police, IBAC and the Victorian Inspectorate. I know that many were quite vocally disappointed that there were no criminal prosecutions that resulted from the Lawyer X matter. We know from the report that the Director of Public Prosecutions ultimately made the determination not to proceed with these charges, as in part doing so would be unlikely to result in a conviction and also due to the passage of time. But I do take this opportunity to remind them that the Special Investigator was established with all the statutory powers that the royal commission felt that it should have, and it is really important to state that here today. I also know that those opposite have suggested the OSI should have been given the powers to directly lay charges in relation to its investigations, but I would remind the house that in fact the commission itself actively rejected the idea that the OSI should have powers to lay charges directly. The reason for that was that they believed doing so would possibly risk tainting the DPP by giving the OSI access to evidence which would create the risk of said evidence being inadmissible. That is a really big and serious problem, and that is not something that anyone would want if they did not want the people who are doing it to get away with it – right?

Coming back to the Special Investigator, the bill specifies how the winding up of the OSI will be handled. Firstly, we know that the OSI will be decommissioned at its statutory expiry date as of 1 February next year. This will ensure that costs are avoided with appointing a replacement Special Investigator – that is really important, to save those costs. All OSI records will be transferred to DJCS, who will be responsible for managing them, including transferring records, importantly, to the Public Record Office Victoria. These records will of course have the same protections that they currently have whilst also being held by the OSI. Staff security clearances will also remain the same, as will their obligations to maintain confidentiality. To facilitate this the offence of disclosing OSI information is preserved by this bill, and it carries a maximum penalty of 240 penalty units or up to two years imprisonment. This is going to ensure that the security and importantly the confidentiality of the material contained within the OSI will continue to apply after the winding-up period.

Further to this, the protections that the initial act provided to OSI officers, which are intended to give them legal immunity for acts done by them in accordance with their obligations and duties under the act, will be preserved. The people working in the OSI were, as we all know, working within a very

specific and serious context relating to the Lawyer X matter, and their safety is incredibly important. That is why the offences associated with causing or threatening harm to a person who assists the OSI or former OSI officers will also be preserved in this bill, with the maximum penalty being 1200 penalty units or indeed up to 10 years imprisonment. So that is something that is taken very seriously in this bill – safety.

This bill acquits a key recommendation from the royal commission. We have made incredible progress since the report of the royal commission was handed down and recommendations were made. We certainly have not wasted time on this side of the house in delivering each of them. This is just one recommendation that has now been fully acquitted, one of 49 that have been fully acted on. Very soon the six outstanding recommendations will also be implemented in full.

Our government established the Office of the Special Investigator to look specifically at what potential criminal acts were committed in relation to the Lawyer X matter. It was something that was very specifically set up for a specific reason. The Office of the Special Investigator has done what it set out to do, and we now have that report tabled in Parliament. Its purpose has been served, and I think this bill coming before the house is really important to go ahead and acquit and wind up the Office of the Special Investigator. There is no reason to appoint another Special Investigator – that would incur more cost to the state unnecessarily. The member for Warrandyte so kindly pointed out that she does not want to see any cost being incurred that she does not otherwise think should, and this is certainly one that does not have to be – it is not necessary, and this bill will help wrap it up. It is for these reasons that I commend the Special Investigator for their work and thank them for their important work. In doing so, I commend the bill to the house.

James NEWBURY (Brighton) (11:46): I move:

That the debate be adjourned.

The reason I am moving that the debate be adjourned is that the government, despite their protestations yesterday, are using this place, this chamber, in a way to stifle debate on important issues. We have seen with the State Taxation Acts and Other Acts Amendment Bill 2023, which includes a number of pernicious new taxes, that the government is seeking to hide the bill. It is seeking to hide the bill firstly from the community and from industry in trying to ram it through this place, and now it is not allowing the Parliament time to debate the bill. Is there any wonder –

Natalie Hutchins: On a point of order, Acting Speaker, I am not sure that the member has the ability to debate the movement of an adjournment. Could I ask you to rule as to whether we are going to debate the debate ending or not?

The ACTING SPEAKER (Paul Hamer): The member has moved the motion, and he has the opportunity to speak on it.

James NEWBURY: Thank you, Acting Speaker. It is embarrassing that the minister does not understand the standing orders.

This house should be considering bills of importance, and it has been this morning. But what we have seen this week is the government refusing to allow any debate on the state tax bill. Of course they are not, because we know that the government is in a shambles when it comes to that bill. We have seen today in media reports confirmation that a number of members in the upper house will not be supporting the government on that bill, so there is little wonder that the government is refusing to allow time for debate. We have been consistent on the bill in that we have said that the community deserves time to see it. We moved that they be allowed extra time. We have done that on a number of occasions. On a number of occasions we have asked for extra time for bills to be considered, and the government has said no. We have said the bill should be considered in detail. There should be some opportunity for debate on this bill, because the feedback we have received and the feedback that industry has provided is that they want proper scrutiny of those new taxes – new taxes that were announced absolutely by surprise. There is little wonder the government is trying to stop any debate on the bill.

When the new taxes were announced, the Premier did not even know about them – the Premier did not even know.

We have a procedural motion being moved now to say to the government, you cannot keep hiding this bill, government. The government cannot keep hiding this bill. There has to be time in this Parliament. There is a guillotine at 5 o'clock today. For the rest of the day we have a number of other things, as we normally would – we have question time, we have other procedural matters that will take place throughout the day – and a guillotine at 5. We have three bills that have been moved through the government business program this week; within two days we dealt with one. That does not mean there were not other important matters that were dealt with; of course there were: the Middle East motion was a very important motion that many members in this place rose to speak on – but in the two days that this house has sat we effectively have only dealt with one of the bills. There are two bills left, and the government has scheduled them for one day. We are now not far short of question time, and how much time have we spent on the state tax bill? No time. The government is hiding it. They are strangling debate on it. Of course they are. Of course the government is stopping any debate on this bill.

So the coalition has moved that we adjourn debate on this bill and we consider the state tax bill, as we should. The Parliament should consider that bill and be provided time. There are so many members who want to speak on the state tax bill. The government is trying to ram the bill through. It is trying to strangle debate, and it is trying to hide the truth of what that bill is going to do and the impact on Victorians.

Nina TAYLOR (Albert Park) (11:51): And every second that we are delaying here you are reducing time to speak on this bill that we all want to speak on. What are you saying? We are hiding it? Where are we hiding it? Under here? Who is hiding the bill? I think the whole community would know by now. It has been in all the papers; the Treasurer has been out there. This is nothing more than a stunt. If they genuinely want to transact –

A member: Another one.

Nina TAYLOR: Another one, yes – clocking them up one after another – and what does that do? It wastes valuable time in the chamber which we could be using to prosecute bills. We are getting close to the closure of the bill that we are currently debating, the Special Investigator Repeal Bill 2023. Who is hiding this? I mean, it is just a nonsense. I would be embarrassed if I was those opposite, because the bill is scheduled to be debated –

Members interjecting.

Nina TAYLOR: and you will be able to debate the bill. You will have your turn. We may not enjoy that process, but you will –

Members interjecting.

The ACTING SPEAKER (Paul Hamer): Order! The member for Albert Park has the call.

Nina TAYLOR: Sorry, I could not hear above the din. I am not sure – nobody has in any way tried to conceal this bill from anyone in the chamber or anyone in the community. We are proud of the reforms that we are continuing to bring forward for the betterment of the whole community. We do not resile from debate, so I think that there was actually a factually incorrect proposition being put forward by the member for Brighton, and I wonder why. If you genuinely want time to debate the bill, then allow time in the chamber rather than wasting time faffing about and saying all sorts of ridiculous propositions that have no benefit. I do not understand how any of those silly propositions could in any way benefit the community.

The best thing to do is, when we do discuss the bill and debate the bill in this house, put your name on the list, stand up and say whatever you like within parliamentary requirements and rules. Get up there and take your opportunity. No-one is stopping you. Am I stopping you? I cannot see anyone here

saying you are not allowed to speak on this bill. For goodness sake, if there are those opposite who genuinely want to transact the bill, they should put their name up. I do not know what system you have for deciding who gets to speak on bills, but if you genuinely want to speak on it, I would suggest you put your name down. Normally the whip will organise this. I am sure you can organise these operational arrangements on your side of the house. I do not know how you organise it, but I have confidence – well, I do not know, because it sounds like they do not know if they can be organised enough to speak on the bill. That is a concern too. It should not be that hard, but I am sure that you can get to that. I have. I am just saying that the signal that is being sent by those opposite is that they cannot organise themselves to be ready to speak on the bill when it is transacted in the house. I am sorry for them. I am really sorry about that, but I have confidence – well, I do not know –

Mary-Anne Thomas interjected.

Nina TAYLOR: Well, there could be that too. I will say – and I have made my point clear – that we are very proud of bringing forward these reforms through this bill, and we will allow appropriate time in the chamber for you to put forward whatever particular points you wish to on this bill.

Brad ROWSWELL (Sandringham) (11:55): Following the contribution of the member for Albert Park, I want to be absolutely clear for you, Acting Speaker, for members of the government, for the Greens, for members of the opposition both in the National and the Liberal parties, that as Shadow Treasurer –

Members interjecting.

The ACTING SPEAKER (Paul Hamer): Order! There is a bit too much noise. I would like to hear the member for Sandringham.

Brad ROWSWELL: Thank you for your protection, Acting Speaker. I want everyone in this chamber to know – those on that side, those on our side, everyone – that I am ready. I have never been readier. I have never been more prepared, and I am sure the great people in Hansard will correct any mistake that I make. I have never been more ready to be on my feet –

The ACTING SPEAKER (Paul Hamer): The member for Sandringham should take his – sorry, I thought there was a point of order. Keep going.

Brad ROWSWELL: Missed opportunity, Mary-Anne, missed opportunity – and to talk about things that are important to the state of Victoria and important to the people of Victoria. The inclination of this government time and time again – it is in their DNA; we know it, they know it, people inside this place know it, people outside this place know it – is to tax Victorians more.

I am ready to speak about the State Taxation Acts and Other Acts Amendment Bill 2023. I am more prepared than I have ever been before. I have got the bill. I have got the statement of compatibility. I have got 26 pages of notes here. I have got previous media releases. I have got something which I will address when we finally get there. I have even got this, the tax discussion paper launched by the coalition to assess the taxes that this government has imposed upon every Victorian, now more than 50 taxes – 52 taxes in fact – imposed upon the people of Victoria since this government was elected nine years ago. I am ready. I want this debate to be adjourned. I am not saying the bill before the house at the moment is not an important bill. I am sure that the member for Malvern, the Shadow Attorney-General, would agree, especially if the house agrees to the reasoned amendment that he has moved, that this bill before the house at the moment is a very important bill. But can I propose to you, Acting Speaker, can I propose to those people in the chamber at the moment that there is a more important bill to be debated right now, which is why I support the member for Brighton's motion to adjourn this bill and to start talking about the State Taxation Acts and Other Acts Amendment Bill 2023.

The member for Albert Park said that we were not ready. She said we were not ready, that there was a bit of a rabble going on, and that there is this process whereby there are members on that side who pop their hands up and want to talk about it. This procedural motion in fact prevents us from addressing

this very important state taxation bill before time. Can I tell the house that we have a number of members on this side of the house who are very keen to address the new taxes imposed on the people of Victoria by the Andrews, now Allan, Labor government. I am looking forward to the Leader of the Nationals contributing on this bill, to the member for Brighton, to the member for Eildon, to the member for Shepparton, to the member for South-West Coast, to the member for Polwarth, to the member for Gippsland South, to the member for Kew, to the member for Nepean, to the member for Mildura, to the member for Morwell, to the member for Lowan, to the member for Euroa, all good colleagues on this side of the house, who know that every single day that this Labor government is in power they wake up in the morning and they think ‘What can we tax today? How can we make Victorians’ lives harder?’

That is the reason why the Allan Labor government is pushing this particular bill out to the very last minute of the day. It will only be brought on after question time today because the Allan Labor government and all of those people that support her or support the Deputy Premier – the choice is yours, member for Wendouree, the choice is yours – know that they do not want to talk about this bill for any longer than they absolutely need to because this bill adds two additional new taxes to the already more than 50 that have been imposed by this Labor government on the people of Victoria.

Ros Spence: On a point of order, Deputy Speaker, the member has strayed from the procedural motion and started to debate the bill.

The DEPUTY SPEAKER: Thank you, Minister. I did notice as such. The member to continue on the procedural motion.

Brad ROWSWELL: Thank you, Deputy Speaker. With the 6 seconds I have remaining, we need to adjourn the current bill before the Parliament so the State Taxation Acts and Other Acts Amendment Bill 2023 can be debated immediately.

Nick STAIKOS (Bentleigh) (12:00): I am going to confess a bit of affection for the member for Sandringham, because I have known –

Members interjecting.

Nick STAIKOS: I went to school with Brad.

The DEPUTY SPEAKER: Correct titles, member for Bentleigh.

Nick STAIKOS: I have known the member for Sandringham for a long, long time, so I am in the unique position of knowing what we are missing. I have seen him in action on the St Bede’s debating team, and I am gagging to hear him speak, I really, really am. But we have got to do this the right way. We have got to get this business over and done with with this current bill, and then we will move on to the next bill. That is the right way of doing it.

James Newbury: When? When?

Nick STAIKOS: We are getting there, member for Brighton. We are getting there. But I will just say to the member for Brighton that this opposition is very good at wasting its own time. We have seen a number of examples this week. We had another one of those usual 13 days versus 14 days arguments, which wasted quite a bit of the Parliament’s time earlier this week. We had that big waste of time yesterday – wasted hours – on a pointless motion from the other place. And here we are on this procedural motion. The reality of the numbers in this house is that you are going to lose every single vote; therefore by moving these motions you are just wasting your time. Our seats start from there and they go right around and end there.

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

Nick STAIKOS: It is simple. I thought you were more numerate than that, member for Brighton.

James Newbury: On a point of order, Deputy Speaker, on relevance, this is a tight debate. Every member in this place represents a constituency, and the arrogance coming from the member is outrageous.

The DEPUTY SPEAKER: On relevance, I would like to have us all stay on the procedural debate.

Nick STAIKOS: I am sorry that I hurt the member for Brighton's feelings.

James Newbury: Twice now.

Nick STAIKOS: Twice now; sorry. I am really, really sorry. But I would just say that given the realities of these things, they might have a little bit more influence in the upper house, where the government does not command a majority. Perhaps if they had a bit more faith in the ability of their members in the upper house, they might be a little more calm and rational about everything today. But here we are on another pointless procedural motion. The member for Brighton needs to realise that all you are doing is wasting your own time.

The Special Investigator Repeal Bill 2023 is also an important piece of legislation. We only started debating it this morning, and we need to get through both our speaking lists. I am sure you have got more speakers on your side who do want to speak on this bill, so let us just get through this bill. It is an important piece of legislation. I will be here for every second of the member for Sandringham's 30-minute contribution on the State Taxation Acts and Other Acts Amendment Bill 2023, because I am always interested in what the member for Sandringham has to say. I do not think everybody in their party room is always interested in what the member for Sandringham has to say, but I have more faith in the member for Sandringham. I will be here; I will have my office clear my diary for whatever time the member for Sandringham is going to get up. I will –

James Newbury: What a fanboy!

Nick STAIKOS: He is a decent member. He is a good member, you know. He is all right. He is a good person. I will be here.

Brad Rowswell interjected.

Nick STAIKOS: It's going on a flyer. That will not do any good for you in Sandringham, I am afraid, member for Sandringham. That will work against you. That will usher in a new wave of teals, I think, if you do that.

But here we are. All right, I have got 45 seconds left. This is a bit of a stand-up routine now, but here we are. You are wasting your own time. And you have given me the opportunity to waste your time now, and I have taken it.

The DEPUTY SPEAKER: The member for Bentleigh knows the word 'you' refers to the Chair.

Nick STAIKOS: So here we are. I speak against this procedural motion, another example of them wasting their time. Just build a bridge and get over it.

Emma KEALY (Lowan) (12:05): I speak in strong support of the member for Brighton's motion to adjourn debate. We have spoken quite extensively on the Special Investigator Repeal Bill 2023, and I think that the contributions from all sides have been very, very eloquent and succinct. However, we have two bills to debate today, and over the past two days of sitting we had one bill. It is so important when new legislation comes through that is another big tax bill for Victorians that everybody has the right to have their say and particularly that we have an opportunity to represent the people who will be most impacted by Labor's new taxes. Now, I understand Labor might be a little bit confused. They have been talking a lot about tax in special places this week, and in fact it was in the High Court, wasn't it, where it was found that it was actually unlawful to have an electric vehicle tax put in place.

Ros Spence: On a point of order, Deputy Speaker, I think you might have a fair idea what my point of order is going to be.

The DEPUTY SPEAKER: I will wait till I hear it.

Ros Spence: The member has strayed from this very narrow procedural debate, and I would ask you to have her return to that debate.

The DEPUTY SPEAKER: I would ask the member for Lowan to continue on the procedural motion.

Emma KEALY: This is an important tax bill of course – an important tax bill for Labor to bring in – because if there were no Victorians to tax, then how on earth would they pay the massive debt from the massive project cost blowouts that we have seen over the past 20 of the last 24 years? That is what happens. It is something we hear quite often from our side. When Labor run out of their money, they come after yours. That is exactly what they are doing. What we hear in this place time and time again is Labor members talking about how they are taking credit for things –

Ros Spence: On a point of order, Deputy Speaker, the member has again strayed from the narrow procedural debate and defied your earlier ruling.

The DEPUTY SPEAKER: I do uphold the point of order. Member for Lowan, please continue on the procedural motion of the adjournment of the bill.

Emma KEALY: Thank you very much. I would like to speak just to a point that was made by the member for Albert Park. The member for Albert Park did the equivalent of mansplaining to this side of the chamber on how you add your name to a contribution list to be able to provide debate on a piece of legislation. I will explain a fact to the member for Albert Park: this is our list of people who want to speak on the state taxation bill. There is an extensive list available. There are so many people available, and given we have 10 minutes each, we would be here until midnight to get through all of the issues that the people of Victoria have raised with us and that businesses have raised with us, which they would want to get on the public record if we did have that procedure of simply putting your name on a list. That is the entire point for the member for Brighton bringing on this adjournment debate. We need sufficient time to be able to put the views of Victorians on the public record. This is not necessarily about us having the opportunity to have a speaking moment, because all of us have spoken this week on various bills and other opportunities that we are given, but it is this particular piece of legislation on which we want to also represent our community views. This is something that certainly in my electorate of Lowan has received an enormous amount of interest, because Victorians are struggling at this point in time. They are struggling with all the additional taxes, including these new proposed taxes, and are worried about how it will impact on their family homes, on their businesses and even on the ability to build new houses for the state.

Ros Spence: On a point of order, Deputy Speaker, once again, the member has strayed from the procedural motion and started debating the bill. I would ask you to have her return to the very narrow procedural motion that we have in front of us.

The DEPUTY SPEAKER: Member for Lowan, please continue within the adjournment procedural motion.

Emma KEALY: I was responding to the points that have been raised by other members in this place on the importance of giving everybody in this chamber the opportunity to contribute to the very important legislation before the house. That includes two new additional taxes which will be included in the state taxation acts by Labor – more new taxes on Victorians, which will just drive up the cost of living at a time Victorians need it least. This is why I strongly support the member for Brighton's motion. I would think that all members of this chamber, no matter where they sit, whether they are in government or not, would like to represent the views of people in their electorate, the businesses that employ their people and the people who pay the bills and pay these taxes to make sure that government have funds available to spend, and that they would support this motion as well. We need to see this

debate adjourned. There have been significant points already made on the Special Investigator Repeal Bill. Let us make sure we also get comments about Labor's great big new tax also on the record.

Iwan WALTERS (Greenvale) (12:10): I rise to oppose the member for Brighton's motion, and in doing so I also mourn the sad death of irony, or at least the complete absence of awareness of it within those opposite. At the start of the week I believe they opposed the government business program – did they not? – and yet now we have the member for Lowan touting just how many speakers – and that makes a change, I would say – they apparently have lined up to speak on the State Taxation Acts Amendment Bill 2023. I am certainly looking forward to the member for Sandringham's contribution on that bill this afternoon. He did, I note, try to table every single piece of tax reform and policy development work that has been initiated in this state and other jurisdictions just before. I think he was slightly pre-empting that debate. I will not do so, but I do look forward to his contribution. I also note that he sought to filibuster a little bit of his time, but he can only go so far by naming every single member of his colleagues in the Liberal Party room, whereas if I encounter some of the trouble that the member for Sandringham has had, I could filibuster slightly longer later on.

Emma Kealy: On a point of order, Speaker, it is a narrow debate, and I ask you to bring the member back to the bill.

The SPEAKER: The member to come back to the motion before the house.

Iwan WALTERS: I appreciate the member for Lowan's guidance, and I am sure that she will be reflecting upon that in her next contribution as well. As I say, I do reflect upon the death of irony, because it is a profound paradox of seeking to gag debate in this place through a procedural motion that I feel quite keenly. As a member of this place I want to speak on behalf of my constituents on the Special Investigator Repeal Bill 2023, and I fear that because of the standing orders and because we are going to be approaching question time and then the adjournment at the end of the day I will not get that opportunity. It is an important bill. There is nothing more important in this place than the strength of our institutions and our legal system, and I think the Special Investigator Repeal Bill speaks to that and talks to those institutions. Of course the state tax system is an important part of the work we do here and matters to every single one of my constituents, and I look forward to having the time to contribute to that debate later. But in bringing this procedural motion, it diminishes the amount of time that we have as a house to consider these very important bills. So having voted against the government business program earlier in the week, by now seeking to close down debate on the Special Investigator Repeal Bill, it drains the time that we have as a house to consider these important pieces of legislation. So I do mourn for the irony that appears to be lost on those opposite in not appreciating that paradox.

We had more time lost yesterday, as the member for Bentleigh and the member for Albert Park talked about, in terms of the motion that was brought to seek the Premier to go to another place. Given the extensive lessons we had in exclusive cognisance yesterday, I will not re-tread them. But it did strike me that if these bills are so important – and I believe they are important – and if they are as important as the opposition is professing, then I do not think we should have been spending several hours yesterday discussing a motion that by its very nature, by the nature of exclusive cognisance, was never going to be a successful one. It is not because of the nature of this house, where obviously the government commands a majority, it is because it is not an appropriate thing for the Premier, the leader of this house, to be called by another house. So I am hoping –

James Newbury: On a point of order, Speaker, reflecting on the Council is certainly not in line with the tight procedural debate. On relevance, I would ask you to bring the member back to the motion.

The SPEAKER: Order! The member for Greenvale was not reflecting on the other house. The member for Greenvale, on the motion.

Iwan WALTERS: Apologies, Speaker. I certainly was not; I was reflecting on the nature of the motion that was brought to this place and its fundamental futility, the fact that it also drained time away from me and from all of my colleagues – who I do not need to go through individually because unfortunately there is only 50 seconds left in my contribution – who were precluded from contributing to other very important, substantive pieces of legislation.

I do note that we spent a very good proportion of Tuesday considering the kinds of motions that I think do matter in this place, such as the motion that spoke to this house's collective concern and disgust at the actions that have inflicted harm upon so many innocent people in other parts of the world. That is the kind of substantive work that we should be undertaking as a house, considering important motions like that and important bills like the Special Investigator Repeal Bill and the state taxation bill. I hope that in filling out my time I have enabled the member for Sandringham to work on his notes, because I look forward to hearing his contribution this afternoon.

Assembly divided on James Newbury's motion:

Ayes (28): Brad Battin, Jade Benham, Roma Britnell, Tim Bull, Martin Cameron, Annabelle Cleeland, Chris Crewther, Wayne Farnham, Sam Groth, Matthew Guy, David Hodgett, Emma Kealy, Tim McCurdy, Cindy McLeish, James Newbury, Danny O'Brien, Michael O'Brien, Kim O'Keeffe, John Pesutto, Richard Riordan, Brad Rowswell, David Southwick, Bill Tilley, Bridget Vallence, Peter Walsh, Kim Wells, Nicole Werner, Jess Wilson

Noes (51): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Nathan Lambert, Gary Maas, Alison Marchant, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Tim Pallas, Danny Pearson, Pauline Richards, Tim Richardson, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

Motion defeated.

Annabelle CLEELAND (Euroa) (12:21): I rise today to speak on the Special Investigator Repeal Bill 2023, and I would like to show my support for the member for Malvern's reasoned amendment, which states:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government puts in place measures to ensure that those responsible for the Lawyer X scandal are held to account'.

The Special Investigator Repeal Bill 2023 is yet another bill that has come to this place following the Lawyer X fiasco, something that drew considerable scrutiny and media attention and introduced new concerns over legality and due process – I am conscious that Hansard is listening. Ultimately this situation resulted in a royal commission that recommended several changes to legislation to uphold the integrity and effectiveness of our legal system.

When it comes to this Special Investigator Repeal Bill it is important to provide some broader context to the Lawyer X scandal. As many will be aware, this case involved Victoria Police's use of criminal barrister Nicola Gobbo as a police informant. Within this role Gobbo secretly gave evidence against her own clients to Victoria Police, which ultimately resulted in many of these clients receiving criminal convictions. In July 2014 there was a review of Victoria Police's human source management, and a subsequent report found a high degree of negligence by VicPol and directed VicPol to provide a copy of the report to the Director of Public Prosecutions. In reviewing this report the DPP formed the view that Gobbo's clients should be informed about her actions as a human source for VicPol.

This led to VicPol seeking court orders to suppress this information and a highly public media investigation into these matters. After numerous Victorian courts issued suppression orders to ban the reporting of these facts, the High Court of Australia ruled unanimously that Gobbo's identity should no longer be suppressed. In their judgement the court determined that Gobbo's decision to covertly inform against her clients while also acting as their counsel was fundamentally an appalling breach of a lawyer's obligation both to the clients and to the court. The language used back in February by the Law Institute of Victoria's president Tania Wolff was strong:

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

She also outlined how the use of lawyers as sources is contradictory to the trusted role they play in the integrity of our legal system. Victoria Police's decision to encourage Gobbo to act as she did was heavily condemned by the courts too. This condemnation came down to a breach of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill will. While the actions of the police in this situation were well below what is expected, I want to thank all our officers for the excellent work they do in keeping our community safe. Ultimately the prosecution of each convicted person was corrupted in a manner which brought the fundamental premise of our justice system into question. Both the exposure of the Lawyer X scandal and the High Court's findings led to a number of convicted persons having their convictions quashed.

Earlier this year I had the opportunity to speak on the Human Source Management Bill 2023, which also arose from the Lawyer X case and the subsequent Royal Commission into the Management of Police Informants that was brought forward to address several of the issues raised in this scandal. In total the royal commission made 111 recommendations, with 55 of those directed to the state government. Then Attorney-General Jill Hennessy announced on 30 November 2020 that the government would implement all of these recommendations.

When it comes to the technicalities of this bill, there are essentially three main components: repealing the Special Investigator Act 2021; abolishing the Office of the Special Investigator, making necessary transitional arrangements; and making consequential and related amendments to other acts. Through this, all assets and liabilities of the OSI will be transferred to the state and the state will be substituted as a party to legal proceedings in which the OSI was involved. Through the dismantlement of the OSI this bill effectively ends the prospect of accountability for those responsible for the Lawyer X fiasco. This was a scandal that compromised Victoria's justice system, perverted the course of justice and has had repercussions that continue to reverberate throughout the legal system.

The government has said that Victorians can be confident that the OSI has done its job and is no longer necessary. They say it has fully investigated the criminal conduct and breaches of discipline that arose from Victoria Police's use of Ms Gobbo as a human source to the extent possible, although this is simply not enough. Those involved in this case have avoided accountability and will walk free. This goes against findings from former High Court judges as well as the court of public opinion. A reasoned amendment to this bill would ensure that those responsible for the Lawyer X situation are still held to account and that those involved in this reprehensible conduct are subject to the criminal charges that they deserve. Due to the several shortcomings in this proposed legislation, I oppose this bill.

Meng Heang TAK (Clarinda) (12:26): I am happy to rise today to follow the member for Laverton and many of the previous speakers on this side of the house to speak on the Special Investigator Repeal Bill 2023. As we have heard from members, the Office of the Special Investigator was established by the Special Investigator Act 2021, the SI act, as recommended by the Royal Commission into the Management of Police Informants, the RCMPI, or the commission, to investigate potential criminal conduct and disciplinary breaches in relation to the Lawyer X matter.

It was back in December 2018 that the former Premier announced the establishment of the royal commission. I remember the announcement. It was a very important announcement and a positive step towards investigating the matter – to go to the heart of the Victorian justice system and to help police use informants with confidentiality obligations. The royal commission uncovered significant historical shortfalls in the criminal justice system. The government has been working to deliver the recommendations of the royal commission to address those shortfalls and to strengthen and restore public confidence in our justice system. This is what we are doing, and this is what we have been doing. I am very proud of the government's commitment to implementing the recommendations of the royal commission. We have seen some fantastic progress. We can see that in the last progress report and through the implementation of a wide range of changes, including in Victoria Police's practices, policies, structures and cultures and the use of human sources.

I would again like to take this opportunity to say thank you to our hardworking police officers across Victoria and in my electorate of Clarinda. We are extremely lucky to have so many amazing people in the police force working hard to keep us all safe. I am also looking forward to having the Minister for Police come out to the Clarinda district later next month with some of the great people in our local and neighbouring district, the district of Mulgrave. I am proud to be a member of the Allan Labor government, which supports that great work. We have seen record investment in Victoria Police with funding for more than 3600 new police.

I am also proud of the work that is continuing to deliver the recommendations of the commission to ensure our justice system is trusted by all. There has been considerable progress. To date, 49 of the 55 recommendations directed to government have been delivered and 90 of the total 111 have been delivered too. The remaining recommendations are on track. As we have heard, there were changes to Victoria Police's practice, policy, structures and cultures, and this government has also made key changes to Victoria's disclosure regime in criminal proceedings.

We have also seen a great deal of progress through legislation here in this place. Work is currently underway to implement the Human Source Management Act 2023, which passed Parliament in May 2023. I was proud to be part of the debate on that bill. It established the legislative framework that will ensure Victoria Police's use of human sources remains appropriate and justified, provided for independent external oversight and ensured stringent protection to manage risk, in particular where high-risk informants are involved. There have been other related justice legislation amendments and of course the Special Investigator Act 2021, which all go to demonstrating the government's dedication to implementing all of the recommendations made by the Royal Commission into the Management of Police Informants.

Today we continue that legislative work here with the Special Investigator Repeal Bill 2023. Among the royal commission's 111 recommendations, the commission recommended that a Special Investigator be established, and those were mainly recommendations 92 through to 99. The government in its response committed within 12 months to developing a framework to establish a Special Investigator with the necessary powers and resources to investigate whether there is sufficient evidence to establish the commission of a criminal offence or offences, through the use of Ms Nicola Gobbo as a human source, by Ms Gobbo or the current and former police officers named in the commission's final report or in the complete and unredacted submissions of counsel assisting. This was done in October 2021, and I was also privileged to make a contribution to that debate. It was pleasing to see Justice Geoffrey Nettle AC KC appointed as the Special Investigator not long after that.

Earlier this year the former Special Investigator tabled the *Special Report to Parliament*, on 21 June 2023, which indicated his view that the Office of the Special Investigator had completed its investigations and had submitted briefs of evidence in relation to all matters that he considered might lead to criminal prosecutions. He also recommended that the OSI be wound up, and the government has accepted that advice. We have also heard that the OSI has completed its work in line with the commission's recommendations, having investigated potential criminal conduct and disciplinary

breaches and subsequently prepared and referred extensive briefs of evidence for consideration by the DPP. This is at the heart of this bill of repeal.

As other members have done, I would like to take this opportunity to thank the Honourable Geoffrey Nettle and his office for their work and service over the past few years. As such, today we have before us the Special Investigator Repeal Bill 2023 with its fairly straightforward objective, and that is first to repeal the Special Investigator Act 2021 and dissolve the Office of the Special Investigator, or OSI. In terms of detail, the bill will repeal the Special Investigator Act and be the principal act with ongoing operation to provide for the necessary transitional provision to support the dissolution of the OSI. Further, the bill will repeal amendments to other acts made by the Special Investigator Act, and there are several. I would just like to run through them. These include the Independent Broad-based Anti-corruption Commission Act 2011, the Police Informants Royal Commission Implementation Monitor Act 2021, the Public Interest Disclosures Act 2012, the Public Administration Act 2004 and the Witness Protection Act 1991. I would like to say finally that the bill also provides for the operations of the Victorian Inspectorate's oversight function in relation to the OSI for a period of two years after commencing, to ensure that the inspectorate can investigate and finalise any complaints in relation to the OSI. Again, it is a straightforward proposal that has broad support from stakeholders, several of which have been consulted, including Victoria Police.

I would like to join the many speakers on this side of the house to commend the Attorney-General for bringing the bill forward and for all the work that has taken place in delivering on the recommendations of the royal commission. As I said earlier, considerable progress has been made on the recommendations and some 49 of the 55 recommendations directed to government have been delivered, as well as 90 of the total 111. The work to deliver all of these recommendations is well and truly on track. I am really proud of this work, and I am so proud to support the bill.

Sam GROTH (Nepean) (12:36): I rise to contribute to the Special Investigator Repeal Bill 2023. Before I get started, I thank the member for Malvern, the Shadow Attorney-General, for the work that he has done on this bill. We know this bill has been introduced to abolish the Office of the Special Investigator, the OSI, and make the necessary transitional arrangements. It also makes consequential and related amendments to other acts.

I am sure everyone in this chamber and most Victorians would be familiar with the Lawyer X scandal. It involved Victoria Police using criminal barrister Nicola Gobbo as a police informant. Gobbo gave secret evidence against her own clients to Victoria Police, which helped in securing their convictions, something that many here in Victoria would have found to be almost like from a far-fetched TV series, let alone a First World justice system. Unsurprisingly an IBAC investigation commenced in July 2014 – it concluded in February 2015 – and found a high degree of negligence by VicPol. It directed VicPol to provide a copy of the report to the Director of Public Prosecutions. Now, the DPP formed the view from the Kellam review that Gobbo's clients should be informed about her actions as a human source, and it led to VicPol seeking court orders to suppress this information. There were also media investigations into the matters, notably by the *Herald Sun*.

Following numerous Victorian courts issuing suppression orders to ban the reporting of these facts, the High Court of Australia ruled unanimously that Gobbo's identity should no longer be suppressed, and she was subsequently named in the media. In their judgement Their Honours held that Gobbo's actions in purporting to act as counsel for the convicted persons while covertly informing against them were fundamental and appalling breaches of Gobbo's obligations as counsel to her clients and of Gobbo's duty to the court, and that likewise Victoria Police were guilty of reprehensible conduct in knowingly encouraging Gobbo to do as she did and were involved in sanctioning atrocious breaches of the sworn duty of every police officer to discharge all duties imposed on them faithfully and according to law without favour or affection, malice or ill will.

The exposure of the Lawyer X scandal and the High Court's finding that it corrupted a number of criminal convictions have led to a number of the convicted persons having their convictions quashed.

It led to people accused and previously convicted of serious crimes having their convictions quashed. I note also that the member for Malvern has moved a reasoned amendment that the house refuse to read this bill a second time until the government puts in place measures to ensure those responsible for the Lawyer X scandal are held to account. I note that winding up the OSI now means that those responsible for the Lawyer X scandal will walk free without any accountability despite a highly respected former High Court judge finding there was sufficient evidence to secure convictions, and I note that the member for Malvern had a couple of recommendations around the OSI having direct power to bring those charges. If that is not possible, the DPP should have brought in an interstate DPP to make decisions because the Victorian DPP, the DPP in this state, was probably too close to those matters to actually be able to rule on them in a sufficient manner.

I note that the opposition oppose this bill. I also note the reasoned amendment and support the position of the member for Malvern, and we will be opposing this bill. I am not going to take up too much time, because I look forward to the member for Sandringham getting up on the State Taxation Acts and Other Acts Amendment Bill 2023.

Gary MAAS (Narre Warren South) (12:40): I too rise to make a contribution on the Special Investigator Repeal Bill 2023. I will pick up on something that the member for Nepean just said. We should be listening to the member for Sandringham at this time, but it appears that the tactical genius of the opposition means that the State Taxation Acts and Other Acts Amendment Bill 2023 will not be debated at the time that it should be, which is now. We have pushed that back some 20-odd minutes through extraordinary reasoning that can only be put down to some tactical genius.

A member: Time wasting.

Gary MAAS: Yes, absolutely – tactical genius. The bill implements the government's decision and its commitment to decommission the Office of the Special Investigator. The bill does all those necessary things to wind up the OSI and provide for the continuation of critical protections and oversight. The bill is split into several parts. There is the repeal of the Special Investigator Act 2021. The second part of the bill repeals the act, abolishes the OSI and transfers its records to the Department of Justice and Community Safety. It also addresses the public interest disclosures in the final report of OSI operations. Part 3 of the bill makes consequential amendments to the Victorian Inspectorate Act 2011 to remove references to the OSI and its functions and retains the Victorian Inspectorate's ability to receive complaints and investigate OSI conduct during a transitional period. Lastly, parts 4 and 5 make consequential amendments to the Public Interest Disclosures Act 2012 and other acts, removing references to the OSI, 'OSI officer' and 'Special Investigator' as well as discontinuing related functions.

The background to this bill is well known. The government publicly announced that the OSI would be decommissioned on 27 June 2023. That followed the tabling of a special report in Parliament by former Special Investigator Geoffrey Nettle on 21 June, which recommended that the OSI be wound down. Just to address the comments that were made by the Shadow Attorney-General the member for Malvern, he did selectively refer to Justice Nettle's evidence, but in so doing he conveniently seemed to neglect that it was Justice Nettle's report that recommended the winding up of the OSI. The purpose of this bill is to acquit those recommendations, and indeed the implementation monitor agrees that the OSI-related recommendations have been implemented and have now been acquitted.

The OSI, as we know, was established by the Special Investigator Act, as recommended by the Royal Commission into the Management of Police Informants, to investigate potential criminal conduct and disciplinary breaches in relation to the Lawyer X matter. Where the OSI determines that relevant offences may have been committed, its role extends to compiling briefs of evidence to be filed alongside recommended charges for determination by the Victorian DPP. The OSI has carried out its line of work with the commission's recommendations. As I said, the implementation monitor appointed to oversee the implementation of those recommendations is satisfied, absolutely satisfied, that all recommendations relating to the OSI have been acquitted and supports the decommissioning of the office.

The OSI was established as recommended by the Royal Commission into the Management of Police Informants to investigate potential criminal conduct and disciplinary breaches in relation to the Lawyer X matter and to compile briefs of evidence for determination by the Victorian DPP as to whether to prosecute. It was established with all of the statutory powers which were recommended by the commission. The former Special Investigator tabled that report back in June, as I have alluded to, and indicated that in his view the OSI had completed its investigations and submitted briefs of evidence in relation to the matters that he thought would lead to criminal prosecutions. On that basis he recommended that the OSI be wound up, and the government has now accepted that advice. That advice, as I said, has been supported by the implementation monitor.

The Royal Commission into the Management of Police Informants was established in 2018 and investigated those matters and how police use those informants with their confidentiality obligations. With its work completed, the recommendation has been that the OSI be wound up, and the bill does that throughout its five parts. The OSI has completed its work in line with the commission's recommendations. It has investigated the potential for criminal conduct and disciplinary breaches and subsequently prepared and referred extensive briefs of evidence for consideration by the DPP. Like the member for Clarinda, I too would like to take the opportunity to thank Mr Nettle and his office for their thorough work to acquit those recommendations of the royal commission in relation to the OSI.

The bill will repeal the Special Investigator Act 2021 and facilitate the decommissioning of the OSI. It dissolves the OSI, which will serve to formally close it down as an entity and remove the statutory role of Special Investigator. It is intended the bill will commence by proclamation at the expiry of the current SI's appointment on 1 February 2024. Notwithstanding this, the bill provides a default commencement date of 30 June 2024. All the obligations of the OSI will transfer to the state. That includes all assets, properties, liabilities, rights and obligations currently held by the OSI, and they are to be managed by the Department of Justice and Community Safety. It will ensure that anyone who may have an enforceable right against the OSI will not be denied access to justice or legal redress because the OSI no longer exists. By way of an example, this could potentially include something like a WorkSafe claim against the former OSI, but the transfer will ensure that those legal obligations of the OSI will continue to be met. It could include responding to legal proceedings, FOI requests and subpoenas. It will also include financial reporting obligations and all remaining contract agreements, leases and other arrangements to which the OSI is a party. They will also transfer to the state.

In the remaining time I have I will just say that the bill ensures that by dissolving the Office of the Special Investigator all the necessary transitional arrangements have been put in place. It includes those necessary provisions to protect the OSI's sensitive records that have been accrued in that time and to ensure the safety of people employed by or who have indeed been assisted by the OSI. Victorians can be absolutely confident that the OSI has fully investigated criminal conduct and breaches of discipline arising from Victoria Police's use of Ms Gobbo as a human source to the extent absolutely possible. The OSI has played a really crucial role in ensuring the events that led to the Royal Commission into the Management of Police Informants will not happen again. On this basis I commend the Special Investigator Repeal Bill to the house.

Ros SPENCE (Kalkallo – Minister for Agriculture, Minister for Community Sport, Minister for Carers and Volunteers) (12:50): I move:

That the debate be adjourned.

Motion agreed to and debate adjourned.

Ordered that debate be adjourned until later this day.

State Taxation Acts and Other Acts Amendment Bill 2023*Second reading***Debate resumed on motion of Tim Pallas:**

That this bill be now read a second time.

Brad ROWSWELL (Sandringham) (12:51): It is again a real thrill to be on my feet and to address the State Taxation Acts and Other Acts Amendment Bill 2023. Of course just moments ago in this chamber I had the opportunity to do that when the Manager of Opposition Business, my colleague the member for Brighton, moved to adjourn the debate on the Special Investigator Repeal Bill 2023 to bring on more time for this chamber to discuss this very important bill, which I am pleased to say, less than 9 minutes before we break for lunch, we are doing now. I am disappointed that my contribution will be made in two tranches, now and then after question time, but I will do my best to get through as much as I need to between now and the customary lunch break.

It concerns me that in this bill, in one of the first acts of the newly reset – so the government will have us believe – Allan Labor government, they introduce two new taxes, two new property taxes. Since this government was elected nine years ago, this Labor government has introduced a new tax or increased an existing tax every two months on average. Nothing could be more certain. But in recent times the Labor government have outdone themselves because they have not just been announcing new or increased taxes every two months, they have been introducing new or increased taxes every week. Since the government delivered the budget earlier this year we have had a new schools tax, a new rent tax and a new jobs tax. We have had a health tax, we have had a holiday and tourism tax – and I note the presence of my colleague the Shadow Minister for Tourism, Sport and Events and member for Nepean in the chamber at the moment – and we have two new property taxes, one of which will significantly impact holiday homes in this state. I will get into that in a little bit more detail during the course of my contribution.

To contextualise my contribution as well, these two new taxes were introduced just days after the government signed their new housing statement together with housing industry stakeholders. These two new taxes were announced on Tuesday morning of the last sitting week at breakfast – at a breakfast hosted by the Property Council of Australia. They were announced on behalf of the government by the Treasurer. The Property Council, who were hosting the breakfast, knew nothing of this, and having investigated this further and done a bit of due diligence on the matter, I am happy to assert, not because I have privilege but because it is true, that the Premier's office also knew nothing about these two new taxes being announced at this breakfast at that time.

Let me take the chamber through the rest of the events of that day. The Treasurer announced these two new taxes, and the property industry representatives present at the breakfast knew nothing of these taxes but were deeply concerned by the fact that the Treasurer had in fact announced another two new taxes on their industry. The fourth estate, journalists, who we respect and admire at times, then wanted to speak to the Treasurer. Quite legitimately they wanted to speak to the Treasurer. They wanted to get more detail. You cannot just announce two new taxes at breakfast and not give any detail whatsoever, but that is exactly what the Treasurer did on that occasion. He was scheduled to speak to journalists at the back doors of this place at 11 am on that Tuesday, and guess what?

James Newbury: He didn't turn up.

Brad ROWSWELL: Thank you, member for Brighton – spot on. He did not turn up. Journalists were there from 11 am until midday, when this Parliament resumed, and he did not turn up. The Treasurer did not turn up to face questions based on the two new property taxes that he had announced at breakfast. He did not turn up. There was an opportunity for the Treasurer to turn up to answer legitimate questions that journalists – who were doing their job to keep the government accountable, as this side of the house does day in, day out – had about the implication of these taxes. What were they? What were the costings? Who was it going to impact? How much was the revenue? They were the basic

questions that you would want to know after the announcement of two new taxes at breakfast, unbeknown to people. The Treasurer did not show up. Parliament started, question time came, question time went, and at a quarter past 3 on that Tuesday the Treasurer, tail between his legs, wandered out to the back doors of this place to answer the questions that the journalists had. Journalists had been there since 7:45 that morning. They had been there since 7:45 that morning, ripe and ready to ask the questions, waiting for the Treasurer to answer the questions, and he did not show. He squibbed it. He squibbed the opportunity. And we now know why – because these two new taxes introduced by this government that we now see in this State Taxation Acts and Other Acts Amendment Bill 2023 punish Victorians and impose a cost impost on Victorians at a time when they can least afford it.

This government seems to think that taxation is the answer to the problems that they have created, that taxation will be the panacea to the waste that is part of this government's DNA, the panacea to the overspending that this government has become accustomed to over the last nine years and the panacea to this government spending more than they are receiving budget after budget after budget, time and time again. It is not. If history has taught us one thing, it is that you never, ever tax your way back to prosperity. That truism is known the world over; this government has no ears to listen to that truism whatsoever. With this bill this government are introducing the 51st and the 52nd new or increased tax that they have introduced and imposed upon the Victorian people since they were elected nine years ago – new taxes and increased taxes that they have introduced in the last nine years on the back of a promise by the then Premier of the state, the former member for Mulgrave, that he would not impose new taxes on the people of Victoria. Well, we all know that that was an absolute furphy, and Victorians are paying the price because of it.

This bill proposes to do a number of things: to expand the vacant residential land tax, to tax residential land that has been undeveloped for more than five years, to prohibit the apportionment of land tax and known windfall gains tax liabilities between vendors and purchasers and to make a number of other minor technical changes.

Sitting suspended 1:00 pm until 2:02 pm.

Business interrupted under standing orders.

Questions without notice and ministers statements

Suburban Rail Loop

John PESUTTO (Hawthorn – Leader of the Opposition) (14:02): My question is to the Premier. Earlier this week the Premier stated that:

We will continue to deliver the Suburban Rail Loop.

The state budget forecasts non-financial public sector net debt to rise to \$205 billion by 2027. How much more debt will the government need to take on to deliver the 90-kilometre Suburban Rail Loop?

Jacinta ALLAN (Bendigo East – Premier) (14:02): Once again I am very pleased to answer a question from the Leader of the Opposition about the Suburban Rail Loop, which is a project of course that Victorians have voted for not once –

Members interjecting.

Jacinta ALLAN: haven't they, member for Ashwood; haven't they, member for Glen Waverley – but twice.

John Pesutto: On a point of order, Speaker, on relevance, I ask you to bring the Premier back to the question about debt.

Members interjecting.

The SPEAKER: Order! Members will come to order. The Premier to come back to the question.

Jacinta ALLAN: I was listening very carefully to the Leader of the Opposition's question. He talked clearly about a quote I made earlier this week about delivering the Suburban Rail Loop, and that is exactly why I am delighted to answer this question from the Leader of the Opposition – I thought we got rid of Dorothy Dixers, but anyway – about delivering the Suburban Rail Loop. As we have worked incredibly hard to get all the planning work and consultations – an extensive business and investment case was released in August 2021; there were extensive planning processes – we have been very clear all the way through this that a transformational project of this size and scale is greatly needed as our city grows, as our city continues to grow. Melbourne will be bigger than Sydney by the end of the decade. We will be a city the size of London by the late 2050s.

James Newbury: On a point of order, Speaker, may I refer you to *Rulings from the Chair*, page 152, and Speaker Maddigan's ruling that an answer must address the question directly rather than generally. I would put to you that the question was about the level of debt the government will take on in this project, and Speaker Maddigan's ruling is clear that an answer cannot be general; it does have to be specific to the question.

Mary-Anne Thomas: On the point of order, Speaker, the Premier was being directly relevant to the question. I note that the Leader of the Opposition quoted the Premier on the Suburban Rail Loop. The Premier is answering the question that was put to her, and if those on the other side would stop interjecting over the table they would be able to hear that the Premier is being directly relevant to the question that was asked.

The SPEAKER: The question referred to the Suburban Rail Loop. The Premier was referring to the Suburban Rail Loop. The Premier was being relevant to the question.

Jacinta ALLAN: Thank you, Speaker. As I was outlining to the Leader of the Opposition – I have mentioned this a couple of times before, but I do want to make sure he has picked up on this level of detail – we released in August 2021 a detailed business and investment case. As part of the funding arrangements to deliver the Suburban Rail Loop, we have made a significant contribution – \$11 billion has been allocated from the state. And also – this is an important point, Leader of the Opposition – we have a partner in Canberra who is supporting us in delivering the Suburban Rail Loop. There is a reason why the Albanese Labor government is supporting the Suburban Rail Loop, and the single biggest commitment to infrastructure anywhere in the country was made to the Suburban Rail Loop. I will note for the benefit of the Leader of the Opposition that I think Victorians have now voted three times for the Suburban Rail Loop, because the federal election also endorsed the Suburban Rail Loop. We are getting on and delivering this project. We are determined to deliver this project because to do nothing, to sit back and watch our city and state grow –

Brad Rowswell: On a point of order, Speaker, again on relevance, the precise question asked by the Leader of the Opposition was how much more debt. The Premier has yet to answer that question. I would ask you to ask the Premier to be relevant.

The SPEAKER: Order! I have reminded members before that I cannot direct the ministers or the Premier how to answer a question, but the Premier was being relevant to the question.

Jacinta ALLAN: To do nothing would be to see something like 600,000 vehicles choke our streets by the time we get to the late 2050s because there is not an alternative heavy rail option for people to move around the city as we do not have at the moment. This is a project that Victoria needs. We need to provide more public transport options. We need it to keep our city and state productive. We need to deliver the Suburban Rail Loop so young people can go and pursue their career dreams at Box Hill TAFE, at Monash University, at Deakin University – that is why we are delivering the Suburban Rail Loop.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:08): Of the \$205 billion in net debt forecast by 2027, how much of this is forecast to be spent on the Suburban Rail Loop?

Jacinta ALLAN (Bendigo East – Premier) (14:08): I remind the Leader of the House that in my answer to his substantive question I made reference to the fact that we have committed funding of \$11 billion towards the delivery of the Suburban Rail Loop. I am happy to deliver you a copy of the budget papers, Leader of the Opposition, very happy to deliver you a copy of the budget papers, because what we are doing is we understand that we need to invest in productive infrastructure, whether it is the North East Link, the West Gate Tunnel, the Metro Tunnel or the Suburban Rail Loop. Equally too we need to invest in productive infrastructure in the energy space like renewable energy. We need to keep making these investments in productive infrastructure, and considering how we bring our state budget to this task, in partnership in this instance with the federal government, is about ensuring that we have the services and infrastructure our growing city and state need.

Ministers statements: LGBTIQ+ support

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (14:09): I rise to inform the house that no matter what goes on in this or the other place, the Allan Labor government stands with our LGBTIQ+ community. Our trans and gender-diverse kids need our support at this time. Research shows that in Australia more than half of trans young people had self-harmed in the previous year and a shocking 71 per cent have reported suicidal ideation. This is their lived experience. This is the reality of being young and trans, and on this side of the house we stand firmly with our LGBTIQ+ community and we say this is unacceptable.

We have invested to support trans and gender-diverse young people with expanded evidence-based specialist services, and we will continue to do so. I have had the privilege of visiting the Royal Children’s Hospital gender service and hearing directly from young trans people and their families. I was so impressed by the compassion, the care, the experience and the qualifications of the team that is working with our vulnerable young people at one of the world’s leading children’s hospitals. This is life-saving care; it is not a political football. Those opposite, including the member for Hawthorn, have had every opportunity to call out deliberate campaigns of trans hate. Instead, they have fuelled it with their unanimous support –

James Newbury: On a point of order, Speaker, under standing orders 118 and 120, the Speaker does have the power when the member on their feet is using words that are objectionable or unparliamentary –

Members interjecting.

The SPEAKER: Order!

James Newbury: Speaker, I am personally offended by the outrageous slurs. Many members on this side of the house have spoken out very strongly on these issues, and that was outrageous.

Jacinta Allan: On the point of order, Speaker, the minister was being entirely consistent with the standing orders as laid out in the rules that govern this house. I would note that the member for Brighton is quicker to stand up for his own reputation than he is to support trans kids.

Members interjecting.

The SPEAKER: Order! The member for Brighton did not ask for a withdrawal.

James Newbury: I ask for a withdrawal from both the minister and the Premier.

The SPEAKER: A withdrawal, please.

Jacinta Allan: I withdraw.

Mary-Anne THOMAS: I withdraw.

The SPEAKER: The minister to continue.

Mary-Anne THOMAS: Thank you, I will continue. Let us be clear about what happened in the other place. The Liberal Party gave their unanimous support to an ill-informed motion led by Mrs Moira Deeming in the other place. We know that this rhetoric hurts. We know it causes harm. The member for Hawthorn has shown once again he is a follower, not a leader. We will stand with trans and gender-diverse young people in our state.

Electric vehicle tax

John PESUTTO (Hawthorn – Leader of the Opposition) (14:13): My question is to the Premier. Yesterday the High Court found that the government’s electric vehicle tax was unlawful. When will Victorians who have been charged this unlawful tax be reimbursed?

Jacinta ALLAN (Bendigo East – Premier) (14:13): I thank the Leader of the Opposition for his question. I believe the Treasurer and I answered this question yesterday, but I am happy to repeat for the benefit of the Leader of the Opposition that we will take time to consider the ruling handed down yesterday by the High Court. There was a lot of detail in the decision. The Treasurer is seeking advice, and when there is further advice provided and decisions made, that information will be communicated.

John PESUTTO (Hawthorn – Leader of the Opposition) (14:14): Today the Treasurer stated the High Court’s decision to scrap Victoria’s electric vehicle tax could force the state to ‘totally recast the way that we raise revenue’. Will the Premier guarantee that the High Court decision will not be used to increase taxes even further?

Jacinta ALLAN (Bendigo East – Premier) (14:14): As I said, we are reviewing the decision. We will get advice, and when we have more information to say on this matter, we will. But I also note the Leader of the Opposition referred to the Treasurer’s comments. I will also refer to some other comments made today:

At some point we do have to have a close look at road user charges.

Yes,

... there will need to be a time when we need to look more broadly at how you fund the maintenance ... and construction of our roads.

In saying this today, the Leader of the Opposition has made very clear that he supports a road user charge. As more and more electric vehicles drive on our roads, the Leader of the Opposition has indicated this is something he supports.

Ministers statements: Safe Schools

Ben CARROLL (Niddrie – Minister for Education, Minister for Medical Research) (14:15): I rise to update the house on how the Allan Labor government is committed to providing safe and inclusive learning environments for all Victorian school students. Yesterday I spoke about the schools we are building. Today I want to touch on what is going on behind those walls right across Victoria. All students have a right to an education. They also have a right to meet their full potential, regardless of their postcode, background, beliefs or sexuality. We know that students cannot learn effectively if they are being bullied or harassed or do not feel safe at school. That is why the Allan Labor government is providing ongoing funding for the Safe Schools program. Safe Schools is an important part of broader efforts to create more inclusive, supportive and safer education spaces for our young people.

Roma Britnell interjected.

Ben CARROLL: We’ll get that in *Hansard*.

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

Ben CARROLL: The Safe Schools program helps Victorian schools foster a safe environment that is supportive and inclusive of all LGBTIQ+ students. Everyone benefits from the Safe Schools program. Research by La Trobe University shows that the program helps all kids to grow up safe,

confident, compassionate, accepted and accepting. By tackling homophobia and transphobia through education, schools can make their spaces more inclusive and supportive. The Safe Schools program is an important initiative of the Allan Labor government, just as our mental health program is as well.

I am pleased to advise the house that from the Royal Commission into Victoria's Mental Health System, when it comes to schools we have implemented all recommendations. Let us also not forget the 2000 Victorian schools that have signed up to the Respectful Relationships initiative. It is only this side of the house and the Allan Labor government that is creating safe and inclusive school environments for all school students no matter their postcode, their gender or where they come from. We will continue to stand with all students no matter their background or sexuality, no matter who they are, to make sure they feel safe, secure and welcomed at whatever school they go to in Victoria.

Schools payroll tax

John PESUTTO (Hawthorn – Leader of the Opposition) (14:17): My question is to the Premier. Will the Premier match the opposition's pledge to remove payroll tax from all Victorian schools, including all Victorian government schools?

Jacinta ALLAN (Bendigo East – Premier) (14:17): The answer is no, and I am happy to elaborate. Just to be clear, just so the member for Brighton does not jump up and say I am not being relevant, I have answered the question. The answer is no.

The reason why the answer is no is that in the proposition that has been put forward by the Leader of the Opposition and his shadow minister in saying what they will do, they are not saying they will put extra money into government schools; they are not saying they will put extra resources into government schools. What they are doing is they are saying to the highest fee paying schools in the state that they will make this change for them, but there is no commitment to government schools that they will support additional investment to government schools. That is why we will not be supporting their position. We will not be supporting the decision because what we are doing is – government schools already have these payment arrangements in place. By applying these payroll tax arrangements to a small number of high fee paying private schools we are also indicating very clearly that the significant majority of non-government schools will not be affected by this change. Indeed those schools receive hundreds of millions of dollars of support in capital grants. These schools have the Smile Squad dental vans visiting them. They have support through our tutor learning initiatives. That is the support we will continue to provide. There is no change from the announcement that was made at budget, and we will not be following the Leader of the Opposition down a path of cutting funding to government schools. That was the path they took in government. We will not do that.

Members interjecting.

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

John PESUTTO (Hawthorn – Leader of the Opposition) (14:19): Analysis by the independent Parliamentary Budget Office found that 18 more schools will be hit by the government's controversial payroll tax by 2029. This includes Rossbourne School in Hawthorn, a specialist college with 131 secondary students. Will the Premier give the parents of children at Rossbourne School peace of mind and commit to exempting the school from her schools tax?

Jacinta ALLAN (Bendigo East – Premier) (14:20): Firstly, the proposition put forward by the Parliamentary Budget Office is an entirely hypothetical one. For those 18 schools that the Leader of the Opposition has listed it is entirely a decision for those schools, entirely a decision for those school boards how they set their fees. It is a hypothetical proposition that has been laid out by the Parliamentary Budget Office. I would hope that if the member for Hawthorn was fair dinkum about being a good local member, he would not be running this sort of scare campaign to a special school in his electorate – he would not be doing that.

James Newbury: On a point of order, Speaker, this was an important question around a specialist school, and the Premier is now debating the question.

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

Jacinta ALLAN: Well, I am making it very clear to the member for Hawthorn that he should not be misleading schools in his electorate, because it was a hypothetical proposition. The member for Kew has just become the shadow minister for education. She should be renamed the shadow minister for private schools in Kew because that appears to be the focus of the opposition.

James Newbury: On a point of order, Speaker, the Premier is now defying your ruling and just being nasty.

Members interjecting.

The SPEAKER: Order! The house will come to order. That is not a point of order.

Ministers statements: equality in sport

Steve DIMOPOULOS (Oakleigh – Minister for Environment, Minister for Tourism, Sport and Major Events, Minister for Outdoor Recreation) (14:22): Sport matters. It matters for a whole range of reasons – a sense of community, a sense of achievement and a whole range of other benefits that people get when they participate in sport. For all these reasons, that is why –

Matthew Guy interjected.

The SPEAKER: The member for Bulleen is warned.

Steve DIMOPOULOS: sport gives a sense of achievement collectively in the Victorian community and a sense of identity. But before our government and for too long an individual's identity determined whether they could play or feel comfortable to participate in sport. You cannot live up to your reputation as a sporting capital if you do not invest in the entire community. Because of our government –

Matthew Guy interjected.

The SPEAKER: Member for Bulleen!

Steve DIMOPOULOS: we have gone from 30 to 50 professional teams in Victoria in the last five years, and this is largely in the professional women's sport space. In that period we have also invested in 230 women's sporting facilities. Just last week our national women's cricket team played a one-day international at Junction Oval with the West Indies – and we won. Again in the last week, Melbourne Victory women's team played to a packed crowd at the home of the Matildas. AFLW teams have played in our amazing facilities right through Victoria, and the Diamonds hosted New Zealand at John Cain Arena the other day for the Constellation Cup. It was a great match, and I was there. You know, I am reminded of some comments made by the coalition, who said that when we backed the Diamonds –

Matthew Guy interjected.

The SPEAKER: The member for Bulleen can leave the chamber for half an hour.

Member for Bulleen withdrew from chamber.

Steve DIMOPOULOS: it was nothing more than a cynical vote-buying exercise. That is what they said. Each investment we have made is an expression of equality, is a monument to our relentless commitment to build for all Victorians, including LGBTI Victorians. That is why we were the first government to support a Pride round in the A-Leagues in February this year – the first government to encourage a whole range of Victorians to get involved, from regional Victoria to women in sport to queer Victorians. 305 of our sporting events under the Significant Sporting Events program have been in regional Victoria. That is our commitment to all Victorians in sport.

Cost of living

Sam HIBBINS (Pahran) (14:24): My question is to the Premier. Premier, the rising cost of food and groceries means many people just simply cannot afford the basics. Whilst prices are going up, supermarkets are increasing their profit margins at the same time. Governments around the world are taking action and pressuring supermarkets to lower their prices, yet the Victorian government, despite having the powers to act, has so far chosen not to. Why hasn't the government called in the supermarkets and demanded they lower their prices or face the consequences?

Jacinta ALLAN (Bendigo East – Premier) (14:25): I thank the member for Prahran for his question. The government does have a number of areas where we provide support for families feeling the cost-of-living pressures. Subsequent, successive and repeated interest rate rises have put pressures on households right across the state. We do have a difference of opinion, I must say to the member for Prahran, in terms of the levers that the government has in regard to regulating supermarket pricing. Given that supermarkets operate across state borders, it goes to competition policy powers, and it more appropriately sits with the federal government.

But we are taking action. In terms of the member for Prahran raising the issue of pressures that families are feeling in terms of cost of living, there are a significant range of actions we are taking to support families, like through the huge amount of work that the energy minister has undertaken. There are electricity discounts, winter gas discounts and there is the Victorian default offer – that is a great new initiative that is about making sure that we can put downward pressure on those electricity retailers to make sure that Victorians get the best offer. There are utility relief grants as well. And of course there is the Solar Homes program. Supporting people across the state to be able to put solar panels on their roofs – we know that that is an important action, real action on climate change, but it is also providing support for households.

I can go on – there are many other areas. In schools, for example, whilst others might have cut areas like the education maintenance allowance, cut the School Start bonus and cut Fresh Fruit Friday, as we have heard on a number of occasions, we are providing additional support for kids in schools, particularly with the initiative that has been funded again in terms of the tutor learning program that is run through our schools – a really important initiative for families. There is also of course free kinder, which is such a great initiative as part of the transformative reform that is being undertaken in early years education. The free kinder element of that is critically important for families. As we are expanding 15 hours of three-year-old kinder and 30 hours of four-year-old kinder across the state, we are also, as part of that program, rolling out 50 childcare centres – 50 Victorian government-run childcare centres – which will provide more access to child care for families. It means parents, particularly mums, can get back to work part time or full time, but also puts pressure on childcare fees. There is a much longer list, but they are just some of the actions we are taking.

Sam HIBBINS (Pahran) (14:28): My supplementary question goes to the differences of opinion that the government says it has with the Greens on its powers to take on the supermarket duopoly. The state government has significant powers. It can pressure supermarkets, it can investigate and expose unfair price hikes, it can set a target ceiling for price rises, it can even –

Members interjecting.

Sam HIBBINS: I will tell you what: they might learn something if they listen, Speaker.

The SPEAKER: Order! Through the Chair!

Sam HIBBINS: It can even regulate prices to prevent profiteering. In fact all these actions were taken by a previous Labor government, a Labor government that you thought so highly of that you named an arena after, as just mentioned by the minister for sport.

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

Sam HIBBINS: So I would ask: is it the government's view that it cannot act, or is it simply a case that it will not act?

Jacinta ALLAN (Bendigo East – Premier) (14:29): If only it was so easy to grant sense. I appreciate the supplementary question – it goes to actions we are taking – because there are more actions we are taking, member for Prahran, in terms of supporting families with the cost-of-living pressures, and actual actions, not theoretical ones that you might be wanting to read out.

Sam Hibbins: On a point of order, Speaker, it is not for the Premier to rephrase the question to a question that they want to answer. The question went to the heart of the actions that the government can take to take on the supermarket duopoly – practical actions that I have outlined.

The SPEAKER: Is your point of order with regard to relevance?

Sam Hibbins: It is related to relevance. I would ask you to draw the Premier back to answering the actual question.

The SPEAKER: I would ask you to be succinct in your points of order. The Premier was being relevant to the question that was asked.

Jacinta ALLAN: The very last part of the member's question was calling us to act, calling on the government to act, and that is exactly what we are doing. In the time I have available I am happy to talk about the transport area, where we have made regional fares the same as metro fares – those \$10 regional fares that mean the member for Murray Plains can get on the train tonight from Melbourne and go all the way through to Echuca.

Peter Walsh interjected.

Jacinta ALLAN: Well, for you it's not – it's \$5, my friend, but it's \$10 for everyone else. We are providing a range of supports to help families with the cost of living. *(Time expired)*

Ministers statements: LGBTIQ+ equality

Vicki WARD (Eltham – Minister for Prevention of Family Violence, Minister for Employment) (14:31): I rise to update the house on the Allan Labor government's ongoing support for our LGBTIQ communities. We are ensuring that Victorian jobseekers have access to safe and inclusive employment services. Last month this government announced with pride that we will continue to invest in inclusive employment services. This includes funding fantastic organisations like Fitted for Work, a not-for-profit providing a range of important work-readiness services. These services include one-on-one interview preparation and a personal outfitting service for work-appropriate clothing, helping people put their best foot forward with pride. Their program Project Purple enables transgender, non-binary and gender-diverse Victorians to access employment opportunities. This is important, as we know that transgender jobseekers continue to face discrimination, with an unemployment rate three times the national average.

Despite advancements, two-thirds of our LGBTIQ community employees still hide their identities at work. This can hurt wellbeing, job satisfaction, productivity, talent retention and leadership growth. On this side of the house we know everyone deserves a fair go when looking for work, and we support organisations that support our LGBTIQ community with pride. The Allan Labor government's support goes beyond words. We back it up with funding, demonstrating our ongoing commitment to inclusivity and diversity in employment. While those opposite continue to focus on their harmful culture wars, on this side of the house equality is not negotiable.

James Newbury: On a point of order, Speaker, the minister appeared to be reading from a document.

The SPEAKER: Order! Was the minister reading or referring to notes? The minister was referring to notes.

Native timber industry

Peter WALSH (Murray Plains) (14:33): My question is to the Premier. When questioned about the adequacy of the support package for the early closure of the native timber industry the former Premier told PAEC:

My commitment to you is: if we have to go further beyond this \$200 million ... then we will.

Does the Premier stand by the commitment of the former Premier to the hardworking families of the native timber industry that if more money is needed for a fair compensation package, it will be provided?

Jacinta ALLAN (Bendigo East – Premier) (14:34): I thank the member for Murray Plains, the Leader of the National Party, for his question on this matter. I know he and his colleagues have a great priority on this issue, and a number of members of his party have spoken to me directly about this issue over a number of years now. I understand the importance of this issue to the Leader of the National Party, which is why I will not engage in some of the other political theatre we sometimes engage in here on this question. I recall very clearly the former Premier making that commitment. I am absolutely prepared to stand by that commitment made by the former Premier. I understand very keenly how difficult any industry transition can be. We have seen the automotive industry transition and in this instance the forestry industry transition. I know how keenly this can be felt by any community but particularly really small country communities where these businesses are the biggest businesses in town – the biggest private sector businesses indeed – so I am very willing to continue to engage with the Leader of the National Party and his colleagues on this matter.

Peter WALSH (Murray Plains) (14:35): The former Premier also gave a commitment in PAEC that his door was open to meet with the native timber industry representatives to discuss if there was enough money allocated to ensure there was a fair compensation package for hardworking families. Will the Premier personally meet with representatives of the Australian Forest Contractors Association to discuss their concerns about the inadequacies of the current compensation package?

Jacinta ALLAN (Bendigo East – Premier) (14:35): I thank the Leader of the National Party for his question. I am always willing to meet and talk with people who are affected by government decisions, and I would hope that as I have engaged with the Leader of the National Party on this question at this point in question time we continue to have an engagement that perhaps is not played out on the floor of the Parliament and we can have those conversations with industry representatives, including unions as well, who are an important part of this industry transition. Indeed it was only a couple of months ago – it was in August – I visited McNulty’s timber in Benalla and sat down and spent a couple of hours there with the owners of that mill and had a long conversation about the transition and what it meant for them, and particularly the message that I took away from that conversation was that the industry needs certainty. This is an industry that has had considerable uncertainty from court decisions particularly that have been made that have affected the future of the industry, and we will continue to work with the industry on these matters.

Ministers statements: LGBTIQ+ support

Jacinta ALLAN (Bendigo East – Premier) (14:36): A couple of weeks ago as part of the swearing in of the new government I appointed a member of the other place for Western Metropolitan Region Lizzie Blandthorn as our new Minister for Children. This was indicating a very clear priority for me and the government that in supporting children and young people, whether it be across universal service platforms or indeed specific kids who have specific needs, we are going to look at everything we can to better coordinate and provide support to children and young people.

This is particularly relevant for Victoria’s young LGBTIQ+ communities, because in Victoria equality is not negotiable. Every Victorian deserves to feel safe, to feel equal, to be celebrated for being exactly who they are, and we are proud of the action we have already taken in this area, whether it be through the banning of the dangerous and cruel conversion practices or the delivery of adoption

equality and also the historic apology for gay convictions in this Parliament. There is also the 10-year plan *Pride in Our Future*. We will continue to support LGBTIQ+ Victorians to live freely and safely, particularly as the Minister for Health has identified, to make sure that they get the health care, support and services they need.

Then there is also making sure we celebrate with the LGBTIQ+ community. There are a range of actions that we have taken and will continue to take, and we are doing this because everyone deserves to feel equal but particularly for young trans kids, who are 15 times more likely to attempt suicide. We have to give them our love and support, not harmful motions in the other place that are supported by people who sit outside of the Liberal Party room but call the shots in the Liberal Party room. We have got to provide them with love, care and support.

Brad Battin: On a point of order, Speaker, I rise to ask for a follow-up on question on notice 597 that still has not been answered by the Minister for Police; question on notice 596 for the Minister for Police; adjournment question 331, which was for the Minister for Emergency Services about volunteer firefighters; question on notice 598, which was for the Minister for Police; and a very important one, adjournment question 307, which I raised last sitting week as well. It is about education and zoning in particular for one student who desperately needs some assistance, and if I can please ask for follow-up with the Minister for Education to get onto this one.

Constituency questions

Eildon electorate

Cindy McLEISH (Eildon) (14:40): (370) My question is to the Minister for the Environment. I have been contacted by a number of constituents because their favourite campgrounds are closed. Minister, when will the Candlebark, Devil Cove and Lakeside campgrounds at Lake Eildon National Park be reopened to the public? Currently all three of these popular campgrounds are closed and have been for some time due to failed infrastructure stemming from a lack of government investment and a subsequent lack of maintenance being undertaken. The closures caused disruption to holiday-makers and locals alike during the last school holiday period, and it will not be long before the Christmas period is upon us and a large number of people again will be looking to use these areas. With Parks Victoria providing no information to the public to advise them of the expected dates for reopening, it looks like the opportunities for many families to get outside and enjoy an affordable holiday this summer will be lost. The closure of these facilities has a number of impacts, and I urge the minister to provide that information.

Laverton electorate

Sarah CONNOLLY (Laverton) (14:41): (371) My question is for the Minister for Skills and TAFE in the other place. Our government's free TAFE program is changing the lives of Victorians right across our state, giving people the opportunity to upskill for the careers that are in demand. Just this year alone we added an additional 10 courses to the free TAFE list to reflect in-demand fields of work, including in Auslan interpreting, agriculture work, working with electric vehicle batteries and, most importantly, mental health. More importantly, we have seen the work that our government has done in leading the nation on free TAFE supported at the national level, with the federal government supporting over 80 different TAFE courses and short courses, making them tuition-free and supporting an additional 300,000 TAFE and vocation education places, which will be available from January next year. So my question for the minister is this: how many people in my electorate of Laverton have benefited from our government's free TAFE program?

Euroa electorate

Annabelle CLEELAND (Euroa) (14:42): (372) My constituency question is for the Minister for Emergency Services in the other place, and the question I ask is: will the minister provide a replacement schedule time line for CFA appliances in the Euroa electorate? Reports today indicate more than half of Melbourne's fire truck fleet is over 15 years old, and information from my local

CFA brigades suggest our regional fleets are significantly outdated. So many of our local brigades are stuck with the majority of their vehicles, pumpers and tankers being over 20 years old. Many other CFA appliances are listed as being over 30 years old. A report from the Grattan Institute shows the dangers associated with trucks this old: carcinogens causing serious illness and death, increased carbon emissions and pollution. Having met with fire brigade captains and several volunteers recently, there are serious concerns about these ageing vehicles as well as the culture of the CFA as it deals with a lack of funding and support from the Labor government. Our CFA brigades are in desperate need of appliances that are fit for purpose to protect our dedicated volunteers and to protect our communities.

Pakenham electorate

Emma VULIN (Pakenham) (14:43): (373) My question is for the Minister for Water in the other place. Can the minister please provide me with the latest update on the Beaconsfield dam safety upgrade and any advice Melbourne Water have sought from the fire services in relation to the dam's use in firefighting capability in this area? The Beaconsfield dam is situated within the pristine environment of the Beaconsfield nature conservation reserve. Melbourne Water have advised that the dam, which was built over 100 years ago, does not meet current safety standards and that a partial reduction of the dam wall height is necessary to ensure the safety of the community, particularly residents living downstream. There has been some recent interest in this conservation reserve, and I look forward to updating my community with current factual information.

Rowville electorate

Kim WELLS (Rowville) (14:43): (374) My question is to the Premier. When will the Premier and her government actually provide free kinder to the residents in the Rowville electorate instead of local ratepayers being expected to subsidise this cost? Under Labor the government has only provided \$2500 per child, not even coming close to accommodating the cost of providing free child care, which has resulted in 1100 kids left in the lurch without free kinder. At the last election Labor committed that it would provide free kinder to those as young as four, yet now parents are contacting my office, unable to get a spot for their kids at any age. Labor's free kinder program has made it harder for kids to get into kinder, not easier, and the burden is definitely being felt by parents in the electorate of Rowville.

Bass electorate

Jordan CRUGNALE (Bass) (14:44): (375) My question is for the Minister for Planning. Across communities in my electorate of Bass many of my constituents talk to me about housing affordability and how they value the opportunity to choose a regional setting in which to live and work. I am proud to be part of the Allan Labor government. Our landmark housing statement will build 800,000 high-quality homes in Victoria, increasing the supply of homes in communities where Victorians want to live. Everyone deserves the security and stability of a home. I ask the minister: how will the housing statement benefit my community in the Bass electorate?

Brunswick electorate

Tim READ (Brunswick) (14:45): (376) My question is for the Minister for Industrial Relations. The new Victorian fair jobs code for the community services sector sets requirements for government-funded community service agencies to provide good working conditions. While inclusions such as domestic violence leave and limitations on casual work are welcomed, a constituent of mine has explained that the code is not strong enough on enforcement: it does not require agencies to participate in government-moderated dispute resolution processes. Instead, this process is voluntary, which means agencies can decline. My constituent has observed that the SCHADS award, the Social, Community, Home Care and Disability Services Industry Award, which covers community services, likewise only allows arbitration in Fair Work by consent, which agencies have regularly denied in the past. In the light of this, will you amend this dispute resolution process so that it is binding rather than voluntary?

Eureka electorate

Michaela SETTLE (Eureka) (14:46): (377) My question is for the Minister for Children in the other place. West Maddingley Early Years and Community Hub will bring a state-of-the-art kindergarten and fantastic community facility to our growing region. It is expected to be completed in December. Maddingley is becoming home to more and more young families, and as it grows it is so important for locals to maintain access to high-quality early childhood education. The hub will be kitted out with a three-year-old and four-year-old kindergarten, community meeting rooms, consulting rooms, children's rooms for playgroups and maternal and child health services. It is an extraordinary addition to our growing town. Can the minister please advise on the number of families in the Bacchus Marsh region we expect to benefit from the creation of the early years hub and the benefits to our young families of having maternal and child health services in Maddingley?

Benambra electorate

Bill TILLEY (Benambra) (14:47): (378) My constituency question is to the Minister for Roads and Road Safety, and the information I seek is how many claims for damage to motor vehicles caused by potholes and other road failures have been approved by the Department of Transport and Planning in the Benambra district this year? Now, I am a punting man, and it is coming up to that season with our Spring Racing Carnival, but I am tipping it is none. This Andrews–Allan government have this outlandish \$1580 threshold for damage before anyone can even consider making a claim. But when someone puts in one of these claims, the advice they get falls back on some bureaucratic nonsense that says no. For the minister to come back with further information and say that these roads are patrolled every week and the potholes are repaired every seven days, on behalf of the people in the north-east, I call BS.

Box Hill electorate

Paul HAMER (Box Hill) (14:48): (379) My constituency question is for the Minister for Energy and Resources. How many residents in my district of Box Hill have taken up the government's generous rebates through the Solar Homes program for solar panels, solar batteries and solar hot-water services? So far over 250,000 Victorians have benefited from these rebates, which is great not only for helping families make the switch to an all-electric household but also for their family's budget. I look forward to the minister's response.

Bills**State Taxation Acts and Other Acts Amendment Bill 2023***Second reading***Debate resumed.**

Paul EDBROOKE (Frankston) (14:49): It is very nice to get up here this afternoon and speak on the State Taxation Acts and Other Acts Amendment Bill 2023. In the 2 minutes that were given to us by the Shadow Treasurer we heard that he is still obsessed with the former Premier, so he is unburdened with the complication of common sense – we do have a new Premier. I guess we heard that some politicians like to make good stories and others like to make change and make history, and that is certainly what this government is about. We are here today to really speak on a bill that contains a raft of minor amendments mostly aimed at ensuring the law reflects the original intent of a policy. For example, if loopholes and such are discovered, we want to seal them up. Just before I go into some content on that, I do want to thank the Treasurer, the Treasurer's office and his advisers and the Department of Treasury and Finance.

The first change that I would like to focus my remarks on is the vacant residential land tax (VRLT), which is all about increasing housing supply. Remember that: it is all about increasing housing supply. We know the only way to improve housing affordability is to increase supply, so we are making sure that more unoccupied properties can be put up for rent and vacant land developed to build new homes.

Who could be against that? The reform provides a financial incentive for owners to rent out empty homes or develop long-term vacant land, providing more homes and more options for Victorians during the housing crisis. The bill before the chamber obviously updates the vacant residential land tax. It creates financial incentives for owners to rent out empty homes or to develop long-term vacant land.

We know that the VRLT is currently imposed on residential properties in 16 LGAs, but what we are doing here is expanding the provisions in the Land Tax Act 2005 to encourage owners of hundreds of unoccupied homes in Melbourne's outer suburbs and regional Victoria to make these dwellings available for rent. Under the amendment the period that properties can be deemed vacant will start on 1 January next year, 2024, with a tax change commencing in 2025. Existing exemptions, like for holiday homes, properties recently acquired and those regularly occupied for work purposes, will actually remain in place. Changes will also expand the VRLT to residential land undeveloped for more than five years in established areas of Melbourne to discourage that long-term land banking, which is rampant around Victoria. From 1 January 2026 residential land undeveloped for more than five years in established areas of Melbourne – so since 2021 – will become liable for the VRLT, applying to an estimated 3000 undeveloped properties.

The second change I would like to focus on is the land tax apportionment and windfall gains tax apportionment, which are really protecting homebuyers and new home buyers. The legislation will prohibit the apportionment of land tax and known windfall gains tax liabilities between a vendor and a purchaser under a contract of sale. Essentially what has been happening in Victoria is a vendor can be less than transparent – they can be opaque – and land tax liabilities can end up being paid by the purchaser, who agreed to pay the purchase price but obviously not those taxes. But they become liable for those taxes. This bill will prohibit a contract of sale of land from providing for the apportionment of land tax between the vendor and purchaser, and it makes it an offence for a vendor under a contract of sale to pass on the vendor's land tax liability to the purchaser under contract.

I have previously said that this tax bill is about making homes available. I did a bit of study last night, and I just want to make it pretty plain that it is very rich for some people in this house to act like they are speaking on behalf of their constituents when they are saying they oppose this bill. It is a bit rich for people in this house to act like they represent their communities when the 128 MPs in the Victorian Parliament between them own 260 properties. Some of those Liberal MPs own more than 15 properties, and they will proudly stand up today in this Parliament. People who own more than 15 properties, 18 properties – and we might not even know how many properties some people own because of the opaqueness of family trusts and whatnot – will stand up today and they will say 'Even though I own multiple properties, even though I'm one of 128 MPs in the Victorian Parliament, who own between them 260 properties, I will oppose this bill'. The effect of the bill is to increase housing stock for the people in their communities. I do not see too many people in anyone's community in Victoria saying that they do not want this bill.

James Newbury: On a point of order, Speaker, I am not sure how an attack on Minister D'Ambrosio's or Minister Pearson's property ownership is relevant to this bill.

The SPEAKER: Order! What is your point of order? There is no point of order.

Paul EDBROOKE: I was speaking about the member for Caulfield. But I do not see too many people who are struggling to find a rental, people who are lining up every day, telling you in your office that they do not want a house or that they do not want the government of the day to put tools in place, legislative tools, to make sure that housing stock is increased so that they might actually get somewhere to live – just one house. I do not begrudge anyone having investment properties in a portfolio. All I am saying is you need to take that into account as possibly a conflict of interest when you get up here saying that this is a bill which will not actually bring about those actions. I say it again: in this house and the other house we have 128 MPs who own 260 properties. So I think maybe all of us should take a step back, look at the housing crisis and look at what effect this will have on releasing housing stock and building new housing. Indeed the second point in my focus as far as apportionment

part of the bill goes is that it will have no financial incumbency on anyone. It is really about helping people who want to buy a house not to be liable for taxes that they did not know about that the vendor can pass on.

In the time remaining I just want to make sure that those opposite do know that this house, when this Labor government has been on the government benches, has had a very strong record of ensuring the tax system is fair. We made tax changes in the 2023 budget to expand better targeting of tax concessions that move towards a fairer Victoria. We made sure we would allow a longer land tax exemption where construction or renovation of a principal place of residence is delayed due to builder insolvency, which has become an issue. We have expanded tax concessions for families providing a home for a relative with a disability, which I know is something that many in this house certainly put some priority on. Also the government has a really strong record of delivering tax relief for Victorians and Victorian businesses. This afternoon you will hear a lot about introduced taxes and whatnot, but the fact is that this government has cut or abolished taxes or fees 63 times since coming to government in 2014. We cut the regional payroll tax to 1.2125 per cent, just one-quarter of the metropolitan rate. It is interventions like this that have seen the regional unemployment rate fall to the lowest it has ever been in history.

We will hear words from those opposite talking about their credentials and what they would do. We do need to keep in mind that most of these people were there in 2014, when they were voted out, and they made sure we inherited the highest unemployment on the mainland of Australia. Now, unemployment is one of those business cycle figures that along with growth and whatnot is a good indicator of how the economy is going, and it says a lot that even in the latest ABS data, released today, labour force figures are rising in Victoria still. I think it was 39,000 jobs that those opposite managed to help grow in their four years in office. Our economic growth is reflected in more than 500,000 jobs since the depths of the pandemic, and we are leading the nation for jobs growth.

In conclusion, this government is committed to making housing more accessible for all Victorians and carefully considers Victoria's taxation mix to balance many competing priorities. Consistent with this approach, the government will continue with the current policy settings and priorities, taking into account the government's aim for balancing state productivity and competitiveness and building a better future for all Victorians. But I say it again: keep those figures in mind as people step up. You can have a look and see how many properties someone owns and then reflect on what they are saying in this house. I commend the bill to the house.

Peter WALSH (Murray Plains) (14:59): I rise to make a contribution on the State Taxation Acts and Other Acts Amendment Bill 2023. This bill does a number of things. It expands the vacant residential land tax – currently it is applied to residential properties in Melbourne's inner and middle suburbs which are empty for more than six months – to unoccupied residential properties across the entire state. It taxes residential land that has been undeveloped for more than five years in established areas of Melbourne to discourage long-term land banking and encourage new housing developments. It prohibits the apportionment of land tax and known windfall gains tax liabilities between vendors and purchasers under a contract of sale of land and makes a number of other technical changes to other acts in line with that.

One of the first acts of the Allan government was to introduce the 51st and the 52nd new tax for this state since Labor was elected to office in 2014. Just days after signing the housing statement with the housing and construction stakeholders, the Treasurer announced to a Property Council of Australia breakfast these two new taxes, to the surprise of many people, including his new Premier. It is clear that the government failed to consult with stakeholders on the introduction of these new taxes, which is why I will move the reasoned amendment in my name. If it could be circulated to the house, please. I move:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government commits to:

- (a) consulting with key housing industry stakeholders on the impact of this bill; and
- (b) easing cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides’.

In talking to that reasoned amendment and in talking to our opposition to the bill, I would like to quote from Quentin Kilian’s article from the *Herald Sun* where he talks about:

Yet again, we are left floored by the Victorian government’s ability to disregard industry engagement, ignore expert property sector recommendations and undermine the confidence of one of the state’s most significant economic contributors ...

which is the property industry. It goes on further:

Our Treasurer has established a track record of using annual state budgets to pillage the property sector ...

...

The REIV anticipates even more investors will leave Victoria over the next year, with a chorus of concern about a loss of control over assets, courtesy of the increased taxation and ongoing disincentives to invest.

I think that comes to the issue. We have a housing crisis in Victoria, and these changes are actually going to make that worse, not make that better. He went on to say to the government:

Carefully considered policy development based on a principle of incentivisation along with some measured implementation will create the required stability, and grow market confidence.

At the moment market confidence is being destroyed because the government keeps introducing new taxes and new rules about the capital investment into the housing market. He said:

The REIV is calling on the Victorian government to engage the sector properly, so together we can work on better policy development that benefits all property participants.

I think that sums up very well the reason that the Liberal and National parties have put forward the reasoned amendment that this bill not be read a second time until there is consultation with the industry and until there is something done about the cost-of-living pressures in Victoria, particularly around how more people can actually enjoy the benefits of home ownership in this state.

One of the key aspirations of everyone in Victoria and in Australia for generations has been the ability to own your own home. What we have seen over the life of Labor governments here in Victoria from 2014 to now, and particularly in the last few years as the government has started to run out of money and the state debt has been growing, is that there are more taxes being put in place, there are more rules being put in place around property development, and that just makes it harder for families, for young couples, to actually buy a home. As we go through these new taxes that are being introduced or these increased taxes that are being introduced, somehow the government believes that there is a magic pudding out there. For argument’s sake, when the windfall gains tax was brought in somehow the government did not believe that would flow through to the price of properties. It was very clear at the time that the modelling was done that the windfall gains tax was probably going to put somewhere between \$20,000 and \$25,000 on the cost of an average block to buy. That is going to be an impediment to new home owners and to anyone that wants to get into the property market and buy a block and build.

It is not magically that people are making a fortune out of development, particularly in regional areas where land has been rezoned because our regional cities actually need more land. This has been a disincentive for development of that land because people are just saying ‘We’re not going to do it. There’s not enough in it for us if we actually have to pay all these additional taxes’. It is going to be very difficult to get that price rise out of people who are wanting to get into the market to buy their first property and build on it.

Steve McGHIE: People are lined up for rezoning – you know that.

Peter WALSH: The member for Melton talks about people lining up to buy houses. People are really struggling to get into the property market. They are taking on debts that will last them a lifetime

because it is so expensive to get into the market. For someone that is on a parliamentary salary it may not be such a big issue, but for young families starting out it is a huge issue. What we have seen over time is a bit more tax, a bit more tax, a bit more tax, and all of a sudden that is a lot of tax that people are paying here in Victoria on whatever it may be. In this case at the moment we are talking about taxes that are going onto the cost of home ownership for people here in Victoria. It will drive up the cost. It will make it a lot harder for young families to get into the market.

As I said, the first thing that the Treasurer did after the election of the now Premier was go out and announce two new taxes. The Premier gave a commitment on the eve of the 2014 election that he would not introduce any new taxes in Victoria and he would not increase taxes in Victoria, and here we are, nine years on, talking about the 51st and the 52nd tax. Businesses in Victoria are being driven out of the state. Employers in Victoria are being driven out of the state because the taxation regime here is not as attractive as it is in other states. We have seen that with the increase in WorkCover, and we have seen it with the increase in payroll tax – the disincentives that are there to investing capital in this state or employing people in this state. When you can look at New South Wales or you can look at Queensland, why would you do business in Victoria? The then Premier through COVID made a quip about South Australia: ‘Why would you want to go there?’ The new South Australian Premier is actively courting Victorian businesses to go to South Australia because it is more attractive to do business there. People will invest capital where they can make the best return on it and where there is less risk from government changing rules that will actually undermine the value of that capital, and that is what has been happening in Victoria. The value of their capital, the value of their investment, is constantly being eroded by changes to the tax regime or by changes to legislation here in Victoria. That is a disincentive to doing business here in Victoria.

The Liberals and Nationals would urge the government to support our reasoned amendment, withdraw this legislation and go back and genuinely consult with industry. Work with industry. It is industry that is going to solve the housing issues of this state; it is not a government on its own. Please, go back, talk to industry and come back with a better way of doing this. If you cannot do that, we will be opposing the legislation.

Steve McGHIE (Melton) (15:08): Acting Speaker Tak, it is lovely to see you in the chair. I rise to speak on the State Taxation Acts and Other Acts Amendment Bill 2023, and much like many of our twice-yearly tax bills, this bill makes many minor amendments to rectify any drafting errors or loopholes. I would like to focus on a few big ways that this bill supports Victorians in the current housing market through making more homes available to renters, encouraging the development of vacant land, changes to protect Victorians from dodgy property developers and the payroll tax initiatives which are the envy of the nation.

Firstly, I want to raise the issue of the opposition’s lead speaker. I was a bit disappointed, given he spruiked before lunch that he was going to be here, enthusiastic about his 30-minute speech on this bill and how important it was. He gave us 10 minutes, but he must have had a long lunch because something happened – he did not appear after lunch, which is a bit disappointing. That is how important it is to the lead speaker on the opposition’s side, and it is quite interesting that he could not find the other 20 minutes to be here. I do not know whether he was scheming, doing numbers and doing other things that they do out the back or whether the coffee was too good, but unfortunately the member for Sandringham could not appear. That is okay. The Leader of the Nationals probably picked up part of his speech anyway, so it meant that the Leader of the Nationals filled in his 10 minutes.

One of our key initiatives was reducing the regional payroll tax to 1.2125 per cent, which is just one-quarter of the metropolitan rate and happens to be – and proudly so – the lowest in the entire nation. With strategic interventions like this our regional unemployment rate has plummeted to obviously historic lows, and remarkably despite the challenges posed by the pandemic there has not been a month where regional unemployment was higher under our administration than it was during the previous government’s tenure. We have significantly raised the payroll tax free threshold not once but four times since taking office in 2014, and these substantial changes have already resulted in substantial

savings for Victorian businesses totalling around \$2 billion up until the fiscal year of 2022–23. The measures represent our commitment to fostering economic growth, supporting businesses and ensuring prosperity for all citizens, and we believe in creating a thriving environment that encourages innovation, investment and employment right across our communities in all of Victoria.

This creates a new era for small businesses in our regions because in the latest budget our government took another bold step to lighten the load for small enterprises. Starting from 1 July 2024 the payroll tax free threshold will rise substantially, climbing from \$700,000 to \$900,000, and the impact of this change is nothing short of transformative. This adjustment means that 4200 Victorian businesses will no longer have to pay this tax, which is fantastic for those small businesses but also for those local areas where those businesses are operated. Additionally 22,000 businesses will experience a reduction in tax burden and a saving of as much as around about \$9700 annually, and from 1 July 2025 the threshold will ascend even higher, reaching a remarkable \$1 million. Of course this move will grant another 1500 businesses exemption status. In essence, approximately 6000 businesses, constituting 15 per cent of all current payroll tax paying businesses, will be entirely tax free. The suggestion from those opposite that we do not support business is a complete furphy.

The commitment does not end there, though. Understanding the diverse landscape of businesses is one of the reasons that we are phasing out the payroll tax free threshold for larger enterprises, and it ensures our support is precisely targeted as of this change. The tax-free amount will gradually decrease for each \$1 a business pays in wages over \$3 million. These changes go beyond mere relief. They are a fundamental shift, easing compliance costs and levelling the playing field. These are not just flippant policies. It is a promise and another demonstration of our government making real differences for Victorians and Victorian businesses, and of course we promised to bolster the backbone of our economy. Our vital, vibrant, diverse small businesses will continue to do that and drive that change.

We know that housing availability is the key to housing affordability, and in response to the housing crisis we have introduced the vacant residential land tax, providing a financial incentive for owners of unoccupied residential properties in Melbourne's inner and middle suburbs to rent out these homes. The changes in this bill will expand the VRLT provisions to encourage owners of unoccupied homes in Melbourne's outer suburbs and regional Victoria to make these homes available to rent or to buy, and that is great if more homes become available for people that are finding it difficult to access a roof over their head.

Our runs are on the board. Victoria's unemployment rate currently sits at a historically low rate of around 3 whole percentage points lower than it was when we came to office, and that is amazing. We have created over 500,000 jobs since the depths of the pandemic. I recall around the pandemic time that those opposite were yelling and screaming that the sky was going to fall in – 'No jobs, no-one will come and invest in Victoria, it'll stop Melbourne thriving as a city, no events' – and yet I walk around Melbourne quite often when I am staying here, and it is thriving. There are plenty of jobs; in fact we cannot fill a lot of positions because there are more jobs than people to fill them.

I constantly talk about dodgy developers. I have had a bit to do with dodgy developers in regard to how they have treated some of my constituents, but there are many honest developers and vendors out there, and I am pleased to say there are more honest developers than dodgy ones. What I mean by 'dodgy' is ones that take purchasers for granted, constantly put pressure on them and, I would say, deal with them in a totally inappropriate and unfair way, forcing purchasers or investors to take legal action when maybe they cannot afford to do so when developers sit on their hands and just basically say take me to court.

Our government's efforts to lower housing costs in Melbourne by releasing large expanses of land on the outskirts are being hindered by major developers who are strategically holding onto land and releasing it gradually to maximise their profits. They release it gradually, they break it up into parcels of land and, again, they are trying to make huge profits out of it. I do not begrudge them making a profit, but when it directly affects the availability of housing or potential housing for people that are in

desperate need, I do not think huge profit should put before people's welfare and people outcomes, and I am always advocating for the better welfare of our communities.

In a land-banking scheme property developers typically acquire land and divide it into smaller parcels and present them to investors. As an investor you can either purchase a specific block of land or acquire an option to buy one, known as an option agreement. It is an investment strategy in the real estate sector where investors purchase extensive parcels of undeveloped land, and that practice has to stop. That is my belief anyway. ASIC has taken action against some of this land banking in the past. A number of organisations were prosecuted by ASIC. I know there was one out my way, 21st Century, who land banked. They were out in the Mount Cottrell area, which falls in the Melton electorate, and I am pleased to say ASIC took action against them.

In the very short period that I have left, this is an important bill in regard to the taxes that the state government applies, but it is about providing availability of housing for our community, which is the number one issue that we have to deal with going forward. I am totally supportive of this bill, and I commend the bill to the house.

James NEWBURY (Brighton) (15:18): I rise to speak on the State Taxation Acts and Other Acts Amendment Bill 2023. This bill is an important bill because it tells us so much about this new government, this new Jacinta Allan Labor government, because these measures were first announced on day one of Parliament for the new Premier – day one as Premier. For background, only two weeks prior the former Premier, as his last act, with a number of ministers, signed an affordability partnership with industry and talked about a number of measures seeking to address housing issues in Victoria, despite the fact that we know Labor are the architects of the housing crisis. They signed the affordability partnership, and the first term of the partnership was an 'obligation' on all parties to 'agree to work collaboratively to address housing affordability and availability in Victoria'. The first term of the partnership – and on day one of the Premier's time in Parliament, the first day that the Premier held her new position in Parliament, this government announced a series of taxes which breached the first term of that signed agreement. It was extraordinary.

Members interjecting.

James NEWBURY: And I do not want to take interjections from members across the chamber who are shouting out 'Says you', 'Says you', 'Says you', 'Says you'.

Tim Richardson interjected.

James NEWBURY: No, not says me, member for Mordialloc, says the industry.

The ACTING SPEAKER (Meng Heang Tak): Through the Chair!

James NEWBURY: On day one the industry called out the fact that the government had broken a written agreement signed only two weeks before. How extraordinary. The Property Council used language like they were shocked at the announcement. They had signed an agreement 'in good faith', and on the very first day of the Premier's time in this place as Premier the government decided to break their written agreement with industry. That says a lot about integrity. That says a lot about character. But it also says a lot about a misunderstanding of how to fix the genuine policy problems we face, because you cannot tax your way out of everything. That is the problem with this Labor government. Their solution to any problem is why don't we tax it. They think, in the back of their minds, no-one has cottoned on to the fact that the only reason they are taxing it is because they have run out of money. So problems come up: we have run out of money as a government so – what a novel solution – we will tax it. Then we can tell the community we have solved the problem. In fact their solution will always make it worse. They are spending more than they are bringing, so the debt is just getting bigger.

The announcement of these new taxes has caused a shockwave in the sector, and that is why we have seen very well-respected leaders in the sector publicly talk about the fact that they feel that the

partnership that was signed has been ‘set on fire’ or that the taxes are ‘a major trust burner’. This is a quote from the Property Council:

Here’s a tip for state governments trying to reach ambitious housing goals in partnership.

Don’t “do a Victoria”.

These are not the words you would ever expect to hear from industry leaders, because they would never use them. Why have they felt the need to use them? Because they know two things: the solutions being proposed by the government are going to do damage, and the government has shown that they lack character or integrity in relation to dealing with the sector itself. I mean, can you imagine in good faith dealing with a government, signing a partnership and within two weeks – the ink on the signature will have only just dried in that time – we have the government breaching that partnership. That is why the language that is being used by industry is so strong. The industry used language calling on the government to consider these proposed taxes more clearly.

You can see organisations like the REIV saying that they call on the government to engage with the sector properly, and that is the genesis of the reasoned amendment that has been moved by the coalition. It is a call again for the government to engage with the sector properly because we know, sadly, that the sector has no trust in the government moving forward. That is a disappointing thing, and that actually helps no-one. What the sector knows now and what it is saying privately is that the government’s solution to everything is to tax it and to not engage or deal in an honest, collaborative way, which they promised to do.

In relation to the taxes – I have not spoken in detail about the taxes. The taxes in relation to second properties are an assault on hardworking Victorians. People work hard. Victorians work hard. Many times they start businesses. They work hard for their money. They save over years. We know – the statistics show it – that the vast majority of people that own investment properties are not rich. We know that more than 80 per cent of the rental market is owned by individuals who the ATO report have a taxable income of less than \$100,000. They are not rich; they are people who work hard. The government has come along to these people and said ‘We’re going to slap a new tax on you, and we’re going to spy on you to try and get more money out of you. If you have a second property, we’re going to start looking at how much and when you use water. We will randomly check with you to see when you have been using your property, and you will have to prove it’. The State Revenue Office confirmed that they will be asking owners to show receipts of what they have been purchasing in nearby shops to prove they have been using their property. Seriously? It is just outrageous to think that arms of government now are going to be spying on people and how they use their properties. It is an absolute disgrace. There is little wonder that the industry is appalled by this government and these taxes. There is also little wonder that hardworking Victorians are appalled by the measures – the attacks on hardworking Victorians – contained in this bill and why the coalition at every stage has fought against them, because this is the tipping point. The government has not realised it yet – so much of the community has seen these new taxes as a tipping point. This is a tipping point. I would say to the government: this bill shows your character. This bill shows the character of this new government, and it is absolutely appalling.

Tim RICHARDSON (Mordialloc) (15:28): Thank you, Acting Speaker Tak. It is great to see in the chair. You would wonder, listening to the member for Brighton, what their policy is. Is it to have no taxation in Victoria, no revenue base, no solution? Or is it just GST revenue – will we just take it in perpetuity? What a ranting speech that was. I am not sure whether he has a view on the vacant residential land tax. I am not sure; it was just a bit of waffle. Before lunch we had the baritone of Sandringham give us a bit of an account, but he did not move an amendment. And there is a bit of tension between the Leader of the Nationals and the bayside crew.

James Newbury: On a point of order, Acting Speaker, if the member does not have anything substantial to say, perhaps he should sit down. This is not relevant to the bill.

Tim RICHARDSON: On the point of order, Acting Speaker, there was a reasoned amendment moved by the Leader of the Nationals. If I cannot talk to the amendment – maybe the member for Brighton does not want the amendment addressed because it was moved by the Leader of the Nationals, I do not know.

The ACTING SPEAKER (Meng Heang Tak): It is a wideranging debate, but I ask the member to come back to the bill.

Tim RICHARDSON: We had basically nothing on the bill before lunch. We had a sledge of the government around taxation policy, but we did not get to the heart of whether there is a particular view on whether we want to encourage more property onto the market. Of course the Andrews–Allan Labor government announced a substantial housing statement, and the member for Kew in assessing that basically said ‘Well, it’s a great idea. We think we need more housing but we don’t think we can quite get there. We don’t want to see more taxation, but don’t move the revenue base’. It is a waffling ebb and flow between endorsing the government but not wanting to. It is incoherent, their housing policy and their strategy at the moment.

This is a bill that incentivises more housing onto the market. If people are land banking, and that has been lawfully what they have been able to do, we are saying you should pay a moderate contribution with the housing crisis that Victoria faces. The housing statement is complementary to all of that: 80,000 houses per year over a decade to get to 800,000 more houses as we support Victorians to get to that Victorian dream of owning a house and of being able to provide for their families and their communities. We know that with where income levels are at the moment the overwhelming majority of Victorians are locked out of housing. It is a real tragedy in that sense as well.

We have not actually heard much, other than another rant about taxation policy again. Before lunch I saw that the lead speaker, the member for Sandringham, had about 7½ minutes. I thought I would go and have lunch, I would go to an event that is really important in the house, and I would come back and get to hear the baritone –

Cindy McLeish: On a point of order, Acting Speaker, I think the member on his feet has drifted quite some way from the bill, and I ask you to bring him back.

The ACTING SPEAKER (Meng Heang Tak): There is no point of order. It is a wideranging debate.

Tim RICHARDSON: I do not understand. We are literally talking about the member for Sandringham’s speech. I know that the member for Eildon carries the team on bills over there, but just give the member for Sandringham a go.

We talked a lot about taxation policy, but there was nothing in the lead speaker’s contribution about what they would cut, what they would take out of the housing statement and what changes they would make to taxation policy. It was just another rant, just an open-ended waffle with this reasoned amendment about consulting with key stakeholders and a reference to the cost of living. Well, they are pushing up the cost of living by opposing this bill. How else are you going to get vacant lots on to the market and developed in each and every one of our communities without incentivisation? Ask them at a consultation? Ask? Plead? Suggest? Do a members statement? What do you think the mechanism is to encourage developers to put vacant lots that are land banked onto the market? Maybe in the wisdom of the member for Eildon there might be a suggestion down the track, because it is a waffling policy once again. I go back to that interview just after the housing statement was announced by the now Premier –

Brad Battin interjected.

Tim RICHARDSON: The member for Berwick has found his voice. We do not see him find his voice in question time. He has got a bit of relevance deprivation. Maybe he is still doing that car crash modelling media performance, that stunt which was just outrageous. It is a really strange sort of dark

wormhole he has gone down. But he has found his voice today. Maybe he can tell us a little bit about the vacant land tax and put it forward. Maybe we can hear something. But they will not, because again there is no substantive policy narrative from them. There is nothing at all. There is no pathway to 800,000 homes. They say it is a good idea, but they say Labor will not ever achieve it. Well, we will achieve it, and when you see everything that we have achieved in the big build, in delivering more social and affordable housing, you will see that this is just an extension of what we have always done. We have been on the side of Victorians in housing, and we will be on the side of working Victorians for as long as this government serves in this Parliament and in this community – not ranting waffles from the member for Berwick opposed to things, and strange media performances. We have not seen him perform. We have not heard from him. He does not speak on bills anymore. The member for Berwick just goes for strange media opportunities sledging former premiers. It is just absolutely outrageous. So maybe a bit of a contribution would be good.

These policies are just one element of a broader segment of housing affordability and transformation that we are underway with. How do we invest in the future for Victorians and in corridors like the Suburban Rail Loop and see the houses of tomorrow delivered, the communities of tomorrow delivered? How do we make sure that we square up the amount that is being pushed out to growth corridors into more infill community areas and encourage that development and that growth but also maintain our livability and support that with open spaces, with new community parklands and environmental corridors like the south-eastern suburbs green wedge that Acting Speaker Tak and I greatly cherish – protecting the lungs of Melbourne but also welcoming the newest families?

At the moment median house ownership is around 36 or 37 years, and over the coming years that will substantially increase. We know that one in 10 properties in Victoria is sitting empty, so when we think of incentivising policy through taxation, that is one way of doing it, rather than the member for Brighton's contention that you just endlessly consult, never make a decision and you are on the side of developers. That is what we hear each and every time: on the side of developers. From the shadow cabinet role we saw the defence of property developers. We saw the defence of private schools today in question time. That is what we saw.

Brad Battin interjected.

Tim RICHARDSON: The member for Berwick can rant and waffle all he likes. The relevance deprivation that he has – how many times now? Two times you have had a crack at leadership.

The ACTING SPEAKER (Meng Heang Tak): Through the Chair!

Tim RICHARDSON: Have you got your diagram out for the car now? Have you got your car crash diagram? Mate, you put yourself so far back in the leadership it was embarrassing.

Members interjecting.

The ACTING SPEAKER (Meng Heang Tak): Through the Chair! Member for Berwick!

Cindy McLeish: On a point of order, Acting Speaker, the member for Mordialloc has very much now moved from the bill, and I ask you to bring him back to the bill.

The ACTING SPEAKER (Meng Heang Tak): There is no point of order.

Tim RICHARDSON: He is just barking mad from Berwick. There he is. He is just carrying on. He has gone a bit off course because he had that really strange media performance where even his own team went 'What on earth is he doing? That wasn't sanctioned by the Leader of the Opposition'. Now they actually see the member for Malvern as the choice again. Maybe even the member for Bulleen might be back again. But we will see.

The ACTING SPEAKER (Meng Heang Tak): Through the Chair!

Tim RICHARDSON: He will not step up on this bill because he does not make contributions on bills in here. When you see the speaking volume here, he does not make contributions. It is normally Eildon or it is normally Rowville that put forward things.

What we really want to know is: do you support the vacant land tax policy? Do you support the housing statement? Does the coalition have a plan to support people other than what the member for Kew put forward, which was 'It's a great idea. We think it's a really ambitious policy. We just don't think they'll get there'. You could not have more of a tacit endorsement of the Allan Labor government. Forget what the member for Brighton said about industry. The member for Kew has given us, on transcript, a strong endorsement of the Allan Labor government's approach to the housing statement: 'It's ambitious. We think it's a lot. We're not sure how they'll get there, but we need to be doing things'. We appreciate that, member for Kew. We really appreciate the endorsement there.

The member for Sandringham was talking about taxation. We challenged the member for Sandringham, the Shadow Treasurer, who had the shortest opposition speech on Treasury policy we have ever seen on a budget. You literally could count the seconds – it did not quite get to 1000 seconds. It was so light, everyone looked around and went 'Is that it? Maybe there's a second version coming up'.

This is how he approached this bill today. Give us something on taxation policy and the support that you would put forward for Victorians. That is the key that they want to see, and this is what this bill is all about. It is one layer in a multitude of policies that we are putting forward to support Victorians. We need to house somewhere upwards of 10 million Victorians by 2050, and we need to build for tomorrow. It is about 3 per cent who can afford housing at the moment, and in my community of Mordialloc people are being priced out of their suburbs and their communities. What we want to see is people that were born in suburbs that they love and cherish can have home ownership and work towards that aspiration, where we provide more supply and where we provide a fairer go for renters. We do not hear anything from those opposite about supporting renters at all. They are not even in their frame of reference. It is literally those that own homes and developers, and that is it. That is whom they are on the side of, whereas we are supporting everyone: mortgagees, people who are renting and home owners. It is the fair thing to do, it is the right thing to do, and that is how we get an increase in housing supply.

Cindy McLEISH (Eildon) (15:39): To use a phrase put forward by the member for Mordialloc, 'open-ended waffle' – goodness me, what a self-description that was. I guess it confirms very much how the Labor government incentivise: wave the big stick, penalise and scare everybody. We are here talking about a taxation bill, the State Taxation Acts and Other Acts Amendment Bill 2023, and one thing for sure is a constant: when Labor run out of money, they come after yours. There are a lot of stats here that they should not be proud of. Every two months for the last nine years there has been a new or increased tax. This has ramped up a bit. The average has changed. Recently there have been new or increased taxes every week. That is really quite extraordinary.

What I find equally astonishing is that during the budget a number of taxes were flagged and once the budget was handed down the government again kicked straight into 'Gosh, we obviously haven't taxed enough – we need to put some more taxes on', and they have continued to roll out new and additional taxes. Turning to the taxes that we have before us today, the bill proposes to expand the vacant residential land tax, to tax residential land that has been underdeveloped for more than five years and to prohibit the apportionment of land tax known as windfall gains tax liabilities between a vendor and a purchaser – I will give you a little bit more about that later – and there are some other minor and technical changes.

What is very interesting about these taxes is when and how they were announced. It came as a bit of a surprise to most people. The Treasurer was at a breakfast, and he had not told the Premier that he was going to announce this there. There was a bit of scurrying, some very fast talking and backpedalling in trying to work it out. I do not know if he just jumped the gun a bit deliberately or if he forgot that he had not filled the Premier in, but nevertheless the taxes came out of the blue. What confirmed that

it was out of the blue is there was no consultation with anybody. There was no industry engagement. We have experts in this field. We have economic assessors. We have people that work in this field day and night. They are the people that can often have good input. To be told 'Here's what's going to happen' without engagement – the government can get it wrong.

I have been quite staggered by the tax grab from the Labor government. It seems that they do not know there are other ways to manage the budget. Growing a pie is a good thing, and you can gain a lot there. You do not have to hit everybody, penalise everybody and tax everybody as the only means to build economic prosperity in the state. This is what they have done. The 2022–23 financial report confirmed that Labor's debt continues to grow, which is why they are taxing everybody: they have run out of money. The debt is rapidly increasing year on year. It has reached at least \$115 billion, while the budget deficit for 2022–23 was around \$1 billion worse than expected – the 'b's just roll off the tongue easily. The total tax revenue was \$1.9 billion greater than what was estimated in the 2022–23 state budget. This includes payroll tax being up \$662 million, land tax revenue up \$531 million and stamp duty revenue on property up \$511 million. Victorians no doubt continue to be punished for the financial mismanagement of the Labor government. I am not going to go through all the budget overruns and blowouts that we know the government continue to experience. That is part of their DNA as well – just keep on spending somebody else's money and then hit businesses and property owners.

The intent of this bill is about increasing housing supply. There is little evidence of how that is going to happen, but something that could happen is that the Minister for Planning could look at signing off the backlog of subdivisions waiting in her office. That would get things moving quickly. In Casey and Cardinia councils there are thousands and thousands of subdivisions that could happen if the minister did her job and signed them off. That would get things moving fairly quickly. That would get the industry making headway pretty quickly. We have got a shortage of housing in every area. People with jobs cannot get houses, people without jobs cannot get houses. To purchase is difficult, to rent is extremely difficult. Social housing – if you are on the waiting list there, good luck with that, because that is not getting better any time soon.

The taxes introduced here today are numbers 51 and 52 since the Andrews and Allan Labor governments were elected. The former Premier said, and we have said it time and time again, that there would be no new or increased taxes under his watch. Well, boy, it is up to 52 now – the next one will be 53. I support the reasoned amendment moved by the Leader of the National Party. We are very sceptical of the government's continued need to rely on tax revenue, particularly when they have not done the consultation, and our reasoned amendment is about that consultation.

We want the market to have confidence, and that will help stimulate the economy rather than just whacking it with that big stick that the member for Mordialloc has confirmed is their go-to approach. The vacant residential land tax is currently applied to residential properties in Melbourne's inner and middle suburbs empty for more than six months, and this is going to go to unoccupied residential properties across the entire state. There will be reasons why some properties are vacant, valid reasons, and sometimes the development – which gets onto the second point about residential land that has been underdeveloped for more than five years in established areas of Melbourne, which is to discourage long-term land banking and encourage new housing developments. There are issues that occur that are not land banking. It is pretty easy for them to throw all of the undeveloped land into the land banking package, and that is not the case at all. I can think of quite a number of areas that we have asked about, and I can think of some in my own electorate. Sometimes there are planning issues and changes with council and it takes a long time to go through some of the issues that need to be sorted out. It can go to VCAT and there can be delays in VCAT. We know all of this. So there are reasonable reasons, I guess, why some people can do this. We need to make sure that this is not an open-ended land grab, and I mentioned the prohibition of the apportionment of land tax, known as windfall gain tax, between a vendor and purchaser under a contract of sale of land.

I am going to look at the tax on holiday homes. The existing holiday home exemption is only available for land owned by natural persons and land held on trust for a vested beneficiary. A vested beneficiary

is defined as a natural person who has a vested beneficial interest in possession in the trust land or is the principal beneficiary of a special disability trust. Goodness me, these are all quite tricky. And the government has provided written advice stating that the holiday home exemption is not available for land owned by a company, association, organisation or self-managed super fund. You have got to look at why people have self-managed super funds. It is so they are not a burden on the Australian tax system in the future – not going to be on the pension, funded by the government. People are providing their own means of income for themselves in the future.

One of the things that I like – well, I do not like it, I am flabbergasted by it – is the self-reporting and dobbing in of a neighbour. Talk about trying to set neighbour on neighbour and creating a lot of disharmony in streets and suburbs. It came to light that the government does not just want the dobbing in of neighbours. The State Revenue Office may then require home owners to also prove that they have used the property by handing over receipts for things like nearby shopping. I tell you what, a lot of people come into my electorate, and if they are staying for a week, they do not go to the local shops. What really bothers people is that they come with a carload of shopping already, so I can see that there is a big issue there. There was talk about spying on them, having a look at the water usage and things like that. I mean, seriously – water and sewage, having a look? That is Big Brother at its worst. So you have got dobbing in a neighbour, and you have got Big Brother absolutely having a look right down the barrel at you. I certainly support the Leader of the Nationals' reasoned amendment and hope that the entire chamber does too.

Dylan WIGHT (Tarnit) (15:49): It gives me great pleasure this afternoon to rise to speak on the State Taxation Acts and Other Acts Amendments Bill 2023, and it also gave me great pleasure to be in here to listen to the member for Eildon's contribution just then. We are not even 12 months into a term and we are already listening to the slogans being rolled out – 'When Labor runs out of money, they'll come after yours'. I reckon the last time that I heard that might have been during the 2022 election. How did that go? We are sitting over here with 55 seats to about, what, 19? Nineteen.

Brad Battin interjected.

Dylan WIGHT: Don't you start. You're not leader yet.

In particular I would like to speak on two really important aspects of this bill, and they are the vacant residential land tax reform and the land tax and windfall gains tax apportionment. The bill demonstrates the Allan Labor government's unwavering commitment to addressing housing affordability and undertaking serious planning reform in this state. We know that Victoria, particularly Melbourne, is growing and rents and prices are going through the roof. Indeed housing affordability in Victoria is a challenge that is becoming more and more difficult, and that is exactly what this bill today aims to address.

We know that over the coming period in this state we will need to be able to build, create or make available 800,000 more homes for Victorians. This bill will play a role in that. It will not do everything that we need to do in that space – indeed that is what the housing statement that we released only a few weeks ago goes to – but it will play an important part in that. We know that the only way to be able to achieve that and get to that 800,000-home goal is to increase supply.

This bill will, in its essence, improve housing affordability. On this side of the house it is a pretty simple equation for us: it is about supply and demand. The more homes that you have available, the more homes that you can build and the more vacant homes that you can get people into on any given day, the more you are going to increase supply and help affordability. That is what this bill is about and why it is so important, and that is why it has been so important that we bring it to the chamber today.

There are a few things that are changing as part of this bill. One of them is geographical expansion. Currently the tax only applies to homes in certain inner-city and middle parts of Melbourne – so not regional Victoria, not your outer suburbs, not down on the peninsula, but only in the inner ring of Melbourne. As we know, housing affordability and housing supply is not just a problem that is

confined to metropolitan Melbourne. If you go out to regional Victoria – places like Geelong, Ballarat, Bendigo and Gippsland – they are experiencing the exact same pain in terms of supply and affordability as people in metropolitan Melbourne are.

There will be a start date for deeming properties vacant. A property can be deemed vacant starting from 1 January next year, and if it remains unoccupied for more than six months in a year, the owner will owe a tax from 2025 onwards. It is a pretty simple and modest change but one that is incredibly important, as I said before, to addressing the problem that we have with both affordability and supply. Indeed it makes absolutely no sense for somebody that owns a home and is not using it for a designated purpose to leave it there vacant while we have people waiting on public housing lists, we have people who cannot afford their rent and we have people that do not have a roof over their head. Why would it be appropriate for one person to own multiple dwellings, one or more of which they are not using at all, whilst there are people out there without a roof over their head or that cannot afford their rent? The definition of ‘vacant’ will be changed under this bill. Like I said, if a property is unoccupied for more than six months in a calendar year, then it will be considered vacant.

There are the nuts and bolts of this bill, but there is also a far greater picture as well. The broad aim of this bill is pretty simple. It is to get more vacant homes and undeveloped lands into the housing market, helping to alleviate Victoria’s housing crisis so we do not have people banking land and we do not have people with unoccupied homes or with homes unoccupied for longer than six months in the year when we have people without a home at all. The legislation’s main goal is to encourage the optimal use of residential properties and lands, thereby addressing housing shortages and affordability issues, as I have said. My electorate of Tarneit is well aware of the growing pains that come with a sprawl and with housing affordability. In the last few decades Hoppers Crossing has transformed from a quiet little locality down the Princes Highway to a diverse, bustling, vibrant suburb full of life and energy. We have witnessed new neighbourhoods and communities in Tarneit and indeed in Hoppers Crossing emerge and welcomed so many young families and immigrants into our area. It is always a beautiful sight seeing a community flourish and expand, but with growth come inevitable challenges. Our schools are brimming, roads are bustling and public transport is in higher demand than ever, so I understand and share the concerns of many in our community who feel the pinch every single day.

We in this government are deeply committed to ensuring that our infrastructure keeps pace with rapid development. However, the outer suburban and peri-urban communities like Tarneit and Hoppers Crossing cannot be expected to continue to shoulder the burden that comes with growth on their own. So what is the solution? We have to rethink our strategy for housing, which is an integral part of what we are doing in the chamber right now. Our focus must not solely be on expanding outwards into the outskirts and into the outer suburbs. It is time we also look at growing upwards and optimising what infrastructure we already have, like vacant land and vacant homes, to be able to put people looking for a secure roof over their head into a home and into an affordable home.

Consider this: there is potential land right under our nose, land that is strategically located, equipped with amenities and merely waiting to be harnessed. By encouraging landowners to develop vacant properties we create a win–win situation. Not only do we alleviate some pressures on housing, but we also deter speculative practices that do not benefit the larger community and that are against the interests of housing affordability. In essence we are not just asking for growth, we are asking for smart, sustainable and strategic growth. By unlocking the potential of well-located lands, we pave the way for a future where our communities can thrive without compromising on their quality of life. These taxation amendments are not a silver bullet but, as I said, can help go a long way to reducing the cost of finding a home.

As I said, those in my communities of Tarneit and Hoppers Crossing know all too well the ramifications of a lack of foresight at times in planning. It is no longer appropriate that we just look at and support an urban sprawl out to the outskirts. We need to think more laterally than that. That is exactly what this bill does, and I commend it to the house.

Kim O'KEEFFE (Shepparton) (15:59): I rise to speak on the State Taxation Acts and Other Acts Amendment Bill 2023. This bill includes the 51st and 52nd new or increased taxes since Labor were elected in 2014. Victorians are now paying the highest taxes per person in Australia. At a time when the cost of living is having a significant impact, Victorians are subject to the highest taxes and highest property tax. Days after announcing and co-signing the housing statement with housing and construction stakeholders, the Treasurer announced these new taxes at a Property Council of Australia breakfast. The first act of the Allan Labor government was to tax Victorians more, an outcome after hearing about this announcement at that breakfast. The government is unclear as to the impact of these new taxes on increasing housing supply and forcing property development and property sale.

The government's stated policy intent with the introduction of these new taxes is to increase housing supply, but they have failed to provide enough evidence-based modelling to demonstrate that these new taxes will in fact deliver upon this policy intent. In the absence of a detailed plan to end waste and better manage spending, Victorians can have no confidence that any revenue raised from these new taxes will assist with the housing crisis. The government has failed to consult with stakeholders on the introduction of these new taxes set out in the State Taxation Acts and Other Acts Amendment Bill 2023. Instead of a fixation on tax, the government need strategies to incentivise investment into Victoria.

Without any warning the Treasurer announced that the government would expand the vacant residential land tax to become a statewide tax. This amendment to the Land Tax Act 2005 will see the vacant residential land tax imposed on residential land that is unoccupied for more than six months in a calendar year. The current suite of exemptions from the vacant residential land tax will continue to apply, which will see homes that are not being rented or occupied in a particular year covered if they are a holiday home, are occupied regularly for work purposes or are under construction or being renovated. There is a lot of interest in regard to how that will work. With many people using their homes for six months of the year and spending six months in their other homes, there are lots of variations, so it is very hard to focus on what that could end up looking like.

In addition, the bill seeks to prevent the 10 per cent concession duty that is charged on eligible corporate reconstruction and consolidation from applying concurrently with the 10 per cent concessional duty. This is charged on either a relevant acquisition by a public landholder or a relevant acquisition arising from certain restructures of listed stapled entities that can result in only 1 per cent of the normal duty payable. Further, the bill makes amendments to the Duties Act 2000 to apply key eligibility requirements for the pensioner and concession card duty reduction to all transfers, not just cardholders who are eligible, like pensioners, who are parties to the transaction. Eligible concession card holders may receive an exemption or concession from duty on a home duty reduction. However, this will only apply to eligible cardholders under the Duties Act 2000 when it is intended to apply to all transferees to the transaction. This bill will amend the First Home Owner Grant and Home Buyer Schemes Act 2000 to ensure the existing requirement to elect either the first home owner grant or the pensioner and concession card duty reduction continues to apply and operate.

As part of the government's COVID debt repayment plan through the State Taxation Acts Amendment Act 2023, it introduced the COVID-19 debt temporary land tax surcharge, another tax for Victorians to suffer because of the financial mismanagement of this government. The COVID-19 debt temporary land tax surcharge will commence from the 2024 land tax year and will see taxpayers pay an additional fixed charge of \$500 for aggregated landholdings between \$50,000 and \$100,000 and \$975 for aggregated landholdings above \$100,000 until the temporary surcharge ends in 2033.

Victoria is in record debt, which is set to reach at least \$165 billion by 2026. It is Victorians that continue to pay for Labor's incompetence and gross financial mismanagement at a time when the state is experiencing a cost-of-living crisis, yet we continue to be hit with more taxes. No government in history has ever taxed its way to prosperity – not one – yet this government has, on average, introduced a new tax or an increase to an existing tax every two months since 2014. This includes payroll tax; rental tax; taxing downsizers; holiday and tourism tax, which is a huge concern for regional Victoria; health tax; and now, we know, more taxes on schools.

The Windfall Gains Tax Act 2021 provides that windfall gains tax does not apply to a rezoning that causes land to be brought into a contribution area for growth areas infrastructure contribution purposes or to the first rezoning of such land after 1 July 2023 – the commencement date of this tax imposed on Victorians because of this government – if it was in this contribution area immediately before that date. However, if land is only brought into the contribution area after 1 July 2023, it is unclear whether the first subsequent rezoning is excluded and therefore not liable for windfall gains tax despite a growth areas infrastructure contribution being payable on the land.

Under the Labor government, Victoria is broke and life continues to get harder. Victoria has higher debt than Queensland, New South Wales and Tasmania combined, at a cost of almost \$15 million per day in interest. This is astonishing. On top of that, we now have an additional debt of over \$500 million from the Commonwealth Games debacle. The final figure is yet to be determined. The wasted taxpayers money could have been spent on our appalling roads and in my electorate on things like the completion stage for GV Health, which has been left unfinished; the development of the Shepparton Sports Stadium; or progressing the much-needed Shepparton bypass. Communities continue to miss out due to this government's financial mismanagement.

This government proves time and time again that it cannot financially manage the state, and the consequences are more taxes and less investment where it is desperately needed. In the absence of a detailed plan to end waste and better manage spending across the state, Victorians can continue to have no confidence that any revenue raised from these new taxes will assist in addressing and fixing the state's housing crisis. The government must take responsibility for their financial decisions and the massive detrimental impact their financial mismanagement is having on our state.

The State Taxation Acts and Other Acts Amendment Bill 2023 will further continue to punish Victorians who are already doing it tough. What we see is increased taxes at a time when Victorians can least afford them. In addition, the government should be focusing its efforts on easing the cost-of-living crisis that Victorians are living through by ensuring that every Victorian does not have to live with the stress of not being able to make ends meet. The State Taxation Acts and Other Acts Amendment Bill 2023 continues to punish Victorians for this government's financial mismanagement and incompetence. Once again Victorians are being asked to pay the price of the incompetence of this Labor government. I also wish to support the reasoned amendment of the Leader of the Nationals, particularly around consulting with key housing industry stakeholders on the impact of this bill and making sure that we have that detail.

Anthony CIANFLONE (Pascoe Vale) (16:06): I rise to speak on the State Taxation Acts and Other Acts Amendment Bill 2023. This is a bill which updates a number of taxation, valuation and other acts to maintain the effective operation of Victoria's taxation and valuation system through a number of measures and a number of reforms.

However, I would like to focus my remarks today on two of the most material changes contained in the bill, both of which aim to support Victorians looking to rent or buy a home to live in and, I believe, can help us facilitate the revitalisation of central Coburg, which I will touch on hopefully in the remainder of my contribution once I get through the substance of the reforms. The first includes changes to the vacant residential land tax to encourage more existing properties being made available to renters right across Victoria and to encourage faster development of vacant land in established areas of Melbourne. The second includes changes to protect consumers by prohibiting property developers and others from passing on their tax liabilities, often to unsuspecting purchasers.

Right across Australia finding an affordable home is becoming harder than ever before. That is why the Victorian Labor government's housing statement, which we recently released on 27 September, put forward an ambitious plan to tackle the root of the problem when it comes to accessing housing, and that is via housing supply. It is a simple proposition. If we build more homes, there will be more affordable and accessible homes for first home buyers, families, young people, renters and retirees. As part of the plan, we are setting a bold target to build 800,000 homes in Victoria over the next decade.

That is 80,000 homes per year. The housing statement provides the pathway for us to begin fostering the conditions needed to stimulate investment and build high-quality homes quickly in places where Victorians want to live.

Complementing the Victorian Labor government's nation-leading \$5.3 billion Big Housing Build program, which is already delivering a pipeline of 12,000 new social, community and affordable homes across the state, through the measures set out in the new housing statement we are getting on with doing the things that matter to deliver more housing that Victorians need. But separately and additionally to the Big Housing Build and the housing statement, we will continue to pursue a whole-of-government approach when it comes to facilitating more housing for homebuyers and renters. For example, our previous commitments to support first home buyers is a case in point, where through our landmark Homes Victoria package first home buyers purchasing a new house that costs \$600,000 or less do not have to pay any stamp duty, while concessions apply to purchasing a property costing up to \$750,000.

We know the only way to improve housing affordability is to increase supply – it is the main way – so we are making sure, through this bill, that more unoccupied properties can be put up for rent and that more vacant land can be developed to build new homes. Changes to the vacant residential land tax provide a financial incentive for owners to rent out empty homes or develop long-term vacant land, providing more homes and more options for Victorians during the housing crisis. The changes will extend the existing vacant land tax currently imposed on residential properties in 16 of Melbourne's inner and middle suburban council areas, including my municipality of Merri-bek, to also apply to unoccupied residential properties across the entire state. Expanding the vacant land tax provisions in the Land Tax Act 2005 will encourage owners of unoccupied homes in Melbourne's outer suburbs and regional Victoria to make these dwellings available for rent or sale. Under the amended vacant land tax reforms the period that properties could be deemed vacant will start from 1 January 2024, with the tax change commencing from 2025. Existing vacant land tax exemptions will continue to apply statewide, including to holiday homes, properties recently acquired or regularly occupied for work purposes and properties being built or renovated.

Changes will also expand vacant land tax to residential land undeveloped for more than five years in established areas of Melbourne to discourage long-term land banking, which I will touch on in my area soon, and spur the development of new housing across thousands of sites, infill and high-demand areas – again, several of which are in my area. This change will close a loophole where vacant land tax did not apply to unimproved land, enabling this valuable land to slip through the cracks despite being appropriate for residential and other development as well. From 1 January 2026 residential land undeveloped for more than five years in established areas of Melbourne – so since 2021 – will become liable for vacant land tax, and that will apply to an estimated 3000 undeveloped properties. Once construction commences, a further two years will be provided before the tax applies, and the State Revenue Office commissioner can extend this in some circumstances.

The second element of this bill I want to focus on relates to the reforms around the prohibition of a portion of land tax known as windfall gains tax liabilities between a vendor and a purchaser under a contract of sale of land. The appropriating of land tax, known as windfall gains tax liabilities, is unfair and can result in these taxes being passed on to purchasers who would not otherwise be subject to these taxes. The changes will protect home purchasers, who will only be required to pay the agreed purchase price for the property and will not be required to pay any portion of the vendor's land tax or known windfall gains tax liability, so that is an important reform as well. Therefore through that part of the reform, the bill will prohibit a contract of sale of land from providing the apportionment of land between the vendor and purchaser, and it will also make it an offence for a vendor under a contract of sale to pass on the vendor's land tax liability to a purchaser under the sale.

The government made a commitment at the time of introducing the windfall gains tax that consumers would not pay it; that is why the government will also put beyond doubt whether it can be passed on to purchasers. The spring tax bill will ensure that where the rezoning of land has occurred prior to a

contract of sale or option being signed the benefits of the rezoning are captured by the vendor that is selling the rezoned land and it is the vendor that is liable for the associated windfall gains tax liability and not the purchaser.

As I said from the outset of my contribution, in my view these measures will form part of the government's broader suite of measures, including through the Big Housing Build program and the new housing statement, to help support the revitalisation of central Coburg in my community as a future jobs, skills and homes hub for the growing northern region by incentivising owners of long-term vacant and existing strategic parcels of land through central Coburg to be developed to create more jobs, skills and of course homes.

I was so pleased to welcome the Treasurer on 31 March along with 100 local business and community leaders to the new Pentridge visitor entertainment and cultural precinct for a very positive breakfast and discussion around the record investments the Victorian Labor government has been making to lead, drive and kickstart the revitalisation of Sydney Road, central Coburg and the Upfield transport corridor, which include: the removal of four level crossings along the Upfield line; the construction of two new world-class stations at Moreland and Coburg; the delivery of an outstanding active transport, cycling, walking and open space corridor that has accompanied the level crossing projects; \$22.5 million to build a brand new Coburg special development school; \$17.5 million to build a new technology hub at Coburg High, \$6 million to redevelop the Coburg Lions City Oval historic grandstand and introduce new female-friendly change rooms; planning for a new mental health and wellbeing hub in central Coburg as well as investing in Merri Community Health; protecting the Merri Creek; as well as committing to community batteries in Merri-bek. All the while Merri-bek has been identified as a priority rollout site for the Big Housing Build.

Fundamental to striving towards pursuing this vision for a more livable Coburg, which sits in the heart of my electorate, is to help also ensure that people of all ages and backgrounds across Pascoe Vale, Coburg and Brunswick West have access to safe, secure and affordable housing in our community that is close to family and close to the services they need. According to the 2021 ABS census, currently across my community of Merri-bek we were home to 171,000 residents as of 2021, now around 188,000, and our local housing stock consists of 75,400 dwellings. Eighty-nine per cent of these are considered occupied dwellings and 10 per cent of these are considered unoccupied homes. Fifty-three per cent are considered separate houses, 27 per cent are semidetached homes such as townhouses, and 18 per cent are flats or apartments, and that is compared to 12 per cent across Victoria. Sixty-two per cent of homes are considered family households, 29 per cent are considered lone or single households and 8 per cent are considered group households or shared housing. Thirty-one per cent of homes are owned with a mortgage, 28 per cent of homes are owned outright and 38 per cent of homes are renters, compared to 28 per cent across the rest of Victoria.

With our population forecast to grow by around 23 per cent – an additional 40,000 people between now and 2036, so our population will reach 228,000 people – we will need to keep working to facilitate more local housing in central Coburg in particular, and that is why in this respect I would like to begin with other partners that we need to involve in this process, including council. Merri-bek council are the major landowners and landholders through central Coburg. Utilising ratepayer revenue over the last 20-odd years, council has managed to purchase numerous strategic sites through central Coburg. However, in doing so, it has done very little to contribute towards broader revitalisation or housing efforts to date. Some of these sites include the Russell Street and Harding Street car park, the Louisa Street and Munro Street car park, the Victoria Street and Waterfield Street car park and the Sydney Road Coles building.

However, I am pleased to report that, building on the Victorian Labor government's record commitments to central Coburg and following my ongoing advocacy as well, Merri-bek council have just recently announced their community consultation to develop a new vision for central Coburg, which I commend and I acknowledge. It considers the future opportunities of those sites that I have just mentioned as well as the future opportunities around the Coburg Library area, the Victoria Street

mall and the planned Coburg health precinct on Bell Street. Along with council of course there are a number of other strategically privately owned sites across Coburg that have been under-utilised and frankly land banked for many years, which I am going to run out of time to touch on, but this bill specifically will help encourage and facilitate more housing potentially in the future.

Roma BRITNELL (South-West Coast) (16:16): Since this government has been in this term of nearly 10 years, just over nine years, it has been taxing Victorians. Every two months they have introduced a new tax. Since the May budget this year they have outdone themselves: they have increased that to every single month. Here I am today to stand and speak on the State Taxation Acts and Other Acts Amendment Bill 2023. This current Labor government thinks that taxing is the way to get themselves out of trouble, despite the fact that right throughout history there has never been a government that has been able to use taxation to find their way back into prosperity. The state's debt is extraordinary. It will be over \$200 billion within the next couple of years. We are in a state of such serious financial crisis that we have seen the Commonwealth Games cancelled. That, I think, was the real telling tale that this state was in trouble. We saw the budget in May, and we are seeing tax after tax after tax introduced, and today I stand here to speak on a bill where the government wants to introduce the 51st and 52nd new or introduced tax since they were elected in 2014.

We saw the Premier stand down a couple of weeks ago, and our new Premier had been in the job just days before announcing these new taxes. They came out of nowhere. The Property Council of Australia had no idea, and at the breakfast this was announced at, the Treasurer announced these two new taxes to the shock of the community. They had been working with the government, they believed, to find a way forward, and this government then announced two more taxes that they say will increase the housing stock. They said that more properties, as a result of this tax, will come onto the market, but they refuse to outline how. They cannot tell us how many houses will come onto the market, and they cannot tell us by when. So what is the sense of this tax? It will not and it cannot, that we can see, solve the housing problem, and that is why I support the reasoned amendment that says we will not pass this bill – we will oppose this bill – until the government commits to consult with ‘key housing industry stakeholders on the impact of this bill’ and to assist with:

... easing cost-of-living pressures to ensure every Victorian has the best opportunity to enjoy the social and economic benefits home ownership provides’.

Because that is what we are really trying to do. We do need to get more people into homes, we do need people to get into the property market, and people are struggling. These two new taxes – there is no evidence that this will help. There have been 52 new taxes since this government promised under Daniel Andrews the night before the election in 2014 there would be no more new taxes – 52 of them. There is an extraordinary debt that they continue to blame on COVID. However, before COVID, as it is becoming quite clear when you look at the situation financially of this state, it was already a hell of a situation in Victoria because of the debt. Now we have a debt that is greater than that of Queensland, New South Wales and Tasmania put together. They all had COVID. They all managed better than what Victoria has managed. We have a debt that is extraordinarily large – \$167 billion in the budget and forecast to be way over \$200 billion in the next few years. And we all had COVID. Have we in Victoria got more services than the other states? Are we getting better outcomes as community members? Are we feeling like we are getting better services? No. So that indicates failure. Will tax solve the problem? No.

What are businesses telling us, businesses who employ the families that need the funds, that want to strive, that want to invest in property, that want to get home ownership and a roof over their head? They are telling us that they do not want to do business in Victoria. Just this week I met with businesses who said they are putting many of their capital projects on hold. I am meeting with businesses who are talking and thinking about moving interstate, because Victoria is now the worst place to do business.

The way to improve your financial position is to make your money work for you and incentivise your community to actually thrive and have a good go – not punish but reward. This government, like every

Labor government before them, cannot manage money. As the old saying goes, when Labor run out of money they come after yours. We have seen 52 of these taxes – an increase in stamp duty on property transfers, an increase in stamp duty on new cars, a widening of the vacant land residential tax. I mean, yes, look at the taxes that they are introducing today – a tax that they introduced some time ago on vacant homes in Melbourne. That is now under this 51st tax going to be expanded right across Victoria. We expected that. When it came in, I thought to myself out in South-West Coast, this will eventually affect us, and sure enough it has. They said to us in the bill briefing that this second tax on vacant land that has not been developed in the last five years will not pertain to land that is not subject to land tax, like primary production land. So if there is a house on a country property that is vacant, this will not apply to that. I do not believe it. I reckon it is just a matter of time, like all these other taxes that have been expanded, and so I would be very uncomfortable if I was the Victorian Farmers Federation, who are assured by the government that this will not affect agricultural property, because the history speaks for itself. They just keep looking for more opportunities to find money from the community, and they put their hands in our constituents' pockets. They come right out wherever they can find any money, and they just take it because they believe it is theirs. They do not understand the hard work that our community put into providing these taxes for our state, and that is explained by the extraordinary levels of waste – \$30 billion in cost overruns from projects that this government has been overseeing.

The new Premier was the minister for major infrastructure projects, and every project she has touched failed or it was delivered late or it was not delivered on time or it was not delivered on budget. She is like the Sisyphian project manager: everything she touches fails. Now we have her as the Premier, and what has she done? Introduced two new taxes in her first actions. Those taxes are for our community's benefit, not for just plugging massive holes of debt that this government has created. They should be funding our roads. They should be creating safe spaces on the road to get from Melbourne to the South Australian border or the New South Wales border. They should be protecting our community, providing more police, not like we have got in South-West Coast, where our police are very understaffed. The government says that there are more police than ever. The reality is in my police stations there are not enough. The government says that they are doing a great job in health. The reality is it is difficult in South-West Coast to be able to get an ambulance, to be able to get the help that you need when you need it.

These taxes are supposed to do that. As one of my constituents said once, 'All I want is to know we can get the basics that our taxes should provide.' That is no longer the case. We cannot have decent roads; we cannot have basics like a drug and alcohol rehabilitation centre in South-West Coast, which every other part of Victoria has and needs or has the budget for and the funding for. We cannot even get that announcement, and these are now fundamental requirements and services that every Victorian should have. But we cannot get that, because this government has been so irresponsible and believes that these two new taxes that are introduced in this bill that we are opposing will fix their problem. Think about other ways to incentivise, because raising taxes is damning. Look at what businesses are telling you. Their WorkCover premiums are not up 40 per cent, they are up 60 per cent and even 80 per cent, and that will stop people being able to be employed. It will not grow our state. I oppose this bill, I oppose these taxes and I have nothing but disdain for this tax bill.

Paul HAMER (Box Hill) (16:26): I too rise to speak today on the State Taxation Acts and Other Acts Amendment Bill 2023. It seeks to amend a number of acts, but I will be specifically looking at the changes to the Land Tax Act 2005. At the outset I see that this bill, while talking about taxes, is really about housing and needs to be seen in the context of the broader discussion that we have been having about housing over many, many months in this place and how the cost-of-living pressures have affected people's ability to find a home to buy or to rent and how as a government we have been trying to put in a range of measures to assist renters, assist industry and assist homebuyers to be able to get into that market, because having a safe place, having a roof over your head, is a human right and is one of the most important policy initiatives that any government can introduce.

When we think about housing and the housing challenge, by the 2050s Melbourne will be home to more than 8 million people and regional Victoria will be home to more than 2.3 million people. At the moment our state is a tick under 7 million people, so that is a huge increase in the population of the state over the next 30 years. That obviously translates into the challenge for housing. I can see in my own electorate of Box Hill the impact of not only previous decisions identifying that activity centre, which has been identified as a major activity centre for many, many years and where residential development has been proposed and encouraged I would say over many years, but also the introduction of the Suburban Rail Loop. Works are now underway with the tram stop relocation to make room for the new station to be built. We see that as part of a bigger picture of what is going to happen to Box Hill and an allowance for more housing in that crucial jobs centre.

Population, housing and employment forecasts prepared by SGS Economics and Planning for the Whitehorse City Council showed that the residential population of the activity centre – that is, the Box Hill activity centre – grew 3 per cent per annum from 2006 to 2016. Even though that is only a small geographic area, that would be amongst the fastest growth rates anywhere in Victoria or Melbourne, and the population growth is particularly focused on working age and tertiary student populations. The resident population is anticipated to grow to between 12,700 and 14,000 people by 2036, requiring some 4000 to 4500 additional dwellings. Therefore I see as invaluable any efforts that government can make to encourage development of under-utilised land, particularly that held by owners and developers who have the ability to develop and build more homes in those areas, and that should be encouraged and incentivised. As part of this suite of amendments, one of the key amendments will be that vacant land within the established areas of Melbourne that has remained inactive for over five years since 2021 will be now subject to a vacant residential land tax.

I want to touch on one particular property which is very well known to my community, and that is the Box Hill brickworks, just to see how this legislation would apply in this context. I want to refer the house to an article which was written in 2009 – so we are talking 14½ years ago – which said that:

Box Hill Standard Brickworks could be replaced with townhouses next year.

That was very optimistic – ‘next year’ referring to 2010.

The 7.2 hectare property at the end of Federation Street ... is also mooted for an education centre and place of worship.

The ... first stage would fill 1.2ha and include 71 double storey dwellings and eight of three floors.

The developer at the time said that he expected marketing and building to start next year – that is, 2010 – with the balance of the project to take shape in the five years following. So ‘five years following’ was 2015. We are now in 2023, and the site is still completely locked up, blocked, and not a single development has occurred on that site. Understandably, there may be some environmental issues that they need to deal with through previous use of some of the areas of the site, but a portion of that site was rezoned in 2006 as residential land for this exact purpose. The developer has been sitting on that land now for the better part of 20 years, which means that all of these dwellings have not been built and made available for residents who want to come and live in the Box Hill community. We do see time and time again, particularly with the land prices in Box Hill as they are, that developers do take an opportunistic approach to land sometimes and will purchase land and just sit on it and hold it. Sometimes they will even go to the extent of getting a planning permit and just flipping that so that they can increase the value of land without actually developing anything on it. We need to use both the carrot and the stick approach to ensure that as many dwellings as possible can be brought to the market.

I also want to just touch on the existing vacant residential land tax and how it has been applied. It obviously has been applied to the Melbourne metropolitan areas already for several years. If I heard correctly, the member for Eildon seemed to suggest that she was not very happy with the approach that the State Revenue Office is going to be conducting some audits or taking a closer look at whether people are appropriately claiming whether they actually have a vacant property or not. I would encourage the member for Eildon to perhaps talk to some of the Liberal members of the Whitehorse

council who are very keen on seeing this tax applied appropriately, because the tax is in existence. I think that we would all agree that whether it is a state tax, a council tax or a federal government tax, there are powers in the ATO, the SRO and council to make sure that we all pay the fair share of tax that is owed. I was quite surprised to hear that view expressed by the member for Eildon on that matter. I do note that the State Revenue Office does take compliance activities very seriously to ensure that the exemptions and thresholds are applied appropriately in identifying the landowners who are required to pay the vacant residential land tax. I do note in this context that in this year's budget the Victorian government did provide some additional funding to the State Revenue Office to investigate potential unpaid tax, including in particular the vacant residential land tax. As I mentioned, the opportunistic owner that is trying to dodge the tax by not declaring it properly on their tax return should expect to be identified as the compliance activities of the SRO increase. For those reasons, I think it is a really important bill, and I commend the bill to the house.

Sam HIBBINS (Pahran) (16:36): I rise to speak on behalf of the Greens to the State Taxation Acts and Other Acts Amendment Bill 2023. This bill contains a number of proposed changes to Victoria's tax system and amends a number of acts relating to the sale of land. It seeks to extend the vacant residential land tax to include all vacant residential land, subject to carve-outs, across Victoria, whereas previously it had just been for certain metropolitan areas, but it also seeks to extend it to vacant residential land that does not have a residence on it and has been unimproved for five years or more, and it makes a number of other more technical amendments.

Under this bill that has been brought forward, which is the first legislative step in the government's housing statement, we are still going to see tens of thousands of homes remaining vacant, and this ineffective tax is just going to cover a handful of those. It is not going to have the impact of shifting those houses onto the market – for renters or for people needing to buy their first home – to effectively deal with the housing crisis. Victorians cannot afford for the housing crisis to get worse. The Greens had really hoped for – and we gave the government every opportunity to take it – bolder, stronger action. Implement rent caps. Cap short-stay accommodation. Put in an effective vacancy tax. Instead the housing statement is giving developers everything they wanted, and we are not just going to wave through changes that will see the housing crisis get worse.

Under the current vacant residential land tax, one of the issues that we have is that it has just got poor enforcement and requires property owners to self-report or opt in. Estimates of how many vacant properties there are in Victoria range and vary. One report found in 2019 that there were 69,000 properties that were vacant. Just 1 per cent had opted in to the vacancy tax, and in that year almost as many properties were vacant as there were sold. This is a significant amount of property. What the Greens have been pushing for is that the onus should be on property owners to prove occupancy, with owners liable unless they declare occupancy or lease and provide evidence, and there should be strong penalties for false declarations. When you look at the Vancouver model, failure to declare should result in the property being deemed vacant by default, and we certainly think revenue that is collected through it should be supporting affordable housing in areas where it applies. We recently had a Parliamentary Budget Office costing that looked at stronger enforcement. That meant that the tax would cover not hundreds of properties but thousands of properties, and it would be a much stronger incentive to shift those houses onto the market.

As I said, under the broader housing statement housing affordability is just going to keep getting worse. We are still seeing housing as a commodity, as an investment, rather than as a human right. When it comes to the future, rents are still going to go up. The public housing waiting list is still going to go up. Homelessness is still going to rise. We have got 30,000 people homeless in Victoria every single night. More than half the people that are accessing homelessness services are getting turned away due to lack of government funding. You have got the public housing waiting list above 120,000 people, a quarter of them children. People are waiting years to access public housing, yet the government has got a privatisation agenda for our public housing estates. And what is the increase in social housing

that is planned in that? Well, out of 6660 public homes across 44 towers it is an additional 440 social homes – 15 per year over the life of that project.

For renters in general there are unlimited price hikes, record levels of housing stress. You have got landlords reaping windfalls from the overheated private rental market. We have got another year staring down the barrel of massive rent increases. What we have put on the table for the government is to freeze rents, cap them in the long term, but the government is choosing not to. When it comes to the short-stay accommodation for Airbnb we need to cap the number of days properties can be listed on these sites. You have got cities like Tokyo, London, Berlin regulating short-stay in this way. It can be done in Victoria too. We need to shift those houses again onto the market. What the Greens have put forward first of all is the principle that, just like essential services like public health and education, governments have the responsibility to make sure everyone has a secure, affordable, safe place to call home. That is why we have put forward rent controls, that is why we have put forward short-stay regulation with a 90-day cap on how long it could be put on those websites, that is why we have put forward inclusionary zoning, that is why we have put forward stopping plans to privatise public housing and the wholesale demolition of public housing estates, that is why we have put forward a stronger vacant land tax that actually is effective and shifts those houses for renters and first-time home owners, and if the government does not take those actions, again the rents are going to keep rising, the housing waiting list will continue to grow and house prices will remain unaffordable.

So we are not in a position to support this legislation that is going to see the state's housing crisis get even worse. That said, we are willing to work openly and constructively with the government to solve this state's worsening housing crisis, not like the Liberals who seem to be in a very fierce competition with the government to see who can cave into property developers the most. When you just hear that constant talk about tax and debt you can only be led to the conclusion that what they are looking for or what they would be putting forward is a permanent state of austerity here in Victoria. That is not what we want, but what we cannot have as well is Victorians in need. They cannot afford for the housing crisis to get worse. You cannot have a housing plan that puts private profit before the public need in our communities. We cannot support a plan that abandons renters to unlimited rent increases. We cannot support a plan that is laying the groundwork for carving up and privatising our public housing estates. We need bold and we need progressive steps to fix our state's housing crisis.

Sarah CONNOLLY (Laverton) (16:43): I too rise to speak on the State Taxation Acts and Other Acts Amendment Bill 2023. It is a great pleasure to be one of the last speakers on this very, very important bill today; I have been sitting here this afternoon for many, many hours it feels like now listening to contributions on all sides of the house. I have come to the conclusion this afternoon, 15 minutes before we go ahead and almost finish up for the day, that there are many arguments about how to solve the housing crisis. I think that all parties here in this place do agree there is a housing crisis and we need to do something about it, but the people sitting here in this chamber are confused – well, some know what we should be doing, and I appreciate that the Greens and our government do not always agree on what should be done to solve different parts of the housing crisis, but I have sat here and I have listened to contributions by those opposite from the Liberal Party and I have sat here and just listened to the member for Prahran, and I appreciate his contribution this evening because I am a renter, would you believe?

Sam Hibbins: Me too.

Sarah CONNOLLY: Well, we should have coffee – lots to talk about.

The DEPUTY SPEAKER: Through the Chair.

Sarah CONNOLLY: Renters love talking about their landlords, and I do not think there are quite often very many good stories that are shared amongst renters. I understand the Greens position when it comes to the housing crisis and how they talk about fixing the issues facing renters like me in the short term. Labor on this side of the house talks about the long-term game, and certainly increasing

supply in the long term, that pipeline of supply, is just so important. But when I listen to contributions from those opposite in the Liberal and National parties – I do not know if I have heard any from the National Party today, but maybe I was not in the chamber.

A member: You missed it.

Sarah CONNOLLY: I missed it, unfortunately. What I will say is that I understand, standing here this afternoon, what the Liberal Party do not think that Labor should be doing to solve this crisis. For renters like me and people trying to get into the housing market of all different ages – and I do not think now that I am considered a young person – what we do not understand is how the Liberal Party think that they will fix this crisis, because not one member from that side over there has put forward a proposition this afternoon about how to solve the crisis. They agree there is a crisis. One of the challenges of being in government is to not only acknowledge there is a crisis but come up with a solution.

This bill that we have put before the house has come, yes, after nine years in government. Many, many things have changed that we have kept up with or tried to keep up with. One of the things I quite often think that those opposite do not understand – and with respect to the member for Prahran, I am not quite sure that the Greens understand it either – is that when you come into places like the outer west, the actual growth that is happening there is on a scale that is unbelievable. We need to keep up with that. The infrastructure that suburbs like mine need is very, very expensive. It is train stations, it is roads, it is level crossing removals and it is bigger, better trains – these are things that we are doing and we have done. These are things that we need to do more of.

The member for South-West Coast referred to our Premier a couple of speakers ago in not so favourable a light regarding her previous role as Minister for Transport and Infrastructure. There is one thing that I am absolutely certain about with our new Premier: she has a vision. She is a woman on a mission. She is building stuff in this state – big stuff. A new train station can cost around \$120 million. These are not small things to deliver, these are big projects. These are projects that do not just benefit one or two people, these are projects that are put in place for the next hundred years. These are projects that will assist people in our community for decades and decades to come – generations of people.

What now faces us is a housing crisis. What those opposite fail to understand, which is why we on this side of the house have been in government for the last nine years, is that if you ask the average punter on the street ‘Do you think that developers should be allowed to land bank?’ – and we know that is contributing to issues like the housing crisis – then the average person on the street would say no. Some of them might say it is un-Australian. This bill goes about trying to level the playing field and make some really important changes. In this place when we talk about taxes and we talk about levies they are talked about in such a negative way. Quite often I think it goes to the extent of fearmongering by those opposite, but after the last nine years of being in government on this side of the house we kind of expect that.

This bill makes a number of changes to the way that Victoria’s tax system will operate going forward, for the very good reason of trying to bring on more housing supply here in Victoria to deal with what is an ever-increasing and urgent crisis when it comes to housing in this state. There are two major tax changes which have been highlighted today and talked about in a lot of detail: an expansion of the vacant residential land tax and a change to protect consumers from property developers and others passing on tax liability to purchasers. What it means is that if you have got land and you have been sitting on it and you are thinking that you can keep sitting on it to make more money than you would otherwise make from selling it today, there will be consequences of that. Victorians need you to get on and build housing, and that is what this is about. Under the current legislation this tax only applies to suburbs in Melbourne’s inner and middle ring. Now, the purpose has been clear since the tax was first introduced, and I think, if I am not mistaken, that was in 2019. If you are sitting on vacant residential property, please get someone living there. That is all we are asking. That is what this bill is doing, because that could be another home for a Victorian. It could be a home for me if it was done

pretty quickly. It is another home for a Victorian. Victorians are struggling at the moment. They are looking for a place to buy and they are looking for a place to move into.

I know indeed there is a housing crisis and definitely a shortage of rental properties. I have just moved in the last couple of weeks, and I have to tell you there was not a great deal of supply on the market. Although I did not feel like we were in a state of crisis, I was pretty darned nervous and was forced to jump at the first property that came up that could suit our family, and indeed it is not perfect. As I say to the member for Prahran, renters love having coffees together and talking about their naughty landlords. Given the current housing environment we find ourselves in, with some of the lowest vacancy rates for rentals in a generation – in a generation – something has to give. Tough decisions have to be made. We need to do things here in this place. The member for South-West Coast is counting the number of taxes, and I am sure it is handed down to everyone in the member's party, but something has to give. The one thing that the member for South-West Coast and her colleagues on that side of the chamber have not talked about today is how to assist people like me, how to assist people of all ages, who are trying to get into the housing market to purchase a home. We are not purchasing our 10th, 12th, 17th or whatever home I read that some members on that side of the house own. We are not talking about that; we are talking about just one place. Something has to give. That is what this bill is about.

I would urge you to get behind renters. Get behind the member for Prahran, the member for Laverton, folks like me, folks that are wanting to buy a house – not their 17th or their 10th. Get behind us. Stand for something. Have a vision. Be a party on a mission. It is for many, many reasons that I commend this bill to the house.

The DEPUTY SPEAKER: The member for Polwarth to bring us home, I believe.

Richard RIORDAN (Polwarth) (16:53): Thank you, Deputy Speaker, and I am going to bring it home today because it is just a shock to common sense that this legislation was brought before the Parliament this week. It is a shock to common sense that this would be the first act of a new Premier of the state – to bring a 51st and a 52nd tax into the state of Victoria. These increased taxes have been brought to the house because this government is actually trying to tell Victorians that taxing land, taxing landlords, taxing opportunity and taxing potential in the state is the way to get more housing, and it is simply a wrong premise. It is a harebrained, crazy, crazy premise.

But it is also worth noting the context of these increased taxes. Take, for example, regional Victoria – the wonderful seat of Polwarth, where I am from of course. This year, as of when the clock strikes 12 this New Year's Eve, for the first time all the vacant land and the land and the rental houses right across regional Victoria will incur land tax. They will all incur land tax for the first time. And on top of that they are going to have another two taxes: they are going to have the vacant residential tax and the tax on unimproved land in communities.

In country towns there is lots of vacant land around, and whether it is a small country town or a larger one, it is often sitting there because people have horses on it, or cattle; it is part of their gardens or extended spaces. They can be developed, but they are not necessarily wanted or demanded. It is insane to think we are now going to be taxing people in a way that they could never have possibly imagined. Their home is their kingdom – it is now going to be a revenue-collecting device for this government, and that in fact is completely and utterly unacceptable.

But why are homes often left vacant in regional and rural Victoria? Let us look at some of the examples I know of. What about the people that go to Antarctica for a year? They leave their home. Are we now going to tax people involved in urgent and necessary research on our great unexplored continent? That is a reason people's homes are left empty. There are homes left empty where they have gone to the outback to work in Indigenous communities and provide education and health care for a year. They have kept a home behind. There are people I know who have gone on missions into Africa and are working in communities in health and education. Their homes are left vacant. Are we going to be taxing them? The government says, 'Not only are we going to be taxing them but we are actively

going to encourage neighbours and communities to spy on you, spy on people to see why their homes are empty and why they've not been there.' Has this government not heard of young people who have gone overseas for work and career opportunities who will buy a home somewhere here in Victoria as a legacy place so when they return back they have got somewhere to go? They can bring their savings from work overseas back into the home they have got here in Australia. Not only that of course – particularly in regional communities people often have family homes. There might be an elderly family member or aunt or somebody in the community, and the family will come back and use that home. Is that going to be considered an empty home? Do the docket police, the supermarket police need to be called in to keep an eye on those occupants of the house? This is just an action and a piece of legislation from an incredibly desperate government that is now stooping so low to create extra revenue for itself. It defies belief. It just makes no sense that the increasing taxes that have been thrown and thrust upon Victorians in the last six months will do anything for the housing crisis.

Yes, there is a housing crisis – one that is 100 per cent generated by this government. Since 2014 they have had ample opportunity to encourage investment and incentivise home owners and developers and builders to build the homes and flats and apartments and townhouses that Victoria needs, and yet they have not done it. Eighty per cent of the homes on the rental market today are owned by mum-and-dad investors, people with just one or two properties. What is this government doing with its incessant attack on those people, those investors that provide a home for someone else? What are they doing? They are fleeing to other investments. Those homes are going back on the market and they are not being made available for renters but in fact are being purchased by other home owners. What does that mean? That means that that capital, that investment, is moving from the rental property market here in Victoria and most likely into the share market and other revenue streams and opportunities.

There is simply no evidence whatsoever that increasing taxes in this way, as this government has done now on numerous occasions since May and again particularly in this bill, will grow apartments. It will not create townhouses. It will not create new homes available for Victorians but in fact will have the complete opposite effect. Whether it is people in the electorate of Polwarth or in the seats of my colleagues and others, we are hearing on a daily basis that investors in property are fleeing Victoria. They are going to Western Australia, where the tax rates are much less. They are going to Queensland. And worst of all for the surplus volume of homes that we need in Victoria, that investment is leaving real estate and going to the share market and other investments. This is a deliberate action by investors as a complete and utter 100-per-cent response to a government that does not understand how to solve the housing crisis, that does not understand basic economics of supply and demand, and I do not and will not support this bill.

The SPEAKER: Order! The time set down for consideration of items on the government business program has arrived, and I am required to interrupt business. The house is considering the State Taxation Acts and Other Acts Amendment Bill 2023. The minister has moved that this bill be now read a second time. The Leader of the Nationals has moved a reasoned amendment to this motion. He has proposed to omit all the words after 'That' with the view of inserting in their place the words which have been circulated. The question is:

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

Those supporting the reasoned amendment by the Leader of the Nationals should vote no.

Assembly divided on question:

Ayes (50): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale,

Lily D'Ambrosio, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Danny Pearson, Pauline Richards,

BILLS

Thursday 19 October 2023

Legislative Assembly

4003

Tim Richardson, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

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

Question agreed to.

The SPEAKER: The question is:

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

Assembly divided on question:

Ayes (50): Juliana Addison, Jacinta Allan, Colin Brooks, Josh Bull, Anthony Carbines, Ben Carroll, Darren Cheeseman, Anthony Cianflone, Sarah Connolly, Chris Couzens, Jordan Crugnale, Lily D'Ambrosio, Steve Dimopoulos, Paul Edbrooke, Matt Fregon, Ella George, Luba Grigorovitch, Bronwyn Halfpenny, Katie Hall, Paul Hamer, Martha Haylett, Mathew Hilakari, Melissa Horne, Natalie Hutchins, Lauren Kathage, Sonya Kilkenny, Nathan Lambert, Gary Maas, Kathleen Matthews-Ward, Steve McGhie, Paul Mercurio, John Mullahy, Danny Pearson, Pauline Richards, Tim Richardson, Michaela Settle, Ros Spence, Nick Staikos, Natalie Suleyman, Meng Heang Tak, Jackson Taylor, Nina Taylor, Kat Theophanous, Mary-Anne Thomas, Emma Vulin, Iwan Walters, Vicki Ward, Dylan Wight, Gabrielle Williams, Belinda Wilson

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

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

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

Gambling Legislation Amendment Bill 2023

Second reading

Debate resumed on motion of Melissa Horne:

That this bill be now read a second time.

Motion agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

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

Special Investigator Repeal Bill 2023*Second reading***Debate resumed on motion of Anthony Carbines:**

That this bill be now read a second time.

and Michael O'Brien's amendment:

That all the words after 'That' be omitted and replaced with the words 'this house refuses to read this bill a second time until the government puts in place measures to ensure that those responsible for the Lawyer X scandal are held to account'.

The SPEAKER: The minister has moved that the bill be now read a second time. The member for Malvern has moved a reasoned amendment to this motion. He has proposed to omit all of the words after 'That' with the view of inserting in their place the words which have been circulated. The question is:

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

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

Assembly divided on question:

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

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

Question agreed to.

The SPEAKER: The question is:

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

Assembly divided on question:

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

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

Question agreed to.

Read second time.

Third reading

Motion agreed to.

Read third time.

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

Michael O'Brien: On a point of order, Speaker, I just wanted to bring to your attention that I raised an adjournment matter on 17 August for the attention of the Attorney-General in relation to stalking law reform. It has been over two months now. It has not been answered. Particularly in light of the vigil we had on the front steps of Parliament House last night in memory of Celeste Manno, I would ask you to encourage the Attorney to turn to it very quickly.

Business interrupted under sessional orders.

Adjournment

The SPEAKER: The question is:

That the house now adjourns.

Firewood collection

Peter WALSH (Murray Plains) (17:15): (391) My adjournment matter tonight is for the Minister for Environment, and the issue that I wish the minister to resolve is making sure that through Parks Victoria and through the Department of Energy, Environment and Climate Action (DEECA) there are firewood collection coupes made available in northern Victoria. At the moment if you live anywhere further north than Bendigo in northern Victoria you have effectively no access to firewood to go and collect for your own use. If you live in Swan Hill, and I have had constituents from Swan Hill raise this issue, you have to drive to south of Bendigo to actually collect firewood. It is just unacceptable that someone, particularly a pensioner, who uses firewood for their heating and sometimes for their cooking, would have to drive over 2 hours to collect a trailer-load of firewood.

I have had a lady from Kerang who has contacted me again about this – Helen McKay – same issue. Someone from Kerang has to drive for an hour and a half to south of Bendigo to get firewood. She normally used to get wood from the Gunbower state forest, but there are no coupes available in Gunbower state forest at the moment. Not only has she got effectively a 4-hour trip to get a trailer-load of wood, she has also raised the issue that because there is no-one collecting firewood the fuel load in those forests is increasing and the fire risk is even greater. So it would serve two purposes: to allow people to collect firewood but also to reduce the fuel load in the forest.

I also had letters from people closer to Barmah Forest who are very concerned that they can no longer go into Barmah Forest to get firewood, and again the fuel load is increasing. So I would ask the Minister for Environment: please, look at the maps, look where the firewood collection sites are currently and work out where there can be sites along that Murray River corridor to collect firewood. There is a lot of timber there. There are a lot of forest areas there. Surely it is not that hard that Parks Victoria or DEECA cannot actually find sites for people to collect firewood across the north of Victoria rather than having to drive a 4- or 5-hour round trip to get a trailer-load of wood.

Boronia train station

Jackson TAYLOR (Bayswater) (17:17): (392) The Big Build is coming to Boronia. In fact, with some very early investigation works occurring, it is already here, courtesy of the Allan Labor government's commitment to giving Boronia locals a completely overhauled station. I want to try

something a little bit different, so if you are watching on social media, forgive the graphics popping up courtesy of my graphics guru Will. I am told it helps with engagement.

I wish to raise a matter for the Minister for Transport Infrastructure. The action I seek is for the minister to join me out at Boronia station and to get an update on the ground with me to discuss what the next steps in delivering this massive project are. Boronia is changing. It is growing. Locals deserve better amenities, and locals need a better station. This massive project will see a complete overhaul of the station precinct, but it is not just about the tired old station. This will also create a new heart of Boronia. Will, can we please insert a heart emoji? Thank you. How will we do that, you ask? We are putting a deck – a roof, if you will – over the southern railway trench closest to Woolies to create lots of new open space that has never existed, and it will make it easier to get around too. I believe my graphics guru is doing something on the screen now to depict what that will look like.

But we have not forgotten about the buses either. The interchange will get an upgrade too, and this is all in addition to our work already underway to revitalise Boronia, which is seeing new lighting, new murals, new laneways, new streetscapes, a brekkie program to help those who need it – and more. I am proud that we are a government that do not just talk. We get stuff done and lots of it right here in Boronia. Will, is there anything else I have missed? Yes, that is right: work starting and finishing dates. Major works will start and kick off next year, and we will see a new beaut Boronia station in 2026 alongside the delivery of a level crossing free Belgrave line between Ferntree Gully and the city. Of course we look forward to seeing you out there, Minister. Will, to throw everyone out, can you chuck up one of those ‘100’ emojis? Cheers.

Jewish community

David SOUTHWICK (Caulfield) (17:19): (393) The issue that I wish to raise tonight is for the Minister for Police. It follows the terrorist attack in Israel, and the action that I seek is that the minister provide whatever police resourcing is necessary to ensure the safety of the Jewish community. I wanted to put on record my thanks to the police minister, the Premier and many that have been working very closely with the Jewish community at this time to ensure safety for our community, but at the same time I wanted to raise the concerns of many within the community.

Issues of many kids not feeling safe to go to school and not wearing their school uniforms and having organisations like Jewish Care, which provides facilities for the elderly in many of the nursing homes that it provides, contacting me wanting a police presence, including static police, to be available during these very uncertain times are things that we must take seriously. I know the police minister does that, and once again I want to thank him for that work. He and I have been working with the community, with Community Security Group and a number of other organisations leading up to this, but I do want to put on record and ask the police minister to do whatever is necessary during these times in terms of resourcing. We also have an issue, unfortunately, where many of our community organisations, our schools and our synagogues have to provide security just to keep their facilities and their people safe every day – not just during these times but every day. Many members of Parliament that have been to Caulfield are so surprised that our community unfortunately has to live like this. If you can imagine that we were living like this beforehand, just think about what we are all experiencing at this particular time.

I know that Sydney, as an example, provided a real uplift in security. Many of the schools have a static police presence. I know that a lot of that is happening currently, but I do want to raise this particular issue right now in these very, very uncertain times. I know that our community wants to be able to go about their daily lives as they should – as everybody should – and that is why I request the minister to continue to do whatever he and the government can do to ensure safety for the Jewish community in these very uncertain times.

Casey early parenting centre

Jordan CRUGNALE (Bass) (17:21): (394) My adjournment matter is for the Minister for Health, and the action I seek is that the minister join me and our neighbouring government MP colleagues and visit the site of the early parenting centre in Clyde North. The project is nearing completion. I would welcome the opportunity to discuss further how it will benefit young families in the Casey area, which is one of the fastest growing in the country. An early parenting centre is a free service that provides specialist support for families with children from birth to four years of age. They deliver flexible, targeted services that aim to enhance the parent–child relationship. They also support parents with strategies like sleep and settling, child behaviour and parent and child health and wellbeing. Our government continues to invest record amounts in the health sector, providing services that strengthen and support Victorian families. Early parenting centres are part of the broader service system supporting families, which includes maternal and child health services and programs, supported playgroups and community-based parenting programs. I look forward to welcoming the minister to this centre – there she is right at the table, looking straight back at me – and also hearing how the facility will benefit future generations living in our local community.

Beaconsfield level crossing removal

Brad BATTIN (Berwick) (17:22): (395) My adjournment is for the Minister for Transport Infrastructure, and the request I have is around the level crossing removal program and a community reference group, which is something that has been put forward for many of the current removals of level crossings across the state. However, the one in Beaconsfield does not have that same opportunity, and the community want to know why they are not being consulted when such big changes are being made, particularly around some of the parks that have been taken and some of the areas that have been impacted. So the action for this is to form a community reference group for the Beaconsfield community to ensure that they can have their say in what is going on.

To put it on record so they cannot use the normal political response we get: no, I do not support this level crossing removal in Beaconsfield. You can put that in your letter – it is already on my social media now – to say ‘I do not support it’. The reasons I do not support it are that it is not needed, it is costing a lot of money, it is destroying the environment, it will make no difference, the traffic counts were all wrong, the government will not release the details, there are not enough facts on this, the community has been impacted without being consulted and it is going to have zero impact on safety.

Now we have got that part out of the way, they can put all that in the political response if they want, but until they have this community engagement, these people in the communities around here deserve to have a say in what is going on. It is not just about the tree or the old house, it is about people that live within that area. It is about the shops and the impact on those shops down there. It is the local school, which is going to have the impact on it, and the student movements to and from school. It is the intersections in the area that are going to make a big difference and impact on some of those small businesses on those corners. So I ask for that action to be completed as soon as possible.

Alfred Nuttall Memorial Kindergarten

Kat THEOPHANOUS (Northcote) (17:24): (396) My adjournment is to the Minister for Children, and I ask the minister to join me in my electorate of Northcote to see and experience the bush kinder program run by Alfred Nuttall Memorial Kindergarten in the Darebin Parklands. Bush kinder has been pioneered in the inner north, and over the years more and more of our kinders have embraced this wonderful way of learning. Children from kinders right across my community are pulling on their gumboots and heading out with their educators to explore the natural beauty of our creeks and parklands. There is no playground equipment and no formal toys or seating, just the trees, the grass, the rocks, the mud, the water and their endless imaginations. In this open-ended environment children’s creativity explodes. We see them challenge their abilities, taking healthy risks and using problem-solving skills. Their senses are heightened, and the benefits for mental health are immense. At the same time as we embed and elevate sustainability in Victoria, this next generation of children

are gaining a direct and tactile appreciation and respect for the natural world, fostering a sense of environmental guardianship from an early age. In Northcote kinders like Westgarth, Yarralea and Alfred Nuttall use the Darebin Parklands, a magical place which is immersed in Wurundjeri history, and this cultural learning forms part of the children's experience too.

In Victoria we are investing \$3.6 million over the next four years to expand bush kinder programs, something I was very proud to announce at Westgarth Kindergarten last year. The first round of these grants closed just last month and will give 150 kinders across Victoria the opportunity to set up or expand bush kinder programs. Bush kinder should be a fixture of our early learning system. The benefits to children's wellbeing and development are simply too good to pass up. In recent months I have had numerous discussions with our local early childhood network and their passionate parent committees. Many have shared with me their aspirations and vision for growing innovative bush kinder programs in our early education system while we do the transformational work of delivering free kinder and a full pre-prep year of play-based learning. I would absolutely welcome the opportunity for the minister to join me to witness the wonder of bush kinder in my community and speak with the outstanding people who are championing the magic of nature-based learning.

Fentanyl

Tim READ (Brunswick) (17:27): (397) My adjournment matter is for the Minister for Mental Health, and the action I seek is for her to urgently release the state government's plan to respond to the likely imminent arrival of fentanyl in Victoria's illegal drug market. I appreciate that there might still be some planning that needs to be done, but this is quite urgent.

Fentanyl is an opioid drug from the same family as morphine and heroin, but it is at least 50 times stronger than heroin and, importantly, it is faster acting. If someone has an overdose of fentanyl – and given its much greater strength, that is highly likely in an unregulated black market – they will stop breathing much faster than if they have an overdose of heroin. Therefore if help is to arrive, it needs to arrive very quickly, within a couple of minutes – probably before an ambulance can get there.

Fentanyl is now common in the illegal drug market in the United States. It is estimated to have killed 67,000 people in the United States in 2021, which on a population basis is about the same as 1200 Victorians. It is not yet common in Australia, but the word is that it is arriving, and it has been detected in several seizures of drugs. One in particular was a seizure at the Port of Melbourne in December 2021, which contained 11 kilograms of fentanyl. That is equivalent to 5.5 million potentially lethal doses.

A key part of the response to the likely arrival of fentanyl will be the drug naloxone, also known as Narcan, which reverses the action of fentanyl if it is given soon enough. The recent federal government Take Home Naloxone program seeks to make the drug available widely and freely, but that conflicts with some – in its time progressive – legislation from this government in 2020 which still restricts it to pharmacist only, a bit like the morning-after pill, and limits its availability to certain classes of people. We need drug users, police, outreach workers – everybody – to be able to carry this drug and to obtain it whenever they want it. Police have trialled it in WA, and as I understand it, it has been a successful trial. It probably should even be in vending machines, like it is in Canada. We could even put it in a supervised injecting room in the CBD, but whatever we do, we need a plan and we need it soon.

Pascoe Vale electorate secondary schools

Anthony CIANFLONE (Pascoe Vale) (17:30): (398) My adjournment matter is for the Minister for Education, and the action I seek is for the minister to visit my local secondary schools to see firsthand the record investments the Victorian Labor government has made since 2014 to upgrade local high schools and to learn more about the ongoing opportunities for further local secondary school investments. As I outlined in my first speech to Parliament, I am committed to doing everything I can to help continue lifting and improving the quality of local secondary education options for families living across Pascoe Vale, Coburg and Brunswick West. As someone who is the proud product of our

local education system, and now as a local dad, I know how much local families value the quality of local secondary education, because along with our local kinders and primary schools it is our local secondary schools that play the next most important role in supporting the lifelong learning journey and in shaping and inspiring the minds and future life chances of what we value and care for the most – children and young people. As more young families and children continue to call the Pascoe Vale electorate home, it is critical that we continue to invest to upgrade and improve the facilities and resources of local secondary schools.

I begin with Coburg High School, which first reopened as a full year 7 to year 12 high school in 2015 with around just 170 students in year 7. Coburg High has now grown to become the biggest secondary school situated within the Pascoe Vale electorate. It consists of over 1200 students today and is on track to reach 1400 students by 2027. Following the completion of the school's master plan, I was proud, along with the member for Preston and the member for Northcote, to have secured and announced a record \$17.8 million investment towards the construction of a new technology hub for Coburg High, which we have just recently appointed the architects to design – Richard, Stephanie and Rob from Bryant Alsop Architects – and which the school community very much looks forward to being completed.

Strathmore Secondary College's catchment also supports the secondary education aspirations of many families in the Pascoe Vale suburb. With an enrolment of 1900 students and growing, I was pleased, with the member for Essendon, to visit the magnificent new \$21.1 million three-storey building with general-purpose classrooms for specialist facilities in science, chemistry, physics, arts, food and technology.

Pascoe Vale Girls has an enrolment of around 880 students and services the Pascoe Vale community as well as the broader northern suburbs, including the electorate of the member for Greenvale and the member for Broadmeadows and others, and has been providing fantastic quality education for women and girls since 1956. With over \$14.4 million invested by Labor since 2014 to upgrade Pascoe Vale Girls, including through the new arts and technology centre, which is currently under construction, the school will be leaving a lasting legacy for many years to come.

Combined with another \$10 million previously invested to deliver new facilities at Glenroy secondary college and most recently \$14.5 million to construct a new science, tech and creative facility at John Fawcner College, the member for Broadmeadows and I and the rest of us from across the north are advocating very hard to secure this and other funding going forward for local secondary schools, but along with these investments of course there is more work to do. That is why we are delivering on a Merri-bek North education plan that will help provide the pathway for future investment and support so all students can thrive.

Warrandyte electorate bushfire preparedness

Nicole WERNER (Warrandyte) (17:33): (399) I am glad to give my adjournment for tonight. My adjournment matter is for the Minister for Environment regarding the upcoming bushfire season in my electorate. The action I seek from the minister is that he issue a bushfire strategy plan which he will publicly release that will include the percentage of preparation that has been done in the area, communication with local CFAs and police about emergency response and the level of consultation with local government.

As I said in my maiden speech, one local issue that I will continue to advocate for and not grow silent over is adequate bushfire protection in our area. Tonight as I stand before you, I am reminded of the proactive steps my constituents are taking to confront this impending danger. There are members of my community gathering at Park Orchards community house tonight, receiving a briefing from the CFA about the upcoming extreme bushfire season that so many in my electorate are deeply concerned about. This is a testament to the bushfire awareness that exists within Warrandyte. They understand, as I do, that we are gearing up for a hot and dry summer, and I must admit I fear the worst could transpire if our government does not take decisive action.

We are fortunate to have incredible local CFA volunteers from Aaron Farr in Wonga Park to Cam Mackay in South Warrandyte, to the crews in Chirnside Park, North Warrandyte and Warrandyte. These brave individuals are the heroes of our community, and we owe it to them to ensure that they have the resources and support they need to safeguard us. I earnestly hope that the minister will collaborate with our local CFAs and me to ensure the issuance of a robust bushfire strategy before the worst-case scenario unfolds, as I am terrified it could. The safety of my Warrandyte community is at stake, and it is the government's responsibility to act swiftly and decisively.

Keysborough South community hub

Tim RICHARDSON (Mordialloc) (17:35): (400) My adjournment this evening is to the Minister for Children, and the action I seek is for the minister to visit my electorate and see the progress of Keysborough South community hub and the amazing early years facility that will be delivered there. It was only a little while ago that I joined the former Minister for Early Childhood and Pre-Prep Minister Stitt to check out the progress and turn the first sod on this amazing facility. It has been eight years in the making, with a significant community campaign and the Andrews and Allan Labor governments coming together with the City of Greater Dandenong to deliver an outstanding community facility. It will have 123 places, and it will support the educational needs of our kids tomorrow. When we think about the growth that has happened in Keysborough South and the delivery of the Andrews and Allan Labor governments in this community, it is really substantial.

It was former member for Keysborough Martin Pakula who opened Keysborough Gardens Primary School. It was our commitment at the last state election to deliver a \$5.3 million investment and upgrade to provide for another 150 students at this growing and thriving school, and it was our government that took a commitment to plan for an upgrade to Keysborough fire station. When we think of the delivery that has happened there with the Keysborough South Community Hub, as our Keysborough South community grows we need to make sure that we have the investment, the infrastructure and the means to support that community into the future. The Keysborough South community hub will offer high-class kinder facilities, it will offer maternal and child health and it will deliver a library facility in this thriving community. Nestled next to Tatterson Pavilion and Tatterson Park there, it will be a hub. It will be able to be walked to in those pristine open spaces. So we are really excited about the progress there when we think about the delivery in early childhood across our electorate and the investments that we have made.

I was with the new Minister for Children just the other week where we got to team up and read Spanish – well, I did not, the minister did; she was outstanding – to kids.

A member: Hola!

Tim RICHARDSON: Hola, yes. She was very good – outstanding work at Chelsea Library. And that was amazing to see what bilingual language means for the brain development and growth of our youngest Victorians. Then I took the minister down the road to Chelsea Kindergarten, which was rebuilt by this government, a two-room kinder facility that has transformed our kinder offering there. When we see three- and four-year-old kinder rolled out, and we know the brain development that happens in the first thousand days of a child's life, we need to make sure that we deliver the first-class facilities that match the outstanding first-class education of our early childhood educators.

But it is one thing to have the ambition, it is another to build that ambition, and that is why we are delivering the Building Blocks program, we are rolling out pre-prep and we are scaling up such wonderful facilities that will educate our youngest Victorians. Keysborough South community hub will be an absolute showpiece in our community. I cannot wait to go through with the Minister for Children and check out the progress – it will be open at the end of 2024.

Responses

Anthony CARBINES (Ivanhoe – Minister for Police, Minister for Crime Prevention, Minister for Racing) (17:38): I do thank the member for Caulfield for his adjournment matter this evening. I have been pleased to work closely with him, over the past couple of weeks in particular, to reassure all who have been and continue to be traumatised and deeply distressed by the tragedy unfolding across the Middle East. I recently met with representatives of the Community Security Group with the member for Caulfield, and I want to take the opportunity to thank Justin and his team for the work they do each and every day to reassure their community. Also, from my observations and engagement, they are very highly regarded for their contribution and the work that they do in their involvement with Victoria Police, and that work continues.

I would also like to take the opportunity to say to all Victorians that Victoria Police's highest priority is your safety. That is not negotiable, and that is at the centre of all the work that Victoria Police do. I would like to thank Victoria Police, every member, for the work that they do to keep Victorians safe, for the dedication that they make to their work and to the community – always running towards the dangers when most of us are looking to head in the other direction. Victoria Police are working closely with community leaders to provide a strong police presence, and a good example of that I think, from feedback that I have had and the engagement with the member for Caulfield, was at the recent vigil held at Caulfield Park. While we do not want the focus to be around the police presence, it gives a community distressed and anxious about their safety a chance to come together and to feel that there is support there to be able to do that, to focus on that, with the confidence that the police are playing their role. As I understand it, they did that very effectively last week and continue to do so.

Operational matters under section 10 of the Victoria Police Act 2013 are of course the responsibility of the Chief Commissioner of Police around operational decisions and the deployment of Victoria Police members working on the best intelligence available to them, and that continues around planned events and protests and the like. The Deputy Premier and I have also been engaged in conversations on some of the other elements the member for Caulfield raised around community confidence around safety at schools or places of worship. I do know some of those community organisations and institutions are choosing to fund some of their own security arrangements. That comes at a cost, and that is a challenge too. But for police, as I say, there are some rules based on intelligence around where they deploy their resources. Outside of the tasking responsibilities they have to be seen in the community, to be engaged in the community and to prioritise where community need is, and that work will continue.

Just lastly, the member for Caulfield and I have some other arrangements in place with Victoria Police and with other community organisations to catch up over the coming week in other briefings and engagements, so that for the sorts of issues that have been highlighted by the member for Caulfield, people in the community get a chance to put those views directly to government and directly to Victoria Police. I know that is happening, but we are going to coordinate some more of that work over the next week, and indeed we are engaged in some elements at a high level tomorrow. That work will continue. The community should have every confidence that Victoria Police will be there for them, but it is always important too to immerse ourselves in the conversations and discussions that are how we make sure we are picking up on giving people a direct opportunity to make sure that that safety and that feeling of being listened to and engaged and acted on is affirmed for communities who are in deep distress at this time. We think of them all as we conclude Parliament today.

Just lastly, very briefly, on a slightly different but perhaps related matter, the passing of the Summary Offences Amendment (Nazi Salute Prohibition) Bill 2023 by this Parliament this week is I think another example and element of the work of Parliament at its best, reflecting the community's values in law and giving other tools to Victoria Police to give expression to the community's values that the Parliament has affirmed this week. I commend both that work and the work that we are doing together in this place to the Parliament.

Mary-Anne THOMAS (Macedon – Leader of the House, Minister for Health, Minister for Health Infrastructure, Minister for Ambulance Services) (17:43): Firstly, to the member for Bass, it would be my absolute delight to come and join you in Clyde North. It is always wonderful to visit you in your electorate, where your community so obviously values every day the hard work that you do advocating on their behalf. To be able to visit and see an early parenting centre being developed – I cannot wait. I am there. That is great.

The member for Murray Plains has raised a matter for the attention of the Minister for Environment, and the action the member seeks is that the minister seeks Parks Victoria to make coupes available for the collection of firewood, specifically in the Gunbower and Barmah state forests, which would greatly benefit his constituents.

The member for Bayswater, who has had to go home early, has sought action from the Minister for Transport Infrastructure seeking the minister to join him at Boronia station to look at the work that has been done not just at the station but more generally by the Allan Labor government to revitalise Boronia.

The member for Berwick has also raised a matter for the attention of the Minister for Transport Infrastructure, and the action that he seeks is that a community reference group be established for the purposes of consultation on the Beaconsfield level crossing removal project.

The member for Northcote has raised a matter for the attention of the Minister for Children. She has sought that the minister join her at Alfred Nuttall kinder to see bush kinder in action.

The member for Brunswick has raised a very serious matter – one which caught my attention here at the table as well – for the attention of the Minister for Mental Health. The action that he is seeking is that the minister urgently responds to the threat that fentanyl presents in our community.

The member for Pascoe Vale – always a very enthusiastic representative and advocate on behalf of his community – has sought that the Minister for Education join him to visit local secondary schools right across his electorate. He mentioned Coburg High in particular as a great example of the difference that investment by Labor governments makes in transforming school communities and delivering the high-quality education that the people of Melbourne’s northern suburbs deserve.

The member for Warrandyte has raised a matter for the attention of the Minister for Environment, and she wants to know the plans for fire season preparation within her community.

The member for Mordialloc has raised a matter for the attention of the Minister for Children, and the action that he seeks is that the minister join him at the Keysborough community hub, a fantastic community hub delivered by the Andrews–Allan Labor government, now home to a kindergarten with an incredible number of places. I am sure the Minister for Children cannot wait to join you, member for Mordialloc, at that great kinder. Thank you very much, Speaker.

The SPEAKER: Thank you, Minister. Thank you, members. The house now stands adjourned.

House adjourned 5:47 pm.