



# **Hansard**

## **LEGISLATIVE COUNCIL**

**60th Parliament**

**Tuesday 18 June 2024**



# Members of the Legislative Council

## 60th Parliament

### President

Shaun Leane

### Deputy President

Wendy Lovell

### Leader of the Government in the Legislative Council

Jaclyn Symes

### Deputy Leader of the Government in the Legislative Council

Lizzie Blandthorn

### Leader of the Opposition in the Legislative Council

Georgie Crozier

### Deputy Leader of the Opposition in the Legislative Council

Evan Mulholland (from 31 August 2023)

Matthew Bach (to 31 August 2023)

Member	Region	Party	Member	Region	Party
Bach, Matthew <sup>1</sup>	North-Eastern Metropolitan	Lib	Luu, Trung	Western Metropolitan	Lib
Batchelor, Ryan	Southern Metropolitan	ALP	Mansfield, Sarah	Western Victoria	Greens
Bath, Melina	Eastern Victoria	Nat	McArthur, Bev	Western Victoria	Lib
Berger, John	Southern Metropolitan	ALP	McCracken, Joe	Western Victoria	Lib
Blandthorn, Lizzie	Western Metropolitan	ALP	McGowan, Nick	North-Eastern Metropolitan	Lib
Bourman, Jeff	Eastern Victoria	SFFP	McIntosh, Tom	Eastern Victoria	ALP
Broad, Gaele	Northern Victoria	Nat	Mulholland, Evan	Northern Metropolitan	Lib
Copsey, Katherine	Southern Metropolitan	Greens	Payne, Rachel	South-Eastern Metropolitan	LCV
Crozier, Georgie	Southern Metropolitan	Lib	Puglielli, Aiv	North-Eastern Metropolitan	Greens
Davis, David	Southern Metropolitan	Lib	Purcell, Georgie	Northern Victoria	AJP
Deeming, Moira <sup>2</sup>	Western Metropolitan	IndLib	Ratnam, Samantha <sup>5</sup>	Northern Metropolitan	Greens
Erdogan, Enver	Northern Metropolitan	ALP	Shing, Harriet	Eastern Victoria	ALP
Ermacora, Jacinta	Western Victoria	ALP	Somyurek, Adem	Northern Metropolitan	DLP
Ettershank, David	Western Metropolitan	LCV	Stitt, Ingrid	Western Metropolitan	ALP
Galea, Michael	South-Eastern Metropolitan	ALP	Symes, Jaclyn	Northern Victoria	ALP
Gray-Barberio, Anasina <sup>3</sup>	Northern Metropolitan	Greens	Tarlamis, Lee	South-Eastern Metropolitan	ALP
Heath, Renee	Eastern Victoria	Lib	Terpstra, Sonja	North-Eastern Metropolitan	ALP
Hermans, Ann-Marie	South-Eastern Metropolitan	Lib	Tierney, Gayle	Western Victoria	ALP
Leane, Shaun	North-Eastern Metropolitan	ALP	Tyrrell, Rikkie-Lee	Northern Victoria	PHON
Limbrick, David <sup>4</sup>	South-Eastern Metropolitan	LP	Watt, Sheena	Northern Metropolitan	ALP
Lovell, Wendy	Northern Victoria	Lib	Welch, Richard <sup>6</sup>	North-Eastern Metropolitan	Lib

<sup>1</sup> Resigned 7 December 2023

<sup>2</sup> Lib until 27 March 2023

<sup>3</sup> Appointed 14 November 2024

<sup>4</sup> LDP until 26 July 2023

<sup>5</sup> Resigned 8 November 2024

<sup>6</sup> Appointed 7 February 2024

### Party abbreviations

AJP – Animal Justice Party; ALP – Australian Labor Party; DLP – Democratic Labour Party;

Greens – Australian Greens; IndLib – Independent Liberal; LCV – Legalise Cannabis Victoria;

LDP – Liberal Democratic Party; Lib – Liberal Party of Australia; LP – Libertarian Party;

Nat – National Party of Australia; PHON – Pauline Hanson's One Nation; SFFP – Shooters, Fishers and Farmers Party



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**Tuesday 18 June 2024**

**The PRESIDENT (Shaun Leane) took the chair at 12:02 pm, read the prayer and made an acknowledgement of country.**

*Condolences*

**Hon. Louis Stuart Lieberman AM**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (12:04):  
I move:

That this house expresses its sincere sorrow at the death on 17 May 2024 of the Honourable Louis Stuart Lieberman AM and places on record its acknowledgement of the valuable services rendered by him to the Parliament and the people of Victoria as a member of the Legislative Assembly for the electoral district of Benambra from 1976 to 1992 and as Minister for Planning from 1979 to 1982, Assistant Minister of Health from 1979 to 1981, Minister for Minerals and Energy and Minister of Mines in 1981, and Minister for Local Government from 1981 to 1982.

I would like to, on behalf of the government, formally recognise Mr Lieberman's contributions to the state of Victoria. He made a difference to the lives of many in the Northern Victoria electorate throughout his lifetime. Born in Swan Hill, Mr Lieberman completed his schooling in Albury and remained in the Albury–Wodonga area, where he began his early profession as a barrister and solicitor, eventually becoming a founding partner of a Wodonga law firm, Harris Lieberman Boyd. He also made contributions before entering politics, when he served in the 8th/13th regiment of the Victorian Mounted Rifles in the Australian Army Reserve and when he was part of the local consultative committee for the development of the Albury–Wodonga growth centres decentralisation plan.

After being elected Mr Lieberman demonstrated his commitment to improving public services and developing the state's infrastructure through his numerous ministerial portfolios, as outlined earlier, and also many shadow ministerial portfolios. Mr Lieberman's contributions extended beyond the state level, as he was elected to the Australian House of Representatives for the seat of Indi in 1993, becoming my local member when I was in high school. During his time in federal Parliament he served on numerous committees, including the Standing Committee on Aboriginal and Torres Strait Islander Affairs, which he chaired. His leadership in these roles reflected his dedication to addressing critical national issues and promoting community welfare.

In recognition of his significant service Mr Lieberman was appointed a Member of the Order of Australia in 2016, an honour that highlighted his extensive contributions to the parliaments of Australia and Victoria and his dedication to the Albury–Wodonga community. This involved several community service positions, including serving on many local boards, many of them in the position of chair, including the Hume Building Society, Albury–Wodonga chamber of commerce, Mercy Health Albury, La Trobe University, Upper Murray Family Care, Salvation Army, Wodonga District Hospital and Albury Wodonga Health.

His professional accomplishments speak for themselves, but he was also known for his kindness and passion for furthering the interests of the border community. His consultative approach to public service and his ability to connect with people earned him respect and admiration from colleagues and constituents alike. After his passing I did spend some time on the *Border Mail* Facebook page, where the comments were just glowing. Anyone who had met Mr Lieberman was saying how kind and thoughtful he was and that he had the ability to make people feel heard and valued and as though his time was never more important than theirs.

On behalf of the government I do extend my condolences to Mr Lieberman's wife Marj and his family and friends. Mr Lieberman's commitment to his community and his kind and compassionate nature will be remembered by all who had the privilege of knowing him.

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**Wendy LOVELL** (Northern Victoria) (12:08): It is my pleasure on behalf of the Liberal Party to contribute to this condolence motion for a man whom I knew well, the Honourable Lou Lieberman AM. Lou was a man that I would describe as a giant amongst men, and not necessarily because of his stature, although his height of over 6 foot 4 did mean that Lou towered over most men. But for me the things that made Lou stand out were more to do with his character than his stature.

Lou Lieberman was a gentleman in every sense of the word. He was an incredibly humble man and a man of great intellect who would only speak if he had something of importance to say. He was also an incredibly kind and generous man – generous with his time and his advice, assistance and compassion. He was a man who loved his electorate and who genuinely fought to always provide the best outcomes for his region and for his constituents.

Lou was born in Swan Hill in 1938 and moved with his family to Albury as a child. He went on to study law and returned to the Albury–Wodonga area as an articled clerk with a local law firm, where he met his wife Marj. As a qualified barrister Lou commenced his own practice in Wodonga. In 1976, following the retirement of long-serving Benambra MP Tom Mitchell, Lou decided to run for the seat of Benambra and was elected to the Legislative Assembly on 20 March 1976. Lou served as the member for Benambra for 16½ years, during which time he also served in the ministries of both the Hamer and Thompson governments as the Minister for Local Government, Minister for Minerals and Energy, Minister of Mines, Minister for Planning and Assistant Minister of Health. Lou also served as the shadow minister for health, further education, water resources and property services.

Lou retired as the member for Benambra on 14 August 1992 to contest the federal seat of Indi, which he won on 14 March 1993. Lou served as the member for Indi for eight years, six months and 28 days, retiring on 8 October 2001. During his term in the federal Parliament Lou served as Shadow Parliamentary Secretary to the Leader of the Opposition and as the chair or a member of several committees. Lou guided both Benambra and Indi through a very important period in the history of the region, which was the years of the Albury–Wodonga Development Corporation. This was a period of great change that would have a significant impact on the future of Albury–Wodonga, and there was no-one better suited to overseeing this time, to ensuring the greatest benefit that could be achieved for the region, than the quiet achiever Lou Lieberman.

Retiring from politics did not mean retirement from contributing to his community. After his parliamentary career Lou chaired the boards of both the Hume Bank and Albury Wodonga Health as well as the gift-giving committee for the Mercy Million Building Appeal for health services. On Australia Day 2016 Lou was appointed a Member of the Order of Australia, a well-deserved recognition.

All public tributes to Lou have remembered him as I do – as a fine Australian who was dedicated to his electorate, a man who was intelligent, generous and compassionate and someone who just got things done. I extend my condolences and those of the Liberal Party to his wife Marj, his children Justine, David and Ben, his grandchildren Allison, Katrina, Alex and Gemma and his extended family and friends, but I also extend my condolences to the Liberal Party members in the electorate of Indi, who are all grieving the loss of Lou Lieberman as well. Vale, Lou Lieberman.

**Georgie CROZIER** (Southern Metropolitan) (12:12): I rise to join this condolence motion that has been moved by the Leader of the Government and to reflect some of those comments made by the leader and also by Ms Lovell. Lou Lieberman was not a man that I knew well, but I remember him from when I was a child because both he and my father served in this Parliament. With Dad being elected in 1973 and then Lou three years later, they contributed and shared portfolios together in the areas of local government and minerals and energy.

In Lou's capacity as the member for Benambra, having that real interest in the cross-border community of Albury–Wodonga, he had a huge interest in looking at that national growth area – long before it became a national growth area, actually. When my father was the minister for decentralisation and

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state development, they worked very collaboratively together on that area, so they had a great rapport. I recall a photo of Lou and Dad with this enormous, disgusting snake wrapped around their necks – it still sends shivers up my spine, because I loathe snakes – they were in the High Country. They worked very closely together, and there were a lot of things that they achieved in the Hamer and Thompson governments. In Lou's case it was in his capacity as Minister for Planning with the protection of heritage laws and other things, in other areas around local government and in all of those portfolios that he held so very, very well as a state member of Parliament during that time. He then, as has been acknowledged, moved into the federal sphere and became the member for Indi, following in the footsteps of the great Ewen Cameron, who I also know tremendously well. Lou was a marvellous representative both in the federal Parliament as well as here in the state Parliament.

A lot has been said about Lou Lieberman. He was recognised publicly through the AM he received. He then went on to serve – I know Mr Davis understands this – as chair of Albury Wodonga Health. He was very committed to health services in that area. He did a lot, and he was very concerned, when we lost government in 1982, about the plans for Wodonga Hospital. It seems that things have not changed very much around those issues. He was a great local representative. He really did champion a lot of causes for his community, and as has been said, post politics he served on various boards and represented his community extremely well. He was also, I understand, when he left politics, appointed as a parliamentary adviser to the United Nations General Assembly in New York. Former Prime Minister John Howard described Lou as a fine Australian who dedicated much of his life to public service. He worked tirelessly for his constituents, and I think that is well recognised by the community. I too send my condolences to his wife, children and those that loved and knew Lou Lieberman.

**David DAVIS** (Southern Metropolitan) (12:15): I am honoured to rise and to reflect on the important life and contribution of Lou Lieberman, someone I knew very well, in common with Ms Lovell. He was a fine man of great integrity. He was a person of generosity, a person whom, if you were a minister wanting to talk about something, you could actually ring and have a conversation with. Actually his wisdom, his knowledge, of both the federal and the state parliaments was profound. He also had those amazing cross-border links. He knew New South Wales, and in 2014 as health minister I appointed him as chair of the board of Albury Wodonga Health in part because of that knowledge of New South Wales and the border regions. He did a fine job in that position. Obviously that is a unique cross-border health service, a health service that is very important for the north-east of the state, a health service that was able to deliver great quality services and a health service that was able to deliver more as a whole rather than its subject parts.

I do want to say something further. Obviously he was in the federal Parliament and did an excellent job there, but from 1976 to the early 1990s in the state Parliament he made a huge contribution, Tony Plowman following him. Bill Baxter, who was in this place too, was his predecessor. He really stood out in the work he did in the Benambra community. I know that Bill Tilley was also close to him and talked to him regularly. He was a person, as I say, of wisdom, thought and integrity, and I for one am very sad that he is gone. I want to pay tribute to the work he did in public life over so many years, and I also obviously want to join in acknowledging his family and their obvious grief. But a fine Victorian and a person of huge merit and integrity. He will be missed.

**The PRESIDENT:** I ask members to signify their assent by rising in their places for 1 minute's silence.

**Motion agreed to in silence, members showing unanimous agreement by standing in their places.**

**The PRESIDENT:** As a further mark of respect the house will adjourn, and the Chair will resume in 1 hour.

**Sitting suspended 12:19 pm until 1:23 pm.**

*Announcements***Photography in chamber**

**The PRESIDENT** (13:23): Can I alert members that there will be a photographer in the galleries today to catch more action shots, and if any members want to access any of the photos that are taken, they can email the Clerk's office and they will accommodate you.

*Bills***Appropriation (2024–2025) Bill 2024****Appropriation (Parliament 2024–2025) Bill 2024****Financial Management Amendment (Gender Responsive Budgeting) Bill 2024****State Taxation Amendment Bill 2024***Royal assent*

**The PRESIDENT** (13:24): I have a message from the Lieutenant-Governor, dated 4 June:

The Lieutenant-Governor, as the Governor's deputy, informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session presented to him by the Speaker:

**19/2024**      Appropriation (2024–2025) Act 2024

**20/2024**      Appropriation (Parliament 2024–2025) Act 2024

I have also received a further message from the Lieutenant-Governor, dated 4 June:

The Lieutenant-Governor, as the Governor's deputy, informs the Legislative Council that he has, on this day, given the Royal Assent to the undermentioned Acts of the present Session presented to him by the Clerk of the Legislative Council:

**21/2024**      Financial Management Amendment (Gender Responsive Budgeting) Act 2024

**22/2024**      State Taxation Amendment Act 2024

*Members***Minister for Skills and TAFE***Absence*

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:24): Minister Tierney is absent today. Any questions for her or her representative portfolios, please direct to me.

*Questions without notice and ministers statements***Age of criminal responsibility**

**Evan MULHOLLAND** (Northern Metropolitan) (13:25): (557) My question is to the Attorney-General. On 11 March 2024 a spokesperson from your department said to the *Age*:

We have always said that we would be raising the age of criminal responsibility to 14 by 2027, accompanied by alternative services that keep young people held to account and out of the justice system – that hasn't changed ...

Do you stand by this timeline?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:25): I thank Mr Mulholland for his question. No change.

**Evan MULHOLLAND** (Northern Metropolitan) (13:25): Data published this week revealed that young people aged between 12 and 14 breached bail 572 times, many breaking their bail conditions through violent crime. If the law is changed to raise the age of criminal responsibility, many of these

young people may not be charged and convicted of crimes in the first place and would face no consequences for their actions. Will you still proceed with your ill-conceived plan to raise the age of criminal responsibility and put the safety of Victorians at risk?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:26): Mr Mulholland, this would have been much better as your substantive question, because it would have given me an opportunity of more than 1 minute to respond. Today landmark legislation is going to be introduced into the Parliament in relation to a brand new youth justice act. You are asking me about a proposal for 2027 –

**Evan Mulholland:** You said your position hasn't changed.

**Jaclyn SYMES:** Well, it has not, because what will happen with the youth justice act, what will happen with the approach to intensive bail in relation to electronic monitoring, youth justice workers – a different response – is all about responding to the very issues that you have talked about. You cannot sit here and go, 'What happens if you go to 14 now?' because we have admitted that that is why you would not do it now – because you need to have the services, the programs and the whole justice system working towards –

**Georgie Crozier** interjected.

**Jaclyn SYMES:** I will take up your interjection, Ms Crozier. We have the lowest youth offending rate in the country. We have a select cohort that we are responding to, and we are in this chamber time and time again telling you about those initiatives.

### Energy policy

**Sarah MANSFIELD** (Western Victoria) (13:27): (558) My question is for the Leader of the Government, representing the Premier in the Legislative Council. Last week the Minister for Energy and Resources announced the approval of Beach Energy's Enterprise project. The approval is the final green light for the fossil fuel company to extract dirty methane gas off the coast of Port Campbell. Attorney, the science is clear: we must immediately stop extracting and burning fossil fuels if we are to avoid catastrophic global warming. Why does your government continue to approve new fossil fuel projects?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:28): President, I may take your guidance. I welcome your question, and I am more than happy to direct it, but you have literally referenced the minister's actions and the minister's comments but referred your question to the Premier. Although I can refer it to the Premier and she will answer, I really question the logic of you being very specific about a portfolio responsibility and not directing it to the relevant minister, so I will just give you the option. I do not understand why you would not direct it to the Minister for Energy and Resources.

**Sarah Mansfield:** I still believe this is a question for the Premier. It is about your government's overall direction on this issue as opposed to an individual minister's decision.

**The PRESIDENT:** A question can be directed to the Premier.

**Jaclyn SYMES:** As I indicated, I am more than happy to refer that to the Premier.

**Sarah MANSFIELD** (Western Victoria) (13:28): I thank the Attorney for referring that on. We know that gas forecasts regularly underestimate demand-side solutions. A 2020 report by Northmore Gordon for Environment Victoria found we would not have a gas shortage and would roughly halve demand by 2030 if the government increased incentives and programs to move households off gas and towards electrification. Why not take this path rather than the path of drilling for more fossil gas?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:29): I will refer that to the Premier.

**Ministers statements: Aboriginal health**

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (13:29): I rise to update the house on the outstanding work of Victoria's Aboriginal community controlled health sector. We know that we need new and different solutions to reduce the growing health gap between First Nations people and the general population, and Aboriginal community controlled organisations are at the forefront of this work, delivering culturally safe practices and making meaningful change to the social and emotional wellbeing of First Nations Victorians.

Last Thursday I had the pleasure of attending the Aboriginal Health and Wellbeing Partnership Forum to hear firsthand from ACCOs on their priorities for mental health and social and emotional wellbeing for Aboriginal people in Victoria. I understand that Western models of care do not reflect a holistic approach to social and emotional wellbeing, which goes beyond good mental health and extends to connection to country, culture, spirituality, ancestry, family and community. First Nations people have better health outcomes when the services they access are culturally safe, and I have had the opportunity to visit a number of services to see the power of this work in action. I also want to acknowledge Mick Graham, the CEO of the Victorian Aboriginal Health Service and Victorian Aboriginal Community Controlled Health Organisation chairperson, and Dr Jill Gallagher, CEO of VACCHO, for their leadership in this space and their longstanding commitment to supporting best practice for community social and emotional wellbeing.

I look forward to continuing to work with the forum not only to implement the important recommendations arising from the Royal Commission into the Mental Health System but also towards a self-determined mental health and wellbeing system that really delivers and uplifts social and emotional wellbeing for First Nations Victorians.

**Racial discrimination complaint**

**Georgie CROZIER** (Southern Metropolitan) (13:31): (559) My question is to the Minister for Emergency Services. Minister, Labor appointed Tasneem Chopra to the Fire Rescue Victoria strategic advisory committee in 2020. Earlier this month the Australian Human Rights Commission asked Ms Chopra to 'step back' from duties as an anti-racism ambassador while it investigates a racial discrimination complaint against her. So I ask: will the minister request that Ms Chopra step back from the FRV committee until this investigation is complete?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:31): Ms Crozier, I can confirm that an investigation is underway in regard to a complaint about some social media activity of a board member who is currently on both the Victorian Public Sector Commission and Fire Rescue Victoria. As this investigation is currently underway, it would not be appropriate for me to make any comment further in relation to that matter.

**Georgie Crozier** interjected.

**Jaclyn SYMES**: It is under investigation, and I am not going to make any comment in relation to the specifics of the allegations in relation to that individual. But I do want to say it is the commitment of this government, our values, that we do not tolerate violence or hateful behaviour in our state. Everyone has the right to feel safe, and much of our legislation is designed to respond to issues such as anti-vilification, family violence, supporting women and promoting respectful relationships in schools. We want to strive for a safer and more tolerant Victoria, and we will continue in those endeavours.

**Georgie CROZIER** (Southern Metropolitan) (13:32): I understand that the minister did not go anywhere near to what that really simple question was – just sidestepping it. When asked about social media posts, Minister, made by Ms Chopra which cast doubt on sexual violence committed by Hamas terrorists against women on 7 October, a spokesman for Fire Rescue Victoria said that Ms Chopra was a 'valued member' of FRV. Is this the government's official position also?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:33): I refer Ms Crozier to the answer to her substantive question, and I will not be making further comment in relation to a matter that is currently under independent investigation.

#### **Image-based sexual abuse**

**Rachel PAYNE** (South-Eastern Metropolitan) (13:33): (560) I also have a question for the Attorney-General. In Victoria, in Australia and all over the world the rise of AI has resulted in numerous cases of it being used to generate explicit imagery of people without their consent. Victoria has thankfully been proactive in this space. The Justice Legislation Amendment (Sexual Offences and Other Matters) Act 2022 updated image-based sexual offences to capture non-consensual artificially generated, manipulated or altered images. In light of recent events and the increased use and complexity of AI, it is understandable that people are concerned about whether we have done enough. So my question is: does the law in Victoria adequately respond to the present and future risks that AI presents for the non-consensual generation of explicit imagery?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:34): I thank Ms Payne for her question. You raise a really important matter, and I will take you up on the last part of your question, which talked about: are we prepared for the future? It is a really evolving space, and I guess the answer is no, because we do not exactly know where it is all going to go. But we are aware of the risks, we are aware of the concerns, and as you have indicated, we have taken steps in our legislative approach to respond to the emerging incidents of deepfake porn and the like. We will continue to monitor the legislative framework and make sure that it is continually updated to respond to emerging concerns. I can assure you in this space that it is on the SCAG agenda, and it is something that we are regularly talking about in talking to other states, making sure that if other people have got ideas they are transferred across jurisdictions. I would welcome continued feedback from all members of Parliament in relation to this, because it really is an issue that comes up time and time again and in new and different ways each and every week. I know that it is a concerning issue, and I think that laws are one way of responding to it, but there are also several programs, particularly in schools, in relation to education about sexting – the Respectful Relationships and Love Bites programs and all of these efforts – to combat this activity and the harm that it can cause.

**Rachel PAYNE** (South-Eastern Metropolitan) (13:36): I thank the Attorney for her response. By way of supplementary, some of the recent cases of non-consensual AI-generated explicit imagery have involved school-age children, both as victims and as perpetrators. This creates an intersection between image-based sexual offences and child exploitation material. So my supplementary is: what is the law in Victoria currently doing to respond to where these offences intersect?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:36): I thank Ms Payne for her question. There might be an opportunity for you and me to have a more broad conversation offline in relation to that matter, because they are separate offences and you can be charged with both. The interrelationship of them may be just that they are multiple offences applied. If you have got some specific examples, we can talk through that, but I think it is part of the broader conversation around making sure that we are trying to stay ahead of the curve and respond to the future. Obviously a lot of the offences committed over carriage services are federal remits, so those conversations are underway. But I am more than happy to have a more detailed conversation with you.

#### **Ministers statements: corrections system**

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:37): I rise today to highlight the remarkable wildlife rehabilitation program at Beechworth Correctional Centre. I had the pleasure of visiting Beechworth last week, where I witnessed the program in action and saw firsthand how it exemplifies our commitment to rehabilitation and community reintegration. The wildlife rehabilitation program offers a unique opportunity for people in custody to engage in the care and rehabilitation of injured wildlife, including birds of prey, reptiles and other native Australian species – a lot of eagles and snakes. The program is

made possible through a dedicated collaboration between Corrections Victoria and local wildlife rescue groups in north-east Victoria. These groups are often entirely volunteer run, and the partnership with Beechworth prison gives them more capacity to do their important work. It was great to see participants caring for injured animals with compassion and dedication. The program has aided in the rehabilitation of over 100 animals since the program's beginning. Participants also learn important skills, such as wildlife-handling techniques, and the importance of wildlife conservation. More than 250 people in custody have engaged in the program, fostering a sense of purpose and accomplishment and nurturing a sense of responsibility for the environment beyond the prison walls.

Beechworth prison is not just a rehabilitation centre for both people and wildlife, it is also a producer of local honey. The Sweet Justice program trains people in custody in beekeeping and honey production. Thankfully, the bees cluster in their hives for winter, making a trip to Beechworth a much sweeter experience. It is wonderful to see how initiatives like these help people break the cycle of reoffending by building skills and providing employment opportunities upon release. The wildlife rehabilitation program and Sweet Justice are great examples of how we can support individuals in custody while contributing positively to our communities and our environment.

### Suburban Rail Loop

**David DAVIS** (Southern Metropolitan) (13:39): (561) My question is to the Minister for Children. Minister, I refer to the department of education and training's submission to the inquiry and advisory committee on the Suburban Rail Loop East, which deals with educational facilities that may be impacted by the construction phase of the government's proposed Suburban Rail Loop. Minister, will there be any social amenity or environmental impact on early childhood centres near the planned Suburban Rail Loop East, and if so, what steps has the minister or her department taken to ensure that the health of young children is not put at risk?

*Members interjecting.*

**The PRESIDENT:** I am –

**David Davis** interjected.

**The PRESIDENT:** Mr Davis, I have not even said anything.

*Members interjecting.*

**The PRESIDENT:** There are a couple of things: I did not give you the call, and the other thing is I just stuttered, so I had not had a chance. My concern is that the minister for infrastructure might be the appropriate minister under executive orders, but I am happy if the minister wants to answer the question as she sees fit.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (13:41): Thank you, President, and I would support your initial inclination, which is that under the general orders the relevant ministers would be those with responsibility for the Suburban Rail Loop. But I will welcome any opportunity to talk about all of the initiatives that we are implementing under Best Start, Best Life. Just in the past week we have announced more than \$28 million in ensuring the amenity of our kindergartens, be it ensuring that playgrounds have disability access through to ensuring that kindergartens have IT equipment – such as the centre at Baxter that I was very pleased to visit last week with the member for Hastings. They were very excited to receive their grant for their local IT infrastructure. But right across our state, whether they are attached to or beside the Suburban Rail Loop or otherwise, we are upgrading kindergarten facilities because we know that three- and four-year-old kinders –

**David Davis:** On a point of order, President, this is a very specific question about education department assets near the Suburban Rail Loop, and it relates to the department's own submission. It does not relate to –



**The PRESIDENT:** Mr Davis, it is not a point of order.

**David Davis:** childcare centres all around Victoria.

**The PRESIDENT:** Order! The minister made it clear in her answer that this does not fall under her responsibilities under the executive order, and that is an answer.

**David Davis:** On the point of order, President, she cannot just say that if it does. She cannot be wrong in what she says. The department's own submission says the department's immediate interests include school sites and assets held by the department.

**The PRESIDENT:** Mr Davis!

**David Davis** interjected.

**The PRESIDENT:** No, no, no. You have got other provisions available to you that you can take. If you believe that you are right, you can move a motion to take note of the minister's answer or you can move a separate motion in that view during notices of motion. But the minister's answer was clear that it does not fall under her responsibility under the executive orders, and that is the answer.

**David Davis:** Further to the point of order, President, the minister cannot say something that is false if it does fall under her area. Her department has actually made a submission about facilities, including early childhood facilities in that area.

**The PRESIDENT:** No. Sit down, Mr Davis.

**David Davis** interjected.

**The PRESIDENT:** I am on my feet. This is not something that I have decided should come into vogue today. There are many rulings around this – many rulings around if it does not fall within the minister's responsibility under the executive order. The minister has every right to say it does not. You have other provisions if you believe that is not correct, but the minister has clearly said that that is her answer, and that is the end of it. Has the minister finished?

**A member** interjected.

**The PRESIDENT:** Mr Davis, you have got a problem now, because I know you want to ask a supplementary question, but it is going to be very difficult to ask a supplementary question after the minister has said that it does not fall within her responsibility.

**David DAVIS** (Southern Metropolitan) (13:44): The Department of Education's submission to the Suburban Rail Loop panel said there is a potential impact for contaminated land or migration of contaminated groundwater during operation of the project, which could impact department schools, and in another part it talks about other facilities as well. In that circumstance, where the department's own submission, the Department of Education – your department – submission, says there are contaminated land and spoil management issues, migration of contaminated land water and indeed potential land stability issues, does the minister support the department's submission, or does she have a different view from her own department?

**The PRESIDENT:** Once the submission is made, it is the responsibility of the Minister for Transport Infrastructure.

*Members interjecting.*

**The PRESIDENT:** I will call the minister, without any great expectation that she might have a different position.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (13:46): The question is indeed flummoxing, because the answer to the question is within the question itself, which is it is a submission by the Department of Education to the responsible authority. As I

indicated in my substantive answer, we support improving the amenity and protecting the amenity of every kindergarten across this state, and that is why under the Best Start, Best Life reforms we are investing \$14 billion in a generational reform. But the submission is to the responsible authority, which is the Suburban Rail Loop, which is where you should have directed your question, Mr Davis.

**David DAVIS** (Southern Metropolitan) (13:47): I move:

That the minister's answer – to step away from her department's submission – be taken into account on the next day of meeting.

**The PRESIDENT:** Mr Davis, I cannot put that question. Do you want to put another question?

**David DAVIS:** I move:

That the minister's answer be taken into account on the next day of meeting.

**Motion agreed to.**

### Animal welfare

**Georgie PURCELL** (Northern Victoria) (13:47): (562) My question is for the Minister for Agriculture in the other place. In March a shocking case of bestiality was captured by whistleblowers from the Farm Transparency Project at Midland Bacon in my electorate. In the footage a man can be seen committing multiple forms of sexual violence on a sow trapped inside a farrowing crate. Shockingly, not all of his heinous acts are considered illegal in Victoria. While we have called for strengthened laws to prevent this happening to more animals, at the same time almost 27,000 people signed a petition demanding that this individual pig, now named Olivia, be rescued from the industry and released to a sanctuary, yet to this day she remains at the very scene of the crime. Will the minister intervene to ensure the safe release of Olivia the pig?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:48): I will refer that to the minister.

**Georgie PURCELL** (Northern Victoria) (13:48): Thank you, Attorney, for referring that on. The 7.30 report that detailed Olivia's horrific abuse also revealed the extreme confinement pigs are subjected to in farms across Victoria. The standard size of sow stalls and farrowing crates is roughly the same size as a fully grown pig. It is not possible for them to turn around, let alone escape from physical violence. Acknowledging the extreme cruelty of sow stalls, the pork industry announced they would volunteer to phase out their use by 2017. Seven years on, the most recent footage captured by whistleblowers showed that they are still being used. Will the government finally legislate a complete ban on sow stalls and farrowing crates in their new animal care and protection legislation?

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (13:49): I am happy to refer it; I just do not think it relates to the substantive question. But I can refer it.

**The PRESIDENT:** Ms Purcell, would you like to rephrase the supplementary question so it refers to the substantive?

**Georgie Purcell:** It was about confinement – both of them.

**The PRESIDENT:** We will get you to respond to the substantive.

### Ministers statements: community safety

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (13:50): As Minister for Children, visits to services such as kinders, maternal and child health (MCH) or out-of-home care facilities provide an important opportunity for children, parents and families to speak directly with me about their experiences. Last week I was scheduled to visit a supported family playgroup –

*Members interjecting.*

**Lizzie BLANDTHORN:** President, I cannot hear myself, so I suspect the chamber cannot hear me either.

**The PRESIDENT:** Clerk, do you mind resetting the clock? The minister is not being provocative. The minister, to be heard in silence.

**Lizzie BLANDTHORN:** As Minister for Children, visits to services such as kinders, MCH or out-of-home care facilities provide an important opportunity for children, parents and families to speak directly with me about their experiences. Last week I was scheduled to visit a supported family playgroup at the Jindi Family and Community Centre in Mernda to do just that. Supported family playgroups, funded by the Victorian government, provide children, parents and carers with opportunities to learn and grow together through play-based activities.

This was a visit requested by the operator, the Brotherhood of St Laurence, and it was a visit I was very much looking forward to, but due to threats from anti-Israel protesters the Brotherhood of St Laurence recommended the visit to the centre be cancelled. According to the Brotherhood, the threats were such that it was concerned about the long-term impacts on kids and parents at the playgroup space being the target of the protest. The Brotherhood of St Laurence advised that parents and carers were concerned about their and their children's safety and wellbeing.

Threats by anti-Israel protesters to the safety and wellbeing of children and families need to be called out. It is unacceptable on the steps of Parliament. It is unacceptable in a family playgroup. It is unacceptable anywhere, and these are the actions of authoritarian thugs. I hope that all members in this place will condemn protests which pose a threat to the safety and wellbeing of children and families.

I know that the Brotherhood of St Laurence tried to mitigate the threat, proposing extraordinary measures such as employing additional staff and enhanced screening of visitors, and I pay tribute to their staff and their professionalism and dedication to the safety and wellbeing of the community they serve. All these protesters achieved was to rob families, carers and children of their voice and of an opportunity to speak directly to their minister about their experiences.

I will keep visiting services across Victoria, and I refuse to let parents, carers and children be disenfranchised by an aggressive, anti-democratic minority, because children, parents and carers deserve nothing less.

### Corrections system

**Evan MULHOLLAND** (Northern Metropolitan) (13:52): (563) My question is to the Minister for Corrections. During her appearance at PAEC the commissioner for corrections noted that defects discovered at both the newly built Melbourne remand centre and Barwon Prison mean both facilities are now being reviewed. Minister, what defects were discovered that need a review to take place?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:53): I thank Mr Mulholland for his interest in our corrections system and our investments in our corrections infrastructure. I think as a government we have been very up-front about the need to upgrade and improve our system, remembering that when we came into government we inherited a system that was over capacity and had ageing infrastructure, and as a government we have made investments to improve the system across the system. We make no apologies for making those investments.

In relation to that question, I do recall that question by Mr O'Brien, and I want to thank him. He was very engaging in the PAEC process, and I want to thank him for the participation. I think it is important that we have those processes in place, and as minister I was being very up-front. In relation to –

**Nick McGowan** interjected.

**Enver ERDOGAN:** I will take up that interjection, Mr McGowan. Mr O'Brien was the one that asked the question about that facility. We have invested in upgrades –

**Evan Mulholland:** On a point of order, President, the minister has had a generous amount of time. It was a very specific question to ask what defects were discovered that require a review to take place, and I would ask the minister to stay relevant to that.

**The PRESIDENT:** I think the minister was responding to part of the preamble, and I will call the minister for the answer.

**Enver ERDOGAN:** We have invested in upgrading our facilities, and the prison infill expansion is part of that. But in relation to the programs that Mr O'Brien asked about and I answered, that project is not yet complete and the department is managing those contracts to make sure that the new infrastructure meets the quality expected. So there is still a process. Those opposite have been out of government for a long time, so they may not understand that when you have large infrastructure projects defects do come up. It is my expectation that they are rectified. There will be a process, but these upgrades are not yet required due to the low numbers in custody. So we are in a –

**Evan Mulholland:** On a point of order, President, it was not you that answered the question. The question I was asking pointed out that it was the commissioner that answered the question in regard to the defects that were found, and we want to know what defects there are.

**The PRESIDENT:** That is not a point of order.

**Enver ERDOGAN:** Mr Mulholland, in relation to this project, it is still not complete. There is going to have to be a process about the defects. As Minister, I get regularly briefed by the department about what needs to be improved. In relation to the defects, there will be an investigation and there will be recommendations, but we need to understand that we need to protect the commercial position of the state in relation to these matters. With any large infrastructure project, I expect that the quality that the government signed up to is met.

**Evan MULHOLLAND** (Northern Metropolitan) (13:56): Minister, isn't it a fact that there is black mould that requires major works and the possible demolition of the two new facilities due to safety issues?

**Enver ERDOGAN** (Northern Metropolitan – Minister for Corrections, Minister for Youth Justice, Minister for Victim Support) (13:56): I thank Mr Mulholland for the supplementary. As I stated in my substantive, construction is not yet complete, and where there are defects it is my expectation that they are rectified. The department is working through it with the contractors to make sure that they are brought up to scratch. In relation to that process, I am not going to say anything in this chamber that may compromise the position of the state. That would be irresponsible. But in the meantime, we are in a good position in Victoria. We have ample capacity in our system, unlike when those opposite were in government. We have invested in infrastructure across the board and modernised the system, and we will keep doing that.

**Evan MULHOLLAND** (Northern Metropolitan) (13:56): I move:

That the minister's answer be taken into consideration on the next day of meeting.

**Motion agreed to.**

### **Drug harm reduction**

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (13:57): (564) My question is to the Minister for Mental Health. We saw reports over the weekend that Labor is preparing to unwind its previous opposition to the service of pill testing, also known as drug checking, something which, as we all know, was long opposed by former Premier Daniel Andrews. We have heard that the new Premier supports a year-long pill-testing trial and that a proposal is in fact headed to cabinet. There should be

no more delays from Labor in introducing this service that will help keep people safe. It is long overdue. We must see the cabinet convinced that the introduction of pill testing will save lives. Too much is at stake. Will the plan that has been referred to in these reports include a fixed-site service for detailed analysis for the broader community year round?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (13:57): I thank Mr Puglielli for his question and his strong interest in these issues. We have had many conversations about the importance of harm minimisation when it comes to drug and alcohol services right across the state. Look, the reality is there are a lot of things that are in the media, but the fact is, and what is guiding the government right now is, we saw a lot of harm last summer during the festival season, where we saw a number of critical emergencies, overdoses and, sadly, fatalities associated with a number of different substances but also, it must be said, the heat conditions in parts of the state during the festival season last summer. Of course the government – and I think we have been on the record, both the Premier and me, in regard to these matters – have sought advice from our department about the best way forward in terms of future government decisions in this area. I am waiting for that advice, and once I receive that advice the government will give it careful consideration.

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (13:59): The moment we are in right now, particularly as we are about to go into a parliamentary sitting break, needs to be a moment where we see a line drawn in the sand – that this is the moment to get on with pill testing. Those who reportedly support it within the government need to convince their cabinet colleagues that now is the time. Join the list of other states and territories who have implemented this service and get on with the work of protecting people. The expert advice and the evidence are endless. It works. It is up and running in the ACT, in Queensland and even now in New South Wales through their injecting room site. Every summer, as the minister said, we see more harm and the risk of more deaths. There is no reason Labor cannot move forward with this right now. Will drug checking be available to Victorians in time for the summer festival season to save lives?

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (14:00): Whilst I can appreciate the desire on the part of a number of people in the chamber to have answers to these questions, I have been pretty clear that we are awaiting the expert advice, and it will be the expert advice that the government takes into consideration when it considers it carefully. Government decisions are part of a process, as members would well know, and we are simply not at that point today. We will wait for the expert health advice, which is what we have sought.

#### **Ministers statements: community legal centres**

**Jaclyn SYMES** (Northern Victoria – Attorney-General, Minister for Emergency Services) (14:00): I would like to update the house on the work our community legal centres are doing to deliver positive outcomes for Victorians, particularly women and children. Along with Ms Watt I had the pleasure of visiting Women's Legal Service Victoria to learn more about the critical work they do as a specialised community legal centre – a fantastic organisation absolutely dedicated to supporting disadvantaged women to address their legal and other needs. They provide wraparound services where clients are not only assisted by lawyers but also supported by social workers and financial counsellors. It is this kind of practical support that really improves the outcomes for women, and particularly those who are experiencing family violence.

Recently I also visited the Ballarat and Grampians community legal centre to meet their team and thank them for the important work they do. Many members in the chamber would be familiar with their work because they cover 12 local government areas across the Central Highlands and Wimmera region, encompassing a population of 250,000 people. Like many CLCs, their work is extensively with women and families, providing legal information as well as legal representation and assistance. Conveniently located right down the street from the Ballarat Specialist Family Violence Court, this

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CLC delivers important services, and it continues to play a key role in supporting family violence victim-survivors.

We do know that Ballarat has been deeply affected by violence against women. Samantha Murphy, Rebecca Young and Hannah McGuire, all from Ballarat, are just three of the women who have lost their lives at the hands of men's violence this year. It is why we announced that Ballarat will be the location of our saturation model pilot bringing together new and expanded programs, policies and services with one focus: to drive down the rates of family violence and men's violence against women. Our CLCs understand that access to the law is crucial in our response to combating violence against women, and I thank all of those organisations for their commitment to individuals who need their help.

### Written responses

**The PRESIDENT** (14:02): I thank Minister Symes, who is going to get Dr Mansfield answers from the Premier to both of her questions and also from the Minister for Agriculture for Ms Purcell's substantive question.

### *Constituency questions*

#### **Eastern Victoria Region**

**Tom McINTOSH** (Eastern Victoria) (14:03): (915) My question is to the Minister for Energy and Resources in the other place. Minister, how is the Allan Labor government supporting Eastern Victorians who reject the Liberals' secret, expensive nuclear energy plan? Hundreds across Eastern Victoria have signed my petition calling for no nuclear reactors in our communities. Just to name a few, this includes Neil in Foster, Antony in Yarram, Chris in Loch Sport, Angela in Paynesville, Shayne in Stratford, Helen in Sale, Robert in Poowong, David in Orbost, Charles in Leongatha and Colin in Morwell. They are rightly confused as they see the Liberals and the Nationals saying completely different things about how they would power Victoria. John Pesutto is at odds with his energy spokesperson David Davis. Both are at odds with the federal Liberals and Dutton. It is not clear what the Victorian Nationals support, but it is clear they are not behind their Liberal leader, whilst the federal Nationals are all over the place, with some trashing offshore wind and the tens of billions of dollars of investment and the generations of jobs it would bring. It is no wonder people are confused by the Liberals and Nationals, but it is clear that locals reject nuclear.

#### **South-Eastern Metropolitan Region**

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (14:04): (916) My question is to the Minister for Health, and I ask the minister: days before our new crime statistics are to be revealed, why has there been a \$1.85 million funding cut to youth crime prevention and the Youth Support and Advocacy Service in Dandenong, which will see 11 workers lose their jobs and deny 330 at-risk young people and their families the help they need? This organisation provides early intervention programs and services to at-risk youth in the south-east. Cutting this funding, which is one-third of the service's allocation, means that there will be hundreds of young people between the ages of 10 and 17 who are at risk of reoffending. Official crime stats show there were 607 offenders aged 10 to 17 in the Greater Dandenong area last year – a 26 per cent increase – and that is the second-highest level in eight years. The *Age* reported that the Victorian government has denied it is a funding cut, arguing that its initial allocation of funds was a one-off pandemic supplement, but this has been disputed and is not the issue here.

#### **Western Metropolitan Region**

**David ETTERS HANK** (Western Metropolitan) (14:05): (917) My constituency question is to the Minister for Housing. My constituent works in the homelessness sector in the City of Brimbank and contacted me in response to the government's new housing targets announced over the weekend. Brimbank has the highest incidence of homelessness in Melbourne, including rough sleepers and those couch surfing. My constituent says that boosting housing supply is a worthy aspiration, but without

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targets for social and affordable housing it will do little to address the epidemic of homelessness in the west. The Productivity Commission *Report on Government Services* released in January this year reveals public and community housing residents make up just 2.9 per cent of Victoria's households. This is the lowest percentage in Australia. My constituent asks: will the minister work with the City of Brimbank and other councils in Melbourne's west to ensure the proposed housing targets include at least 10 per cent social and affordable housing, including housing prioritising First Nations people?

### Southern Metropolitan Region

**Ryan BATCHELOR** (Southern Metropolitan) (14:06): (918) My question is to the Minister for Transport Infrastructure. How will the opening of the Metro Tunnel benefit the daily lives of commuters in Southern Metropolitan Region? The Metro Tunnel is the biggest and most important rail project in Victoria since the construction of the city loop commenced in the 1970s, with twin tunnels crossing the Yarra and new underground stations, including at Anzac in Southern Metro. But it is not just the five new stations – Caulfield station is set to become one of the best suburban transport hubs in the network, with more frequent services through the Metro Tunnel and the city loop giving residents of Caulfield the option of going around the loop or directly to places like RMIT, Melbourne Uni, the Royal Melbourne Hospital and the Peter MacCallum Cancer Centre. The Metro Tunnel is going to revolutionise the public transport system, also benefiting commuters on the Frankston line, whose trains will get to go back around the city loop and become more frequent, and commuters on the Sandringham line with extra capacity and more frequent services. I look forward to seeing how the local community is going to benefit when the tunnel opens next year.

### Northern Victoria Region

**Wendy LOVELL** (Northern Victoria) (14:07): (919) My question is for the Minister for Roads and Road Safety. In April 2023 five lives were lost in a horrific accident at the intersection of Labuan Road and Murray Valley Highway. Since that day I have continually advocated for safety improvements at the intersection, so imagine my excitement when I heard that the federal government has allocated \$2.16 million in black spot funding to implement the changes I have been lobbying the state government to undertake. The project is to include the removal of the hump in the road and trees along Labuan Road and the installation of upgraded and lighted signage and new rumble strips, amongst other improvements. Recent resurfacing of this portion of Labuan Road has actually made the intersection less safe as the rumble strips have been sealed over and white lines that offer no vibrating warning to motorists have been painted in their place. Locals continue to report near misses as cars career through the intersection and across the highway, so these works must be prioritised. Minister, will you ensure that work on these federally funded safety improvements commences immediately?

### South-Eastern Metropolitan Region

**David LIMBRICK** (South-Eastern Metropolitan) (14:09): (920) My constituency question is for the Minister for Environment in the hope that he can help solve the mystery of the barrels. In November last year a constituent noticed two rusty 50-gallon barrels lying next to the Western Port Highway at Langwarrin. He found another one in May, and I have since found other containers around the same area – it has been growing. We estimate he has found at least 450 litres of potentially toxic liquid in rusty barrels. What followed was an epic tale of bureaucratic indifference and buck-passing. The police directed him to the EPA. He went to the EPA office in January, only to be told that he had to report it online, but then the EPA told him in a response it was a matter for VicRoads and Frankston council. Frankston council has since taken no action. My constituent just wants the buck-passing to stop before this liquid leaks into the environment. My question to the minister is: why won't the EPA ensure somebody takes responsibility for waste found next to a highway?

### Southern Metropolitan Region

**Georgie CROZIER** (Southern Metropolitan) (14:09): (921) My constituency question is for the attention of the Minister for Ambulance Services, and it is in relation to the Ambulance Victoria payroll department. My constituent Peter wrote to me:

My daughter, now a single mum, through no choice of her own, a MICA paramedic, single responder is now \$3,200 out of pocket, because of the inability of the AV payroll department to properly record her shifts and apply the pay rates appropriate to those shifts and the hours of overtime that she has worked?

This situation is not a one-off aberration. It happens repeatedly.

This issue is ongoing for my constituent, who I followed it up with, asking if it had been resolved after he emailed me. The question I ask the minister therefore is: why are paramedics who are working long shifts and overtime being short-changed repeatedly by Ambulance Victoria failing to apply the appropriate rates of pay to which employees are entitled – or is there a real problem with cash flow in Ambulance Victoria, as has been previously reported?

### North-Eastern Metropolitan Region

**Aiv PUGLIELLI** (North-Eastern Metropolitan) (14:10): (922) My question today is to the Minister for Public and Active Transport. The state Labor government, I understand, has an objective – a target – that active transport will make up 25 per cent of all trips being made by Victorians by 2030. In Banyule, in my electorate, currently only 1.1 per cent of residents travel to work by bicycle, and safety is mentioned locally as a key concern. There is a great need for safe, separated bike lanes, for example, to be built across Banyule as well as the joining up of missing links within the network. People want to be able to ride safely and directly to where they need to go. So, Minister, my question is: what are you doing to ensure that residents of Banyule are able to meet that 25 per cent target of all trips being made by Victorians by 2030?

### Western Metropolitan Region

**Trung LUU** (Western Metropolitan) (14:11): (923) This question is directed to the Minister for Public and Active Transport, and it is regarding the lack of parking spots at train stations in the west. Can the minister please update my constituents on whether the Allan government has any plans to implement more parking lots at Werribee, Hoppers Crossing, Wyndham Vale and Tarneit stations. Residents like Muhammad are fed up with the parking situation. Muhammad stated his displeasure with the parking situation, noting that commuters at Hoppers Crossing train station have 50 parking spots for thousands of commuters and then the government wants extortion money for parking. The Department of Transport and Planning and V/Line have directed local governments to fine commuters, when it is their mismanagement that ensures the result of inadequate parking at train stations in the west. Minister: the residents of the west have had enough of being treated like second-class citizens, and I ask: can you deliver adequate parking at train stations in the west?

### Western Victoria Region

**Joe McCRACKEN** (Western Victoria) (14:12): (924) My question is directed to the Minister for Transport Infrastructure. I remember when I was a young lad I used to play with Lego quite a lot. We used to build heaps of interesting things out of it. I probably stopped using it when I was about 10 or 11 years old. I did not realise that the Victorian state government still used Lego to build things, because if you look at the concept designs of the Ballarat railway station, that is exactly what they are using: big, ugly Lego blocks on a beautiful heritage-listed station. It is just absolutely unbelievable. And if you look at the consultation that has been put out, it is not real consultation. They are asking about opinions on plantings or colours; they are not asking about whether the architecture fits in. So my request to the minister is: please review this, because it is totally wrong and not in keeping with the precinct, let alone central Ballarat.



### Northern Metropolitan Region

**Evan MULHOLLAND** (Northern Metropolitan) (14:13): (925) My constituency question is to the Minister for Transport Infrastructure, and it concerns infrastructure in Wallan. Locals were pretty shocked to hear the news recently that Labor has announced new compulsory housing targets which will force the town of Wallan to grow by 300 per cent – almost five times as much growth as the Premier has decided to put in her own electorate. So after already abandoning the ‘80,000 homes in each and every year’ promise, they are now keen to grow my community by 300 per cent. Wallan lacks much of the infrastructure communities take for granted. It does not even have a public pool. It still does not have a diamond interchange. Its potholes are in crisis. So I ask the minister: does the government see an opportunity to provide Wallan with the infrastructure it needs before huge numbers of people move, or will the government continue to take Wallan for granted?

### Eastern Victoria Region

**Melina BATH** (Eastern Victoria) (14:15): (926) My question is for the Minister for Government Services. Out of work due to the closure of the native timber industry, my arborist constituent has found the opportunity to exit JobSeeker payments and become full-time employed again. A very reasonable requirement of that condition is that he complete a working with children check, and despite the fact that he applied for it and was told there was a 12-week backlog, he is still waiting for the department to clear it five months later. Services Australia has informed him that his JobSeeker payments will be terminated because he is no longer looking for work, because he has a job to go to. It is unfathomable in this cost-of-living crisis: we have an unemployed male in Latrobe Valley who wants to work. His case number is 3040548A, and he is desperate to get to work. Will the minister expedite this process and get him off the unemployment statistics in the Latrobe Valley?

### Western Victoria Region

**Bev McARTHUR** (Western Victoria) (14:16): (927) My constituency question is for the Minister for Transport Infrastructure and concerns the Geelong Ring Road extension, the Bellarine link. Before the last budget I asked if the road, announced in 2017, was actually going to happen as Department of Transport and Planning staff had let slip to a constituent that there was no longer a Bellarine link project team and no timelines exist for any further work. The minister’s response is at best cryptic, at worst downright unhelpful. After a couple of paragraphs of irrelevant material he concludes without mentioning the link, simply saying:

The Government is continuing to invest in transport infrastructure to the south of the Barwon River ...

Minister, given your answer, which conspicuously failed to mention the project, and the recent budget’s deafening silence, when will you confirm that the Bellarine link project is now dead?

### Southern Metropolitan Region

**David DAVIS** (Southern Metropolitan) (14:17): (928) My question is for the Minister for Skills and TAFE. It concerns the ongoing militant protests at the University of Melbourne and the information that has come to hand that a hardline group, the Lions Den, a group that is a secular armed resistance group from within Gaza, is behind or is playing a very significant role in the ongoing demonstrations at the University of Melbourne. Extraordinary damage has been caused – attacks to the Baillieu library – and it is extraordinary the weakness of the University of Melbourne and, I might add, the minister in intervening on this. This organisation is listed in the US, but not in Australia, as a terrorist organisation. It is an inspiration, it appears, for some of these thugs, bullies and criminals at the University of Melbourne. I ask: will the Minister for Skills and TAFE now belatedly use her special powers under the University of Melbourne Act 2009 to intervene and restore order, finally?

### Eastern Victoria Region

**Renee HEATH** (Eastern Victoria) (14:18): (929) My question is for the Minister for Planning. Minister, my constituents in Wonthaggi north-east precinct have been traumatised and dismayed by

the government's placement of a retrospective environmental audit overlay across 5000 blocks of land and 500 occupied properties. Since being made aware of this overlay, around 114 properties have undergone preliminary risk screen assessments, and those undertakings have been done at their own expense. Every single one of those 114 properties has been cleared, with no further action required. Minister, will you remove this blight from these properties immediately and provide some certainty to the owners, and will you commit to acting in a similar manner toward any properties that are assessed as not requiring further investigation?

*Petitions*

**Private security**

**Jeff BOURMAN** (Eastern Victoria) presented a petition bearing 77 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that there is a need to change and or amend the Private Security Act 2004, Control of Weapons Act 1990 and Control of Weapons Regulations 2021 to allow unarmed security and crowd controllers access to certain non-lethal weapons and protective clothing, including OC sprays, batons, handcuffs and stab vests. In light of the Bondi Junction mass stabbings in Sydney involving an unarmed security guard being killed alongside six people and an infant and other people being seriously injured, guards should have access to non-lethal weapons and protective clothing to avoid or minimise the loss of life. Acts and regulations need to be changed and amended to allow security guards to receive adequate training and use of these types of equipment as part of CPP20218 Certificate II in Security Operations (Unarmed Guard/Crowd Controller) in Victoria. The certificate should allow guards in high populous settings such as shopping centres, Services Australia offices, festivals and hospitals access to protective clothing and non-lethal weapons in order to be able to safely subdue and arrest an offender if an attack happens in that setting.

**The petitioners therefore request that the Legislative Council call on the Government to amend the Private Security Act 2004, Control of Weapons Act 1990 and Control of Weapons Regulations 2021 to allow unarmed security and crowd controllers access to certain non-lethal weapons and protective clothing.**

**Jeff BOURMAN:** I move:

That the petition be taken into consideration on the next day of meeting.

**Motion agreed to.**

**Public transport fares**

**Katherine COPSEY** (Southern Metropolitan) presented a petition bearing 79 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that public transport fees for international students in Victoria needs to be reduced. Domestic students are eligible for a reduced fare, however, international students including New Zealand citizens have no eligibility to claim a reduced fare and are forced to pay high amounts of money towards public transport just to get to their university daily. Current transport fares in Victoria are \$10 dollars full fare and \$6.60 for concession. This equates to a minimum of \$70 per week solely towards public transport. While there are weekly passes available, students who study full time and work part time do not have monetary means to commit to such a cost. Non-domestic students are put under severe financial strain because of Public Transport Victoria (PTV) rates and fines and are unable to manage the cost even if they wanted to. Additionally, the free tram zone in the Melbourne CBD before the Swanston Street RMIT campus is an area where PTV officers penalise students for riding one stop and not touching on.

**The petitioners therefore request that the Legislative Council call on the Government to initiate a reduction of daily Public Transport Victoria fares for non-domestic students in order for students to be able to consistently pay fares with a higher level of compliance and reduce financial strain while studying in Victoria and extend the Free Tram Zone radius to the University of Melbourne CBD campus so that students can commute to their campus with ease.**

### Frankston roads

**Ann-Marie HERMANS** (South-Eastern Metropolitan) presented a petition bearing 517 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that regular maintenance of VicRoads assets is being ignored across Frankston City, including mowing, weed removal, and graffiti removal.

**The petitioners therefore request that the Legislative Council call on the Government to reinstate regular maintenance of VicRoads assets across Frankston City, and ensure there is money in the State Budget for the VicRoads maintenance budget.**

**Ann-Marie HERMANS:** I move:

That the petition be taken into consideration on the next day of meeting.

**Motion agreed to.**

### Pyrenees Highway

**Wendy LOVELL** (Northern Victoria) presented a petition bearing 144 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council the anger and frustration felt by very large numbers of local residents and users of the Pyrenees Hwy between the Calder Fwy and Castlemaine because of a recent unexpected and unexplained reduction in the speed limit to 50km/h for nearly 7 kilometres before Castlemaine, including a section of nearly 2 kilometres where the speed limit has been reduced from 80kph to 50kph. The concerns and objections of the petitioners include the following.

(1) The introduction of a 50kmh limit does not meet the requirements in almost every respect of the Department of Transport Speed Zoning Technical Guidelines. (2) There was virtually no community consultation by the Department, contrary to Section 2.4 of the Department's Speed Zoning Policy. (3) In 12 years, according to Victorian Road Crash Data, there have been only 2 accidents on that section, with no serious injuries recorded; (4) The new limit is causing alarming and dangerous levels of tail-gating, dangerous overtaking and abusive behavior. (5) Noise has increased, especially use of loud air-brakes by heavy transport trucks supplying Castlemaine. (6) The 50km/h limit causes local people going about their work, business and family responsibilities enormous frustration to drive so slowly for kilometres through national forest and semi-rural properties for no apparent reason. (7) There are already signs of an economic impact on business in Castlemaine and Chewton as many residents of the region, particularly east of Castlemaine, shop elsewhere. (8) It is a cheap – and ineffective – solution to the 700m section of concern as the Pyrenees Hwy enters Castlemaine; (9) It is seriously anomalous – bordering on incomprehensible – in comparison to two other important highways into Castlemaine where the speed limit remains at 60kph through very much denser residential, school and business areas.

The Petitioners therefore request that the Legislative Council call on the Government to immediately reinstate the speed limits in force before the change, but also to introduce sensible safety measures for pedestrians in the short section of the Hwy leading into Castlemaine.

**Wendy LOVELL:** I move:

That the petition be taken into consideration on the next day of meeting.

**Motion agreed to.**

### Police resources

**Joe McCracken** (Western Victoria) presented a petition bearing 1982 signatures:

The Petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that one-person police stations provide assurance for the regional communities they serve. Not having to travel to attend larger busy stations to engage with police is important for small, often remote communities. These communities need peace of mind and to feel safe and secure in their homes. Clause 184.8 of the Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019 currently states one-person station employees can only be rostered away from their response zone in emergencies or critical situations and only if the employee's area does not suffer in terms of provision of service to his or her local community. Victoria Police has lodged claims with the union that would amend

clause 184, increase the mobility for deployment and rostering of one-person station employees. If successful, employees from 98 one-person stations in small towns across Victoria may be forced from their posts and rostered out to larger regional centres and cities, which would undermine the security of rural communities. With more than 800 police vacancies in Victoria, closing these stations cannot be the solution.

The petitioners therefore request that the Legislative Council call on the Government and Victoria Police to guarantee that no amendments are made to the Victoria Police (Police Officers, Protective Services Officers, Police Reservists and Police Recruits) Enterprise Agreement 2019 to remove employees from one-person police stations which would put community safety at risk.

**Joe McCRACKEN:** I move:

That the petition be taken into consideration on the next day of meeting.

**Motion agreed to.**

### **Middle East conflict**

**Samantha RATNAM** (Northern Metropolitan) presented a petition bearing 242 signatures:

The petition of certain citizens of the State of Victoria draws to the attention of the Legislative Council that the Victorian Labor Government formed a partnership with Elbit Systems, Israel's largest weapons manufacturer, in January 2021; signed a memorandum of understanding with the Israel Ministry of Defense in December 2022; and that leaders of the Victorian Labor Government in both Houses moved resolutions on 17 October 2023 declaring that it "stands with Israel and recognises its inherent right to defend itself" without any reference to international law or restraints on civilian casualties. Since these actions, the Israeli military has killed or wounded over 100,000 Palestinians and maintained a siege on Gaza, leading to an impending famine of nearly all 2.3 million Palestinians, according to the UN. The International Court of Justice made an interim finding that there is a plausible case for genocide of the Palestinian people by Israel. The UN has affirmed that all states that have acceded to the Genocide Convention have a responsibility to prevent genocide; as a signatory, Australia has clear obligations. The Victorian Government's partnership with Elbit Systems, which manufactured the drone that murdered Zomi Frankcom, risks implicating Victoria in the crime of genocide.

**The petitioners therefore request the Legislative Council call on the Government to end its partnership with Elbit Systems and its memorandum of understanding with Israel's Ministry of Defense, and support an immediate embargo on military trade from Victoria to Israel.**

**Georgie Crozier:** On a point of order, President, earlier this year I tabled petition 508 in relation to the payroll tax contract provisions. I received a response to my petition from the Treasurer on 18 March, where he says, amongst other things:

The Government acknowledges the integral role played by doctors and healthcare service providers in supporting the health and wellbeing of our community. However, the Government also remains committed in upholding fair and equitable taxation treatment for businesses across all sectors of the economy and is therefore not able to support the petition request to exempt contractor doctors from payroll tax.

Given that there has been a backflip by government on this very issue, I am wondering if the Treasurer can provide an updated written response to my petition.

**The PRESIDENT:** I cannot ask the minister to do that.

### ***Papers***

#### **Guidelines for the Classification of Computer Games 2023**

**Harriet SHING** (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:24): I move, by leave:

That the Guidelines for the Classification of Computer Games 2023 be tabled.

**Motion agreed to.**

*Committees***Scrutiny of Acts and Regulations Committee***Alert Digest No. 8*

**Sonja TERPSTRA** (North-Eastern Metropolitan) (14:25): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table *Alert Digest* No. 8 of 2024, including appendices, from the Scrutiny of Acts and Regulations Committee. I move:

That the report be published.

**Motion agreed to.**

**Public Accounts and Estimates Committee***Independent Performance Audit of the Auditor-General and the Victorian Auditor-General's Office  
2024: Budget Variation*

**Nick McGOWAN** (North-Eastern Metropolitan) (14:25): Pursuant to section 35 of the Parliamentary Committees Act 2003, I table a report on the independent performance audit of the Auditor-General and the Victorian Auditor-General's Office 2024, budget variation, from the Public Accounts and Estimates Committee. I move:

That the report be published.

**Motion agreed to.**

**Nick McGOWAN:** I move:

That the Council take note of this voluminous report.

**The PRESIDENT:** Mr McGowan, did you want to speak on it?

**Nick McGOWAN:** Did I want to say something further?

**The PRESIDENT:** Yes. If you want to speak on the report, you are free to now.

**Nick McGOWAN:** No. I think my reference to its voluminousness, at three pages, is probably sufficient.

**The PRESIDENT:** Okay. Thank you.

**Motion agreed to.**

*Papers***Papers****Tabled by Clerk:**

Crown Land (Reserves) Act 1978 – Order of 13 June 2024 giving approval to the granting of a licence at Euroa I49 Bushland Reserve.

Interpretation of Legislation Act 1984 – Notice under section 32(3)(a)(iii) in relation to EPA Designation – Classification of black coal fly ash (*Gazette G23, 6 June 2024*).

Planning and Environment Act 1987 – Notices of approval of the –

Bayside Planning Scheme – Amendments C186 and C198.

Brimbank Planning Scheme – Amendment C240.

Frankston Planning Scheme – Amendment C152.

Greater Bendigo Planning Scheme – Amendment C242.

Kingston Planning Scheme – Amendment C222.

Latrobe Planning Scheme – Amendment C136.

## PETITIONS

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Macedon Ranges Planning Scheme – Amendment C153.  
Melbourne Planning Scheme – Amendments C401 and C470.  
Monash Planning Scheme – Amendment C167.  
Moorabool Planning Scheme – Amendment C104.  
Mornington Peninsula Planning Scheme – Amendment C300.  
Stonnington Planning Scheme – Amendment C324.

Statutory Rules under the following Acts of Parliament –

Drugs, Poisons and Controlled Substances Act 1981 – No. 41.  
Public Health and Wellbeing Act 2008 – No. 46.  
Road Safety Act 1986 – No. 43.  
Service Victoria Act 2018 – No. 38.  
Subordinate Legislation Act 1994 – Nos. 37 and 40.  
Transfer of Land Act 1958 – No. 39.  
Victoria Police Act 2013 – No. 42.  
Water Act 1989 – No. 44.  
Wildlife Act 1975 – No. 45.

Subordinate Legislation Act 1994 –

Documents under section 15 in relation to Statutory Rule Nos. 32, 37, 39, 41, 42, 43, 44 and 46.

Legislative instruments and related documents under section 16B in respect of the Environment Protection Act 2017 –

EPA Designation – Classification of black coal fly ash.  
EPA Determination – Development licence exemption for black coal fly ash.  
EPA Determination – Permit exemption for black coal fly ash.  
EPA Determination – Registration exemption for black coal fly ash.

Trust for Nature (Victoria) – Report, 2022–23.

Proclamations of the Governor in Council fixing operative dates in respect of the following Acts were laid on the Table by the Clerk:

Land (Revocation of Reservation) Act 2024 – Whole Act (other than Part 3) – 1 June 2024 (*Gazette S274, 28 May 2024*).

Service Victoria Amendment Act 2024 – Whole Act – 29 May 2024 (*Gazette S275, 28 May 2024*).

### *Petitions*

#### **Short-stay accommodation**

##### *Response*

**The Clerk:** I have received the following paper for presentation to the house pursuant to standing orders: the Minister for Consumer Affairs's response to the petition titled 'Give owners corporations more control over short-term accommodation', presented by Ms Crozier.

#### **Heathcote secondary school**

##### *Response*

**The Clerk:** I have received the following paper for presentation to the house pursuant to standing orders: the Minister for Education's response to a petition titled 'Build a secondary school in Heathcote', presented by Mrs Broad.

### Wild horse control

#### *Response*

**The Clerk:** I have received the following paper for presentation to the house pursuant to standing orders: the Minister for Environment's response to the petition titled 'Financial support for brumby re-homers', presented by Mrs McArthur.

### Gender services

#### *Response*

**The Clerk:** I have received the following paper for presentation to the house pursuant to standing orders: the Minister for Health's response to the petition titled 'Inquiry into gender identity services for young people', presented by Mrs McArthur.

### *Production of documents*

#### Commonwealth Games

**The Clerk:** I present a letter from the Attorney-General, dated 30 May 2024, in response to a resolution of the Council on 1 May 2024 on the motion of Mr Limbrick relating to the 2026 Commonwealth Games bid. The letter states that the government has identified 353 documents within the scope of the order. A claim of executive privilege has been made over 350 documents in full and three documents in part. I further table a schedule of the 353 documents identified.

#### Energy policy

**The Clerk:** I further table a letter from the Attorney-General, dated 14 June 2024, in response to a resolution of the Council on 29 May 2024 on the motion of Mr Davis relating to the *Future Gas Strategy*. The letter states that the date for the production of documents does not allow sufficient time for the government to respond and the government will endeavour to provide a final response to the order as soon as possible.

#### Health services

**The Clerk:** Finally, I table a letter from the Attorney-General, dated 14 June 2024, in response to a resolution of the Council on 29 May 2024 on the motion of Ms Crozier relating to the amalgamations of Victoria's health services. The letter states that the date for the production of documents does not allow sufficient time to respond and that the government will endeavour to provide a final response to the order as soon as possible.

**David Davis:** On a point of order, President, with respect to the letter on the *Future Gas Strategy*, and I understand that the government has not had time to process that in full, respectfully I ask: on what date would we expect a response?

**The PRESIDENT:** That is not a point of order, Mr Davis.

**David Limbrick:** On a point of order, President, regarding the letter dated 30 May 2024 from the Attorney-General, it is my understanding that, under standing order 10.03, for any claim of executive privilege the documents must be provided to the Clerk, and therefore it is my belief that the government is in contravention of standing orders.

**Lee Tarlamis:** On the point of order, President, Mr Limbrick knows that this is not a point of order. If he has an issue with the tabled documents, he can raise it as a substantive motion, consistent with your ruling in the previous sitting week when Mr Davis tried something very similar.

**The PRESIDENT:** Mr Limbrick is correct as far as that interpretation of that standing order goes, but it is not in my remit to make what you are seeking occur. It will be a decision of the house, so I might ask the clerks to have a conversation with you about how you may be able to move that forward, similar to what Mr Tarlamis is saying, via a substantive motion.

**David Davis:** Further on the point of order, President, I understand that you can make a statement about whether the government is in order or not. You may not be able to direct them to comply with the standing order, but you could indicate that they have stepped outside the requirements of that order.

**The PRESIDENT:** Mr Davis, that is not my understanding, but as always, I do not pretend to understand everything that is within the standing orders. I will take that on notice.

**Sarah Mansfield:** On a point of order, President, regarding the documents motion that this house agreed to on 15 May, a response was due, and we have not received that. It was the documents motion regarding Elbit Systems.

**The PRESIDENT:** I ask the minister if that can be followed up.

**Harriet Shing:** Thanks, Dr Mansfield. I am really happy to follow that one up for you.

### *Business of the house*

#### **Victorian Auditor-General's Office**

##### *Performance audit*

**The PRESIDENT (14:32):** I have received a message from the Assembly:

The Legislative Assembly has agreed to the following resolution –

That a budget variation of an additional \$30,000 (excluding GST) be approved for MartinJenkins to deliver the performance audit of the Auditor-General and the Victorian Auditor-General's Office by the end of July 2024

which is presented for the agreement of the Legislative Council.

**Harriet SHING (Eastern Victoria – Minister for Housing, Minister for Water, Minister for Equality) (14:33):** I move, by leave:

That the message be taken into consideration forthwith.

#### **Motion agreed to.**

**Harriet SHING:** I move:

That the Council agrees with the Assembly and resolves that a budget variation be approved for MartinJenkins to deliver the performance audit of the Auditor-General and the Victorian Auditor-General's Office by the end of July 2024.

#### **Motion agreed to.**

### **Notices**

#### **Notice of motion given.**

**The PRESIDENT:** Before I call for the next notice of motion, I acknowledge a former member of this chamber, Jenny Mikakos, in the gallery.

#### **Further notices given.**

### **General business**

**Georgie CROZIER (Southern Metropolitan) (14:50):** I move, by leave:

That the following general business take precedence on Wednesday 19 June 2024:

- (1) notice of motion given this day by Dr Mansfield referring matters relating to the flood planning decisions at Kensington Banks and Rivervue estates to the Ombudsman;
- (2) notice of motion given this day by Dr Mansfield referring matters relating to Victoria's oil and gas infrastructure to the Environment and Planning Committee;
- (3) notice of motion given this day by Mr Davis establishing a select committee on trade union intimidation;



## MOTIONS

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- (4) notice of motion given this day by Mr Mulholland referring the VMIA's management of domestic building insurance claims to the Ombudsman; and
- (5) notice of motion given this day by Mr Davis on energy failures.

**Motion agreed to.**

### *Motions*

#### **Middle East conflict**

**Katherine COPSEY** (Southern Metropolitan) (14:51): I move, by leave:

That this house:

- (1) notes that the Human Rights Council (HRC):
  - (a) is the intergovernmental body within the United Nations system responsible for strengthening the promotion and protection of human rights and for addressing human rights violations;
  - (b) responds to human rights emergencies and makes recommendations on how to better implement human rights on the ground;
  - (c) on 27 May 2021 decided to 'urgently establish an ongoing, independent, international commission of inquiry to investigate, in the occupied Palestinian territory, including East Jerusalem, and in Israel, all alleged violations of international humanitarian law and abuses of international human rights law leading up and since 13 April 2021' and further requested the commission of inquiry (COI) 'investigate all underlying root causes of recurrent tensions, instability and protraction of conflict, including systematic discrimination and repression based on national, ethnic, racial or religious identity';
- (2) further notes that in March 2024, the HRC passed two resolutions requesting the COI present reports on:
  - (a) settlers and settler groups involved in acts of terror, violence or intimidation against Palestinian civilians and the actions taken by Israel and third states to ensure accountability for international law violations;
  - (b) the transfer or sale of arms, munitions, parts, components and dual-use items to Israel, including those used during the Israeli military operation in Gaza since 7 October 2023, and analyse legal consequences of these transfers;
- (3) does not support the state of Israel's continued invasion of Gaza; and
- (4) supports calls for an immediate and permanent ceasefire.

**Leave refused.**

**David DAVIS** (Southern Metropolitan) (14:53): I move, by leave:

That this house:

- (1) notes the Hamas terrorist organisation attack on southern Israel on 7 October 2023 and the killings, rapes and destruction perpetrated by Hamas;
- (2) further notes that according to Agence France-Presse up to 116 hostages still remain in Gaza held by Hamas, some known to be alive, who have now been held for 255 days, and some dead; and
- (3) calls on Hamas to immediately release all hostages.

**Leave refused.**

### *Members statements*

#### ***A Symphony of Survival: Remembering the Vocal Orchestra***

**John BERGER** (Southern Metropolitan) (14:53): If you will indulge me, I have three matters to raise quickly today. First, last Friday I had the pleasure to visit the Shrine of Remembrance to represent my good friend the Minister for Veterans at the Symphony of Survival, a service dedicated to the women's vocal orchestra that was formed in the prisoner-of-war camps, the nurses camps, in Sumatra to lift the spirits of those in the awful conditions they experienced.

It was an awesome event, and I want to thank the team, in particular Liz Allwood, Emily Malone and the KeyTones Choir, and Dr Elizabeth Lavender for their work.

### **Adult and Community Education Victoria**

**John BERGER** (Southern Metropolitan) (14:54): On my second matter, last Friday I attended the Swinburne University in the electorate of Hawthorn, a community that I know dearly misses their former hardworking member of Parliament John Kennedy. I saw John last night, and I can tell you he is in good spirits. At Swinburne I attended Adult and Community Education Victoria's conference. They had a jam-packed day agenda full of guest speakers and inspirational speakers, and I thank Minister Tierney for the invitation.

### **Southern Metropolitan Region housing**

**John BERGER** (Southern Metropolitan) (14:54): Finally, I attended a briefing from Homes Victoria about our big build, in particular the upgrade we are bringing to Essex Street in Prahran and Simmons Street in South Yarra, with a plan for a 30 per cent uplift in social homes. There has never been a better time to move to Southern Metro.

### **World War I commemoration**

**Bev McARTHUR** (Western Victoria) (14:45): Surrounded by thousands of pristine white identical headstones in immaculately tended war grave cemeteries, I was struck by the tragic loss of life that was the Western Front in World War I – so many lives marked as 'Unknown soldier', so many more still lying beneath the cultivated fields, entire villages completely obliterated, young lives never realised. The world was changed forever. But to the eternal credit of former Prime Minister the Honourable Tony Abbott and his chief of staff Peta Credlin, an incredible interactive monument, the Sir John Monash Centre, has emerged and now provides an invaluable reminder of the unbearable battlefield existence.

I was privileged to travel recently with Tony and Peta and other passionate war history aficionados to the French and Belgian battlegrounds. Tony, as former PM, and my husband Stewart, whose father, a former President of this chamber, lost his leg at Menin Road, were both given the honour of laying a wreath at Menin Gate in the moving Last Post ceremony, held daily for the last 70 years. The respect shown by French and Belgian locals was notable, especially to Australian soldiers who gave their lives – that freedom and democracy could prevail over dictatorship and tyranny. Lest we forget.

### **Greyhound racing**

**Katherine COPSEY** (Southern Metropolitan) (14:56): I rise to speak on the ongoing tragedy of greyhound deaths and injuries in Victoria. As we approach midyear it is a sorry and painful task to outline the casualty rate of the cruel and exploitative greyhound racing industry. Shamefully yet again we see that Victoria is by far the most lethal state for greyhounds. The Coalition for the Protection of Greyhounds collates death and injury data from publicly released stewards reports. To date for 2024, 56 greyhounds have died from on-track injuries across Australia. By a large margin Victoria shamefully has the highest death toll, at 21 dogs, nearly three times more than New South Wales, which has eight. Whilst stewards reports reveal the large numbers of greyhounds that die on racetracks, we know many more dogs are killed away from the tracks after being injured. 1339 greyhounds suffered on-track injuries in Victoria, 248 of those major injuries.

The Victorian Animal Care and Protection Bill, which will replace the current Prevention of Cruelty to Animals Act 1986, presents an opportunity to resolve the current disgraceful situation whereby greyhounds in the racing industry are effectively exempted from the mandatory cruelty protections that other dogs receive. A life of misery in the name of entertainment is not acceptable, and it is time to make the racing industry treat greyhounds as well as you or I would.

### Brunswick Kindergarten

**Sheena WATT** (Northern Metropolitan) (14:58): The test of time is always an important one, and I am very glad to report to this place that Brunswick Kindergarten has withstood it as it has just celebrated its 100th birthday. The festivities had all the children dressing up as 100-year-olds, which was such a bunch of fun. The Brunswick community has been lucky enough to have this kindergarten now for over a century, and I hope to see it remain there for many more years. It is places like the Brunswick Kindergarten that help form the bonds of community, where lifelong friendships and crucial learning take place. The kindergarten atmosphere that surrounds Brunswick Kinder really cements it as a cornerstone of the local community, and I can very safely say that without it the Brunswick community just would not be the same.

The Allan Labor government knows just how important our kinders are, which is why we are building kinders next to primary schools right around the state to tackle the dreaded double drop-offs. It is true to say that it really does take a village, and there is no better place for kids to learn and grow than at our kinders here in our brilliant state.

### Health services

**Georgie CROZIER** (Southern Metropolitan) (14:59): On Saturday I attended a rally attended by thousands in Mansfield. It was a rally organised by local GPs, who are really concerned about the government's plans to amalgamate rural and regional health services. This rally, which was organised by Dr Graham Slaney, Dr Ben Nally, Dr Will Twycross and others, had the support of Sarah Lieber, a nurse unit manager from Mansfield District Health; Peter Howarth, who is a former health administrator, board president and life governor; and many others from the community who came together and collectively said, 'Hands off our hospital.' It was such a powerful force, given the speeches by the GPs, the doctors and the nurses who were there talking about their hospital – what it means to their community.

As they know, as I know and as others know right across this state, when these hospital amalgamations happen – because the government is starving hospitals of their funding, and CEOs are telling me they have had 33 per cent cuts to their funding – the government says it is going back to pre-COVID levels, but it has not factored in the increase in costs and wages since that time and so much more. This was a superb show of community force against the Labor government's plans to amalgamate our hospitals. I stand with them: hands off our hospitals. All those rural and regional communities will have a loss of services – (*Time expired*)

### Arcadia Native Fish Hatchery

**Rikkie-Lee TYRRELL** (Northern Victoria) (15:00): On Thursday 6 June I had the pleasure of having a private tour of the Arcadia Native Fish Hatchery, in which the Victorian government has invested \$7 million towards breeding and releasing 1.6 million native fish back into our waterways this year alone, with a further \$10 million for the development and expansion of the site's production to release 6 million fish a year. I use the term 'invested' confidently, as the facility is being managed by passionate and highly qualified professionals who are dedicated to breeding and releasing millions of native fish, predominantly golden perch and Murray cod, back into our Victorian waterways each year.

The Victorian Fisheries Authority has repurposed an old dairy farm and its existing buildings into a family-friendly and accessible recreational and educational facility. The facility also boasts 20 production ponds, a large free public fishing pond, a playground, barbecues and a high-tech breeding and hatchery facility that is kept with the utmost biosecurity measures and efficiency. I was impressed by the overall cleanliness of the entire facility and shared the staff's excitement about the upcoming breeding season and future development of the site. I would like to thank Ryan for the thorough tour and answering the overwhelming amount of questions I had for him.

**Community safety**

**David DAVIS** (Southern Metropolitan) (15:02): I want to draw the attention of the house to the indulgent weakness of Labor and the universities in tackling antisemitism on campuses and the ongoing issues that we are facing. I also want to draw attention to the failure of the Minister for Skills and TAFE Gayle Tierney to deal with this, as she has clearly got the power to do under the University of Melbourne Act 2009, the Monash University Act 2009 and all of the individual university acts that she is the responsible authority for.

We have seen now, today even, the Lions' Den group, a listed terrorist group in the United States but not listed in Australia – and I think it is urgent that that group be listed in Australia as a terrorist group. Arin al-Usud is the name of it, as I understand it – a secular, armed resistance group, a nasty group, that is actually pulling strings inside many of these demonstrations. It is leading people in certain directions. It has clear political motives, which are much broader than the motives of many in our campuses here, but it is regarded by many as an inspiration for participants. It is an extremist organisation, and it has been behind many of the attacks and much of the damage – for example, at the Baillieu Library at the University of Melbourne. But the weakness of our governments, the weakness of our universities and the weakness of our minister have been behind the growth in antisemitism. (*Time expired*)

**Bow hunting**

**Georgie PURCELL** (Northern Victoria) (15:03): Last year two of my staff visited a constituent who called my electorate office in Woodend. She had discovered a pair of dead kangaroos near her property, including one with a live joey in their pouch. The mother and sister were shot illegally with a bow and arrow and left to die, so the wildlife carer took the joey and named them Beau. Last week I visited the carers at East Trentham Wildlife Shelter, where I was reunited with Beau, who thanks to dedicated volunteers is all grown up and soon to be released back into the wild.

The issue is that bow hunters do not need a permit to hunt on private land for non-native species, and clearly kangaroos, just like Beau, are a native species. However, there is simply no way to monitor and track when these animals are illegally shot, which is a big, big part of the problem. Compound bows and arrows are deadly weapons that are freely available, where no other weapon in this state is. South Australia is moving to regulate their use and to eventually ban them, and Victoria should do the same. At the very least, arrows should be barcoded so it is possible to know who is shooting these animals – just like Beau, his mum and his sister – so that our native wildlife cannot be killed at random without consequence. We will continue to advocate just for that.

**Anita and Yuckling**

**Renee HEATH** (Eastern Victoria) (15:05): In my teens I met two incredible women who became my ultimate role models. Their names are Anita and Yuckling. They were 22 years old when the banks of a river broke, leaving thousands orphaned. They rescued children who were alone, sick and dying. They searched for their families, and when their family was found dead they became their family. I stayed with them in their home in Asia with 26 kids, all loved and cared for. It has now been a year since Yuckling passed away, and I would love to honour her in this house today. She was a hero. In any situation she could laugh. She was unassuming, lighthearted, beautiful and courageous. Once I asked her about her chronic shoulder pain, and I was not ready for what she told me. She said although many children were rescued, many were not. Those children, mostly babies with no families, were left on the streets after this major disaster, dead. She would pick them up and carry them home and give them the dignity of a proper burial. She often walked for hours. It was so cold that the longer she walked, the colder the babies would be resting on her shoulder, and that is when her pain started. This was a constant memorial of the little lives lost. She showed me the beauty of love, grit and sacrifice, and that fighting for others might sometimes hurt but it will give you a life that is full and worth living. She showed me that often the more pain, the more beautiful the person. Anita and Yuckling really did change the world. They smashed boundaries, and they did it all for others. My thoughts are with Anita

on the loss of her beautiful friend. As for Yuckling, if there is somebody who really does belong in heaven, it is her, because she saved so many others from a life in hell. Yuckling, may you rest in peace.

### **Community safety**

**Samantha RATNAM** (Northern Metropolitan) (15:07): Since the invasion of Gaza began thousands of people across Australia have been joining with others calling for peace and liberation for Palestinians. These calls have been at marches, rallies, public meetings and every space that people can urge decision-makers to act. The community is asking for our governments to take action, stop dealing with arms manufacturers, end agreements with Israel's defence ministry, use diplomatic sanctions and recognise Palestine as a state. Despite these clear calls from the community, Labor governments across the country are failing to act.

It is not surprising Labor and Liberal MPs are now facing backlash from communities. These communities have seen through the hollow promises and empty rhetoric and are rightly dismayed and feeling betrayed. Multicultural communities are finding their voice and their power. We have heard their anguish and felt their grief. Standing by the community in their time of greatest need is what allies do, and there are thousands of progressive, compassionate allies joining with the Palestinian community in this movement for peace.

But instead of responding to these communities, Labor is attacking people who are calling for peaceful intervention. By blaming those who dare to speak up for peace, Labor is creating division. Labor has become disconnected from multicultural communities, and because they are feeling uncomfortable as they lose support, they think the community is the problem instead of acknowledging that, in truth, they may be the problem. When politicians stop listening to people and start blaming them instead, trust in our leaders diminishes. If there is a threat to social cohesion right now, it rests with those in power who refuse to hear this global plea for peace.

### **Whitehorse Business Group**

**Richard WELCH** (North-Eastern Metropolitan) (15:09): I was honoured and pleased to support and attend the Whitehorse Business Group networking dinner at the Puss & Mew distillery in Nunawading earlier this month. Thank you to Jacky and Drea and the group's board for organising such an amazing event. The Whitehorse Business Group is an independent, not-for-profit organisation committed to helping businesses in our local community learn and grow through networking and professional development. The group also advocates on behalf of the business community and helps them connect with their council representatives.

Businesses in my local communities of Box Hill, Glen Waverley and elsewhere are doing it tough, and to them I say I understand that navigating regulatory requirements, balancing cash flow, maintaining a robust supply chain and executing plans at the right moment are all difficult challenges in this environment. As your representative and someone who has stood in your shoes, I am advocating for policies that reduce red tape and provide financial relief and other support programs tailored to the unique needs of local business and wherever possible simply make government get out of your way. I will work tirelessly to ensure that your voices are heard and that practical solutions are implemented to help your businesses thrive. I look forward to attending many more Whitehorse Business Group events and working with their members to help support local business.

### **Main Street, Rutherglen**

**Wendy LOVELL** (Northern Victoria) (15:11): I have in my possession a petition with 876 signatures collected by certain citizens of Rutherglen calling on the Minister for Roads and Road Safety to ensure that the balance of the \$2 million put aside in 2016 to investigate heavy vehicle transiting Rutherglen is allocated to best practice traffic-calming measures in Main Street. Following the scrapping of the Rutherglen bypass project in the federal infrastructure review, the community has once again become concerned about the amount of traffic that passes through their Main Street. This has been exacerbated by two serious accidents in recent weeks, one of which resulted in a fatality.

Unfortunately, the petition cannot be tabled, as it is not in the correct format, so I will deliver it to the minister's office. I ask that the minister immediately respond to the petitioners' request for best practice traffic-calming measures, including signalised pedestrian crossings near their newsagent and post office and wombat crossings at each end of town, as well as the release of the Rutherglen origin and destination study.

### **Albury Wodonga Health**

**Wendy LOVELL** (Northern Victoria) (15:12): On 6 March this year I moved a motion for the government to produce documents related to the Albury Wodonga Health redevelopment. It is now 15 weeks since the motion was passed in Parliament and 12 weeks since the due date for the documents to be produced, and the government has still not delivered anything. Why is the Labor government hiding these documents? Why don't they want the people of Albury–Wodonga to know? *(Time expired)*

### ***Business of the house***

#### **Notices of motion**

**Sheena WATT** (Northern Metropolitan) (15:12): I move:

That the consideration of notices of motion, government business, 278 to 452, be postponed until later this day.

**Motion agreed to.**

### ***Bills***

#### **Local Government Amendment (Governance and Integrity) Bill 2024**

#### ***Second reading***

#### **Debate resumed on motion of Lizzie Blandthorn:**

That the bill be now read a second time.

**David DAVIS** (Southern Metropolitan) (15:13): I am pleased to rise and make a contribution to this bill, the precise title being the Local Government Amendment (Governance and Integrity) Bill 2024. It is a bill that does many things, and I want to start by indicating that the opposition will not oppose this bill. We have some severe reservations about it, and I retain the right to change that position if we do not get satisfactory circulation of amendments, but the government has indicated that there will be house amendments here in the chamber. Those amendments will seek to make some significant modifications to the bill. We are pleased with those amendments. It does not mean we like the bill overall. They are improvements to the bill from where it is, and my colleague Peter Walsh in the other place has certainly worked with the government to improve aspects of the bill.

I want to say at the start that we think there should be a proper focus on standards for local government councillors. Local government is an important area of democratic activity. Councillors are elected by their local community, and they by and large have the support of most of us. There are councillors who go off beam from time to time, and we have seen that through some of the IBAC reports, a series of council sackings – this government seems to be making it a habit to sack councils almost every second week – and the inordinate, I think, use of monitors.

**Enver Erdogan** interjected.

**David DAVIS:** It is pretty regular now, isn't it? How many have you introduced? Have you brought those bills forward? No. There has been a flurry of them. Traditionally it was a very rare and unusual event that a council would be sacked by this Parliament, but now it is not a rare and unusual event. It is not quite commonplace but it is an all-too-common event for a council to be sacked by this Parliament. The minister seems to not have in place a proper regime which supports councillors on the one hand but guarantees better outcomes on the other. The minister has also got massive powers,

powers that have been broadened repeatedly over recent years, to appoint monitors. And the minister has again and again appointed monitors at council and ratepayer expense to a series of councils, with the beady eyes and the peering view of the monitors breathing down their necks on every step of their journey as councillors.

I hasten to add – and I remember when the bill went through that put monitors in place initially – I was very sceptical and very nervous, and people can go back and read what I said at the time. I was suspicious and not trusting of these monitors. I can understand that there are occasions when it is an appropriate way, I can understand that some monitors will do very good work and I can understand that there are occasions when councils have gone off the rails and a monitor might be the appropriate way to go forward. However, I can also understand examples where monitors are put there as spies of the government, where they breathe down the neck of councillors and council officers as well, and I can understand cases when the chief municipal inspector is not a person to be fully trusted. I put it on the record now that I have always been doubtful about that role, and from my earliest contribution when the chief municipal inspector was elevated to head honcho – not just a person over to the side but suddenly with an influential role on other inspectors and so forth – I have always indicated that there are deep concerns about the potential misuse of that role.

We are concerned, many are concerned, that the government will use this set of powers in this bill – the new powers, the new authority that comes with this bill – to politically intervene in councils. Given this government's tawdry performance on integrity, we think there is a significant prospect that these appointments of municipal inspectors and the process associated with them will see the Minister for Local Government with huge powers, able to make these appointments, able to do this – I will not say 'willy-nilly', because it is actually not willy-nilly but in a more sinister way – in a very targeted way through a very refined use of these special powers to shoot, figuratively, political opponents at council level, whether they be Liberals, Nationals, Greens or independents. I do not think we are going to see as many of these appointments made to oversight and control Labor councillors and the machinery that is put in this to drag in and lay down a whole set of points.

It might be appropriate now for me to talk about the Local Government Act and the changes that are being made here. It:

provides for ongoing mandatory training for Councillors and Mayors –

and I am reading here from the *Alert Digest* on the Local Government Amendment (Governance and Integrity) Bill 2024 –

improves the Councillor conduct framework and clarifies the responsibilities of Councillors;

provides for the suspension and disqualification of individual Councillors ...

and this is the bit that makes us very, very, very nervous about the misuse of these powers. We want clean local government, we want strong oversight, but at the same time few of us have confidence that the Labor Minister for Local Government will apply these matters appropriately. It:

provides further powers to the Chief Municipal Inspector ...

the same municipal inspector I have just been referring to, which I traditionally have not had overwhelming confidence in. And it:

makes miscellaneous and consequential amendments to various Acts.

Again, I am reading from the *Alert Digest*, and I want to draw the chamber's attention to some of the points that were raised by the Scrutiny of Acts and Regulations Committee (SARC) on this matter. One of the first points that they raise is the issue of the removal of appeals to VCAT. This has a series of comments, and I invite people in the chamber and elsewhere to note these points. We have not seen the amendments that have been negotiated by the shadow minister Peter Walsh and the minister. We have a promise that they will be circulated in the chamber very shortly. I have just said to the minister at the table that we are supportive of those amendments in theory, but I am not quite as trusting as to

support amendments unseen. None of us have seen them. We want to see them, and I do not know why the government is dragging its feet on circulating these amendments in a reasonable way.

*Members interjecting.*

**David DAVIS:** No, I am making a fair point, I think. Let us see them. Let us see the substance of them. Let us make some decisions on the substance of them once we have actually seen them and read them carefully. Please, Minister, bring them forward. I know you are doing your best and I know you are the minister at the table but not the minister responsible, so you have got to wind the machinery to get the government bureaucrats to bring forward the proposed amendments. But SARC makes some very clear comments about this and the issues around client legal privilege that are part of these matters, and SARC has written to the Minister for Local Government to seek some clarity on a number of these issues. We are also very concerned that the arbitrary decision that can be made by the minister – you know, ‘We are going to go after this councillor, we are going to shoot, figuratively, and knock them out’. This could happen right near a council election, for example. It could happen –

**Sonja Terpstra:** You’re missing the point.

**David DAVIS:** No. That is why Peter Walsh and the opposition have sought changes in the bill. That is why we have sought changes. We have said that the Parliament should be able to see those issues and should be able to disallow them. A disallowance provision has been negotiated. Again, sight unseen – we are waiting with bated breath for the minister to crank the machinery and get the bureaucrats working. Bureaucrats in the department, can we please see the proposed amendments? You are dragging this out. We think, in good faith, you should be placing those amendments before the chamber forthwith. I am happy to provide leave, as the chamber would be, for the circulation of those amendments at any point.

I note the negotiation of a disallowance provision which would allow either house to disallow the actions of a minister in taking an extreme or unwarranted step, and we say that is a significant improvement. I pay tribute to the work of Peter Walsh on this, negotiating some significant improvements to a bill that we do not much like. We like the intent of the bill – to clean up councils – we just think that there is a lot of woolly thinking in the bill. Nobody thinks, for example –

**Sonja Terpstra** interjected.

**David DAVIS:** Do you think the re-education mode that is proposed here is really going to solve this?

**Sonja Terpstra:** Yes.

**David DAVIS:** Oh, well, good luck to you. I am more sceptical. You go along for a couple of weeks here or a day here and an hour there – is that actually going to change the behaviour of a poor councillor?

**Sonja Terpstra:** Yes.

**David DAVIS:** I am more sceptical; you are more hopeful. That is one side of it. A councillor who is targeted unfairly by a minister – by a powerful Labor minister who has a vested interest in misbehaving – might well be drawn over the coals inappropriately. At least the chamber will now have a capacity to disallow some of those actions. We think that that is an improvement and a better bit of oversight. Whilst we agree with higher standards in local government – we agree that local government is a place that is elected democratically and is accountable, and it should be accountable to its electorate; that is, the municipality from which the elections occur – at the same time we are sceptical and cautious in our views about how the Labor Minister for Local Government will apply some of these points.



I draw the chamber's attention to the reservations expressed by SARC, and I would request, after we have finally seen the amendments, that in committee the minister might address the SARC points. I will put on notice here –

**Sonja Terpstra** interjected.

**David DAVIS:** No, no, you will be interested to hear as well. The minister, on the parliamentary record, should address the matters that SARC raised and some of the concerns that were raised. The client legal privilege issue is a real one, and I think there is a useful list for those who have a look at the SARC report. The committee certainly has written to the minister, and I will, as I say, raise these matters in the relevant section of the committee stage.

Just to return to the bill, it is said that it will enhance the powers of municipal monitors and inspectors, and it certainly does give them more powers: it enables the suspension and disqualification of councillors, it changes the councillor conduct framework and it adds new procedures for misconduct applications. We all agree with improved standards at local councils and the impact on council governance, and there will be a model code of conduct. Codes of conduct at least are helpful in this matter, and – how can I say – I am hopeful that this will have some positive effects. I am hopeful that the codes of conduct will be well applied. I am hopeful that the codes of conduct will strengthen the oversight of councillor misconduct, because I openly indicate here that there are many examples of councillors who have gone off the reservation in some way or by some means, and they do need to be shepherded back onto a better track. So sensible ways of doing that without compromising the integrity of local government, the independence of local government and the democracy involved in local government are important.

At the same time there are fears that I think many in local government have about a powerful state. I mean, this is the most powerful government in many respects in the state's history. It has been in power since 1999, with the exception of four years, and it has huge, overweening power. It has got massive control of many sectors of the economy, massive control of the bureaucracy and massive control of many of the independent institutions of this state, and it is seeking to assert further, deeper control into the independence of the local government sector. This is a government that is absolutely out of control when it comes to taking more and more and more power, overriding independent institutions, overriding individuals and putting in place draconian and strong approaches that actually weaken democracy in this state.

By all means strengthen local government accountability, but at the same time the concerns are there. I pay tribute to the work of Peter Walsh in reining back, in pulling back the grab for power of this government – clipping it, reducing it. It does not mean that the government is not getting more power in this bill – it is – but at least it has taken the worst edges off the ability of the Minister for Local Government to act without any oversight. On the original bill, the bill we are debating now, we still have not seen the amendments, but when the amendments come, presumably they will restore the right of affected local councillors to appeal to VCAT. The idea –

**Sonja Terpstra** interjected.

**David DAVIS:** No, no, I am deadly serious. We are talking about the local government bill. We are saying that this bill actually takes away, as it is structured now, the right of those councillors to appeal to VCAT.

**Sonja Terpstra** interjected.

**David DAVIS:** It does. You might say 'whoop-de-do'. Let the record record that you said 'whoop-de-do' to that. I take seriously the democratic rights of Victorians, including councillors. I take very seriously the oversight of the courts and the ability of people to appeal to VCAT or ultimately to the Supreme Court, to have their day in court and to challenge government decisions. You might want to link yourself up with the push for more power for this government, the push to override local

government and independent institutions – I certainly do not, and I am glad that Peter Walsh has negotiated some very significant changes to this bill.

**Sarah MANSFIELD** (Western Victoria) (15:30): I rise to speak on behalf of the Greens on the Local Government Amendment (Governance and Integrity) Bill 2024. Robert W Flack once famously said:

Local government is the foundation of democracy; if it fails, democracy will fail.

I do not think that is an overstatement. One of the Greens' founding four pillars is participatory democracy, and in Australia no level of government provides a greater opportunity for people to participate in decision-making. Local government is the closest level of government to the people and enables the diversity of different communities to be reflected and given voice. Having had the honour of serving as a councillor for five years before entering this place, I have seen this in action, as have in fact most of the Victorian Greens MPs. It is from that vantage point that I am flagging at the outset that the Greens have significant concerns about some key provisions being put forward in this bill today, particularly the ministerial power to remove a councillor, because we believe they undermine this keystone of our democracy.

We have heard just now that the government plans to move some amendments that we have yet to see, so I am unable to make comment on those or what the bill might look like with those amendments. My remarks pertain to the bill as we are aware of it at this point. Some of the changes proposed, as well as the processes to determine them, highlight an ongoing attitude of this government towards councils that fails to respect them as democratically elected bodies in their own right. It is almost like they are seen as boards that the state is frustrated about being unable to control, not as an independent level of government. While councils share some governance principles with boards, councillors are quite distinct from board directors. They are representatives elected by their communities, just as we are in this place.

There is absolutely no way that state or federal governments could take on the many and varied functions or serve communities in a way that reflects local needs and preferences in the way that councils do. But instead of recognising this, the state government has increasingly made life harder for councils to deliver for their communities, and many, particularly in regional and rural areas, face serious threats to their long-term financial sustainability. This is the result of things like rate capping and ever greater cost shifting, which limits councils' financial capacity, while at the same time the government is increasingly asking councils to do more and more. One only needs to look at what is happening at the moment in the UK with their councils to see what this approach can lead to.

This is not to say that councils or councillors operate perfectly, yet nor do state or federal governments and their representatives. All levels of government could be improved, particularly when it comes to integrity. This is because corruption is a risk wherever money and power intersect. As we saw uncovered by Operation Sandon, some councillors may engage in conduct that is corrupt, although it is very conveniently often overlooked that in this case there were members of other levels of government involved. Guarding against corruption should be a priority for all levels of government. Integrity, transparency and oversight are critically important for maintaining our democratic institutions.

Unfortunately, integrity does not seem to be a genuine priority for this government. We see that regularly in this Parliament, whether it is avoiding genuine parliamentary scrutiny of government decisions by having joint committees dominated by government members and chairs, or claiming executive privilege over documents requested by the Parliament and then failing to comply with standing orders when such claims are made, or being the only state to maintain the least democratic voting system in the country, despite it delivering some lovely fellow parliamentary colleagues this term. Despite the word 'integrity' in the title of this bill, I cannot see any meaningful integrity measures in the raft of changes that are being proposed. If the minister thinks a few extra hours of training for councillors each year is going to prevent corruption or illegal conduct, that must be some revolutionary

training module you have got in mind, and perhaps it should be rolled out for all elected representatives.

The Greens are here to help. That is why we are putting forward some amendments that will actually address some very obvious sources of corruption in local government, and they are around donations. These will look at setting a donation cap on the amount local government candidates can receive from a donor as well as real-time reporting requirements for these donations consistent with those that currently apply to state elections under the Electoral Act 2002. They also look to restrict donations from high-risk industries like property developers and the gambling industry. We have sought to do this before, yet the state government has time and again inexplicably avoided making this change. We provide them once again with the opportunity to do so.

Turning to the changes that have actually been proposed, it is important to note that while the government says the sector was consulted, the nature of the consultation left a lot to be desired and again I think demonstrates a real lack of respect for local government. The feedback period was for just four weeks at the end of January, a difficult time for councillors, and despite concerns being raised by councils and peak bodies about the inadequacy of this period the government ploughed ahead because they are rushing to get this done before the October elections. There will still be a raft of regulations to develop before then if this legislation passes, and it is doubtful there will be much more meaningful engagement on those given the time pressures that are faced.

Moreover, the nature of the consultation that took place was not, I think, a particularly genuine effort at engaging with local government. It was not ‘What are you experiencing?’ or ‘What legislative reforms might help you?’, it was ‘This is what we’re planning to do as a government – rate it out of five.’ This is not true engagement or consultation. If we value local government, if we value democracy, it is essential that we get reforms right. Credit where it is due, it seems that some feedback from the consultation process was taken on board but certainly not all of it, and it is worth noting that there were very few changes that received particularly strong support from anyone.

Additionally, none of the other measures that councils have long been advocating for to genuinely support them in their roles in serving their communities have been addressed. I have already touched on the issue of rate capping and cost shifting, which this government steadfastly refuses to engage in. Other examples, though, include things like that councils have long been asking for more support in the face of increased security threats, especially at public meetings. Public question time at the start of a council meeting is something that I still miss. It is sometimes colourful, sometimes entertaining, sometimes feisty, but it is an opportunity for people to publicly raise their concerns directly with their elected representatives. We have seen over recent times challenging behaviour from some members of the public, particularly some far-right groups, who are threatening this vital part of our council meetings. Some councils have had to move their meetings online or restrict question time, yet calls from the sector for additional state funding and support to provide security and other measures to improve safety for council staff and other members of the public have gone unheard. If we want to support councils and strengthen democracy, we should be doing all we can to ensure that the public can continue to engage with them.

This Labor government has also ignored the sector by ploughing ahead with introducing compulsory single-member ward structures for most councils, despite it being known to reduce diversity of representation and create risks to good governance. I was first elected to the City of Greater Geelong following a period of administration after the previous council had been sacked by the Labor state government in part due to concerns about bullying and good governance. The findings of the commission of inquiry into the City of Greater Geelong make very instructive reading. One of the key recommendations was to move away from single-member wards to multimember wards because the old model contributed to poor governance and ultimately poorer outcomes for the municipality. And having spent the last couple of terms with multimember wards as per the recommendations of that inquiry, Geelong council is now being forced by this government to move back to single-member

wards. If this government genuinely cared about improving governance in councils, they would not be imposing structures that have been shown to make things worse.

Despite the title, much of the focus of this bill is not on governance and integrity but is in fact on councillor conduct. Of course councillor conduct is linked to governance and integrity, but I would argue that the title is somewhat misleading. All of us, especially those of us who have served in local government, will know that some councillors can be difficult. They can be rude – they can be rude to staff, other councillors and members of the public. At times this can lead to dysfunction in councils, although I would argue that that is not really any different to any other level of government. We have plenty of examples in this Parliament of MPs behaving badly. It is not a reason not to act, however. In fact the Greens have long argued for stronger measures to govern the conduct of state and federal MPs, and it is good to see the Labor government is finally being prompted into action to start addressing this after some more examples of poor conduct by their own MPs.

The Greens certainly appreciate that the existing processes in councils to deal with bad behaviour are inadequate and slow. Good governance and effective functioning of councils is critical in order to deliver outcomes for communities. Providing councils with the tools to deal with problematic behaviour, especially when it impacts workplace safety or the wellbeing of others, is really important, and we support measures to do so. A model code of conduct is fine. Additional training is welcome, although I would urge the state to fund this and ensure it is not just a tick-a-box, waste-of-time online module but something really meaningful delivered by experts. We think increasing the power and remit of arbiters is a reasonable step, and ensuring mayors can exercise their responsibilities to manage conflict without it being seen as bullying is also welcome. However, giving the minister the authority to suspend or disqualify a councillor, who is then prevented from ever serving as mayor, deputy mayor or as chair of a delegated committee for the remainder of their term, is fundamentally anti-democratic. Imagine a federal minister being able to dismiss a state MP – putting aside the technical feasibility of this, the concept itself is outrageous.

I am quite surprised and disappointed that the coalition will be supporting this bill and that they have not sought to remove this particular provision in the bill. I suspect they will regret their support for this, particularly when it is used to remove one of their own. More importantly, the coalition has often used this place – we heard some of it just now – to argue against the centralisation of power and ministerial overreach as well as anti-democratic practices of government. Some sort of disallowance motion – maybe that is fine, but it still gives incredible power to this Parliament over another level of democratically elected government, and we feel very uncomfortable about this power remaining with the minister in this bill.

Councillors have been democratically elected by the people to their positions. Dismissal for serious criminal behaviour can already happen via VCAT, as it should. This bill also beefs up the penalties that can be issued by an arbiter. It strengthens the role of the Local Government Inspectorate. Extending all or any of these avenues may have been reasonable if they were not felt to be adequate. While some may feel that there should be a mechanism of sorts to issue a lengthy suspension or even dismiss an individual councillor, giving that power to a minister is not appropriate. Moreover, under the proposed changes there are limited natural justice provisions. There is no requirement for a judicial process. There is limited independent oversight, only a recommendation from a monitor – and we have heard about monitors already – or a commission of inquiry in order for a minister to exercise these powers. It is worth noting that not every council with a problematic councillor has a monitor installed or a commission of inquiry underway; they are preconditions for a minister to be able to use this power. Those who find this proposal appealing because they imagine the minister sweeping in and swiftly removing their one troublesome councillor, I would really urge them to read the fine print of this bill.

However, the risk of politicisation as a result of this power, real or perceived, is very significant. If there was any doubt about the potential for that, I would suggest listening to the contributions of some of the members of this Parliament in the other place, who had a curious list of councils they chose to publicly disparage. You only have to look at recent years where the government has rushed through

decisions to dismiss entire councils with very limited opportunity for parliamentary scrutiny. Other members of this Parliament have been given a mere couple of days notice at best of the government's intention to dismiss a council and put under a lot of pressure to do so. If we are seeing that sort of pattern of behaviour where this government seems very happy to rush through these decisions with huge consequences, denying communities democratic representation, I really worry about a power to dismiss an individual councillor resting with the minister and how that might be used. Add to this additional power reduced rights to legal support or appeal mechanisms, and it is very conceivable that a current or future minister might misuse this power to remove councillors of a rival political persuasion, and that is something that should worry all members in this place and anyone who values democracy.

With regard to the reforms that are being touted to potentially hasten and simplify disputes, removing the right to a VCAT appeal means the only recourse for a councillor wishing to make an appeal against them would be an expensive Supreme Court appeal. Perhaps VCAT is not the right body, but some sort of appeals mechanism should be available that is not going to the Supreme Court, and in the absence of a better proposal from the government, we will be seeking to have this change removed from the bill.

We also have concerns about the loss of automatic indemnification for councillors who are subject to arbitration or a councillor conduct panel process. This proposed change had very low support from the sector, and I have had many councillors raise their concerns about it with me. While it might save the council some money, it potentially undermines any efforts to strengthen conflict resolution mechanisms – and this is why: the change could disadvantage councillors with less means; conversely, it bestows an advantage to those who are better resourced or well connected with people in the legal profession, particularly in the early stages of processes when councillors might want to seek advice about what their options are. It also runs the risk of deterring people from making complaints or possibly even undertaking certain actions in the performance of their council duties, like tabling a notice of motion, because they are worried about a vexatious complaint being made and their potential legal exposure.

There may be reasonable steps that the government could take to limit councillors from repeatedly prosecuting cases when an adverse finding has been made against them. We have seen issues with that at a number of councils, but we do not believe that the disadvantage that the lack of indemnification would mean for many councillors justifies the removal of this legal access. We think that in fact this risks exacerbating many of the problems that this legislation is seeking to address. I would now ask that our amendments are circulated.

#### **Amendments circulated pursuant to standing orders.**

**Sarah MANSFIELD:** Our amendments seek to omit a number of the problematic provisions that I have referred to. And as referred to, there are a number of out-of-scope amendments that seek to insert some provisions that actually address integrity issues, particularly around donations reform. As the bill currently stands, the Greens will not be supporting it. It was rushed and the consultation was inadequate. It fails in its stated aim to genuinely improve governance and integrity. There might be a handful of reasonable measures in it, but the power of a minister to be able to dismiss an individual councillor – while that provision remains in the bill it is completely unsupportable for us, because that one provision so fundamentally undermines local government and one of the key foundations of our democracy.

**Sonja TERPSTRA** (North-Eastern Metropolitan) (15:48): It gives me pleasure to rise and make a contribution on this bill, the Local Government Amendment (Governance and Integrity) Bill 2024. I have had the benefit of listening to Mr Davis's contribution and also to Dr Mansfield's contribution, and I have to say that it is very interesting the different aspects which the Liberals come from and also the Greens. I think it is important for the record that I start my contribution by talking about what the bill does, not what Mr Davis was talking about, which seemed to be more about attacking the

government and these notions that it is all in a power grab when actually – and I will talk to this in a moment – the reason why we are bringing this bill is as a consequence of recommendations made by integrity bodies. It seems that when we act on recommendations and reports made by integrity bodies we get attacked, and then we are also attacked by those opposite for any manner of things really. It does not matter whether we want to act on integrity or not; we never seem to be doing enough. It is quite an impressive array of thinking from those opposite and also the Greens, who I will talk about in a second as well.

Nevertheless, what this bill actually will do is reform the Local Government Act 2020, and it will improve and strengthen accountability, councillor conduct and governance across the local government sector in relation to (a) council leadership capability and councillor conduct, (b) early intervention and effective dispute resolution and (c) oversight mechanisms. These things are critically important, and something that I actually can agree with the Greens and those opposite on is that local government is an important sector. It is critically important. It is a sector that does good work. It is close to the community. Yes, local councillors are elected to represent wards. It is a smaller constituency, and that is really important. Yes, people have opportunities to work with those local councillors, interact with them and the like. But I have to say – and I have heard this from a number of women who have run for local government or who have been councillors in local government – some of the behaviours that they have been subjected to are absolutely disgraceful. It is absolutely disgraceful. And I have experienced it: I was sexually harassed when I ran for council. The point about this is that we are all adults and we should behave like adults, but unfortunately, where there is a lack of boundaries or a lack of processes in place, some people take it upon themselves to push those boundaries to the absolute maximum they can and say, ‘But this is all politics.’ It is not all about politics to sexually harass someone. It is not all about politics to bully someone. It is not political to be a horrible person to someone and to be an unpleasant person. I think this sector has had long enough to deal with those sorts of behaviours. If a sector and people who run for councils in these positions cannot behave like adults, then they will be made to behave like adults and there will be consequences.

All of us should think about that. In fact I have been in Parliament for six years now, and I have to say some of the behaviours of some MPs who have come into this place who have come from local government have been the worst examples of behaviour coming into this place, because they have brought it with them from local government. It is utterly disgraceful. Some of the behaviour is like children. It is arrogant, nasty, petulant and lacking in any ability to try and work with people. That is often lost on people who come in here. We actually have to work together to get things done, and one of the jobs that we actually have to do in here is to pass legislation. The point is that I am always disappointed in any behaviours of anybody that comes into this place and likes to use this as some kind of personal political pointscoring activity rather than understanding what they are actually here in state Parliament to do. Any member who is elected to state Parliament should have the respect of others for the fact that they have actually been elected to do a job in this place and should not have to put up with nasty, carping, petulant behaviour by some people who have behaved like that on local government and been able to get away with it.

I think these are actually welcome changes. If you liken it to any other workplace, if you work in another workplace there are consequences for behaviour. But unfortunately some people who are elected think they are above the law and should be able to act in any manner that they want. With those terrible experiences that I have talked to many women about, they have actually said that in local government it has made them think about nominating again to run for council, because they have been spoken to in an aggressive, hostile manner by some men on council. When they have gone to their CEO and said, ‘This person is acting in a really terrible manner, aggressive, hostile,’ the CEO has said, ‘I can’t do anything about it. Council can’t do anything about it.’

This is why we need these sorts of reforms. Yes, you would like to think that as an adult you could say to a person, ‘Can you please stop behaving like that?’ But clearly they do not want to, because they do not have to. They are going to get made to, and that is a good thing. I have also heard experience of

councillors, thoroughly decent people, who have been the subject of fake accusations, false complaints. That is disgraceful, yet we see these sorts of people coming into this place who have in the past exhibited those sorts of behaviours. This is what this bill will address, some of these things, and it is a good thing.

I am going to talk about the journey of good governance. We have heard the usual cries that consultation is poor and all the rest of it. We all know what consultation means. It does not mean that the parties who disagree with something get to have their way. That is not consultation. Consultation means that every party who may have an interest, whether it is a stakeholder or anyone else, gets to have a say on the bill and what those reforms might mean. All of that is taken into account. Consultation never means that those people who disagree get to have their points of view put first. It is quite ridiculous to hear these sorts of ridiculous catcalls all the time – ‘Oh, consultation is not effective.’ It is, you just did not get your way. But it does not mean you can come in here and say that consultation is poor. It is completely ridiculous. So again, good governance is critical to ensuring that councils make sound decisions and deliver the services that their communities need. Like I said, it is a very important sector; it does good work.

When this government was elected in 2014 we made a commitment to amend the Local Government Act 1989. It was the most ambitious and comprehensive reform of local government in Victoria for 30 years, designed to achieve two major goals: one, to ensure the continued autonomy and independence of democratically elected governments; and to ensure that the guiding principles would inform the direction of a local government sector. Since then the Local Government Act 2020 has been introduced, and we have seen how that has reshaped the sector, highlighting the importance of having long-term planning, having clearly articulated asset management obligations, increasing councillor accountability with clearer standards of behaviour, modernising election processes and candidate requirements, increasing the transparency of council decisions and having better financial management. So these are some of the sorts of things.

I want to talk about what has been happening in local government just in conjunction with what I was saying earlier. Victorians rightfully expect high governance and integrity standards from their councils. They have a right to expect that. The past few years have been fraught with issues of misconduct in some councils, and the impact of this cannot be overstated. Following the new act, and since the start of the 2020 local council term, 12 councils have had municipal monitors appointed to provide support and monitor their governance practices, with only five monitors appointed last term. We can all reflect on Yarra council, who had to have a monitor appointed. Why? Because they could not even elect a mayor. The infighting between some councillors is utterly embarrassing. I reflect on my earlier comments: can these people not behave like adults and get on with each other? They cannot elect a mayor, for goodness sake. Fifty-six councillors have resigned, and it goes to the point I made earlier: a number of women councillors have remarked upon the fact that the behaviour they have experienced in being an elected representative has deterred them from running again or they have considered not running again because the stress and the anxiety and the constant attacks are so unpleasant and detrimental to their mental health. We cannot have that. One council has been dismissed following the commission of an inquiry and one has been suspended. Further to this, the IBAC’s Operation Sandon special report, the local government culture report and the Local Government Inspectorate’s examination into councils have highlighted areas for improvement for council government.

We hear from the Greens or the Liberals – those opposite – that this is a power grab. It is not. We have had reports from expert authorities telling us that we need to take action. So it is ridiculous. When we decide to do something we are criticised for it; when we do nothing we are still criticised. This is, I guess, one of the things that is frustrating about these sorts of debates in here. It does not matter what we do, the politics of it is ‘Government bad – just attack government.’ It is ridiculous. And then we get the intelligentsia from the Greens lecturing us about how pathetic this bill is. You hear them saying, ‘Oh, this is terrible, it’s rushed.’ What a load of rubbish. Again, Operation Sandon, the IBAC special

report; the local government culture report; and the Local Government Inspectorate's examination into councils have highlighted all of these areas for improvement. There is a strong body of evidence that suggests that if this is left unaddressed, these recurring issues can and will undermine public trust in government, hinder effective decision-making and impede the delivery of services to local communities. This bill, as I said, will strengthen council leadership and improve early intervention in conduct issues and dispute resolution.

Seven of the recommendations of the IBAC Operation Sardon report are incorporated in and will be implemented through this bill. These are important. They are the development of a model councillor code of conduct – recommendations 17, 21 and 31; provision of regulatory mandatory training for councillors and for mayors and deputy mayors – recommendations 18, 20 and 28. I take offence at Dr Mansfield's commentary that training is going to be a box-ticking exercise. We are here today debating the bill, yet already they are pre-empting that the training is going to be rubbish. I think that is actually quite appalling. There is also extending the maximum period of suspension from one month to three months that an arbiter may direct after a finding of misconduct – recommendation 30.

A number of councillors have said to me they are concerned that some of the things in this bill may be used by perpetrators, some of whom are very good at using systems designed to protect people and weaponising those systems to attack women. That is something that has been voiced to me by female councillors. They say, 'I'll get a fake complaint' – I mentioned this earlier – and then they have to be taken through a system where they have to defend themselves. That is of concern, so it is good to highlight that as an issue of concern even in this debate, because what we want to see is that if some local councillors seek to use these processes, then that should be called out and highlighted as well.

It is sad that we have to implement a model councillor code of conduct because it seems like there are some people who run for office who just cannot understand what it is to act like an adult and try and work on effectively resolving your conflicts or your grievances with someone in an adult way and recognise that when you are elected to a council or elected as an MP you are going to disagree with people. It might be that you have different values to somebody, but it does not mean you have to hate them, and it does not mean you then have to persecute them and bully them and make stuff up about them either. People will say, 'Oh, that's politics' – well, it is not good enough anymore. It is simply not good enough. People need to and have taken these matters very seriously, and as I said, these changes are a consequence of expert reports into these sorts of things.

Like I said, there will be professional development for mayors, deputy mayors and councillors. We have had a lot of new people coming into the sector. In 2020 more than 300 councillors were elected for their first time, so there are a lot of new people coming into the sector, but there are also a lot of people who have been around for quite some time. The councillor induction training will be completed within four months of taking the oath or affirmation of office. Currently councillors have six months to complete this, so we are shortening that timeframe. Professional development training is to be completed by all councillors each year of their term, beginning in the first year of their election, and mayoral training is to be completed by all mayors and deputy mayors, and acting mayors if appointed for one month or more, within one month of appointment. Failure to complete the training within the timeframe specified by the regulations may result in a councillor's allowance being withheld until the training is complete – again another sad measure that we have to take, but the evidence demonstrates that people are not doing as they are being asked to do. There need to be consequences for these sorts of actions.

There will be a uniform code of conduct for 79 councils. Poor conduct is an ongoing challenge for the sector and is caused by a minority of councillors, but again there has been resistance to see any real and tangible improvement in these behaviours. A breach of the code of conduct will be considered misconduct and will be grounds for an internal arbitration process. Councils will be able to supplement the code by adopting supporting policies that reflect local circumstances – I think that is entirely appropriate – but this means that the base model code highlighting appropriate behaviour will not be



different for councillors in different LGAs. It just makes sense. We need to have these powers in place, and we need to be able to respond to the expert reports and inquiries that we have had.

I would love to talk further about this. I have only got 30 seconds left on the clock, but I think these reforms are important. I do not want to see anyone dissuaded from running for local government, and I particularly do not want to see any women dissuaded from running for local government. There need to be real consequences for terrible behaviour and inappropriate behaviour by councillors, and this bill, this framework, goes a long way to meeting the recommendations made by the integrity bodies. I look forward to seeing the continued debate, but it is ridiculous to say – per Mr Davis’s contribution – that it is a power grab. We are actually responding to the recommendations made by integrity bodies.

**Joe McCRACKEN** (Western Victoria) (16:03): I too rise to speak about the Local Government Amendment (Governance and Integrity) Bill 2024. I guess, broadly speaking, I support the intent of having measures to improve accountability, transparency and governance, all in support of better council decision-making. I come to this drawing on my own experience as a former mayor and a former councillor, as many others in this place have been. However, there are issues that this bill proposes which I think need to be considered very, very carefully in the context of the broader local government setting. I do not intend to rehash the arguments of everyone in here, but I do want to talk about a number of specific matters that are related to the bill.

With the model councillor code of conduct, whilst I do not have a problem with the concept of a statewide code of conduct, it is very important to note that the content of that code of conduct needs to be very carefully considered. Under the current system, codes of conduct are probably one of the most argued over and debated matters within a chamber. What is right and what is wrong can all depend on various contexts – city, country, urban fringe, let alone the make-up of a council. It is very different depending on everyone’s context.

At this point in time we do have widely varying codes of conduct and there is no standard of behaviour, so I do support a standard of behaviour, but at the same time we do need to instil some flexibility into the system as well. There might be one standard, but you can have different levels of particular matters in a code of conduct. One size does not necessarily fit all, and that is not built into this at all. If there is a genuine, real concern about behaviour – and I note that Ms Terpstra’s comments before were reflecting on the behaviour of local government councillors, in particular female candidates and what they had experienced – you would hope that you would model that leadership and that behaviour. We are still waiting for the government’s amendments to be circulated. We have not seen them yet, and I look forward to seeing them, but if you want to work in a collaborative way and you are saying that this is the standard that we should expect, that is not really being modelled in front of us. I am the second speaker for the coalition today. We have had a number of speakers already, and we still have not seen any amendments come through. That is not acting in good faith or working in a collaborative way at all.

The other issue that I want to talk about is the disqualification of councillors. I would draw members to clause 7 of the bill, which talks about the disqualification of a councillor. New section 34A says:

- (1) On the recommendation of the Minister, the Governor in Council, by Order, may disqualify a person from being a Councillor for the specified period if –
  - (a) the person was a Councillor during the term of office of a Council that was dismissed under an Act; and
  - (b) while the person was a Councillor or at any later time, a Municipal Monitor or a Commission of Inquiry provided a report to the Minister stating that the person –
    - (i) was creating a serious risk to the health and safety of Councillors or members of Council staff; or
    - (ii) in the person’s capacity as a Councillor, was creating a serious risk to the health and safety of other persons; or
    - (iii) was preventing the Council from performing its functions.

That is also consistent with the functions of a municipal monitor in their reporting, which they are established to do under clause 18 of the bill:

“(ca) to report to the Minister on any Councillor who –

- (i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
- (ii) in the Councillor’s capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or
- (iii) is preventing the Council from performing its functions;”.

I guess my question is: who determines what a risk to health is? Who determines a serious risk to the health and safety of other persons? Who are those other persons? And who determines if a councillor is or is not preventing a council from performing its functions? These are extremely subjective tests. I have been in council meetings before, and what one might consider to be robust debate others might take offence to because they have a different opinion. Just because someone puts something in a forthright manner does not mean that that can be used to say, ‘Oh, well, I’m unsafe.’ Someone might be yelling. That is not unsafe. It might not be the best behaviour, but it is not unsafe. So these tests, which are entirely subjective – they really are entirely subjective, based on whatever the minister thinks – allow someone to be kicked out from being a councillor. The problem is that this can happen over quite a long period of time. According to the proposal in front of us, it is eight years that someone is kicked out for. What if someone is dismissed and they are disqualified from running again at the start of a council term, let us say within the first six months? They cannot be qualified to be a councillor for eight years. They cannot run for one term, they cannot run for another term and they effectively cannot run at the start of a third term, which means, for all intents and purposes, they could be disqualified for nearly 12 years. That is anti-democratic, to disqualify someone for nearly 12 years, which is the effect of these rules that are being put forward here today.

I just wonder what it means to prevent a council from undertaking its functions. I have seen it in council meetings before when various councillors will ask a series of questions that try and get to the heart of a matter. I have seen many council officers be quite evasive in their responses, and a frustrated councillor who might want to continue down a certain path of questioning is considered to be obstructionist because they are not allowing council to get along with the business of the council. That is what has been put to them; that may not necessarily be the case. According to these provisions here, we can then say, ‘My health and safety is at risk. My mental health is at risk because I’m being pummelled with questions that I’m answering evasively.’ It just does not make sense. It does not really allow for proper, robust, rigorous debate. When people come to local government they do come from all different perspectives, much like this chamber, and to disincentivise robust debate is very much against freedom of speech. That is a big concern, and it really inhibits the local councillor undertaking their duties to represent the people that put them there – ratepayers and residents. On the one hand we have got these provisions which are set out before us which are designed to curtail the ability of a councillor to do things, and on the other hand it prevents them from actually undertaking their basic function and role as a councillor. That is completely bizarre.

The compulsory training, which I think is, according to what has been circulated in the bill, in new section 27A – so there is mayoral training – says a mayor, deputy mayor or acting mayor must complete mayoral training. Basically it says – I will not bore you by reading through it all – that if you do not do it, you do not get paid. At this point in time I have no way of knowing whether this training is robust, whether it is thoughtful or whether it is relevant, but here we have got a bill saying, ‘If you don’t do this training, you don’t get your mayor’s allowance or you don’t get your deputy mayor’s allowance.’ Is that not some sort of forceful, punitive way of trying to get this particular behaviour? It says, ‘If you don’t do the training that we set out, which you have no control over – you have to do this – you don’t get paid your allowance.’ You might be doing the very job of a mayor, but you do not get paid for it unless you undertake this training, whatever the training might be. I have done training in the past, having served in local government before, and I can tell you it is not particularly robust. It is not particularly thoughtful. It is very bland, very basic, and it is not tailored to any council’s

particular needs. It is very broad, very generic and usually done by a contractor set up by the state government or the department, and in effect it becomes useless. So for whatever training has been envisaged by the state, I would love to see a copy of it before they roll it out. But it must be some sort of magical revolutionary piece of training that ensures that everyone has this new understanding of what local government is about and where no-one is ever going to do anything wrong ever again. I just do not see that happening.

While there are some parts of this bill, I can appreciate, that have an intent to create better integrity and better governance, the fact that a minister can effectively say, ‘No, Councillor, you’re no longer a councillor,’ for up to nearly 12 years, effectively, is anti-democratic and wrong. If those opposite support these anti-democratic measures, what is next? That is the worry. Local government becomes not local; it becomes a state government department, essentially. It is a service delivery model which means that the state can push things onto local government without really much oversight and without really much independence, and that is a great shame.

**David LIMBRICK** (South-Eastern Metropolitan) (16:15): I also rise to speak on the Local Government Amendment (Governance and Integrity) Bill 2024. Before I do that I would just like to call out some of the comments made by Dr Mansfield in complaining about certain groups disrupting council meetings, causing trouble and causing meetings to be shut down. Again, this is the absolute height of hypocrisy from the Greens, as they have shut down this very chamber and the Assembly next door and we have all sorts of security issues because of some of their actions. I would just like to call out that hypocrisy for a start.

Back to the bill itself and what we are talking about here, I will not go through everything that this bill does. Others have covered it well. But I will go through a couple of things which I will categorise as the good, the meh and the ugly. Firstly, the good. I like the idea of a uniform code of conduct, which is proposed by this bill. That makes a lot of sense. It would be my preference that this code of conduct would not be developed top down but rather widely consulted, hoping that that would actually happen. I like the idea of that.

On to the meh – mandatory training in concept is a good idea, but I share some of Mr McCracken’s concerns about what form this training may take. If the training was to help a councillor who was not versed in reading financial documents, for example, and helped them read a profit and loss statement and a balance sheet and this sort of thing, that would be very, very useful, or if it were training on how to engage an auditor or understand an auditor’s report or to understand tender contracts and tender proposals and these sorts of things. This sounds very useful. I have not been a councillor, so I have not undergone councillor training, but I have seen lots and lots and lots of corporate training and things where they show a video on a screen and then they ask you some multiple-choice questions afterwards about whether the actor in the video did X, Y and Z – this sort of thing is very much of less value.

On to the ugly – as others have mentioned here, this idea about the VCAT appeals process being revoked removes a very important procedural fairness avenue for councillors. I think that that is dangerous, and I am a bit concerned about the arbiter process that would replace that. Of course the biggest issue of all, which many others have mentioned here, is the idea that the minister would be sacking councillors. I think that this is very dangerous. In many cases you would think that the minister themselves would have a conflict of interest. If a councillor happened to be from the same political party that they were from, I cannot see how they could not have a conflict of interest in that scenario.

Similarly, I am concerned that some of these complaint processes may be weaponised. As has been mentioned by others, ‘serious risk to health and safety’ has not been defined well in the bill. I know what I think a serious risk to health and safety is. I have seen a councillor quite recently being suspended for retweeting something on the internet that some people found mean, and I am sure that there would be many that would claim that that was a serious risk to health and safety. I would not consider it that way. As Mr McCracken rightly pointed out, mean words are mean words, but they are not necessarily a risk to health and safety. Without that definition it definitely has the potential to be

weaponised and used in bad faith by councillors. I note that in many cases this is already occurring with these sorts of complaints, and I am very concerned that that might be weaponised.

In its current form the Libertarian Party will not be supporting this bill. Our primary and major concern is around the minister's ability to sack councillors. I agree with other members' comments about it being dangerous and undemocratic. If we are to accept that councillors are elected by their constituents, if they are going to be removed by misconduct, there has to be procedural fairness. There has to be a process not only free from conflict but seen to be free from conflict, and I cannot see how that can be the case when it is the minister making that decision.

Even when we sack a council at the moment, which happens far too frequently unfortunately – since I have been in this place there have been a number of councils sacked – that requires a bill to go through Parliament and it requires Parliament itself to make a decision on whether or not that is appropriate. There have been times when I have questioned the appropriateness; other times I have been very convinced by the government's arguments about why the council should be sacked. But I think that having a minister do that unilaterally with no parliamentary oversight is problematic, and it is problematic enough that I cannot support the bill.

**John BERGER** (Southern Metropolitan) (16:21): I rise in support of the Local Government Amendment (Governance and Integrity) Bill 2024, and I thank the Minister for Local Government in the other place for bringing such a critical reform to the Parliament for consideration. Local government holds responsibility for crucial issues that profoundly impact the daily lives of Victorians, from planning and building to waste management and from recreation and culture to environmental protection. A well-functioning and accountable local government framework is critical for a thriving local government. I get to see the importance of local council governance in my communities in Southern Metro daily, and I have worked closely with Boroondara City Council and Stonnington City Council to best advocate for my constituents. Many Victorians across the state are deeply interested in their local council's decision-making and attend meetings monthly or more frequently to have their voices heard.

As elected representatives of their communities local government councillors are expected to adhere to a high standard of integrity and accountability, and yet since the last council election cycle in 2020 we have only had more and more councils requiring state government intervention, with 11 having municipal monitors appointed across Victoria. Eleven out of 79 local councils across Victoria – that is a significant and, frankly, disappointing number. One council had to be dismissed entirely following a commission of inquiry, and another council was suspended. This is not fair to Victorians, who rely on their local council to deliver vital services and to make important decisions for their community, and it is not fair for the councillors with integrity, elected by their communities, to have at times been subjected to atrocious behaviour by some of their peers. I would like to acknowledge that many local councillors are doing an incredible job navigating the complexities of community representation, and they should not be impeded in their work by a few of their fellows – their peers – doing the wrong thing.

It is important that Victorians can trust their local government representatives to act with integrity, to enact sound decision-making and to ensure continuous and effective service provision, and it is also important for councillors to feel secure and safe in their workplaces and not be subjected to discrimination or corruption, which is unfortunately a phenomenon that has been seen in some local councils over the years. Especially important are our council workers employed in a range of critical sectors such as youth work, rubbish collection, libraries and aged care. They all have the right to work in organisations that advocate for them, and they all have the right to experience safe and respectful workplaces.

Our work follows the release of the Independent Broad-based Anti-corruption Commission's *Operation Sandon Special Report* and their subsequent recommendations on local government in Victoria as well as other analysis carried out by the Local Government Inspectorate and the

Department of Government Services. It is clear that councillor conduct frameworks must be strengthened and that provisions must be put in place to prevent corrupt activities in local government. That is why I am proud to speak in support of this bill today, which implements seven crucial recommendations of the IBAC report. Implementing these recommendations will, in summary, provide for ongoing mandatory training for councillors and mayors, improve the councillor conduct framework and clarify their responsibility as councillors, establish the circumstances in which a councillor may be suspended or disqualified for misconduct and provide further and necessary powers for the Chief Municipal Inspector to protect councillor accountability and governance.

These amendments to the Local Government Act 2020 strengthen the governance frameworks in and surrounding councils while giving councillors and mayors ample training to adhere to these expectations to ensure that local councillors and mayors have support and education to do their jobs right. This bill enshrines compulsory and ongoing training, with allowances being withheld if training is not done within specific timeframes. They will receive regular professional development training to hone their governance skills to the standards expected by their constituents. This ensures that elected representatives are always aware of their obligations and responsibilities, with this training mandated on an annual basis.

To prevent misconduct occurring within local councils, as we have seen before, this bill introduces a revised model councillor code of conduct, binding all local councillors across the state to a consistent set of expectations, responsibilities and obligations in their appointed roles. This bill also specifies consequences for not adhering to this code of conduct, with breaches being classed as misconduct and, where determined appropriate, subject to an internal arbitration process. We are making sure that councillor and mayoral misconduct does not have the consequence of leaving Victorians to cop the ramifications, by providing an avenue for early intervention.

We are also addressing concerns around unreasonably lengthy dispute procedures by removing the review process through VCAT for councillors that have already been subject to a finding of serious misconduct by a councillor review panel. This ensures that representatives cannot unreasonably protract proceedings to avoid accountability through repeated litigation. If a review panel has already found that a councillor is guilty of serious misconduct, they should not be able to abuse the judicial process with unnecessary processes back and forth, ultimately impeding the functioning of council.

Those in local councils across the state are in strong agreement with these reforms. These changes have widespread support within the local government sector per consultation earlier this year on the local government reforms consultation paper. As I say in most of my speeches, we have consulted widely in drafting this bill. In January a consultation paper was sent to councillors and local government peak bodies outlining proposed reforms, and we asked the sector directly to better understand if they support the reforms. We received over 200 responses, and I thank those who were engaged in the process. I am pleased to say that they were most supportive. These reforms have been shaped to address their feedback as well as recommendations from Operation Sandon, the local government cultural report and the Local Government Inspectorate's examination into councils. Local Government Victoria released their consultation paper online, and briefings have been held for CEOs and mayors on how their feedback has shaped the final bill. We know that this is a step in the right direction.

This bill is consistent with the internal arbitration process provision in the Local Government Act 2020, which does not have a VCAT review process. Those impacted by the review process on serious misconduct can seek a judicial review of the finding at the Victorian Supreme Court where there is already an avenue for the minister, the Chief Municipal Inspector or a council to remove a councillor who offends against the act, as per section 36 of the act, streamlining the process for dispute resolution and making sure that these reviews are not politicised. Seventy-one per cent of respondents indicated support for these amendments.

Through this amendment in the bill we are also ensuring that ratepayers are not covering the cost of unnecessary council internal arbitration. These amendments will prevent local councils from compensating councillors for internal arbitration processes and councillor conduct panel hearings unless an order is made giving leave to the affected party to have legal representation and it is considered entirely necessary for a fair hearing. This additionally addresses concerns about these processes becoming extensively bureaucratic and lengthy, a concern that has often been raised by members of the sector and the community. These proceedings now have increased powers, with the maximum suspension of a councillor extended to three months from one. They can also direct a councillor not to attend or participate in a council meeting and direct that a councillor is ineligible to hold the position of mayor or deputy mayor for up to 12 months. This is a fair consequence for those councillors who worked against the best interests of their colleagues and their communities. Councillors who engage in misconduct should not be able to rise in the ranks so shortly after being found culpable, and this amendment ensures the continued integrity of local council processes. For more serious findings of misconduct, particularly when an individual councillor is putting the health and safety of others at risk or is preventing the council from effectively performing, this bill provides the potential suspension or disqualification of the councillor in question.

The Minister for Local Government through these amendments will have the ability to suspend a local councillor for up to 12 months if a report from a municipal monitor or commission of inquiry finds that these requirements for suspension are met, and I would like to reiterate that the ability to suspend a councillor requires the independent third party to confirm that these requirements are met, ensuring that these actions are taken in a nonpartisan and just manner. If a councillor has already been dismissed by an act of Parliament, the minister can recommend to the Governor in Council that a suspension of up to eight years be considered. These serious consequences are crucial to ensuring that a councillor who has engaged in serious misconduct, putting their peers or the council as a whole at risk, cannot continue to let down their colleagues and their constituents with impunity. Current legislation which allows councillors to stand for re-election after they have faced dismissal is just not working for our communities. We need this legislation to crack down on serious misconduct in our local governments.

The Minister for Local Government holding these additional measures to sanction misconduct will be advised by the chief municipal inspector on these matters relating to local councils. This ensures that the minister is kept up to date on any governance concerns that the CMI identifies, facilitating the fair and accurate administration and reporting of local government activities to Parliament. Alongside the chief municipal investigator's pre-existing investigative and prosecutorial powers, the bill provisions them with the ability to issue infringements against any other party who commits an offence against the act. Instead of requiring the chief municipal officer to submit an application to VCAT to stand down a councillor convicted of an offence, these changes will automatically disqualify the offending party from council. This streamlines the administrative process of penalising serious misconduct, which is an entirely reasonable measure when convictions of offences under the act are concerned.

Finally, this bill will allow the Victorian Electoral Commission to effectively carry out its functions in this year's council elections, in consideration of the increased scale and complexity of this event, by extending the date of the close of the electoral roll. Through this the VEC can amend timelines of the local government election as deemed necessary through the regulations, supporting administration and fair process throughout. This bill makes many changes to regulations concerning local government that benefit both the sector and all Victorians who are impacted by the actions of council, changes which I am certain will be appreciated by those in the sector and communities impacted by council governance more broadly. It allows us to implement all these changes to local governments before council elections in October this year so Victorians can be assured that their incumbents will act in their best interests in the years to come.

We have seen too many local councils put into administration over the past few years, and these decisions, while necessary in consideration of the circumstances, come at a great cost and burden to ratepayers. It is well and truly time for us to amend the legislation surrounding local governments to

ensure that communities are receiving the services and consideration they deserve. What this ultimately comes down to is that Victorians should have full trust in their elected representatives to be able to see transparent, fair and democratic governance always being enacted and to know that their input is valued and their voices are always heard in the decision-making. We are doing this by not only legislating harsher disciplinary measures for those councillors who do the wrong thing by their communities but also ensuring that those who do the right thing have the training and knowledge of governance procedures to effectively advocate for constituents.

These reviews of local council governance were committed to by the then Andrews Labor government and held since 2014, and I am proud that we are getting it done. This bill will begin in two stages – the provisions that relate to the upcoming council elections in October, and ministerial oversight and appointment powers will come into operation on the day after royal assent, because we all know that this cannot wait. Please note that these provisions do not operate retrospectively, and the provisions that relate to the model council code of conduct are not coming straightaway. The training, internal arbitrations and councillor conduct panels that Ms Terpstra and I have highlighted today will come into operation when a new council term starts. We all know that this makes sense, and it means that new councils can have a fresh start. It also provides time to prepare the supporting regulations and guidance that are needed in collaboration with the local government sector.

I note that the matters that are currently underway are not impacted by these changes. This work in the sector has already begun. We are developing those regulations for the code of conduct and the training that are needed. This process will include a steering committee with representatives from the sector, like the Municipal Association of Victoria and more. I encourage my community of Southern Metro to engage in public consultation through Engage Victoria to have their say in shaping their local government for a better Victoria.

**Ann-Marie HERMANS** (South-Eastern Metropolitan) (16:35): I too rise today to speak on the Local Government Amendment (Governance and Integrity) Bill 2024. Unlike many parliamentarians, I have not been on council – I have not been a member of a council; I have not ever had that in my portfolio – but I live in the City of Casey, so I do feel that I am very well versed to be able to speak on this issue.

Before I do I would like to mention my late uncle Dr Tom Blazé, who was a councillor for about 20 years and mayor of Knox three times, a man of tremendous integrity and a much loved uncle of mine who served his council, his local government, with pride and passion. He always said what a privilege it was to be able to make a difference in the lives of the people in his local community. I remember going to a meeting as a young woman and seeing my uncle be elected for, I think, the second time as mayor. I was appalled – absolutely appalled – by the behaviour that I saw take place in that chamber. Not understanding what I was seeing, all I could see was how incredibly rude other councillors were to my uncle, who did not in any shape or form deserve such abhorrent abuse. To think that that could take place in a local government chamber absolutely appalled me as a young woman. It is something that has stayed with me for a very long time.

I think about how it is supposed to be. We all know it is supposed to be nonpartisan. Local government is not about your party politics, and yet we have major parties and other parties that support always branding their councillors and making this an issue. It is on this basis that I find a lot of the ugly behaviour has taken place within council. I understand that that is not just what this is all about, but when we are talking about training councillors and training people for council, what a shame to think that we actually have to train people who are picked from our community how to behave with integrity and how to behave in a chamber in a way that is respectful, humane and adult-like. I find that an embarrassment for us as Victorians. I think it is appalling that local government politics can sink to such low levels. I understand that people think it is all fun and games, it is politics, but no, it is not; you are representing your local people over things like rubbish, running libraries, some of the local roads and in the past kindergartens – now there is not enough money for most of the councils to run

their kindergartens. In fact funding is constantly an issue for councils, and they are struggling to provide the services that they have in the past.

But conduct is what this is all about. In terms of training, as a person with a background in training, I am 100 per cent in favour of training as long it is not actually going to be used as a weapon to try to disadvantage people. For instance, how that training is conducted, what they are trained in, in what manner it is done, what particular modules or things a person will have to get through and what hurdles they have to get over in order to be a councillor or in order to be a mayor are not transparent in this. That is something that we will need to watch, because the bottom line is if party politics and party ideology are going to start feeding into that, then we will have a major problem in this country and in this state and we will have really gone to the dogs. There is no place for socialism in local government, and I do not want to see people dictating what local people can do and have in terms of their local representation.

Secondly, I want to talk about the City of Casey. I first met some of my local councillors out and about, and I remember well Amanda Stapledon, the woman who allegedly took her life in the City of Casey over disputes about integrity and misconduct. Maybe if she had had appropriate training, the minor – I do not know that it was a major demeanour that she was involved in. It did involve some money. It did involve turning up to a meeting where she probably should have said, ‘I have a conflict of interest’ and then stepped aside and not been in that meeting. Had she done that and had she understood to do that, she might be here today. I think the threat of whatever – I did not speak to her, I do not know, but I do know this: this was a very hardworking councillor. She was much loved by the people of Cranbourne. She worked so hard that I do not think there would be a single community group that did not know Amanda Stapledon, not in the area in which she served. I think she turned up to everything and she supported everyone. She was not one to wave any party banner when she was out in the arena of local government. She worked hard. To think that this woman lost her life over issues of integrity and the fear that was placed in her just brings me to tears, because she was probably one of the most loved local councillors that we have had in a very, very long time.

For the whole of Casey to be dismissed over issues of integrity is a major concern. One has to hope that party politics had nothing to do with it, because I doubt very much that whatever was taking place in Casey was an isolated situation and that there are not other councillors, should we have access to more records and be able to do more digging, that we could find that would be at fault of similar or other things that should not happen.

I am all in favour of integrity. I am all in favour of training. I do not think there is any dispute over the issues of integrity and trying to find ways and platforms to make that more possible. But how this gets rolled out – there is a lot that has been left open to regulation. I really enjoyed reading an article, not an academic article, about what the governance reforms mean for Victorian councils by Rhys Thomas. I have to say that there were some really good points made in that article, and if I had more time, I would go into them.

I do want to note, though, that in this situation of looking at council and how we make these changes, the ultimate thing we are aiming for is good governance. Looking at policies in relation to good governance is what this is supposed to be all about. My concern is how this will get rolled out – whether there are going to be intentions behind some of the things that take place that make it very, very difficult for people who are taking on positions in council or as mayor to complete their training. The fact that we do not have the transparency of what will be expected of them or what the type of training will be – there is no mention of it; that is all going to come down to regulation – is a concern, because we do not know where that is going to go. However, in good faith we are looking to try to find ways around this to make local government be something that can function.

There are other issues that really bother me too, and it will all come down to how things are rolled out. It is all very well to pass legislation, and I do not expect all the i’s to be dotted here and all the t’s to be crossed, because some things have to come down to how things are rolled out on the ground, but it



does bother me that we cannot come up with some basic principles of what we consider to be a behaviour of integrity. That is not listed in there. What is that? Is that going to be one thing for one council and something different for someone else? Are we going to turn around and go, 'Well, this council is loaded with our group, so we're just going to say it's okay over here, but over here we don't have enough control over that one, so we're going to actually clamp down on this one and say that in this council these are the things that go'? That that lack of transparency and consistency is not addressed in this bill bothers me, because I can see how this could go pear-shaped in the future. It is not just about putting legislation in today to try to bandaid situations, it is about considering how this is going to impact us in the future. As I said, I live in Casey. I want good governance. I want good local government representation. I want fair local government representation, and I think that as Australians it should be a basic right for us to expect some kind of fair representation where the laws work in such a way that what is good for the goose is good for the gander et cetera et cetera. It cannot be that one group will be able to do this, this and this and that will be considered to be okay, but over here it is considered to be appalling. We need to have some sort of standards, and I do not think that this addresses that.

Again, it was the coalition that had to remind the government that this particular bill in its original form was not actually addressing some of things we had as major concerns. For instance, in its original form it did not offer the right of appeal. You cannot expect people to be accused of things and step down and then not have any formal right of appeal. You just cannot put people through things where you do not allow them to be able to appeal them. There needs to be some sort of opportunity, which has now been developed – by the coalition, not by the government. The government needed to have a little bit of support in this, a little bit of help, a little bit of a nudging. That in itself bothers me – the fact that we, once again, are not government, we are in opposition, but we are having to constantly remind the people on the other side that when they are putting things together they need to consider what is fair and reasonable for everyone. Put yourselves in the shoes of a person, and you might just have some understanding of whether this is going to apply in a way that is actually fair and reasonable. It does bother me that this could be used in such a way as to actually not be fair and reasonable in the way it rolls out.

These are the only things that I really wanted to address. I do want to say that the people of Casey are looking forward to having councillors. They have missed not having true representation from their local area. They have found it extremely difficult to not have a local councillor that they can go to to complain about something that is not being done or that could be done better or that could be done differently. They have found issues with bus services. They have had issues with the times that the council has its meetings because they cannot get to them. They have had all sorts of issues. I see CEOs constantly – and I am not talking about Casey here – across the board being able to give themselves massive pay rises. When you do not have enough of a balance in your local council and it is not truly a non-partisan situation, then there are no checks and balances in any of that.

It is great to have this bill. I will be watching it to see how this is rolled out. I will be watching to see how this works in Casey. I think the people of Casey will be watching to see how this works, because truly they want good representation. Like I said, I cannot speak to what Amanda Stapleton did or did not do, but I can tell you this: that woman worked hard for her community; honestly, she really did. She and I did not particularly get along in the beginning, but then we got to know each other, and I have to say she was a tremendous loss for the City of Casey. She worked very, very hard. There will be some councillors who have been dismissed through no fault of their own who will want to step up again, and good on them; let them have a go.

I do hope this will be fair and reasonable legislation in the way it is rolled out. I think it is our responsibility as a coalition and opposition and also as a crossbench to hold the government to account in the way they roll this out. It is all very well to put this down on paper, but I see little sections that really bother me that I think could go a bit pear-shaped if this is not monitored and it becomes party political. That is what bothers me with it. I am just being honest and transparent with you on the issues.

I think it is good to have some form of regulation, but I am not sure that this amendment in its entirety is the most exciting, healthy and wonderful amendment. I am sure that if we were in government you would see something that we could all be happy with, but as it is we are not, sadly, at this point in time. I think I will leave it there.

**Moir DEEMING** (Western Metropolitan) (16:50): I rise today to speak against the Local Government Amendment (Governance and Integrity) Bill 2024. Just a little while back I called upon the Minister for Local Government to ensure that her department would operate as a model litigant and to overhaul her department's councillor code of conduct regime by relinquishing control of the process to an independent agency like the inspectorate, by ensuring that councillors are provided with indemnity against lawsuits and by withdrawing her plans to force the lowest paid, lowest level of elected government representatives to lodge their privately funded code of conduct appeals in the Supreme Court – the highest, most expensive court in the state – instead of VCAT, and none of that is included in this bill.

If we are going to be talking about integrity, then we need to remember that integrity is undermined by conflicts of interest and concentrations of power, and this bill just entrenches them. Government ministers, whether we like it or not, represent political parties that seek to win and keep power. I do not actually have a problem with that; I have a problem with poorly framed laws that do not create checks and balances. It is just a fact that ministers have a conflict of interest when they get to decide the fate of other democratically elected representatives – that is just outrageous; what a terrible, terrible law this is – especially ministers who are from other political parties. We have Labor, Greens and probably soon-to-be Liberal Party endorsed local government candidates. You cannot be seriously expecting us to believe that a Labor Party government minister, or even a Liberal one for that matter, is going to be believed if they overturn any kind of local government election – their right to represent their constituents – if they are from a different party. It is not going to pass the pub test.

People in the public should not have to put in so much effort to trust the government. These kinds of things should not be allowed. Oversight should be given to an independent body like the inspectorate. This is not a dictatorship, as I have said before, whether or not they like the idea, and this government needs to start having some respect for the fact that we are actually a democracy. If we are going to talk about good governance, then we need to remember that good governance is based on clear laws that promote justice and which are applied equally to all, and again, this bill entrenches subjective, biased laws. It incentivises the misuse of the arbitration process because there is no financial burden in making a complaint, whereas defending yourself against a complaint requires a huge personal financial impost. That is absurd. That is bad legislation.

Also, this bill denies natural justice. The arbitration panel and the arbiters have no requirement for proper rules of evidence. Everything is decided on the opinion of the arbiter. They are not required to have proper legal qualifications, and complaints can be based on somebody taking offence. There is nobody here that would survive if that standard was applied, let us just be real.

Let us go through some examples. We have got cases that look extremely biased already. We have got Cr Jasmine Hill at Wyndham, suspended for months despite no concrete evidence for the claims made against her ever being produced. Cr Susan Bissinger at Mornington Peninsula – the CEO publicly announced that she had been banned from talking to council staff and then refused to even tell her why, and when she made a guess in public as to why, she was suspended. Former councillor Steven Hughes from Frankston council was suspended on the basis that he made negative comments about the performance of council; I would have thought that was part of his job. Cr Daria Kellander from Hobsons Bay was suspended for explaining in an internal email to other councillors that she felt uncomfortable participating in a closed-door meeting that she thought would unduly influence the outcome of the mayoral vote. Unbelievable. Then mayor Cr Briffa was declared guilty of misconduct for naming and defaming me, as it happens, and she received no sanction whatsoever. She was not even required to apologise or take those publications down, and yet Cr Vandenberg from Melton City Council was found guilty of exactly the same kinds of things against every single other councillor

there. She was forced to apologise and was suspended for a month. Where is the standard of evidence or treatment? That is completely biased.

Cr Melissa Ferguson at Latrobe City Council was forced to make a ridiculous apology simply for asking questions about where public bushfire recovery funds had gone, and then she was suspended and required to apologise for retweeting a post privately with concerns about a person who is now being investigated for paedo-sadism. Oscar Yildiz from Merri-bek was publicly vilified by some of his own fellow councillors to the point where he was receiving death threats, and yet nothing has happened about that. Crs Tachos and Kerr at Brimbank were denied any chance at mediation before being served with an incredibly long list of complaints that went past the three-month rule. And let us not forget that these totally biased arbitration processes are ultimately made public, so the psychological distress about defamation and having your career ruined privately and in the sector are real.

If we are going to talk about accountability, let us not forget that it should be for everybody. Witch-hunts are not accountability. So why does this bill only go after councillors, as if councillors are the only source of authority and bad behaviour in these organisations? What about the CEOs and the executive? What about the gaslighting and the bullying by council CEOs and executives against councillors who do not toe the party line or do what they are told or make the job easy? How are councillors supposed to hold the CEO, the executive and everybody else to account and ensure good governance when they are blocked from gaining information?

I am speaking from my own experience as a councillor now. I could not believe that when I asked for the raw data on the never-ending series of reports that I was given, I was denied that data. I used to be a researcher, and you always attach at the end the raw data, in an annex. But I was told that all I was allowed to receive was a report which covered themes – the themes of what the data revealed. I said, ‘What I would like to see is the actual data which tells me the exact proportion of who agreed with this policy.’ I never got that. I got elected to state Parliament before I could bring that one up. I have heard lots of people talk about the behaviour of councillors who are now in state Parliament. I do not know about Mr McCracken or anyone else here, but I have never had a complaint lodged against me, not once – not ever in any job, by the way, until this one. So let us not just be looking at other areas of government.

I heard it said by my esteemed colleague over here that socialism would be very well placed in local government council. I thought I would tell you this little anecdote. When I was a councillor I noticed a line from Karl Marx’s manifesto in my briefing notes, and I said, ‘Oh, that’s very interesting. What’s this about the collection and redistribution of wealth? What’s that doing in there?’ They went bright red, and they said, ‘Oh, it must be a mistake.’ They did not realise that I had done international relations. I had that book on my shelf, and I got the quote directly out in front of them. There is bad behaviour everywhere. That is why you have to have fair rules that apply to everyone, not just to one level.

When we talk about the mandatory training – hilarious. I could not get enough training as a councillor; we had a problem getting it passed and paid for. May I just tell you another little anecdote: we had to beg the human rights commissioner and the Sex Discrimination Commissioner to come and speak to us at Melton City Council to explain the laws and how they applied at the local government level. In the middle of that training the human rights trainer said, ‘Oh, I’m sorry. I can’t answer any more of your questions, I have to go.’ And he never came back. I would have loved to have experienced that training, but I just could not get them there.

Let us talk about some examples on the CEO and executive level. I happen to know that Minister Horne is aware of a report into a corrupt CEO that has never been published, and that is against the public interest. This CEO is now continuing, by all reports, his corrupt behaviour and bullying tactics, giving mates rates and misusing his position as a CEO at a different council. Nothing has been done. Why does he get away with it? One mayor was provided with another councillor’s personal home

address so that she could write a threatening letter on council letterhead paper delivered by registered post to that councillor's home, wherein this mayor threatened that councillor for raising the issue of misuse of taxpayer funds for pointless junkets and for raising the issue of community outrage over gender-neutral toilets. The threat was clear: this councillor was not to embarrass that mayor again, or a complaint would be made to the biased internal arbitration process. And it included a demand for a personal meeting within seven days. That is outrageous; how dare the executive give out the personal address. Nothing was done.

One governance team even created a councillor complaints-handling policy dictating the process for when a community member complains to council about a councillor, and it was used to bury complaints about councillors. But that policy was never even endorsed by councillors; they never saw it. What recourse to justice and what recourse to any sort of oversight do the councillors have in that instance? None. They have complained to the minister, and they have heard nothing. That policy was actually used to dismiss a complaint from a member of the public. The complaint was then referred to the arbitration panel, and even there that councillor was found guilty. What councillors need is more individual powers. They need legislated rights to demand information from their council so that they can do their job. They need protection from spurious, subjective complaints being made by petty, ridiculous people who do not understand public service. That is what this bill should have done.

I will finish with this. The fact that this government over here, this Labor government with their new Premier, given – but the old Premier – altogether spent about a million dollars bitterly fighting all the way to the High Court to prevent an independent investigation of the red shirts rort and abuse of public funds, and that tells us all we need to know about this government's attitude towards taxpayer money and genuine accountability. This is just a disgraceful bill, and I condemn it.

**Jacinta ERMACORA** (Western Victoria) (17:02): I want to start off by congratulating Minister Horne for her work on this piece of legislation updating the local government acts. I also want to acknowledge all previous councillors that are members in this chamber, because I think there have been interesting contributions and I think that anybody that has been a councillor has a bit of an idea of the importance of the role. I also want to acknowledge Ms Terpstra's contribution earlier as well.

Local government is very complex. I know that sounds like a glib statement, but it really is quite a dynamic environment, and it really requires operational and strategic understanding of a very wide range of issues across a diverse range of sectors. You have got the traditional kind of focus on roads, rates, rubbish, drainage and flood mitigation – that in itself is enough to intimidate anybody who is trying to get their head around all of those issues. But there is also financial management of considerable budgets with significant complexity, and significant negotiation is required with colleagues and management to achieve things.

One good example, from my perspective, in terms of the diversity of what local government is responsible for, is from the one that I was involved with as a councillor myself, Warrnambool city. If you just take Warrnambool city, which acts as a capital city for the region, it operates an airport and it operates a seaport. Even just taking the involvement of an airport, you have got civil aviation regulations, you have got security compliance and you have got asset management with runways and terminals and so on, and then of course most airports have got an industrial estate with strategic planning responsibilities for local government. If your local council has an airport, it is a good thing if you as a councillor understand and are briefed on what is coming on the horizon for airports, what the strategic issues are, what the interests are and how they relate to your community.

That is just one area. We have got a seaport as well. Then there is a theatre with a variety of cultural programs and a regional art gallery, so we have got the arts sector. Councils also take care of communities from cradle to grave, from birth and early childhood services such as maternal and child health services through to activities such as Meals on Wheels and health and aged care services. Again, the funding associated with the aged care sector within local government is so big and so dynamic that it really does take a significant amount of energy, time, reading and reflection on the part of a

councillor to make sure that all their responsibilities and the community's needs are met as best as possible.

Warrnambool council also has a huge role to play in maintaining parks, gardens and sporting facilities of every type and supporting a huge number of community groups across the community. The role of a councillor is to have oversight of the strategic outlook across all of these areas in order to make the best decisions for the community they serve, and this means understanding forward trends and emerging issues that may impact the services provided by that council. Councillors are often also members of regional or local library boards, regional alliances – a rail freight alliance in the case of my region – waste committees and emergency management committees. They often form parts of working groups for big new projects. Councillors often oversee community grant schemes and witness firsthand how volunteers play a really important role in the community but also a really important role in providing input to councils. Councils also work hard to seek funding from the state and federal governments, and they have got their fees and charges as well and their rating system.

Just last week I was pleased to announce funds through the council support program for both Warrnambool city and Moyne shire. Warrnambool Civic Green was one of the beneficiaries, and some wi-fi in some small towns in Moyne was another beneficiary. These partnerships ensure that regional towns are benefiting, and that is as a result of advocacy and planning from local government. Councils do complex work together to advocate not just for their own patch and not just for their own ward but also for the important projects and priorities of a region. I would say that the funding of the Maroona line rail freight project, \$150 million, was honestly probably a 25- to 30-year – someone is going to correct me. But I know it is at least 20 years that that project has been advocated for in my region of the south-west, and it was only funded this year by the Albanese government, which is fantastic. But many, many councillors in the region from multiple councils have played a role in that. This is why we have got this bill to strengthen and support councils in the work that they do.

I am particularly pleased with the bill before us today because it makes amendments to further improve councils by improving accountability, councillor conduct and governance across the local government sector. This bill provides for ongoing mandatory training for councillors and mayors, and I do agree that with a hundred people in a classroom you will get a hundred different views of what they learned. Attending the training is a good thing, and it is good to have mandatory training because of the complexity of the role, as I have just described. The bill also improves the councillor conduct framework, clarifies the responsibilities of councillors and provides a model code of conduct. I think good behaviour is good behaviour no matter where we are, and basic human courtesy and a rigorous debate that is conducted with respect to your opponents all sit within a good code of conduct. I think it makes sense to have a universal code of conduct across the state.

This bill also provides for the suspension and disqualification of individual councillors in certain circumstances and certainly according to a codified framework. I think it is really important to be able to do this. The feedback I have received from councillors in the sector can be summed up from my perspective as a huge sigh of relief. Councillors report to me that one councillor can disrupt the functional work of a whole council team and that can then cause reputational damage to the entire council when it is really only one councillor that perhaps might not be behaving in a way that meets not only normal, accepted human behaviour standards but also professional governance standards.

As a further element of that, I really want to endorse what Ms Terpstra said earlier about encouraging women to run for local council, and we do have elections later this year. I think having stronger accountability for local government councillors and an ability for the minister to sanction, through suspension or disqualification, an individual will make councils less aggressive in some cases and less intimidating spaces for women. I think how it is reported in the community, some of this conduct, influences women's decisions to put their hands up for council, so I share Ms Terpstra's hopes that this bill might encourage more women to run for council.

The bill also provides further powers to the chief municipal inspector and makes miscellaneous amendments. I fully support the principles that this bill addresses, and I commend the bill to the house.

**Rachel PAYNE** (South-Eastern Metropolitan) (17:13): I rise to make a contribution to the Local Government Amendment (Governance and Integrity) Bill 2024 on behalf of Legalise Cannabis Victoria. I would like to begin by reflecting on why this bill has ended up before us today. In this term alone we have seen 11 councils appointed municipal monitors for urgent intervention, multiple councils dismissed and replaced with administrators, numerous councillor resignations and the Operation Sandon special report. IBAC's Operation Sandon investigated allegations of corrupt conduct involving councillors and property developers in the City of Casey, in my region of South-Eastern Metropolitan. It exposed behaviour that did not meet the required standards and highlighted the risk of corruption in local government. IBAC's acting commissioner at the time Stephen Farrow noted the impact of planning decisions on the livability of all Victorians. In doing so, it was made clear how essential it is that these decisions be protected from corruption.

There is a real need for reform to restore faith in government at the local level. Integrity is important at every level of government, and in many ways it is more important at a local level. This is the level of government that impacts people's lives in some of the most direct ways – whether your local pothole gets fixed, whether your neighbour builds their four-storey house or whether you feel safe on a well-lit street walking home at night. These are just some of the many things your local council has responsibility for. Councils make decisions that directly affect your quality of life, and these decisions should be made by a representative who has your best interests at heart. Anti-government groups understand the essential role of local councils well. Many are arranging targeted campaigns to get onto local councils, control the decision-making and lobby a conspiratorial agenda – all the more reason we must ensure integrity in our local government. As a member of the Integrity and Oversight Committee, I am acutely aware of the importance of this issue and the work that agencies like IBAC undertake to ensure that they can make recommendations that will improve our democracy. This bill goes some of the way to addressing these issues and strengthening local council governance.

Mandatory ongoing training and the amendments relating to the uniform model councillor code of conduct are both positive, if not overdue, reforms. But all reforms must be balanced. We do not want to go so far with integrity reforms that we undermine the benefits of the separation of state and local governments. This is a concern that many in this chamber have shared. It is also a concern that we have heard echoed by many of the councils in my region. They have been consulted on this legislation and they may agree in principle to things like the model councillor code of conduct and the mandatory training, but they cannot say for certain how it would actually impact them without further details. The details of both have a direct impact on whether training can be delivered in an effective and timely manner. It is our hope that there will be detailed and meaningful engagement with the sector following this bill so procedures and policies can be successfully implemented. To further ensure the successful implementation of these changes, we encourage this government to support Local Government Victoria and the chief municipal inspector to give them the resources they need to assist with these reforms in a timely and cost-effective manner.

We understand that there are councils that support the changes to the indemnification of councillors, particularly given the unpredictable financial burdens of the existing system. But in the same vein, no indemnification could create unequal power structures for councillors with less resources. We would like to see some balance struck here, but in the meantime we recognise that the current system is not sustainable and must change. Similarly, the removal of VCAT jurisdiction and the changes to ministerial disqualification and suspension powers have been controversial. Some we have heard from have praised the removal of VCAT jurisdiction for stopping overtly litigious councillors and providing certainty of outcomes, whereas others have raised serious concerns that the failure to retain VCAT jurisdiction undermines access to justice. We will support this government's willingness to recognise these concerns, and we will be supportive of any house amendments to that effect.

In the spirit of integrity in local government we will also be supporting amendments by the Greens in relation to political donations and further scrutiny. There are other general areas for improvement that this bill also fails to address – things like mandatory duties, reporting, resourcing, the threshold for disqualification and efficiency measures. With this in mind, I will be putting forward several questions in the committee-of-the-whole stage to understand why these improvements were not undertaken. There is an approach that can balance the independence of local government with sufficient oversight and integrity measures. This bill could be improved to strike that balance in a more meaningful way.

**Bev McARTHUR** (Western Victoria) (17:19): I rise to speak on the Local Government Amendment (Governance and Integrity) Bill 2024. While I do not oppose all elements of this bill, there is a lot I cannot accept – certainly more than enough to persuade me to consider voting against it. In full disclosure, I have been a councillor. I will explain the elements I have a particular problem with, some of which have already been mentioned by my colleagues but others which I think are new to the discussion. The theme which unites all of my reservations, however, is the government's control freakery. It has moved yet again to streamline processes, sideline opposition and consolidate power. I find it particularly galling that we are told these moves are what the sector wants. They may be what the 77 respondents to the consultation want, but what about everyone else? There are 618 councillors in Victoria. Council Watch Victoria provided more than 250 submissions, apparently ignored. And what about the people, the ratepayers? How can we have a consultation on how local government can be run without asking the people who vote and pay for it? Why were they not asked?

What we have, as ever, is a consultation with those who wish to be consulted, with the individuals and groups who know that their views are largely in line with the powers that be and who do not share the cynicism of the rest of Victoria – the professional bureaucratic establishment, as ever, talking to itself. I was further surprised to be told that, on the basis of the survey, councillors want the training that the bill mandates. If the best argument for it is that they want it, why on earth make it compulsory? The truth is that those who want it would seek it out anyway, and those who do not care will simply turn up, tick a box and gain nothing whatsoever, with the time wasted and ratepayers money spent. The only beneficiaries will be the consultants and service providers running the courses, the council staff employed, the government advisers designing the schemes and the public servants supervising them, procuring them and ultimately evaluating them – the usual self-justifying, unproductive, inherently expansionist blob.

My disappointment is that I do not doubt the sincerity. I am sure most of these people, ministers included, want to improve local government, but it is revealing that they think this is best achieved by enforcing conformism and reducing the agency of individual councillors. In fact that is the exact opposite of what would improve local government. Apart from those 77 enthusiastic form-fillers, this bill was framed to me as being necessary at a recent briefing in part because of the concerning dropout rate of councillors: 56 have quit since the last elections. I would like to suggest they have not quit for want of mandatory training or unified codes of conduct. Many gave up because they are absolutely disillusioned by what goes on, by the cliques of councillors, by the all-powerful unelected CEOs and by the state government's total disrespect for local government.

My recipe to improve local government would be different: listen to councils and councillors. It is not just the legislation this government passes which undermines them – the Local Government Act 2020 and now this one – but the day-to-day operations. They are ignored, disrespected, overruled. Think of the recent discussions in this place on renewables planning applications. Local governments are now practically powerless. Their representations on transmission lines are ignored. Their representations on renewable projects are ignored. In housing, the development facilitation program puts the minister in the box seat – not the council, not the councillors, not the ratepayers.

How about, more specifically, the case of the Moorabool shire and the frankly disgraceful way it was treated by the state government over the proposal to dump contaminated soil from the West Gate Tunnel Project in the heart of Bacchus Marsh? The council there was treated as a hostile entity by the state government, not as professional colleagues – and not just councillors, staff too. Ultimately, they

had to FOI government departments and even launch Supreme Court action against the government to make their point. They have been thoroughly vindicated, I might add. The people who need re-education here are not local councillors but the ministers and department staff who have contempt for local government and who consider it an inconvenience to be disregarded whenever serious matters arise.

Another example: the disrespect for councils involved in Western Victoria Region shown by the government's signing of the Barengi Gadjin Land Council recognition and settlement agreement. This will have enormous impact on councils, but they were not even informed before its signing – not consulted in any way, shape or form, let alone invited to meaningful negotiations. Then, to add insult to injury, when legitimate concerns were raised they were smeared by government ministers, MPs and media advisers – as indeed I was, incidentally – as spreading misinformation due to prejudice. Whisper it: 'racism'. This was utterly contemptible. People opposing it were fully aware the agreement was not in itself legally binding on councils. We knew that. But it was an agreement that the state government would use to position itself to assist in bringing local governments to the table to negotiate the aspirational asks of the recognition and settlement agreements. We are not idiots. We know what this means for councils, especially small rural councils. They cannot afford to say no. It is that simple. Their future funding will be on the line.

This brings me to another way in which local government should instead be supported and improved – namely, funding. The reasons councils, again particularly small rural councils, cannot stand up to state government is because they are so directly dependent on it. If you want to improve local government, if you genuinely do, reform the rates system so they, councils, have their own regular income and do not have to spend their time and ratepayers money on wish lists and expensive consultants producing glossy brochures to tip their hats as begging bowls in pursuit of grants doled out by central government. Grants make up about 50 per cent of small rural council funding. That is no way to run a system. It is not the foundation for good governance. It undermines councils and councillors and no doubt reduces their quality and the quality of individuals who wish to spend their time in public service as councillors. So some respect for councils from government ministers would improve the quality of local government – so too would a proper funding solution.

I also believe we need to restore the balance between CEOs and local councillors, who are often not even able to get notices of motion onto meeting agendas. Further, there has to be an injection of common sense. In some cases the incredibly valuable expert advice of councillors is lost on local projects because they are not allowed to speak to staff. They cannot even offer a view on projects and industries they understand intimately, because that crosses a line into managerial input. It is crazy. These are the everyday limitations on councillors, the real factors which undermine them, and frankly are far more likely to be responsible for resignations and retirements than anything else.

A final element is direct interference – the appointment of monitors. We have seen this in Geelong, where barely weeks after one long and expensive monitor appointment ended – \$125,000 worth – another was imposed by the minister, over \$1200 a day each for the two monitors, while we have a CEO being paid over \$500,000, with completely inadequate explanation to the ratepayers who foot the bill and whose democratic selection of councillors has been undermined. Yet ministers with these instincts and powers are to be trusted with the ultimate ability to sack individual councillors? I ask you.

I want to mention another reservation – namely, the codes of conduct. The state government is not, you might be surprised to hear me say, the root of all evil. Sometimes problematic situations arise locally, and this is why I am worried by the potential weaponisation of enforced codes of conduct. What the model code of conduct will say concerns me. Will it become an instrument of control which



unduly restricts councillors from discharging their duties as they see fit? As I said following the previous legislation in this area:

It is hardly impossible to imagine ... circumstances where those councillors in the majority and perhaps even the officers who depend on them for employment could use the codes to enforce conformity and suppress opposition.

When the Surf Coast Shire, for instance, introduced a code of conduct, I note that it stated that being fit to conscientiously perform the role of a councillor will require councillors not to: engage in behaviours, including having a negative attitude; undermine the reputation of fellow councillors or the council; or resist and discourage innovation and new ideas. So taking offence is an issue here, isn't it? That is what you can be accused of. You can have a code of conduct slapped on you for being opposed to somebody else's idea. What if they have bad ideas? Can they still be resisted?

Just this week we had the case of Hobart city councillor Louise Elliot, who finally received an apology from council for the actions of staff who disliked her views on gender ideology and blocked her effort to organise a women's rights event. She had previously been forced to attend re-education classes due to disagreements with colleagues on the same subject and even had a code of conduct suspension quashed in the courts. That is Tasmania of course, but the analogy is clear.

This bill is an enormous missed opportunity. The government should put away its control freakery and improve local government by trusting it and by empowering it. Ditch the monitors; listen to council on infrastructure matters; have some respect, even when they disagree with you; and design a rates system which does not leave them utterly dependent on you. Independence and empowerment bring excellence. Local councillors are far closer to the people than any other level of government. They have to deal with the voters every day in the shop and on the street. The least we can do is give them the agency to make their own decisions. Banning the nannying re-education of councillors and reducing the state government overrule of councils should be the real goal of any local government bill which really seeks to improve our democracy.

**Michael GALEA** (South-Eastern Metropolitan) (17:32): I also rise to share a few comments on the Local Government Amendment (Governance and Integrity) Bill 2024, and in doing so I note that I rise to support this bill and indeed wish to commend the efforts of Minister Horne and her team in getting us to the point of debating this bill here today. This is an important bill, because it is a bill that will achieve a significant improvement through the strengthening of our local government sector by making the sector more accountable and by taking measures to improve councillor conduct and also improve governance. There are a number of amendments to some other acts as well in this, notably the Local Government Act 1989 and other various consequential amendments. I will focus most of my remarks, though, on the amendments to the Local Government Act 2020, which of course took place ahead of this year's upcoming council elections.

Some of the key provisions of this bill include, firstly, the requirement for mandatory and ongoing training and support for all councillors, including mayors and deputy mayors. I would like to, on this note, just pause to reflect that, like other members have in this chamber, I have also had the opportunity to talk to and hear from a number of different councillors in my region, in the south-east, from across the seven different councils that I get to represent, six of whom currently have elected councillors. The feedback I have had has been overwhelmingly positive. This is something that is being embraced and certainly something that is very much looked forward to by the local government sector but particularly by those councillors themselves.

It leads me on to the point that Mrs McArthur was making insofar as whether this training should be mandatory or not. I actually agree with the premise of Mrs McArthur's point that, yes, the majority of councillors will be interested in engaging properly and meaningfully with this training. It was her suggestion that, as a result of that, it should just be voluntary so those councillors who wish to partake in it can do so. But I strongly disagree with the conclusion she drew, which was that those who have no interest in the training or no interest in those proper accountability measures or those proper

governance measures should be exempted from having to do the training that other councillors willingly put themselves into. The reason that I disagree with Mrs McArthur on that point is strictly because often it will be those councillors who are in most need of this training, who are in most need of this support. As I said, I absolutely do agree that the majority of councillors do the right thing, and the majority of councillors intend to do the right thing. It is that small minority that this bill is seeking to address. The training is one measure, but one very significant measure, which will address that.

A secondary measure, where it is warranted, is the suspension and disqualification of councillors who pose serious risks to the health and safety of fellow councillors or council staff or who otherwise inappropriately hinder council functions. This is of course an extreme measure, but it is an extreme measure that is needed because currently if you have such a situation with such a difficult culture that is out of control, the only recourse that the minister has is to suspend or sack the entire council. We have heard some commentary from other speakers about various recent cases of that in this debate here today. It is for that exact reason that that should be the option of last resort, as indeed the option of second-last resort perhaps should be, where it is necessary, to suspend or disqualify a councillor. I am not sure if that is a very apt phrase, but we will stick with it for now – the option of second-last resort. But it is an important thing to do, because as Mrs McArthur says, the majority of councillors do act properly. They do act in good faith, and they should not be penalised for the actions of a few.

This bill also introduces enhanced enforcement powers for the chief municipal inspector, including the issuing of infringement notices; improvements to the councillor conduct framework, including a uniform model councillor code of conduct with increased sanctions for misconduct; and various adjustments to election timelines, including the early closure of the electoral roll.

There was a previous contribution in this place today – it might have been Ms Terpstra – about the various elements of this bill which are being implemented as a direct result of recommendations from integrity agencies. Indeed this bill in particular draws a number of its measures from recommendations made by Operation Sandon. Operation Sandon is a report I am quite familiar with as it relates to Casey council, which is within my region. We saw some disgraceful alleged behaviour take place by those former councillors which warranted that council being dismissed. Again, I note it was not every councillor that was partaking in that alleged very, very poor conduct, and those decent councillors were caught up in the same mess when that council did find itself in the position of having to be disqualified. I think it would be prudent for those opposite in particular, whose party members were largely responsible, those councillors who were the ones doing inappropriate conduct on Casey council – they can try and run away from it as much as they like, but it was quite a disgraceful situation where you saw a small cabal of Liberal councillors working hand in hand with developers against the interests of their community. It is something that we hope never to see again.

I for one am very pleased to see that Casey will be returning to full democratic elections this year, and I wish all the candidates for that particular council contest luck, as I do for all seven councils in my region. But we certainly never want to go back to seeing the sorts of behaviour that we saw at Casey council. Indeed there were other reports of various incidents and altercations between councillors during council meetings. We have our robust debates and discussions in this place. I am fortunate that I do not think I recall ever seeing anyone take that to a physical level, but where that does happen in any sort of environment, it is completely unacceptable. As I said, I am very much looking forward to seeing a new democratically elected council in the City of Casey this year, one that I sincerely hope is free from the sorts of practices that the Liberal Party saw fit to put into that council in the last decade, when they were using it as the training ground for their prospective state parliamentary candidates.

There are a number of other functions in this bill; as I said, though, it is fundamentally a bill that has been drawn in response to the requirements and recommendations from, amongst others, Operation Sandon, and it is one that is part of a suite of measures that this government continues to implement to make sure that our local government sector is working as well as it can, because it is the most local form of democracy for Victorians. It is the one where you are most likely to see your councillor, as

Mrs McArthur said, down on the street, down at the shop, and it is important that the Victorian community can have faith in their councillors.

Again I will repeat the point, because it does bear repeating, that the vast majority of councillors do do the right thing, and these sorts of measures, these sorts of training requirements and these enforcement provisions where they are required as well should actually give the Victorian people that confidence and that faith back in their local democratic institutions, back in their councils, because councils do perform a variety of very important services. Beyond of course rates, rubbish and roads, they have enormous provision of services through maternal and child health, through early education, through various other support structures that they have in place for their communities and of course through their role as advocates for their communities as well. I know I particularly enjoy meeting with each of the seven councils within my region, whether it is on projects which they wish to advocate for at the state government level or indeed in some cases where we advocate to them in return, such as a local council road intersection that I am currently working on with one council and various others as well.

For the Victorian people to have faith in our local government, in our councillors, in our mayors and in our deputy mayors is a very important thing, and that is what this bill will help to achieve. I am mindful of the fact that there are number of other speakers who wish to make contributions, so I will leave my remarks there, but I do commend this bill to the house.

**Trung LUU** (Western Metropolitan) (17:42): I rise to contribute on the Local Government Amendment (Governance and Integrity) Bill 2024. On this side of the house we believe in local democracies and the rule of law. While this bill is not perfect, I do agree with the intent to instil good codes of conduct and to improve governance and integrity of local governments, because we believe in the principle of independence for councils. To prioritise the welfare of ratepayers is paramount. Like many of those in the chamber, before coming to this house in 2022 I had the opportunity to represent the residents of Brimbank City Council as a ward councillor for Harvester ward.

We should assume that those who run for council have the best intentions at heart. Despite their imperfections, the primary motivation for most individuals entering local government is not financial gain but rather dedication to serving their communities and to enhancing the quality of life in their communities. That does not mean they are above scrutiny. Scrutiny is essential in elements of functioning democracies. However, it is a big concern to me when a bill empowers a minister from a different level of government to have the ability to take action on individual councillors and the ability to remove an elected official. We believe councillors who act improperly should face appropriate consequences, but this must be done with due process and fairness.

The proposed legislation aims to enhance the governance of local council by introducing several key measures: first, seeking to boost council leadership and capabilities, ensuring that those leadership positions are equipped with the necessary skills and knowledge to effectively govern – that is, through some of the training which is proposed. This also includes a code of conduct for councillors and setting higher standards for behaviour and decision-making. This bill mandates professional development for councillors, enhancing the importance of continued learning and adaptation to the evolving needs of the council. However, I do have concerns with the significant power granted by this bill to ministers for local government to act against local councillors. This raises concerns about potential overreach. The power could be misused to remove councillors who are simply unaligned with the minister's point of view rather than those who are failing to do their duties. The provision allows for the disqualification of councillors, which raises significant concerns around the power – for due process and the democratic rights of the persons and people who choose the councillors to be the local community's leaders.

The enhancement of powers of municipal monitors and chief municipal inspectors is concerning. While the intention to strengthen the oversight of local governments is commendable, there must be appropriate oversight. Questions about checks and balances in place that will prevent these officials

misusing or overreaching their authority have been raised. The bill specifies that councillors who engage in such misconduct, particularly bullying, can be removed but only if the behaviour occurred within the last 12 months. However, the bill also does not go into detail as to what constitutes bullying, leaving it open to interpretation by those in positions.

Furthermore, the bill outlines conditions under which the minister must take action against the councillors, such as creating a serious risk to health and safety or impeding the council's function. This sort of language used here is subject to scrutiny for its potential for misuse. You could also interpret it broadly enough to target councillors for political reasons.

The Municipal Association of Victoria expressed its disapproval of the withholding of allowances for councillors until mandatory training is complete. They highlight that such a practice is not legally permissible in other workplaces, suggesting that it could lead to a legal challenge against government. In such aspect the bill could be punitive and may deter individuals from seeking to serve as councillors for their community, thus impacting the talent, diversity and democratic process at a local level.

We should not accept a government that acts like Big Brother, trying to control every aspect of Victorians' lives. We need to ensure that the local knowledge, local initiatives and planning directives are what guides our approach to local government. Consultation is a two-way street. It is time for the Allan government to live up to their promise and work with local councils effectively. The Allan government need to get back to basics before they attempt to micromanage the action of 79 local government councils.

In closing, I would like to address some of the concerning aspects of this bill. Proposed subsection 154(3B) empowers the Minister for Local Government to remove a councillor following serious misconduct, specifically any allegation of serious misconduct due to bullying towards another councillor or council staff when the alleged conduct has occurred no more than 12 months ago. While this bill sets out high standards for elected officials, we all need to be vigilant to ensure that the process is used not for political purposes but instead to serve the best interests of the people, the ratepayers and the public.

**Tom McIntosh** (Eastern Victoria) (17:48): I am delighted to stand and speak in support of this bill, the Local Government Amendment (Governance and Integrity) Bill 2024, and also to acknowledge the work of the minister and the minister's office, which has put so much work into this. Many councils I speak to have very positive feedback on the direction that the government is taking and what it is going to mean for local government, because we want to see good people in local government. We want to see our councils and we want to see our LGAs being thriving democracies, and we want those local governments to be able to engage well with all levels of government, whether that is us in the state or federally, to serve the community and to get outcomes for their community, the community that they are in touch with on a regular basis on the ground. We want good people representing the community, connected into community and delivering for their communities.

There are a lot of really important services. We know that local government has that connection point, whether it is swimming pools, whether it is kinder, whether it is child care, whether it is libraries or whether it is the many, many sporting facilities that communities rely on. I am fortunate to be able to go along to so many of these facilities that the state government co-funds with local government or with local groups. I get to see the needs – the needs of locals, the needs of local sports, of families and of children – being met, and that is what it is all about. It is delivering so that local people can have the best quality of life possible.

To get this, to get good people into council and to have those that are in council delivering for our community, we need to ensure that the culture is right to get the outcomes, to get that collective effort of a council. There are a number of people at the table generally, whether it might be nine or 11 or whatever the make-up of the council is, and that is why I think it is important that that this bill is talking about the training that is there for councillors from the time they are inducted to the ongoing annual

training that they receive, or if a councillor goes into the position of mayor or deputy mayor, so they are assisted to know what is in the role and what is expected of them. All of these things will see better outcomes for everybody who has a touchpoint with local government. Councillors I speak to want – time and time again I hear – their local government to operate in a way where they can work together, work well, work respectfully and get outcomes for the community.

Our uniform code of conduct will make it very clear what is expected across our 79 councils – clear to all – so that when there is a situation where individuals are problematic and that is impeding the ability of the council to deliver for the people who need it in their local community it can be dealt with. Early intervention is really important in this so councils keep working well, so we do not see the culture going backwards and so we do not see people not wanting to give their absolute best to deliver for those local communities.

I am very fortunate to work with some fantastic councils – South Gippsland, Wellington, East Gippsland, Mornington, those shires. There are great people doing great things, and I am regularly with them, as I said before, for the investments we are making with them for communities and celebrating that but planning a path forward about what else is needed not only for them but for the locals. Again, I want to commend the minister for her work and support this bill.

**Richard WELCH** (North-Eastern Metropolitan) (17:53): I rise to speak on the Local Government Amendment (Governance and Integrity) Bill 2024. I come from corporate life, and one of the big shocks to me coming into politics was the behaviour in the political bubble – the behaviour we see in Canberra, in Spring Street, in councils – that I find totally gobsmacking in a lot of degrees. Corporate life is full of problems, but I tell you what, it is 20 years ahead, in terms of the governance of behaviour within the workspace, of the political world. I certainly welcome the idea to improve the conduct of people within local council. I think that is an important step that needs to take place. The issue therefore is not whether there should be improvement, it is how we are going to do it. This bill I think has some merit in intent but, as other speakers today have said, it has a number of problems in practice – some challenges to achieving that outcome.

To start with, we would look at the point, a key point that is mentioned many times throughout the bill, where a councillor creates serious risk to health and safety of councillors or other persons or prevents council from performing its functions. But it does not provide an adequate definition of exactly what ‘serious risk to health and safety’ means, because in one person’s interpretation that should clearly mean physical safety, intimidation or other things, but in this day and age we have cases where there is emotional harm or any other forms of harm that take on another countenance altogether. This means it is quite feasible, because we see it in other areas of administrative life these days, where mere cases of disagreement are considered to be making a workplace unsafe. Where a councillor’s intention is simply to make the council or other councillors accountable, that could easily fall into this trap because it is ill-defined. Where a councillor uses the democratic process to democratically obstruct process, it could be seen as obstructing council business. Where a councillor uses correct procedure and procedurally obstructs something that they consider wrong, that could be seen as breaching their conduct rules. In fact simply being annoying could be harmful, and there is no law, unfortunately – nor should there be – about someone being annoying. That is just a fact of democratic life. So this is, because of the lack of checks and balances, particularly around this definition, simply an open invitation for political viewpoints to be silenced and for due process to be ignored, and it is really effectively a chilling effect on democracy itself.

When we talk about the means by which the suspension of a councillor may take place if the minister so says, the fact is that, as others, again, have already mentioned, there is not intended to be a recourse to VCAT and any internal arbitration process that has commenced is immediately suspended. So the external process automatically trumps any internal process, which basically removes a councillor’s opportunity to exonerate themselves from it. So the due process is convoluted at best and actually probably denies natural justice, because it takes away the internal processes the council may have had in process. The procedures where the councillor conduct panel and the minister – it is very convoluted,

in my view. The minister being able to sack a democratically elected councillor, clearly, as Mr Limbrick said, presents a conflict of interest. I cannot understand how that is not a clear problem that we have here. If you have a minister of any political persuasion – Liberal, Labor or otherwise – who is in charge of taking action against a councillor of a different party, it can only be considered a conflict of interest that we would not tolerate in any other administrative process, so it does really raise the issue of equality before the law there as well.

The requirement to complete professional development training also is another area where the bill is just too vague. Professional development training is a very, very broad topic. It could mean anything. It could be improving their Excel skills, telling them how to write a grant or public speaking. Who defines it? What are the measures? What is the cost of this training? Who certifies it? What if it is not completed to the satisfaction of whoever is conducting it? Who signs off on it? What if the training itself requires an agreement on contestable matters they do not agree with or indeed they were elected to disagree with? I think there is a real chance of that in particular. And does it require attendance at events they do not want to attend? The potential for abuse, again, through the vagueness of the legislation is manifest.

The removal of an indemnity also is another big, big red flag. The director of the company will have professional directors insurance. If there is no indemnity, that obviously has a chilling effect on any councillor's willingness to make a fuss, to put their head above the parapet and push back against procedure, because the personal consequences to them could far outweigh the benefits of doing so. So restricting or contesting it again is going to have a deeply chilling effect on a councillor's ability to do their job and do it fearlessly in the face of often a very belligerent bureaucracy that they have to work with.

I come to probably the central problem. I think you could forgive quite a few of these other elements, but I think that actually the biggest problem of it all is the MCCC itself, the model councillor code of conduct for councillors. I think having a central code of conduct is a good thing in principle. So many codes of conduct within councils are implemented by stealth, and because they are done within individual councils, they do not create a big fuss. I have seen firsthand how they are used to silence councillors and to silence the democratically elected people that the community think they have elected to run the council. The codes of conduct actually constrain and limit their range of speech, their range of objection and the means by which they can execute those powers.

I think having a central code of conduct is a good thing because it would be statewide and transparent to all. But the question is: being statewide and transparent to all, where is it? It is not in the bill. Where is that common definition? What defines it? Who writes it, and who changes it? I am really uncomfortable with language that says, 'We're going to consult with the sector.' The sector – who is the sector? The sector is the bureaucrats. The people who are not democratically elected are going to determine what the democratically elected people can and cannot do. I think that it is really just wrongheaded. I think that is fundamentally the wrong way around. The democratically elected people should be determining the code of conduct – no other way – and beyond that actually the voters should be determining what the standard is for the people that they are going to put into power. We have got a double problem here in that the code of conduct is undefined, and there is no mention of how it is going to be determined. That means this is all done on trust, but the language around it is, 'We're going to consult the sector,' the industry, as if the council bureaucracy are the people that should be determining the means and the ends of councillor behaviour.

Ultimately, the only qualification someone needs to be a councillor is to be democratically elected. That is the qualification. All else is secondary to that. A common code of conduct is a very good idea, but it should be in the legislation, frankly, or it should have been defined before we voted on the legislation, because otherwise it is open to be used, manipulated and changed by who knows. We do not know. We have not defined how that code of conduct gets administered or changed, and yet it falls back into the lap of the minister to be the final arbiter on people's performance against it. I think we are waiting on the amendments, and we will consider the amendments when they come. We will

probably support the bill based on the amendments, as I understand them, but we have not yet received them.

**Ryan BATCHELOR** (Southern Metropolitan) (18:03): A brief contribution on the bill tonight – it is an important one. Obviously local government plays an incredibly important role in Victoria. It is an important deliverer of local services, an important contributor to local decisions about our local communities and a democratic forum through which the will of members of the Victorian community on those issues manifests. All Victorians absolutely have the right to expect high governance and integrity standards from their elected representatives at local government level.

The very nature of the way that local government is constructed in our system of government is that it takes its sources of authority and regulation from acts of this Parliament. It is an important thing to remember in the course of this debate and in the conduct of this debate that local government, despite being a different level of government in the broad nomenclature in a legal sense, is an instrument of the state Parliament and is established under instruments of the state Parliament. Therefore it is perfectly appropriate that legislation such as this and measures to improve the operation and integrity of local government here in Victoria are debated in this chamber and are considered by this Parliament.

We have seen a track record over the last few years of some concerning conduct and some concerning issues within local councils, and we cannot let those impacts go unaddressed. We obviously have had municipal monitors: 12 councils had municipal monitors appointed to provide support to monitor their governance practices this term, compared to five the previous term. We have had more than 50 councillors resign since the last elections. A council has been dismissed following a commission of inquiry, and one has been suspended.

Obviously we have had the report from IBAC on Operation Sandon, and we have had a local government culture report and the examinations of the Local Government Inspectorate, which have demonstrated that there is a real need and an important need for improvements to council governance. It is a very strong body of evidence that suggests that action that we are proposing through this legislation is exceptionally timely and warranted, and we hope it will go to strengthen the integrity of local councils. Local councils do perform a very important function here in this state, and the government through the minister has undertaken some fairly extensive consultations with local government bodies, representatives, various groups and councillors themselves to understand why these reforms are important and also how they should be implemented. The reforms were shaped to address the feedback that was received in addition to the recommendations from those independent monitors, so it was the government bringing all of that together – as I said, incredibly important.

In the course of this debate about local government a lot of the contributions have gone to some of the problematic areas that we have seen with local councils in recent times, some of the challenges that we have seen and some of the problematic behaviour and problematic conduct. I just want to spend a little bit of time if I may talking about some really great stuff that is happening in some local councils, particularly in my part of the world in the Southern Metropolitan Region. I have in the past spoken in this chamber about some concerns that I have had with some decisions that a couple of the councils have made with respect to some services, and I will not go over that ground again. But I did want to take this opportunity particularly to commend the work that the City of Glen Eira are doing with their counterparts in the City of Bayside with respect to the provision of in-home aged care services in that region.

The City of Bayside for many years now has decided to really invest in its in-home aged care services and, unlike many councils across metropolitan Melbourne, has recognised that the provision of high quality in-home aged care is a fundamental service that local government should be providing. The City of Glen Eira, in looking at its services, realising that it was facing some challenges, instead of shutting those services down, contracting them out to the private sector or outsourcing them to private or not-for-profit operations, is in the process of consulting on a proposed partnership with the City of Bayside which would see the residents in the City of Glen Eira have their in-home care services

provided by their trusted neighbour at the City of Bayside to continue to provide high-quality care from a trusted council-run service, to bring their experience in providing these high-quality services over the council border from Bayside into Glen Eira and therefore to create a bigger and better scale of operations – local government delivering high-quality services in local communities, moves that are absolutely supported by the great service that the members of the Australian Services Union who work in them deliver on a day-to-day basis.

I want to spend just a moment to say that I think that the work that is being undertaken by the City of Glen Eira and the City of Bayside on aged care services in the local community should be commended, should be celebrated, and it is exactly the sort of approach that we want out of our local governments: constructive discussions, high-quality local services, delivering for their local community. If this legislation enables more of our councils across Melbourne to be focused on the issues that matter to their community and to continue to deliver high-quality services to them, then it will be very, very welcome indeed.

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (18:10): This bill covers important reforms to strengthen councillor conduct and the ability of councils to perform their role in the interests of the communities they represent. Councils deliver the vital services and infrastructure that communities need to thrive. It is so important that councils are able to function properly and that councillors adhere to the standards of conduct expected from them. Based on concerns raised during the debate in the Legislative Assembly and conversations with the Municipal Association of Victoria (MAV), the government has some house amendments to put in place additional checks and balances, and I ask that they now be circulated.

#### **Amendments circulated pursuant to standing orders.**

**Lizzie BLANDTHORN:** The first of the house amendments is to amend the bill so that the rights of councillors affected by a councillor conduct panel's decision to apply to VCAT for a review are retained. The bill introduces a suite of amendments to strengthen the operation of the councillor conduct framework and assist in the effective and timely resolution of disputes. Included in this is the removal of the multiple appeals avenue for councillor conduct panel decisions to prevent matters from being unnecessarily drawn out. While we think that this is an important reform, we have heard from the MAV that they are concerned about unintended consequences that may come with the removal of VCAT review from the Local Government Act 2020, particularly in combination with the removal of indemnification of legal costs for councillor conduct panel proceedings where there is no right to representation. It is not the government's intention to reduce the fairness of councillor conduct panel processes. Therefore the removal of review rights at VCAT will be taken out of the bill by the house amendments I have circulated.

The house amendments will also insert additional checks on the exercise of the ministerial power to suspend or disqualify a councillor. The exercise of these powers would already be subject to judicial review by the Victorian Supreme Court as administrative decisions. However, we have heard concerns about these powers being used in ways that are politically motivated, which the house amendments seek to safeguard against. These changes will mean that both of these powers can only be exercised by the Governor in Council on the recommendation of the Minister for Local Government. Further, an order made under these new sections will be required to be laid before both houses of Parliament and subject to disallowance. If an order is disallowed, then the order has no effect and the councillor can continue to perform their functions. This will mean that in addition to the multiple procedural fairness requirements built into the bill there will be a final safeguard mechanism to ensure that a councillor is not unfairly targeted. The disallowance process that will be required is the same as the process that must be followed to suspend all councillors of a council under the Local Government Act 2020.

The house amendments will also make a technical amendment to clauses 19 and 24 to address a query the Scrutiny of Acts and Regulations Committee raised in its report to Parliament on the bill, tabled



on 14 May 2024. The committee noted that clauses 19 and 24 refer only to client legal privilege and that this is inconsistent with other acts and a provision of the Local Government Act 2020, which refer to both client legal privilege and legal professional privilege. While common law legal professional privilege is captured under client legal privilege, the house amendment will fix this inconsistency and remove any ambiguity by including a reference to legal professional privilege.

The reforms in the bill will ensure that councillors can perform their roles and responsibilities in ways that maintain public trust in the sector and deliver effective decision-making and essential services to local communities. Passing this bill will ensure that councillors whose conduct does not meet community expectations, undermining public trust in the sector, are held to account. These house amendments further strengthen these reforms by ensuring appropriate safeguards are in place to guard against the inappropriate exercise of powers. I commend these amendments and the bill to the house.

**Council divided on motion:**

*Ayes (30):* Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

*Noes (7):* Katherine Copsey, Moira Deeming, David Limbrick, Sarah Mansfield, Aiv Puglielli, Samantha Ratnam, Rikkie-Lee Tyrrell

**Motion agreed to.**

**Read second time.**

*Instruction to committee*

**The PRESIDENT (18:21):** I have considered the amendments on the sheet circulated by Dr Mansfield, and in my view amendments 6, 18 and 19 are not within the scope of the bill. Therefore, pursuant to standing order 14.11, an instruction motion is required. For the purpose of this, instruction motions are dealt with as procedural motions.

**Sarah MANSFIELD (Western Victoria) (18:22):** I move:

That it be an instruction to the committee that they have the power to consider new clauses to amend the Local Government Act 2020 to prohibit certain donors from making a gift to a candidate or a councillor during the donation period equal to or exceeding the gift disclosure threshold and to prohibit a person from making a gift to or for the benefit of a councillor that exceeds the general cap for the election period.

**Council divided on motion:**

*Ayes (22):* Melina Bath, Katherine Copsey, Georgie Crozier, David Davis, Moira Deeming, David Ettershank, Renee Heath, Ann-Marie Hermans, David Limbrick, Wendy Lovell, Trung Luu, Sarah Mansfield, Bev McArthur, Joe McCracken, Nick McGowan, Evan Mulholland, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell, Richard Welch

*Noes (15):* Ryan Batchelor, John Berger, Lizzie Blandthorn, Jeff Bourman, Enver Erdogan, Jacinta Ermacora, Michael Galea, Shaun Leane, Tom McIntosh, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt

**Motion agreed to.**

**Committed.**

**Sitting suspended 6:26 pm until 7:28 pm.**

*Committee***Clause 1 (19:30)**

**Sarah MANSFIELD:** Minister, I am interested to understand what measures in this bill specifically address integrity, given the title of the bill. What are the main measures that have been introduced here that address integrity?

**Lizzie BLANDTHORN:** Thank you very much, Dr Mansfield, for your question. I think probably the most important area in relation to integrity is the role that the bill has in increasing accountability and addressing councillor conduct, and these reforms will strengthen direct accountability mechanisms and promote early and effective intervention at a council to prevent and address governance failures and councillor conduct. This includes expanding the power to suspend a councillor who is found to have created a risk to the health and safety of councillors, council staff or other persons or prevented the council from performing its function and enabling the disqualification of a councillor who is found to have created a risk to the health and safety of councillors, council staff or other persons or prevented the council from performing its functions in circumstances where the council has been dismissed by an act of Parliament. It also includes providing the chief municipal inspector with enhanced enforcement powers, including through the ability to issue infringement notices for certain offences under the Local Government Act 2020; strengthening and clarifying the operation of the councillor conduct framework, including by creating a power to introduce a uniform model councillor code of conduct; increasing the severity of sanctions for misconduct; making improvements to the councillor conduct framework that will promote the effective resolution of complaints about councillor conduct; and strengthening councillor capability in relation to governance, leadership, integrity and the appropriate management of conflicts of interest through the introduction of mandatory ongoing training for councillors, mayors and deputy mayors.

**Sarah MANSFIELD:** I am wondering, of all of those measures that you have outlined there, whether you believe any address the risk of corruption in local government – corruption, I guess, being an important aspect of integrity. If so, which specific measures are designed to address integrity? You talked about councillor conduct causing problems for health and safety, but what about corruption?

**Lizzie BLANDTHORN:** I think all of them go, in some way or another – particularly those relating to conduct – to any issues in relation to corruption. But perhaps the last one – strengthening councillor capability in relation to governance, leadership, integrity and the appropriate management of conflicts of interest, in particular through the introduction of mandatory ongoing training for councillors, mayors and deputy mayors – goes to your point.

**Sarah MANSFIELD:** I am curious as to why the government did not take this opportunity to reform donations to local government, particularly given this is about looking at integrity in governance. I think the last time we brought this up there was a report that you were waiting on that has now been tabled. We are curious to understand why the same sorts of donation reforms that were introduced at the state level have not been and are not being considered to be applied to local government.

**Lizzie BLANDTHORN:** The advice I have is that because the report you referenced was not tabled until 5 March, that was after the point at which the consultations had happened in relation to this bill, but that donation reform had been looked at holistically.

**Sarah MANSFIELD:** Just to clarify, does that mean that the government will consider further changes to the Local Government Act to consider donation reforms at some stage in the future?

**Lizzie BLANDTHORN:** As is always the case, bills that come before this place are at a point in time and reports continue to be received and considered, and options are always considered.

**Sarah MANSFIELD:** I will turn now to the consultation process around this bill. Why did the government undertake such a short consultation on the proposed changes with key stakeholders,

particularly given the feedback from those stakeholders was that they needed more time to consider these sorts of changes?

**Lizzie BLANDTHORN:** The consultation that has been carried out in relation to the reforms – I guess the thing I would say at the outset is that since the introduction of the Local Government Act there has been ongoing action to continue to address and improve local government culture, councillor conduct and governance and accountability alongside councils, local government peak bodies and other key stakeholders. These initiatives include the local government culture project, which aimed to understand the culture and context of the local government sector in Victoria in response to multiple instances of councillor misconduct, and that project involved engagement with the public and the local government sector, including with peak bodies, and provided insight into major challenges facing culture as well as behaviour in the local government sector. The insights report produced at the conclusion of the local government culture project found that there was a need for leadership skills to be taught and upheld amongst councillors, that training could be strengthened and that consideration should be given to strengthening resolution processes and powers to discipline. It should be noted these findings have been addressed through the reform.

Further, in January 2024 consultations were carried out with councils and peak bodies to get feedback on the proposed reforms during the development of the bill. Feedback was open from 31 January 2024 until 1 March 2024. Local Government Victoria received a total of 77 responses. Of these, 30 were received from councils, 16 from councillors, 11 from mayors and deputy mayors, 12 from council chief executive officers, seven from sector peak organisations and one which was undisclosed. There was a high level of support provided by the sector for the reforms, which was again consistent with the feedback through the local government culture project. Local Government Victoria has published a consultation feedback report outlining the levels of support for each reform, which is available on Local Government Victoria's website. Local Government Victoria will engage further with the local government sector and the community in relation to the development of regulations for the model councillor code of conduct and of course the mandatory training. As I said, a bill is always at a point in time; consultation and due consideration are always afforded in an evolving way.

**Sarah MANSFIELD:** I understand that there are still a lot of details to be determined through regulation that will support this bill should it pass. What consultation is planned with respect to those regulations?

**Lizzie BLANDTHORN:** As I said, Dr Mansfield, consultation remains ongoing. Obviously in relation to regulations and the making of regulations there is also a process which will indeed be followed.

**Sarah MANSFIELD:** I just seek some clarification on that answer. A process will be followed – can you give me some more detail on who will be consulted, when, how, timeframes? That would be good.

**Lizzie BLANDTHORN:** I am advised that there is not a regulatory impact statement envisaged but that there is a steering committee that will meet for the first time this coming Friday and that the steering committee is made up of representatives of the relevant peak organisations.

**Sarah MANSFIELD:** I am not sure if you are able to provide any more specific detail about who is on that. I am happy for you to take that on notice if you like.

**Lizzie BLANDTHORN:** I am happy to take that on notice. I can seek the advice or I can take it on notice, whatever you would prefer.

**Sarah MANSFIELD:** If you can seek the advice, that would be great, yes.

**Lizzie BLANDTHORN:** Some of the key ones include the Municipal Association of Victoria (MAV), M9, Interface Councils, Peri Urban Councils Victoria, Rural Councils Victoria, Regional

Cities Victoria and the chief municipal inspector, and the advice is that there are some others, but we can provide you a full list.

**Sarah MANSFIELD:** I might move now to the issue that I think we have the greatest concern with, which is the ministerial power to dismiss or suspend a councillor. I guess we are wanting to understand why it needed to be the minister that was given that power: why does the minister need to be given this additional power over and above some of the other measures that have been introduced in this bill such as increased powers for the arbiter – an increased range of penalties that they can issue? Why did this ministerial power need to be introduced?

**Lizzie BLANDTHORN:** The advice is that the power is for the minister to make a recommendation to Governor in Council.

**Sarah MANSFIELD:** We understand that that is the case, but why is it that that power has been given to a minister rather than it being, for example, some sort of judicial process or some other mechanism that is independent of government?

**Lizzie BLANDTHORN:** Just for clarity, as I said, the bill enables the Governor in Council to disqualify a person on the recommendation of the minister, and the minister may make such a recommendation on the basis of the advice of a municipal monitor or commission of inquiry that they have received in relation to that councillor. There is a fair degree of protection rather than the insinuation that there is the opportunity in any way for this to be a political decision. It is one in circumstances where there are checks and balances and ultimately the enabling of the Governor in Council to make that decision.

**Sarah MANSFIELD:** I am just trying to understand what assurances you can provide that this will not be politicised, whether that is by a current or future Minister for Local Government.

**Lizzie BLANDTHORN:** As is the case in relation to many matters that are the subject of a recommendation to the Governor in Council, there are processes and protections around that. The Governor in Council is indeed in many ways a protection in and of itself. It is not purely a ministerial decision; it is a ministerial recommendation to the Governor in Council, which removes it from the politics of the day.

**Sarah MANSFIELD:** What appeal mechanisms will be available to any councillor who is subject to a suspension or dismissal as a result of this new power?

**Lizzie BLANDTHORN:** I am advised that there are two rounds of right of reply, both at the point that a councillor might first be reported and the recommendation might be going to be made and then at the point that the recommendation is being made. There are two rounds, if you like, of right of reply for the councillor to put forward the contrary case.

**Sarah MANSFIELD:** I guess I seek a bit more detail about that right-of-reply process. Is it that the councillor submits something to the minister or to the monitor to say they are not happy with the decision? Who oversees that process, and who is in charge of considering that appeal?

**Lizzie BLANDTHORN:** The advice is that when the monitor or commission would initially make the recommendation they would at that point notify the councillor, and they would have an opportunity to reply likewise, as I said, when the minister was making the recommendation. There are of course legal options in that as well.

**Sarah MANSFIELD:** Just to really clarify this point, when the initial finding is made by the monitor the councillor will be able to provide a right of reply to the monitor, and before the minister makes a recommendation to the Governor in Council the councillor can appeal or provide a right of reply to the minister directly – I am just seeking that I have understood that correctly.

**Lizzie BLANDTHORN:** That is correct, yes.

**Sarah MANSFIELD:** You mentioned that there would be legal options. Can you explain what those legal options are?

**Lizzie BLANDTHORN:** My advice is that the councillor would also be able to essentially follow the process through to the Supreme Court if that was where they felt that it needed to go.

**Sarah MANSFIELD:** I am just curious to know whether the Governor in Council has ever disagreed with a recommendation from a minister at any stage.

**Lizzie BLANDTHORN:** That is a very big question, Dr Mansfield, that I do not feel qualified to answer, but we can take that on notice.

**Rachel PAYNE:** My question is in relation to the scope of the mandatory training requirements and model councillor code of conduct. Can you provide some further detail on the scope and how this will be tailored to address the misconduct issues that we have seen in local government?

**Lizzie BLANDTHORN:** The bill sets out a comprehensive training program for councillors by requiring councillor induction training to be completed within four months of taking the oath or affirmation of office. Currently councillors have six months to complete this training. Professional development training is to be completed by all councillors each year of their term beginning in the year following their election; mayoral training is to be completed by all mayors, deputy mayors and acting mayors if appointed for one month or more, within one month of appointment. That clarifies it.

**Rachel PAYNE:** Why has this bill not adopted the New South Wales approach of explicitly mandating professional development so that councillors must acquire and maintain the skills necessary to perform their role?

**Lizzie BLANDTHORN:** Part of the role of the steering committee will be to develop that training and look at what is best suited to the Victorian local government sector as opposed to the New South Wales version thereof. Of course learnings from other jurisdictions are important, but ultimately this will be a decision for Victoria and based in part on the advice of the steering committee.

**Rachel PAYNE:** Noting the time sensitivity of these reforms, and I know that my colleague Dr Mansfield raised a similar issue, how will both the code of conduct and training requirements be implemented in a way that does not place undue strain on council?

**Lizzie BLANDTHORN:** Again, part of the role of the steering committee will be to look at how the training is modelled but also to look at the impacts in relation to its implementation. It is certainly envisaged that these reforms will strengthen local government rather than put undue pressure on local government. It is ultimately designed to ensure that our system of local government is fairer and more accountable, and that will be part of the important work of the steering committee.

**Rachel PAYNE:** So with the steering committee, I am assuming that there are interactions there between the steering committee, Local Government Victoria and the chief municipal inspector in ensuring that these processes are implemented.

**Lizzie BLANDTHORN:** My advice from the box is yes.

**Rachel PAYNE:** That was just by way of informing this next question: what are you doing to ensure Local Government Victoria and the chief municipal inspector are sufficiently resourced to implement these reforms?

**Lizzie BLANDTHORN:** My advice from the box is that the resourcing requirements are well understood, fit within the portfolio of the Attorney-General and will be appropriately accounted for.

**Rachel PAYNE:** Why was the decision made to not mandate council's report when there is a reasonable belief that a councillor has committed serious misconduct, and how does the current approach avoid incentivising non-reporting?

**Lizzie BLANDTHORN:** I am advised that the model code can include provisions around when reporting can occur. It just has not been developed and included as yet.

**Rachel PAYNE:** I only have two more questions left, so I will try and cover them quickly. Will the disqualification thresholds of ‘serious risk to health and safety’ or ‘preventing the council from performing its functions’ capture serious breaches of the standards of conduct when disqualifying councillors, and if not, does the current threshold fail to capture things like psychological safety?

**Lizzie BLANDTHORN:** Ms Payne, if these remarks do not help clarify your question I might ask you to repeat it, but my advice is that the bill enables the creation of the regulations to prescribe the mandatory model councillor code of conduct to apply to all councillors, ensuring their consistent standards of behaviour – meaning that each council needs to develop their own code of conduct for councillors and all councillors will be held to the same standards of professional, legal and ethical conduct expected of them as decision-makers and representatives in their community – and enables the regulations to be made to prescribe the process for councils to follow to attempt to resolve disputes in the first instance. The reforms implement the three recommendations from IBAC’s *Operation Sandon Special Report*. Furthermore, Victoria is the only state without a mandatory model code of conduct. However, the Local Government (Governance and Integrity) Regulations 2020 currently prescribe the standards of conduct. ‘Serious risk to health and safety’ is not defined, so it can include things like risks to psychological safety et cetera.

**Rachel PAYNE:** And just my final question: what measures are in place to ensure allegations of serious misconduct where a principal councillor conduct registrar decides it does not reach the required threshold can be easily referred to an internal arbitration process?

**Lizzie BLANDTHORN:** My advice is that under the legislation a principal conduct registrar can still refer it through the relevant process.

**Sarah MANSFIELD:** Minister, just to follow on from a previous line of questioning, you have outlined that the process whereby the minister will make a recommendation to the Governor in Council is a check and balance, but we are not aware of any examples of when the Governor in Council has ever made any kind of contrary decision to what the minister has recommended. What assurances can you provide that that step in the process is an adequate check and balance to protect against potential politicisation?

**Lizzie BLANDTHORN:** I feel like you are asking me to stray well beyond my role under the constitution, but the Governor in Council – and indeed the Governor themselves – is obviously a non-political part of the process where a recommendation is made to Governor in Council and the Governor in Council will make that decision on the advice of the government and the ministers of the day. But it is not for me to speak to the independence of that Governor in Council process; it should indeed stand for itself.

**Sarah MANSFIELD:** Just to follow on from some questioning about funding that Ms Payne asked earlier, with respect to the requirements for additional training – there is quite a lot of additional training recommended in this bill – I am curious about whether the government intends to provide additional funding to councils or councillors to access that training.

**Lizzie BLANDTHORN:** Dr Mansfield, again I am being asked to stray beyond the realms of my responsibilities even as the minister representing the Minister for Local Government here in this place, but funding allocations will obviously be a matter for the Treasurer.

**Bev McARTHUR:** Minister, Dr Mansfield raised the issue of consultation, and you listed the numbers of people that had made submissions, but there were 250 submissions from Council Watch Victoria which were apparently ignored. Why did that happen?

**Lizzie BLANDTHORN:** As I said earlier – and I will not repeat myself; obviously my voice is failing me – there has been an extensive consultation process, and I have provided on advice some

examples here in the house. Consultation does not necessarily mean that everything that everybody contributes to the consultation is indeed represented in the final outcome but more that everybody has an opportunity to have their say. If their submissions were submitted, then they had their opportunity to have their say and be part of that consultation process.

**Bev McARTHUR:** Well, 250 submissions is more than the 77 respondents that you referred to before, and they have been ignored. Do you accept that that is problematic?

**Lizzie BLANDTHORN:** As I said, this has been an extensive consultation process. Nobody's contribution has been ignored. A campaign of emails or formal submissions – all consultation is important and plays its part in, obviously, the development of policy and programs right across government. As is the case here, effective consultation does not necessarily mean that the outcome reflects exactly what is in every submission – by definition it cannot – but it is the opportunity for everybody to make a contribution and for that to be considered. Obviously as representatives in this place we have to weigh up the information we have before us on many an occasion and come to a conclusion about what might be the best way forward.

**Bev McARTHUR:** I go to mandatory training: who is going to conduct it?

**Lizzie BLANDTHORN:** As I indicated earlier, the advice is that the steering committee will have an important role in helping to define and develop training, and it will then be at that point that who delivers it will be determined.

**Bev McARTHUR:** Can you rule out that some of those stakeholders who supported this legislation will not be conducting that mandatory training – the MAV, for example?

**Lizzie BLANDTHORN:** As I said, I am advised that the steering committee will have an important role in developing and designing the training and at that point it will be determined. After that point it will be up for determination as to who and how it is delivered.

**Bev McARTHUR:** Who will pay for it, Minister – ratepayers?

**Lizzie BLANDTHORN:** As I indicated earlier, I am not the Treasurer, and funding decisions will be made at the appropriate point in time.

**Bev McARTHUR:** Well, Minister, this is a very important aspect for local governments, especially smaller councils. You are legislating that councils have to provide this mandatory training. They are on limited budgets as it is. If they are going to have to pay for it – if the ratepayers are going to have to pay for it – something else is going to have to go by the wayside. Are you ruling out compensating local government for having to implement your legislation?

**Lizzie BLANDTHORN:** As is the case currently, councils pay for all of their own training. As I said, in relation to this training the steering committee has an important role in the development and the design of it. How it is delivered and by whom and any associated costs therefore will be determined at that point in time.

**Bev McARTHUR:** So as usual we are to take you on trust when you implement the regulations attached to this bill but also this amorphous steering committee that is going to be all-powerful in deciding all of these things – which nobody will have a say in, clearly. But, Minister, how can you guarantee that this mandatory training will support good behaviour?

**Lizzie BLANDTHORN:** Clearly this bill is a commitment to improve the accountability and transparency of local government. As I said, the steering committee in representing the sector will be responsible for developing training that goes to the intent of the bill, which is greater transparency and accountability in local government, so I am very hopeful that that is the outcome that we will achieve.

**Bev McARTHUR:** Minister, can you define 'serious breaches of conduct'?

**Lizzie BLANDTHORN:** My advice is that a breach of the code is misconduct and that the panel would make a determination as to whether or not it constituted serious misconduct.

**Bev McARTHUR:** Minister, that does not give an answer to the question. What is serious misconduct? Give us an example.

**Lizzie BLANDTHORN:** As I said, there is an appropriately qualified panel to determine the level of misconduct constituting serious misconduct. I would also add that at common law there are fairly well understood examples of serious misconduct. I think that in itself is a good example.

**Bev McARTHUR:** The section relating to suspension and disqualification refers to the Minister for Local Government being granted the authority to suspend a councillor for up to 12 months based on reports from municipal monitors or commissions of inquiry. What examples potentially are going to be cases where somebody gets suspended? You must have some idea of exactly what you are referring to here and what you are trying to prevent with all the mandatory training et cetera.

**Lizzie BLANDTHORN:** As I indicated, Mrs McArthur, I am not going to hypothesise here. As I indicated, on the advice of the box, a breach of the code is misconduct and the panel will determine what is serious misconduct.

**Bev McARTHUR:** Who appoints the panel? The minister?

**Lizzie BLANDTHORN:** The principal councillor conduct registrar, I am advised, Mrs McArthur.

**Bev McARTHUR:** Who appoints him or her?

**Lizzie BLANDTHORN:** I am advised the secretary, Mrs McArthur.

**Bev McARTHUR:** We could go down this rabbit hole. Who appoints the deputy secretary?

**Lizzie BLANDTHORN:** Sorry, Mrs McArthur, my voice is failing me. I said the secretary, not the deputy secretary.

**Bev McARTHUR:** The secretary, sorry. Who appoints them?

**Lizzie BLANDTHORN:** Mrs McArthur, as you said, it is a rabbit hole you are leading us down. The secretary is obviously appointed in line with the process across government for appointment of secretaries.

**Bev McARTHUR:** The chief municipal inspector is being given additional powers, including the ability to issue infringements for prescribed offences. Can you define those?

**Lizzie BLANDTHORN:** I am advised some examples of prescribed offences would be things like lodging an initial personal interest return, lodging a biannual personal interest return, and the printing and publication of election material – these are all categories, if you like. The types of offences: it is clearly intended to address the less serious offences relating to things like elections and personal interests – someone's failure or otherwise to lodge a campaign donation return, for example, or lodge a personal interest return. Also, it includes issues with, for example, the printing and publication of election material: a person must not print, publish or distribute or cause, permit or authorise to be printed, published or distributed election material unless the name and address of the person who authorised the electoral material is clearly displayed. These are the sorts of issues, if you like, that the prescribed offences are seeking to pick up.

**Richard WELCH:** Minister, which comes first – the model councillor code of conduct (MCCC) or the compulsory training?

**Lizzie BLANDTHORN:** I would ask Mr Welch to explain his question little bit more. What do you mean by 'which comes first' – in the bill or –



**Richard WELCH:** It is the compulsory training. Surely that is in relation to the model code for councillor conduct, so that would have to be defined first, before you could define the training.

**Lizzie BLANDTHORN:** The advice from the box is they are both considered at the same time.

**Richard WELCH:** When is the MCCC being defined?

**Lizzie BLANDTHORN:** I am advised that the steering committee will look at both things concurrently – the development of the code of conduct as well as the development of the training. Obviously, though, the code of conduct will have to be finalised first in order to then finalise the training in relation to the code of conduct.

**Richard WELCH:** The approval process for the codified MCCC – is that the same as the training itself? Who will be the final authority? A further question is: in future, in the event of that MCCC being changed or amended, who will have the say over that going forward?

**Lizzie BLANDTHORN:** I am advised, Mr Welch, that the steering committee will provide the advice to the minister. The minister will make a recommendation to Governor in Council.

**Bev McARTHUR:** Minister, just going back to the code of conduct, those of us who have been in local government have probably been at least once threatened with a code of conduct. Can you guarantee us that this amendment is going to reduce those frivolous accusations, or will this encourage contested applications of code of conduct against fellow councillors?

**Lizzie BLANDTHORN:** The clear intent of the bill is to both clarify the code of conduct and also provide training in it. It would be anticipated, and hopefully found to be the case, that greater clarity around that and greater training in that would indeed lead to less frivolous cases, I would hope.

**Bev McARTHUR:** Is taking offence at something a fellow councillor said something that would be considered problematic in this legislation?

**Lizzie BLANDTHORN:** As we have just discussed, there is a process for establishing the code, and there is a process for developing training into the code. We have talked through what might constitute serious misconduct, and we have also talked through what would be those prescribed offences. I think it is almost a hypothetical question as to whether or not something can cause offence, because it depends on the nature of what it is that we are talking about. I would not seek, standing here today, to be the arbiter on that, but I think what we do have through this bill is a robust set of processes and measures designed to address real issues of conduct within council.

**Sarah MANSFIELD:** I would just like to touch on the issue around removing the automatic right to indemnification for councillors who are subject to an arbitration process or councillor conduct panel process. This measure has been introduced despite having very low support from that consultation process, and a number of concerns have been raised, I know, from various stakeholders about that new provision. I am just wanting to understand the government's justification for keeping that in this bill.

**Lizzie BLANDTHORN:** In relation to indemnification of councillors in relation to arbitrations, the bill obviously will prevent councillors from indemnifying a councillor for legal costs incurred as a result of an internal arbitration process or a councillor conduct panel hearing unless an order has been made granting leave to have legal representation. The current practice of councils indemnifying councillors for legal expenses has led to these processes becoming overly costly, complex and legalistic. It also undermines the deterrent effect of the councillor conduct framework by allowing councillors to prolong proceedings at the expense of ratepayers. The proposed reform aims to strike a balance between fair legal representation and the efficient handling of these processes. Importantly, it does not impose an absolute prohibition on councillor indemnification but includes a carefully considered exception that allows councils to indemnify councillors when an arbiter or panel grants a party leave to have legal representation to ensure that the process is conducted fairly. The bill also does not restrict a council from obtaining legal advice in relation to these types of proceedings.

**Sarah MANSFIELD:** Certainly in our discussions with the department they provided an example where one of the councillors who is involved in the dispute might be a lawyer and therefore they are unfairly advantaged in that situation, so an arbiter or conduct panel might allow the other party to have access to legal representation. That is an obvious case, but I put it to you that there are many instances where councillors have different means, different access to legal support, that may not necessarily be obvious to an arbiter or to a councillor conduct panel and therefore one party may be more or less advantaged as a result of that. I am just wondering what assurances you can give that this new provision will not either produce unfair outcomes or potentially even discourage people from making complaints because they are fearful of potential legal exposure.

**Lizzie BLANDTHORN:** Firstly, just to repeat one of the points I made previously, which is that the proposed reform aims to strike that balance between fair legal representation and the efficient handling of these processes. Importantly it does not impose an absolute prohibition on councillor indemnification but includes a carefully considered exception that allows councils to indemnify councillors when an arbiter or panel grants a party leave to have legal representation to ensure that the process is conducted fairly. There currently is no right to representation for parties to an internal arbitration or councillor conduct panel proceeding. However, arbiters and councillor conduct panels can make an order allowing a party to have representation if representation is necessary to ensure the process is conducted fairly, and this may occur if one party – to your point – has a legal background disadvantaging the other party or if one party has access to legal resources the other party does not have access to. There are no limitations on the circumstances in which an order allowing a party to have representation can be made, so that the circumstances of each matter can be considered. Under the bill, if such an order is made, then the council may indemnify the councillor in accordance with the normal practices and processes. Where there is no right to representation, ratepayers should not be bearing those legal costs.

**Sarah MANSFIELD:** Thank you for that explanation. I guess I am concerned about circumstances where one party may have access to resources or legal support that is not apparent. Perhaps it is not disclosed in any way and the other party is not aware of this, the arbiter is not aware of this and the councillor conduct panel is not aware of it. That individual will be obviously advantaged going into that process, and I am just wondering whether that may lead to some unintended consequences and potentially disadvantage councillors who do not have the same access to resources in circumstances where this new mechanism is subject to an arbiter's assessment of the councillor's access to resources or not.

**Lizzie BLANDTHORN:** I would just say again that the proposed reform aims to strike a balance between fair legal representation and the efficient handling of these processes, and importantly it does not impose an absolute prohibition on councillor indemnification and it does include a very carefully considered exception that allows councils to indemnify councillors when an arbiter or panel grants a party leave to have legal representation, to ensure that the process is conducted fairly.

**David DAVIS:** Now that questions are finished, I thought before we move to the amendment process I would just make clear the opposition's position, given that we now have the amendments in front of us. Thank you for distributing those amendments. I want to make the point that the opposition has negotiated some changes to the bill which are important changes. There are three principal important changes that have been negotiated. The first is a role for VCAT, so councillors who are subject to some of the processes in the act will be able to appeal to VCAT. We think that is a major, significant step forward from where the bill was. It means that a lower cost jurisdiction is involved. The idea that every councillor who wanted to appeal would have to go to the Supreme Court was too extreme, in our view, and that has been negotiated. Equally the lack of parliamentary oversight concerned us, and the amendments deal with the disallowance aspect in either house of the Parliament where a decision is made to impact on a councillor through some of the processes in the bill. We think that that is a major step forward. That disallowance matter is important. We also think the clarification of the issues around legal and professional privilege are actually quite important, and we want to put

on record the negotiation on those matters. I note the Scrutiny of Acts and Regulations Committee (SARC) comments on those. It is an important distinction and it is an important improvement.

However, notwithstanding all that, the opposition does not like much of this bill. It will be better than it was, after those amendments, but we do not like much of it. The tone of the bill is problematic. Whilst we accept there needs to be some significant steps in terms of councillor behaviour, we think that this bill is draconian. We think that it is not well thought through in a number of areas, and we think that despite the improvements there are still many, many problems with the bill. I just want to get that on record. The fact that we will support the amendments that have been negotiated in no way should reflect that we like the bill or we think that it is a healthy bill. We are in a position where significant improvements have been negotiated, and those significant improvements are what we will have to live with.

**The DEPUTY PRESIDENT:** If there are no further questions, I will invite Dr Mansfield to move her amendments 1 to 3, please, which test her amendments 4, 5, 7, 17 and 22 to 30.

**Sarah MANSFIELD:** I move:

1. Clause 1, page 2, lines 4 to 7, omit all words and expressions on these lines.
2. Clause 1, page 2, line 13, omit “changes;” and insert “changes.”.
3. Clause 1, page 2, lines 14 to 17, omit all words and expressions on these lines.

I am just wondering if I could perhaps speak to all of the amendments that I intend to move at this point –

**The DEPUTY PRESIDENT:** Yes, absolutely.

**Sarah MANSFIELD:** and then we can vote on them, because many of them are linked to each other, and it might make more sense just to speak to the whole lot right now.

Our amendments that we are putting forward can be grouped into I guess four key areas. As I outlined I think at length during my second-reading contribution, our biggest concern with this bill is the power of a minister to disqualify or suspend a councillor. The consequences of that will be not only a councillor being suspended for up to 12 months but a community being left without democratic representation for that period of time, and it is particularly concerning, with the shift to single-member wards, that there could be wards with no councillor representing them potentially for up to 12 months. That councillor will also be ineligible to hold the office of mayor or deputy mayor or be the chair of a delegated committee for the remainder of their term, and this is all at the discretion of a minister. You outlined some apparent checks and balances to that process, but I do not get a lot of confidence from the processes that have been outlined, particularly with the Governor in Council being the one that is having the recommendation made to them. I do not think there are many, if any, instances where the Governor in Council has ever disagreed with the recommendation of a minister.

**David Davis:** They have. I can assure you they have.

**Sarah MANSFIELD:** There cannot be too many.

**David Davis** interjected.

**Sarah MANSFIELD:** Yes, well, we do not feel that this is an adequate check and balance, and in any case it is just not appropriate for the minister to have this power. As I outlined in my second-reading contribution, we feel this is fundamentally anti-democratic.

There are other provisions in this bill that deal with the issue of councillor conduct, and we welcome some of those. We talked about additional councillor training and expectations around that, the additional powers that are being given to arbiters and the additional protections given to mayors to help resolve internal disputes. We are the first to acknowledge that there are problematic councillors right across councils, and anything that can be done to improve conduct and ensure the health and

safety of other people that those councils are working with is welcome. However, providing the minister with the power to suspend a councillor – there is obvious and significant risk of that being used, whether it is real or perceived politicisation of that process, by a current or future minister, so therefore we are looking to have that provision removed entirely. I am aware that there will be amendments moved to introduce a disallowance provision whereby the Parliament will have some oversight. Again, that is an improvement, and I think should our amendments not pass on this we will be supporting that disallowance provision, because it is one additional protection that gives some parliamentary oversight of this process. But we do so reluctantly, because we fundamentally believe that this provision to give the minister additional powers of this nature should not be in the bill in the first place.

The next tranche of amendments relate to the indemnification issue that we were talking about earlier. We believe that this provision means that councillors will not be as readily able to access indemnification during those early stages of, say, a complaints process with internal arbitration or a councillor conduct panel. We feel that their ability to access that and all parties' ability to access that is really important to maintain. It is something the sector has provided some strong feedback about as well. We believe that those new provisions remove councillors' ability to obtain that indemnification and should be removed from the bill.

The third set is around the right of appeal to VCAT. I note that the government has taken on feedback about this issue, and we welcome that. We will be supporting the amendment that the government will be moving. I understand that that was a recommendation from SARC. It is also something that, again, the sector made quite clear there were some concerns about. We believe that an appeal mechanism when there is an adverse finding made against a councillor that does not require them to go to the Supreme Court is a very reasonable thing. Perhaps VCAT is not the most appropriate body to resolve these things, but in the absence of any other mechanism we think retention of that right to apply for a merits hearing at VCAT is a very reasonable thing to keep in the bill. So we welcome the government's amendments on that particular provision.

The final set of amendments are our out-of-scope amendments, which relate to donations reforms. Again, I touched on these during my second-reading contribution, but just to provide some further clarity about what they are: the amendments we are putting forward provide for a prohibition on donations from property developers and the gambling industry; they place a cap of \$4000 on political donations that could be received by local government donation recipients, which is in line with the Electoral Act 2002 for a general cap on donations; and they compel local government candidates to submit an interim donation return 14 days before election day, which must be disclosed on the council's website seven days before the election. They also introduce a series of amendments that reform the local government donation rules.

In 2018 political donations reforms were introduced at a state level, but these have not been enacted in the local government context. So I am taking an opportunity to reintroduce a series of amendments that have actually been brought to this place previously. In 2022 my colleague Dr Ratnam put forward these amendments. They propose a ban on, as I said, donations from property developers and the gambling industry and are just as relevant today as they were two years ago, especially when we are looking to be holding council elections in October. The Greens integrity amendments also bring donation caps in line with those of the state government. For many years my Greens colleagues have been campaigning for broad changes to improve integrity across state and federal governments, yet each time reforms are introduced and quite reasonable reforms that we have suggested, the government comes up with an excuse to vote against them. These are pretty straightforward anti-corruption measures, and we think they are measures which go further than anything that is actually in the bill before us today when it comes to integrity. They stop corruption before it occurs, rather than simply monitoring and handing out penalties afterwards. These are provisions that already exist in New South Wales and Queensland, and we believe it is about time that Victoria caught up. We think this is a real

missed opportunity for the government. They could have introduced these as part of a bill that purports to address integrity and governance.

We would really urge this chamber to support our amendments. There is obviously a lot more that needs to be done to address the risk of corruption not only in local government but across all levels of government, but within the constraints of the bill before us today we believe these are some modest measures that would bring about some genuine integrity reforms to local government.

**Lizzie BLANDTHORN:** I will respond holistically given that Dr Mansfield has addressed all of her amendments at once. In relation to the powers to suspend a councillor, I just reiterate that to suspend a councillor, either a municipal monitor or commission of inquiry must be appointed at that council and make those recommendations. The recommendation to suspend a councillor is in very limited circumstances. They are limited circumstances that are fair and award councillors a right of reply twice throughout the process before a suspension can occur.

It should be said that it simply is not acceptable that elected officials of any tier of government be allowed to create a serious risk to safety at their workplace or to their constituents, and when councils are not able to function the whole of that local government would suffer, not to mention those councillors who are trying to represent their communities. The sector was consulted widely on this reform and overwhelmingly supported the new suspension and disqualification powers, with the intention to promote an environment that reinforces accountability and good governance.

In relation to the role of Governor in Council, the power that Dr Mansfield is seeking to amend out of this reform is for the Governor in Council to disqualify a councillor for a number of years, and this was designed to ensure individual councillors who are found to have contributed to a council's governance failures are sanctioned appropriately and will not cause further issues at the council following the period of administration. The finding can only be made if the person was a councillor of a council that was dismissed by an act of Parliament during their term, with either a municipal monitor or commission of inquiry making the findings against the councillor. The finding the monitor or inquiry has to specifically make is that the councillor was found to have created a serious risk to the health and safety of councillors, council staff or others or prevented the council from functioning.

In relation to the issues around the indemnification of councillors, we know that the current practice of councils indemnifying councillors for legal expenses is problematic, as it has led to arbitration and conduct panel hearing processes becoming overly costly, complex and legalistic. This reform strikes a balance between fair legal representation and the efficient handling of councillor conduct processes. Councils will be prevented from indemnifying a councillor against legal costs incurred to defend or be party to an arbitration or councillor conduct panel. Importantly, it does not impose an absolute prohibition on councillor indemnification. It includes a carefully considered exception that allows councils to indemnify councillors where an arbiter or panel grants a party leave to have legal representation to ensure that the process is conducted fairly. This can cause a huge burden on council budgets and can be weaponised by councillors immediately and repeatedly moving to a legal panel when resolving alleged conduct issues.

In relation to the clauses in relation to VCAT, as Dr Mansfield said, these did relate in part to SARC recommendations and have been resolved.

**Sonja TERPSTRA:** I have a question on Dr Mansfield's amendment, if I may. Could the member please explain why this proposed amendment by the Greens political party reinforces that councillors who are found to have created unsafe work environments that create a serious risk to health and safety should not have consequences for their behaviour? This is in regard to the disqualification and suspension.

**Sarah MANSFIELD:** I thank the member for her question. Just to clarify, we have been very clear: we support consequences for poor behaviour, particularly when it endangers health and safety of councillors. There are a whole range of provisions in this bill that provide for additional penalties.

For example, the arbiter has expanded powers. They can issue a broader range of penalties, including lengthier suspensions – I think it has been moved from one month to three months – and we are quite supportive of all those other changes that are in this bill, and we have made it quite clear. Hence we were quite happy to look to remove the individual provisions that we found problematic.

The reason we object to the ministerial power to remove a councillor is not because we think there should not be consequences, it is that bestowing that power on a minister is fundamentally anti-democratic. We do not believe that a state government minister should have the power to remove a local government representative, because the risk of politicisation, whether real or perceived, is too great, and we do not believe that the checks and balances that have been outlined are adequate to protect against that.

**Sonja TERPSTRA:** Thank you, Dr Mansfield, for that answer. I just draw your attention to a provision that is in the bill which you seek to withdraw. Based on your previous answer, where you said you are concerned about checks and balances and that perhaps a minister having the power to remove somebody lacks rigour – you are concerned about politicisation – I note that the provision that is proposed is that a councillor could be dismissed during that person's term of office, but it has to be based on either a municipal monitor or a commission of inquiry providing a report to the minister stating that the person was creating a serious risk.

What is contained in that provision – and perhaps you do not understand what that entails – is that there is some kind of investigation that is undertaken by the municipal monitor and a commission of inquiry, so not by the minister themselves, and that an inquiry process is undertaken where participants in that process will be afforded natural justice and procedural fairness in order to respond to allegations. So I am just not sure that the answer you have provided adequately goes to what this inclusion in the bill actually does. And it goes further than just talking about councillors; it actually includes council staff or other persons, particularly where there was the prevention of the council performing its functions.

I draw your attention to one example: Yarra City Council were unable to make a decision about electing a mayor. In that case a monitor was appointed to assist them. So again, there are numerous examples that talk about toxic environments that have been created by councillors, and again I just ask you to further explain the Greens political party position in regard to this, because effectively this is about ensuring we have healthy and safe working environments for people who work in local government. In my contribution earlier today I spoke about a number of female councillors who are being harassed and intimidated, and that goes to a serious risk to health and safety in the workplace. I am not sure that the answer you provided adequately addresses the question that I asked, so I ask you to give a more fulsome answer.

**Sarah MANSFIELD:** I thank the member for her interest in our position on this. Firstly, I take issue with me potentially having a lack of understanding of what a monitor or a commission of inquiry does. I served as a councillor for five years. For almost that entire time we had monitors at our council. I was elected to council following a period of administration, and one of the things that all councillors during that period were made very familiar with was the commission of inquiry report. So I think I have a pretty good understanding of what those processes are. It is worth noting that the minister is responsible for appointing monitors to councils, and I will not cast any aspersions on any monitors, but it is still a political process. The decision to appoint monitors is a political decision. It is made by a minister. The justification – there is very little transparency about many of those appointments. I think it is difficult to get information about why monitors have been appointed. When monitors are appointed, they are responsible for reporting to the minister, and often very little information is provided. The report itself is not necessarily provided to councillors or to the public in those instances, so it is a political process.

I have no doubt that in some instances the appointment of a monitor can be quite a helpful thing for a council where those monitors provide assistance with governance and some support. However, I do

not believe that the process that has been outlined here with respect to a minister having the power to dismiss a councillor and that being based on the appointment of a monitor who in turn has been appointed by a minister adequately protects against the risk of politicisation. However, just to reinforce, we certainly have concerns where councillors are behaving poorly, where their conduct does put at risk health and safety – whether it is fellow councillors, whether it is council staff or whether it is members of the public – and there are as we said a whole host of measures in this bill that are welcome that will hopefully go some way to addressing that.

As I mentioned in my contribution to the second-reading debate, it is interesting that we are very focused on councillor conduct and trying to improve standards there. We are only just starting to talk about improving the standards of conduct and introducing perhaps a code of conduct or some sort of thing for state MPs. I think some comments were made earlier about potentially people who have come from local government bringing – anyway, I will not go into responding to those, but it is interesting that we are applying standards to local government councillors that are greater than what we expect of ourselves. It is not to say that we should not apply those standards to councils, but we should at least be looking at the same standards for ourselves.

There are also provisions, I would note, that exist already within the Local Government Act whereby a councillor can be removed for, for example, committing a crime that attracts a certain severity of penalty. That is completely appropriate. That remains, and we support that. There are also some other instances where a councillor can be dismissed via other processes for that to happen. We do not believe that it should be a minister who has that power, and as I have said a number of times, the apparent checks and balances that have been put in place we do not believe are sufficiently apolitical to give us confidence that this will not be – I am not saying the current minister would ever do it, but at some stage some minister for local government may use this power to dismiss one of their councillors who may be of a different political persuasion.

**Sonja TERPSTRA:** I just want to thank you, Dr Mansfield, for the answer to that question, and I think municipal monitors everywhere will be crying in their coffee after learning about your lack of confidence and faith in them to do the job that they are actually appointed to do. But nevertheless, I just want to continue to go on and ask more questions around what the Greens believe, and it is a matter of importance, because what this bill is aiming to do is actually improve conduct and behaviour within local councils. I have had a number of women councillors express to me concern about serious harassment and bullying that they have experienced. This provision that the government is trying to insert goes to improving health and safety and reducing persons experiencing a serious risk to their health and safety. I am just wondering, Dr Mansfield: do the Greens support improving health and safety and reducing serious risks to health and safety in local government and improving culture?

**Sarah MANSFIELD:** I believe I have answered that a number of times already. Yes, we absolutely believe in that, and as I have said, there are plenty of provisions in the existing act as well as ones that are being proposed in the bill today that go to that. I would just take you up on your comment about me somehow questioning the municipal monitors. I pointed out that in many cases they do terrific work, and I think they have a role to play. The issue I have is that there is still a risk of politicisation of the process. It has nothing to do with the capability of municipal monitors. As I said, I have worked under municipal monitors and they were wonderful people. I have nothing ill to say of them at all.

Further to your point about the experiences of women in local government, it is something I am very familiar with and very passionate about. I do not really see how anything that we are proposing here with our changes to the bill in any way undermines support for women who may be experiencing the issues you are talking about.

**Sonja TERPSTRA:** I just want to conclude this issue by saying that it is concerning that your answer has contained questions around the independence of municipal monitors – because you are connecting that to appointment by ministers – but you have provided no examples of where there has been concern as a basis for that statement. I take issue with the response that you have provided.

Nevertheless, I will move on to another line of questioning. I just note that there is significant history of Greens councillors' alleged poor behaviour on several councils, and I have mentioned one in regard to Yarra City Council. Could you please explain why the proposed amendment, which is the deletion of this clause, effectively would run a protection racket for Greens councillors and protect them from being responsible for their poor behaviour?

**Sarah MANSFIELD:** I do not believe that question is relevant to the amendments we have put forward at all. I think I have answered adequately. This is a matter of principle. As I have said many times, it is about some fundamental principles around democracy and the right of the community to have democratic representation and for that not to be undermined through a political process. As I said, we are absolutely supportive of a lot of the other provisions in this bill – not this one.

**Sonja TERPSTRA:** I guess, just to reiterate my line of questioning, there have been demonstrated examples of poor behaviour by Greens councillors on council, and these are examples that contribute to the overall poor culture within local government. So I am just wondering whether you condemn Greens councillors for any poor behaviour that they have exhibited whilst on council, and if you do condemn Greens councillors' poor behaviour, why do you then believe that ratepayers money or funds should be diverted to be used to assist a councillor in fighting a legal action rather than them self-funding any action that they may have to defend?

**The DEPUTY PRESIDENT:** I think we are starting to stray from the bill, but I will give Dr Mansfield the opportunity to respond.

**Sarah MANSFIELD:** Thank you, Deputy President. I am not going to answer. I do not think most of that question was relevant to anything we have put forward, to be honest. The member did touch on indemnification, and I think what we are proposing here is to allow all councillors, regardless of where they come from, who they are or what means they have, to access some basic legal support if they are subject to some sort of internal arbitration process or a councillor conduct panel. We think it should just be a basic right for all councillors to give them some legal assistance and protection in those processes. We do not think that is an unreasonable thing to suggest, and it is about fairness for all councillors.

**Ryan BATCHELOR:** Just a quick question, Dr Mansfield: I wonder if you could advise who you consulted in the formulation of the amendments?

**Sarah MANSFIELD:** On which one? All of them?

**Ryan BATCHELOR:** All of them, yes.

**Sarah MANSFIELD:** We are in regular contact with many stakeholders in the local government sector. Of course we consulted quite broadly with councillors – we speak to councillors and councils very regularly. We also have regular discussions with peak bodies, including the Municipal Association of Victoria – we have had a number of discussions with them about the proposed changes to this bill. We have also looked at the feedback that has been provided by other peak bodies, including the Municipal Association of Victoria. The Victorian Local Governance Association has also provided quite a lot of commentary and feedback about this bill. So we have consulted quite broadly about this. We are also in regular discussions with integrity bodies and experts, hence our proposals around donations reform. That has certainly informed that as well.

**Ryan BATCHELOR:** Just to clarify, which integrity bodies did you consult in relation to the bill?

**Sarah MANSFIELD:** On those particular amendments, they are actually very similar amendments to the ones we introduced, as I said, in 2022, and they have come out of, again, regular discussions that we have with integrity bodies like the Centre for Public Integrity. We are offering these amendments up again for the government to consider given that they previously decided not to adopt them, stating that the timing was not quite right. There was a report that they were waiting on; that



report has since been tabled. We think this could have been an opportunity to address some of those donations reforms measures that we have long argued for.

**Ryan BATCHELOR:** Just to clarify, when you said you had consulted with integrity bodies you meant the Centre for Public Integrity, which is a research and advocacy organisation, not a body that undertakes integrity functions. I think it is an important distinction to draw between people who advocate about integrity issues and bodies that are involved in integrity matters at a statutory level.

**Sarah MANSFIELD:** As I said, we talk with many different groups about integrity measures. Integrity is one of our key interest areas, and in fact we regularly speak with the government about integrity. We are in regular discussions, and there are a variety of integrity measures that are on our wish list that we would like to see the government adopt. Indeed we have spoken to the government about these measures once again. As I said, we consult and speak quite broadly. We speak with quite broad groups of people with an interest in improving integrity in Parliament.

**Ryan BATCHELOR:** Just to clarify, the question I just asked was: when you said ‘integrity bodies’, did you mean statutory integrity agencies or others who have an interest in advocating on integrity matters? Because you did not answer the question that I asked.

**Sarah MANSFIELD:** I believe I provided an answer to that question. If there are specific integrity bodies you want to talk about, that is fine, but I believe I provided an answer to that question.

**Ryan BATCHELOR:** Did you at any time in the last two years speak with any statutory integrity agency about the amendments you have proposed?

**Sarah MANSFIELD:** We are happy to take that on notice.

#### **Council divided on amendments:**

*Ayes (8):* Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell

*Noes (29):* Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

#### **Amendments negatived.**

**Lizzie BLANDTHORN:** I move:

1. Clause 1, page 2, line 13, omit “changes;” and insert “changes.”.
2. Clause 1, page 2, lines 14 to 17, omit all words and expressions on these lines.

#### **Amendments agreed to; amended clause agreed to.**

##### **Clause 2 (21:19)**

**Lizzie BLANDTHORN:** I move:

3. Clause 2, lines 19 to 20, omit “and Part 4”.
4. Clause 2, line 22, omit “and Part 4 come” and insert “comes”.

#### **Amendments agreed to; amended clause agreed to; clause 3 agreed to.**

##### **Clause 4 (21:19)**

**Sarah MANSFIELD:** I move:

6. Clause 4, after line 20 insert –

‘(2A) In section 3(1) of the Principal Act **insert** the following definitions –

“*gambling industry business entity* has the meaning given by section 305C;

*prohibited donor* has the meaning given by section 305A;

*property developer* has the meaning given by section 305B;”.’.

I have spoken to this already. This is the amendment that relates to the cap on donations and other provisions around donations reform.

**Council divided on amendment:**

*Ayes (8):* Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam, Rikkie-Lee Tyrrell

*Noes (29):* Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Bev McArthur, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

**Amendment negatived.**

**Clause agreed to; clause 5 agreed to.**

**Clause 6 (21:23)**

**Lizzie BLANDTHORN:** I move:

5. Clause 6, lines 11 to 28, omit all words and expressions on these lines and insert –

‘(2) After section 34(2)(i) of the Principal Act **insert** –

“(ia) is the subject of an Order under section 34A that has not been disallowed by a resolution of either House of Parliament; or

(ib) has been subject to 2 or more Orders under section 229A in the preceding 8 years and the period during which the second of those Orders may be disallowed by a resolution of either House of Parliament has expired, for the period of 4 years following the expiry of that disallowance period; or”.

(3) After section 34(2) of the Principal Act **insert** –

“(2A) A person is disqualified from being a Councillor for the period determined under subsection (2B) if –

(a) the person has been subject to a finding of serious misconduct by a Councillor Conduct Panel under section 167 in the preceding 8 years and the period during which the person can apply under section 170 to VCAT for a review of that finding has expired; and

(b) the person has been subject to an Order under section 229A in the preceding 8 years and the period during which that Order may be disallowed by a resolution of either House of Parliament has expired.

(2B) For the purposes of subsection (2A), the period of disqualification is the later of the following periods –

(a) 4 years following the finding of serious misconduct;

(b) 4 years following the expiry of the disallowance period specified in subsection (2A)(b).”.’.

**Amendment agreed to; amended clause agreed to.**

**Clause 7 (21:24)**

**Lizzie BLANDTHORN:** I move:

6. Clause 7, page 6, line 9, omit ‘meeting.’.’ and insert “meeting.”.

7. Clause 7, page 6, after line 9 insert –
- ‘(6) An Order made under subsection (1) –
- (a) must be laid before both Houses of Parliament –
    - (i) if Parliament is then sitting, within 7 days after its making; or
    - (ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and
  - (b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.’.

**Amendments agreed to; amended clause agreed to; clauses 8 to 14 agreed to.**

**Clause 15 (21:25)**

**Lizzie BLANDTHORN:** I move:

8. Clause 15, line 18, omit “suspend” and insert “recommend the suspension of”.

**Amendment agreed to; amended clause agreed to; clauses 16 to 18 agreed to.**

**Clause 19 (21:25)**

**The DEPUTY PRESIDENT:** Minister, I invite you to move your amendments 9 to 12, which test your amendments 13 to 15.

**Lizzie BLANDTHORN:** I move:

- 9. Clause 19, page 12, line 8, before “client legal privilege” insert “legal professional privilege or”.
- 10. Clause 19, page 12, line 10, omit “client legal” and insert “that”.
- 11. Clause 19, page 12, line 14, before “client legal privilege” insert “legal professional privilege or”.
- 12. Clause 19, page 12, line 19, before “client legal privilege” insert “legal professional privilege or”.

**Amendments agreed to; amended clause agreed to; clauses 20 to 23 agreed to.**

**Clause 24 (21:26)**

**Lizzie BLANDTHORN:** I move:

- 13. Clause 24, page 19, line 5, before “client legal privilege” insert “legal professional privilege or”.
- 14. Clause 24, page 19, line 17, before “client legal privilege” insert “legal professional privilege or”.
- 15. Clause 24, page 19, line 19, omit “client legal” and insert “that”.

**Amendments agreed to; amended clause agreed to; clauses 25 to 30 agreed to.**

**Clause 31 (21:27)**

**Lizzie BLANDTHORN:** I move:

- 16. Clause 31, lines 10 to 33 and page 25, lines 1 to 25, omit all words and expressions on these lines and insert –
  - “(1) On the recommendation of the Minister, the Governor in Council, by Order, may suspend a Councillor for a period not exceeding 12 months.
  - (2) The Minister must not make a recommendation under subsection (1) unless –
    - (a) a Municipal Monitor or a Commission of Inquiry has provided a report to the Minister stating that the Councillor –
      - (i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
      - (ii) in the Councillor’s capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or
      - (iii) is preventing the Council from performing its functions; and
    - (b) the Minister is satisfied that the Councillor –

- (i) is creating a serious risk to the health and safety of Councillors or members of Council staff; or
  - (ii) in the Councillor's capacity as a Councillor, is creating a serious risk to the health and safety of other persons; or
  - (iii) is preventing the Council from performing its functions; and
- (c) the Minister is satisfied that –
  - (i) the Councillor has not been the subject of a determination under section 167 in respect of conduct specified in the report; and
  - (ii) no Councillor Conduct Panel is considering a matter that is dealt with in the report; and
- (d) the Minister has notified the Councillor in writing that –
  - (i) the Minister intends to make the recommendation; and
  - (ii) the Councillor may provide a response to the Minister within 10 business days; and
- (e) the Minister has considered any response provided by the Councillor within 10 business days after the notification.
- (3) If an Order is made under subsection (1), the Minister must provide a copy of the Order to the Councillor and to the Council.
- (4) A copy of an Order given to a Council under subsection (3) must be tabled at and recorded in the minutes of the next Council meeting.
- (5) An Order made under subsection (1) –
  - (a) must be laid before both Houses of Parliament –
    - (i) if Parliament is then sitting, within 7 sitting days after its making; or
    - (ii) if Parliament is not then sitting, within 7 days after the next meeting of Parliament; and
  - (b) may be disallowed by a resolution of either House of Parliament within 7 days after it has been laid before each House.
- (6) If an Order made under subsection (1) is disallowed by a resolution of either House of Parliament, the Councillor resumes office on that disallowance.”.
- 17. Clause 31, page 25, line 27, omit “A Councillor suspended under section 229A” and insert “Unless an Order made under section 229A is disallowed by a resolution of either House of Parliament, a Councillor suspended by that Order”.

**Amendments agreed to; amended clause agreed to; clauses 32 to 44 agreed to.**

**Council divided on clauses 45 and 46:**

*Ayes (29):* Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Georgie Crozier, David Davis, Moira Deeming, Enver Erdogan, Jacinta Ermacora, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, David Limbrick, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Rikkie-Lee Tyrrell, Sheena Watt, Richard Welch

*Noes (7):* Katherine Copsey, David Ettershank, Sarah Mansfield, Rachel Payne, Aiv Puglielli, Georgie Purcell, Samantha Ratnam

**Clauses agreed to.**

**Clauses 47 to 65 agreed to; clause 66 negatived; clauses 67 and 68 agreed to.**

**Clause 69 (21:32)**

**Lizzie BLANDTHORN:** I move:

- 19. Clause 69, page 48, lines 17 to 18, omit all words and expressions on these lines.

**Amendment agreed to; amended clause agreed to; clause 70 negatived; clause 71 agreed to; clause 72 negatived; clause 73 agreed to; clauses 74 and 75 negatived; heading to part 4 negatived; clause 76 agreed to.**

**Long title (21:35)**

**Lizzie BLANDTHORN:** I move:

25. Long title, omit “, to make consequential amendments to the **Victorian Civil and Administrative Tribunal Act 1998**”.

**Amendment agreed to; amended long title agreed to.**

**Reported to house with amendments, including amended long title.**

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (21:36): I move:

That the report be now adopted.

**Motion agreed to.**

**Report adopted.**

*Third reading*

**Lizzie BLANDTHORN** (Western Metropolitan – Minister for Children, Minister for Disability) (21:36): I move:

That the bill be now read a third time.

**The PRESIDENT:** The question is:

That the bill be now read a third time and do pass.

**Council divided on question:**

*Ayes (29):* Ryan Batchelor, Melina Bath, John Berger, Lizzie Blandthorn, Jeff Bourman, Georgie Crozier, David Davis, Enver Erdogan, Jacinta Ermacora, David Ettershank, Michael Galea, Renee Heath, Ann-Marie Hermans, Shaun Leane, Wendy Lovell, Trung Luu, Joe McCracken, Nick McGowan, Tom McIntosh, Evan Mulholland, Rachel Payne, Georgie Purcell, Harriet Shing, Ingrid Stitt, Jaclyn Symes, Lee Tarlamis, Sonja Terpstra, Sheena Watt, Richard Welch

*Noes (7):* Katherine Copsey, Moira Deeming, David Limbrick, Sarah Mansfield, Aiv Puglielli, Samantha Ratnam, Rikkie-Lee Tyrrell

**Question agreed to.**

**Read third time.**

**The PRESIDENT:** Pursuant to standing order 14.28, the bill will be returned to the Assembly with a message informing them that it has been agreed to by the Council with amendment.

*Adjournment*

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (21:40): I move:

That the house do now adjourn.

**Education First Youth Foyers**

**Wendy LOVELL** (Northern Victoria) (21:40): (950) My adjournment matter is for the Minister for Housing, and the action that I seek is for the minister to allocate funding for the establishment of an Education First Youth Foyer in Bendigo. Education First Youth Foyers have been an incredible

success story. As the Minister for Housing in the Baillieu Liberal government, I established Victoria's three Education First Youth Foyers, and it is a policy that I will always be proud of. Education First Youth Foyers support young people at risk of homelessness by providing them with accommodation as part of an agreement in which they commit to being in education, training or work. It is more than just a place to stay; it is an integrated learning and accommodation centre where students not only have a roof over their head but support workers who teach them life skills and connect them to community and work opportunities. Hundreds of students who have come through the doors of our youth foyers have had their lives changed for the better. Eighty per cent go into stable housing when they leave the program, while 85 per cent exit the program engaged in secure work or further education.

I continue to be delighted when I hear stories of students who have been helped by the Education First Youth Foyers. Last Friday night I attended the 7News Young Achiever Awards, where two former residents of the Shepparton youth foyer were nominated for awards, and I could not have been prouder of both of them. Several past students from the Shepparton youth foyer are now purchasing their own homes, which proves foyers make an enormous difference to young people's outcomes in life by giving them a better opportunity to complete their education and build a better life. My one disappointment is that there are not more youth foyers, especially during the current housing crisis that particularly affects vulnerable groups, including youth at risk of homelessness.

The government has committed to establishing two more youth foyers, in Wangaratta and Wodonga, but I want to see many more rolled out across Victoria, and Bendigo would be a prime location. I recently met with Bendigo TAFE executives, and they again expressed their strong desire to be the educational partner for an Education First Youth Foyer in their city. Further, they have already identified an appropriate site, a building already owned by Bendigo TAFE that presents a perfect opportunity for rapid refurbishment. There is a high demand for this service in Bendigo, as rising rents are pushing families out of housing and stressful or dangerous home situations mean some young people have to leave home. A youth foyer at Bendigo TAFE would meet a critical housing and education need amongst the city's youth.

I raised this matter back in February, asking the minister to commit funding for the project. Unfortunately, I still have not had a reply to that question after four months, but this matter is too urgent to drop. I call on the minister to allocate funding towards the establishment of an Education First Youth Foyer in Bendigo. Education First Youth Foyers are an example of good Liberal policy – they invest in people to build their capacity and enable them to build better lives.

#### **Dental health services**

**Sarah MANSFIELD** (Western Victoria) (21:43): (951) My adjournment matter is for the Minister for Health. The action I am seeking is for the minister to meet with public oral health therapists to hear their concerns about poor pay and conditions. This government is well aware of the crisis facing our public dental sector, yet they are doing nothing to fix it. It was uncomfortable to watch the minister at budget estimates hearings last month refuse to admit that Victorians face huge issues trying to access dental care. Instead we heard the same tired old lines about Commonwealth funding shortfalls and the high number of people who are seen through emergency care. Common sense tells us that we must ensure that people can access health care before their health deteriorates – before they require emergency care. This is simple, straightforward health service provision. Instead we have a government that is dodging the truth. For decades they have turned their back on public dental. When successive Labor governments underfund our public dental system, we are left with entire generations who have prolonged oral health issues. The health of Victorians is suffering.

Now the oral health workforce is straining under the pressure. Since 2018 the total number of dental practitioners working in the public dental sector has plummeted by 14 per cent. This is despite an overall increase in the number of dental practitioners in the workforce. If the minister is unsure about why this is happening, I implore her to speak to the workforce, because their message is clear: poor

public sector wages and conditions are driving them to the private sector or interstate. Oral health professionals working in the public dental system are paid \$6 above the minimum wage. These workers are on the front line of primary health provision, managing long adult waiting lists and staffing Smile Squad buses to care for the teeth of Victorian children. Public oral health therapists, 90 per cent of whom are women, are opting to take on precarious casual public contracts because salaries are so poor it is a way to boost their wages. Graduates coming into the public system are leaving after two years because of low wages. Like many of our public health workforce, those who work in oral health are deeply committed to the work that they do, but frankly they are being taken advantage of. Oral health therapists deserve wage parity with other allied health professionals. The Victorian government controls the purse strings. They could intervene right now and commit to a wage increase for these essential health workers. The Greens have long called for a commitment to oral health access for all Victorians. This means boosting the public workforce and paying workers the wage that they deserve, because as it stands there is nothing to smile about.

### **Literacy education**

**Michael GALEA** (South-Eastern Metropolitan) (21:46): (952) My adjournment matter this evening is for the Deputy Premier in his capacity as Minister for Education, and the action that I am seeking is that the minister update the house on the new Victorian teaching and learning model, which he announced last week, particularly introducing a systematic synthetic phonics approach as part of prep to grade 2 student reading programs. As part of the Legal and Social Issues Committee last week we wrapped up our hearings into our inquiry into Victoria's state education system, and in doing so we heard from a number of experts in the field, including Dr Jordana Hunter from the Grattan Institute and Dr Greg Ashman, who told us about the benefits that the teaching of phonics can have for students in those prep and year 1 levels.

Over the weekend as well I had the opportunity to catch up with a good friend of mine who is a teacher at one of our many wonderful public high schools. He actually is an English teacher and a literacy leader, and he told me as well of the benefits that they see at the high school level. Taking in students from a number of different local primary schools, they see the difference in approaches, and in those schools that do already teach phonics they are already seeing some really optimistic and encouraging results. We know that from overseas examples as well, whether it be in the UK, where phonics was adopted as an approach 12 years ago – and I will admit it is one of the very few examples of a positive policy outcome from what has been a rather shambolic Tory government over in the UK. May I take this opportunity to wish Keir Starmer and his team all the best in just a couple of weeks – absolutely throw the Tories out. But one of the few good examples has been the smooth implementation of the phonics program, and we have also indeed seen from the evidence last week in the committee that even the US state of Mississippi is getting some extremely good results as a result of its implementation of the phonics approach.

This is a government that has consistently put Victorian students first. We see that through our building of 100 new schools which will be built by the year 2026, with a number of them currently under construction in my electorate. We are investing to make Victoria the Education State. This is a very exciting measure which has been announced by the education minister, which is going to advance that and improve the literacy of our youngest Victorians with an evidence-based approach. So the action that I am seeking is for the minister to update the house on the Victorian teaching and learning model, which he announced the updates to last week, particularly with regard to systematic synthetic phonics.

### **Youth justice system**

**Richard WELCH** (North-Eastern Metropolitan) (21:49): (953) My action is for the Minister for Youth Justice. Victoria is in the middle of a youth crime crisis. Youth offenders have injured over 137 people in six years while crashing vehicles, 53 in 2023 alone. This year youth crime has reached a nine-year high under the Allan Labor government. The impact of this crisis has been clearly seen in my electorate, in communities such as Glen Waverley. There have been an increasing number of

break-ins in the area, with residents concerned about their property and the overall safety of the community. In Glen Waverley there is a one-in-35 chance of becoming a victim of property crime. In the last week alone in Glen Waverley we had an attempted armed robbery by two men wielding a hammer and a tyre iron in Blackburn Road, we had a major robbery at the Rebel Sport and just today we saw the arrest of a 14-year-old accused of a crime spree across my electorate and the region – four armed robberies. In recent months there have been high-speed pursuits and crashes. Another notorious youth offender had 388 charges – including aggravated burglaries, car thefts, home invasions, carjacking and more – dismissed. Yet the May budget of this government has cut community crime prevention by \$11 million and youth justice custodial services by \$34 million. How are we meant to help our young people aspire to the best and grow to be responsible community members if this government removes both the consequences and the reform resources? At the same time the full-time equivalent police force staff is on the decline, with 800 frontline vacancies unfulfilled, leading to 43 police stations across the state having their hours cut. One of those includes Forest Hill station in the Glen Waverley electorate.

Our community is watching with a growing sense of helplessness as crime escalates and more lives are put at risk. If these trends persist, youth crime will continue to jeopardise both the community and the future of many young individuals who lack the opportunity for reform due to insufficient funding from the Allan Labor government. We must work together to strengthen targeted early intervention and diversion programs to ensure young people do not end up on the wrong path. It is imperative that we take decisive action now to ensure a safer future for all Victorians and help those young people in our community who need it the most.

The action I seek from the minister is to allocate funds towards evidence-based intervention programs that provide our youth with comprehensive support and guidance, including funding for educational opportunities, mental health services and job training programs, all of which have been cut. By investing in these targeted strategies, we can help at-risk youth reform and become productive, responsible members of our community.

### **Greyhound racing**

**Georgie PURCELL** (Northern Victoria) (21:52): (954) My adjournment matter is for the Minister for Racing, and the action I seek is for him to advise whether racing greyhounds will receive the same protections as any other dog under new animal care and protection laws. This past Sunday a beloved furry member of my team was put to rest. Billy was an 11-year-old greyhound, and my staffer Emma lovingly cared for him for over a year after a decade of treatment as a commodity. I would like to tell you all about Billy. He was a cuddly boy. He would whimper when you stopped stroking him. His body wriggled with excitement at walk time. He adored bread and wore a green winter polar fleece. He slept snuggled in bed with Emma and her partner. When Billy was euthanised because of vicious bone cancer he was resting on that very bed. He had CBD oil before the vet arrived. He ate a burger while injected with heavy sedation. He was unconscious when the IV, inserted with numbing cream, was placed to take him away. It was a dignified death following a decision made with love.

The greyhounds killed this year on the very tracks Billy raced on in Shepparton and Ballarat were not so fortunate. Billy bore the signs of his abuse and neglect by the racing industry. Half of his larynx was paralysed, so he worked harder than most dogs to breathe. Vets thought a choke collar was the reason for this. He was arthritic, signifying a poorly healed racing injury. He had a bone that stuck out from under his skin. His teeth had fractures and chips – that is common for dog kept in cages, who bite on them in distress. As the code of practice for the keeping of racing greyhounds stipulates, Billy was legally offered just 3 square metres to live in. He could be kept in that cage for 23 of his 24-hour days, with racing dogs only required to be offered four 15-minute breaks each day to go to the toilet, exercise and train for the races they are forced into. Billy came to Emma with a drug-resistant disease and a tail so scabbed and bloodied from hitting cage walls when he wagged it that amputation was considered. He was extremely anxious and 7 kilograms skinnier than when he passed. After all of his suffering, Billy still found joy, trust and love with his humans. Billy was a dog who deserved rights



and protections, but because he was born into the racing industry he did not receive the same protections any other Victorian dog would. I hope the minister will find his conscience when he thinks of Billy and makes sure that our legislation genuinely protects greyhounds just like him.

### Literacy education

**Ryan BATCHELOR** (Southern Metropolitan) (21:55): (955) My adjournment is also for the Minister for Education, and the action I seek is an update on how the recently announced education reform to implement systematic phonics education in our government schools will help the students of this state. The decision to require government schools to implement a phonics program in literacy teaching commencing in 2025 is an important step to improving Victoria's education system and the literacy outcomes for its students. We know that Victoria is a leader in our NAPLAN results, but there is a section of our student community who require further help when it comes to reading and literacy. In Victorian schools students are taught to read in a variety of different ways, and unfortunately some of them do not work. We know that the evidence on reading instruction is very clear. The evidence is in, and we know what works. The best way for our kids to learn to read is through an explicit and consistent systematic approach to literacy and reading. Under the new model students in prep to grade 2 will be taught to read with 25 minutes a day of phonics education. Students will learn by correlating letters with sounds, not just by guessing based on context. It will combine the big six of reading, oral language, comprehensive fluency, vocabulary, phonological awareness and phonics to ensure that all pillars are being taught for a robust literacy education. Studies suggest that students will be two years ahead of their peers if able to learn literacy through explicit phonics instruction.

This reform does not just help all those already thriving in the system, it will help all Victorian students, because we know that the first three years of schooling are crucial in a child's development and if left unaddressed, those who struggle in the education system will continue to accumulate disadvantage. If a child is not able to learn to read through osmosis or looking at pictures, as some of the methods would have it done, our system as it stands is unable to manage these failures in reading instruction. The teaching of literacy through phonics will mean that no matter a parent's level of English, a child's postcode or their background, all Victorian students can learn to read more efficiently and effectively. It has been very clear. We have heard from experts such as Speech Pathology Australia that with the introduction of systematic synthetic phonics in the curriculum no child will be left behind. The Allan Labor government is committed to the best possible outcomes for Victorian children. This starts with making evidence-based policy decisions that set children up to succeed with foundational skills. Children are not born knowing how to read. It is just not how it works. We must implement teaching reforms which create the most efficient outcomes and equalise the playing field beneficial to all.

### Family violence services

**Samantha RATNAM** (Northern Metropolitan) (21:58): (956) My adjournment matter tonight is for the Minister for Prevention of Family Violence. My ask is that she clarifies the budget allocations for specialist family violence services and commits to additional funding so these services can meet demand. Following the budget the government has been speaking about its continued investment in the prevention of family violence, but on the ground, the reality for specialist family violence services remains unchanged. Demand continues to outstrip supply. Staff are on precarious short-term contracts. Frontline workers are burnt out. Every day family violence services have to turn away victim-survivors because they simply do not have the capacity to help. InTouch Multicultural Centre against Family Violence is one of these services. They support migrant and refugee women with safety, housing, financial security and wellbeing. For many of inTouch's clients English is not their first language and they require services in language along with wraparound support for complex needs. Women on temporary visas who experience family violence face compounding vulnerabilities due to the uncertainty of their visa status and limited social connections. Mainstream services are excellent, but they simply do not have the cultural capabilities to deliver services safely and effectively to this cohort of women. There is a dire need to properly fund multicultural family violence services, including specialist family violence refuges for culturally specific populations. InTouch is exploring and

growing some services through corporate partnerships and philanthropy. They are also working towards establishing a new social enterprise. Other specialist family violence services have taken similar approaches to stretch limited government funding. Despite these efforts, InTouch and similar services are overstretched and overburdened. They struggle to plan for the future because government funding structures are random and short term. This leaves clients in precarious positions and makes recruitment and retention even more difficult.

InTouch needs at least another \$6 million per year over the next four years to ensure appropriate and adequate support for migrant and refugee women experiencing family violence. This funding would go towards complex family violence casework as well as prevention and early intervention programs focused on working directly with multicultural communities. It would fund legal and migration services that are essential to recovering from family violence, and it would fund the sector-leading, essential inSpire program, which helps women and children with recovery and healing so they can rebuild their lives after experiencing family violence. Without these services, culturally diverse women and children are at risk of family violence and being left to fend for themselves.

In this year's 'Gender Equality Budget Statement' the government claimed that an additional \$269 million is being invested in preventing family violence; meanwhile, the Treasurer's speech reports this number to be \$211 million. We have heard from several family violence services that actually there is no new funding and only a continuity of existing funding. I am concerned that the government is hiding behind rhetoric and words while in effect very little is being done to improve operating conditions for specialist family violence services. Minister, my ask is that you clarify the budget allocations for specialist family violence services by specifying how much money has been allocated in this year's budget for each specialist family violence service in Victoria and that you sustainably fund these services without delay.

### Housing

**Melina BATH** (Eastern Victoria) (22:01): (957) My adjournment matter is for the Minister for Housing. A hallmark of this Labor government is mismanagement and waste, and Victorians are paying the price. The action I seek from the minister is to take immediate action to prioritise, expedite, construct and increase public housing stock in South Gippsland to help vulnerable families at risk of homelessness. A constituent of mine is in a dire situation and facing a lack of affordable housing. This constituent has lived in Korumburra all her life. She loves the area and is close to her family, but there are very slim pickings in the rental property market. She has three children, and she is facing a dire circumstance. There is only limited housing stock there, and the rental prices are out of her range. She is going to be forced to vacate the property that she is renting due to extensive mould, and it is less than two weeks before she has to leave that property. She is at risk of homelessness, and she is exhausting all opportunities. She has been on the public housing waitlist in that area for eight years. The perverse outcome is that she has to become homeless in order for fabulous entities like St Vinnies and the Salvation Army to try and help her.

Over the past nine years there has been no net increase in South Gippsland under this government's big build –

**Georgie Crozier** interjected.

**Melina BATH:** 'Big bill', absolutely. We see from the government's website that there have been six houses or dwellings built, but an equivalent number has been removed from stock. This is so sad and so dire for people who want to bring up their family, who want to provide and have a roof over their heads.

We hear the rhetoric from government and from the minister time and time again – well, she has swallowed her microphone at the moment. They are trying to divert it off to local government. These people have real needs. This government has wasted \$4 billion and there are virtually no net new houses. We also see that the waitlist has increased – 3000 families over the last six years on the waiting

list, and it is doubling all the time. Again, I call on the minister to increase the public housing stock in South Gippsland so that my constituent can look after her family and put a roof over her head.

### **Dederang battery project**

**Rikkie-Lee TYRRELL** (Northern Victoria) (22:04): (958) My adjournment matter is directed to the Minister for Planning. Dederang is a beautiful community nestled in the heart of the Kiewa Valley that is under threat by developers, earmarked as the place to put two large battery storage facilities. The community is rallying against the decimation of their peaceful existence and their prime agricultural land. Throughout the so-called community consultation, which consisted of just one meeting, the residents of Dederang were intimidated, threatened and outright bullied into accepting the building of these dangerous and ugly battery energy storage system facilities. Representatives of the developers told locals at a community meeting held on 29 May they had better accept the proposal or face having a nuclear reactor. Residents were quite rightly outraged at the threats and intimidation tactics used by the proponents of this facility. The whole meeting seemed to be just another box-ticking exercise by greedy renewable energy companies. If these companies cannot obtain submission with money, they will bully, threaten and intimidate communities to get it. My wonderful communities like Dederang say, 'Enough is enough.' The action I seek is for the minister to come with me and speak to the members of the Dederang community to hear their concerns regarding these large-scale battery projects proposed for their pristine valley.

### **Macular disease**

**Georgie CROZIER** (Southern Metropolitan) (22:05): (959) My adjournment matter this evening is for the attention of the Minister for Health, and it relates to macular disease. I recently had the opportunity to meet with representatives from the Macular Disease Foundation Australia, which is the peak body for those living with macular disease and their carers. They shared with me details of their report investigating the urgent need for greater investment in and access to treatment for macular disease here in Victoria. Much-needed funding will help improve the health and wellbeing of tens of thousands of Victorians and save money in the long term.

Macular disease is the leading cause of blindness and vision loss in Australia, affecting 1.9 million Australians, including around 368,000 here in Victoria, making macular disease one of the most prevalent diseases in the state. It is a terrible disease. The effects can be drastic, causing irreversible blindness without proper treatment. While there is no cure, anti vascular endothelial growth factor eye injections every four to 12 weeks assist in maintaining people's vision. Unfortunately, 50 per cent of people cease receiving this life-changing treatment within five years due largely to exorbitant out-of-pocket fees – around \$1900 a year. With public hospital options severely limited, many Victorians are effectively locked out of the treatment they need simply on account of where they live. The macular disease foundation estimates that through proper government investment thousands more people would receive treatment and avoid blindness and vision loss, saving the government in excess of \$2 billion over the coming decade. But here in Victoria under Labor, due to waste and mismanagement, Victorians are paying the price, and it is vulnerable Victorians like these people that have macular disease who are paying the biggest price, because the government is not coming on board and assisting them.

The action I seek is for the minister to properly address macular disease, taking into consideration the policy proposals outlined in the macular disease foundation's report, including investment to boost the number of private clinics, a bulk-billing treatment for pensioners and increasing access in our public hospitals. We know that the system is broken here due to the ongoing mismanagement of Victorian public hospitals, but once amalgamations occur throughout rural and regional Victoria people in these areas who have this terrible disease are going to have to travel further, and they will be affected even more. Allowing proper investment would enable all Victorians living with macular disease to live their lives to the fullest, give them dignity and ensure that they have vision for as long as possible and do not go prematurely blind, as so many Victorians are at risk of doing.

**Human rights abuses**

**David LIMBRICK** (South-Eastern Metropolitan) (22:08): (960) My adjournment matter is for the Minister for Energy and Resources in the other place. A human rights panel of the United Nations found that the Chinese government has been responsible for several human rights abuses in the Xinjiang region. The government has imprisoned more than 1 million Uighurs since 2017 and subjected others to intense surveillance, religious restrictions, forced labour and forced sterilisations. Because of these concerns an Australian audit of Chinese companies considered at high risk of involvement in these human rights abuses was done, and as a result Australia's sovereign wealth fund, the Future Fund, has divested itself of several investments. Some of these companies deemed at high risk include Longi and Jiangsu GoodWe, two of the major suppliers of solar equipment in Australia. Victorian taxpayers have now spent hundreds of millions of dollars to subsidise solar installations. It is alarming to know that some of this money may have been underpinning slave labour. My request for action from the minister is to take whatever actions are necessary to ensure that Victorian taxpayer money is not used to subsidise slavery in China.

**Ballarat car parking**

**Joe McCRACKEN** (Western Victoria) (22:09): (961) My adjournment matter is for the Minister for Regional Development. One thousand: that is how many car parks were promised to Ballarat in 2018. One thousand: that is one, zero, zero, zero. At this point in time we have 149 that have been built; at least that is what the government are claiming. What has actually happened is that it is not 149 that have been built but 149 that have been formalised from existing gravel parking. Now, this is part of a commitment, they say, in order to get to 1000 car parks. What they do not realise is that 275 car parks have been lost due to the construction of the GovHub in Ballarat. At this point in time Ballarat has less car parks in the CBD than it did in 2018 when this commitment was made. The government make a commitment for 1000 car parks and they go backwards in car parking capacity in Ballarat's CBD. I mean, you could not write it for *Utopia*. They would be salivating looking at this example, saying, 'Well, this is just going to be material for our show,' because that is exactly what it is. It is laughable. The government claimed that there are 400 spots at the Ballarat Base Hospital that are going to service the CBD – not true. You build them at the hospital; they are going to service the hospital. They are too far away from the central business district to actually service small businesses, which was originally the intent of the program. So my question to the government and indeed to the minister is this: when will the 1000 car parks actually be delivered? It is like going and buying a *Where's Wally?* book. You try to find where actually Wally is, but it never happens.

**David Davis** interjected.

**Joe McCRACKEN**: In which decade? In which century, I am thinking, Mr Davis, because it just looks like nothing is going to happen. We have actually gone backwards in car parking capacity in Ballarat. Thanks so much, government.

**Selective high schools**

**Trung LUU** (Western Metropolitan) (22:12): (962) My adjournment matter is for the Minister for Education regarding selective entry schools in the state of Victoria. The action I seek is for the minister to allocate funding towards building additional selective entry schools to cater for growing culturally and linguistically diverse communities in regional Victoria. During the recent inquiry into the state education system the question was put whether we should build more selective schools to expand on the four schools we have currently, in comparison to New South Wales, where there are 48 schools.

This is not the first time this issue has been raised. On 6 April 2023 via an *Age* article my former colleague the then Shadow Minister for Education Dr Matthew Bach outlined the coalition's plan to build 10 new selective entry schools within the next decade, an increase on the four currently in Victoria. This would include three schools in regional Victoria and one in the outer northern suburbs, providing these underfunded growth areas of Victoria with the high-quality education they deserve.

This proposal was also supported by education expert Dr Leonie Kronborg from Monash University, who said:

Recent research showed gifted students in high-ability grouped classes showed higher achievement gains than gifted students in regular classes ...

With CALD communities prioritising education, our education system should encourage and reward the most hardworking and talented students, not try to slow down their educational development. Effectively implementing selective schools in regional areas will also benefit regional students proportionately. All students in Victoria's educational system should receive a fair and good education, something that selective schools can provide. So I ask the minister: will this Allan government commit to building 10 more selective schools to provide important, high-quality education opportunities for both CALD and regional communities to keep Victoria the Education State, as it should be?

### City of Boroondara planning

**David DAVIS** (Southern Metropolitan) (22:14): (963) My matter is for the attention of the Minister for Planning in the other place, and it concerns the government's ill-thought-through planning announcement on the weekend and the City of Boroondara's thoughtful response and statement to that. I urge members of the chamber to go online and read the statement by the City of Boroondara on its website. It makes a number of key points which I think the minister has misunderstood or not addressed. There is a housing crisis – there is a lack of houses – but that is the result of poor planning by Commonwealth and state governments. It is the result of 21 years of Labor out of the last 25 and of errors made by this state government. It is also a result of the high government taxes placed on new houses and indeed a result of surging immigration that has been brought into Australia without a proper settlement plan. The housing targets that were announced are without a commitment to the infrastructure required to support those. It is a very close to irresponsible approach to planning. There is a fundamental right of people to open spaces, the statement makes clear – adequate open spaces – to adequate drainage and sewerage being part of the planning and to education facilities, health facilities and proper public transport. None of these are part of the government's announcement. There is no analysis of the need for additional infrastructure, which is part of the development of large new housing developments.

The housing targets of course themselves do not produce houses. Targets do not produce houses. Developers do, the Boroondara statement says, and that is shown very clearly by the many approvals – thousands and thousands of them – that are approved but are not being built. So there are approvals but not builds. That is a very clear point about the failure of the government to look forward and to actually put in place proper outcomes in the planning portfolio. You might even say that just having targets without the support behind them is vacuous.

I would say the state government and the Commonwealth government have roles in planning adequate housing. Community wellbeing and sustainable housing should be the focus, not politically motivated and responsibility-deflecting announcements that do not provide an actual solution. So I call on the Minister for Planning to listen to the community in Boroondara and especially to the council, to reverse her unsophisticated approach to planning – the potential fake targets that she has put in place – to meet with the council and to work with the council rather than to lecture and hector, as this government is wont to do with councils. We all want more housing. We all want greater opportunities for people, but sheer targets are not solution in themselves.

### Electronic land transfers

**Evan MULHOLLAND** (Northern Metropolitan) (22:17): (964) My adjournment is directed towards the Minister for Planning, and the action I seek is to explain the lack of reform in regard to e-conveyancing, which concerns the digital transfer of property titles. Across Australia 99 per cent of the e-conveyancing market is held by PEXA, or Property Exchange Australia. This \$300 million

industry last year settled more than \$900 billion in property over 4 million transactions across Australia, including hundreds of thousands of households in Victoria. Extraordinarily, Victorians, both individuals and businesses, have no choice but to use this monopoly. We are in a housing crisis, we are in a cost-of-living crisis, but every time Victorians buy or sell a property, PEXA takes a clip. No-one doubts PEXA provides a valuable service, but we also know the best way to minimise cost is to enable choice and to create more innovation and allow more competition. In some ways it is unsurprising, the lack of competition for PEXA, since it was born out of the privatisation of an e-conveyancing system created by state governments and the banks. But when privatisation of such occurs we must ensure that there will be effective competition in place to ensure consumers and businesses can get a good deal.

Thankfully, across Australia governments have been pushing for more competition in the sector. For example, New South Wales and Queensland have already committed to mandating competition by December 2025, and I say ‘mandate’ because currently there is a lack of interoperability between the systems. It is a bit like if only Telstra existed and you signed up to Optus, you could not call anyone on Telstra. I do not think many people would take up that offer. However, just like it is now possible to phone a Telstra number from an Optus service, it should also be possible to use competing e-conveyancing systems together. Unfortunately, we see absent from this list for reform the Victorian government. We do not hear much about e-conveyancing competition from this government. I am told Minister Kilkenny attends the relevant working groups, yet Victoria has not made any announcement, and we know from recent reporting PEXA is dragging its feet on reform. And who happen to be some of the major investors in PEXA – that would be the industry super funds.

We know under Labor the prices of everything just keep going up. This tired, old Labor government is out of ideas. I seek the action of the minister to explain why she is not more vocal about improving competition in this sector and to explain why they are dragging their feet on important reform that will save young families money when they are buying a home.

### **Bus route 364**

**Nick McGOWAN** (North-Eastern Metropolitan) (22:20): (965) My adjournment matter is for the Minister for Public and Active Transport, and the action I seek is for the minister to investigate road safety along the 364 Warrandyte–Ringwood station public bus route at Highfield Avenue in Warranwood. This issue was brought to my attention by Warranwood resident Carly Bridger, who lives on Wellington Park Drive right at the corner where the 364 bus turns in to and out of Highfield Avenue and directly opposite Warranwood Primary School. Ms Bridger is concerned that Highfield Avenue has become a safety hazard for the local community following a collision earlier this year between the 364 bus and her son’s car, which was parked legally on Highfield Avenue when it was struck and damaged by the bus. Ms Bridger is concerned that the incident highlights the danger that the current route poses due to the narrowness of Highfield Avenue, which does not provide sufficient space for the bus to pass safely, especially during peak times such as during school drop-off and pick-up, when it poses a significant risk to pedestrians, including schoolchildren at nearby Warranwood Primary on Wellington Park Drive. Add to this the fact that Highfield Avenue is a geographical short cut for motorists wanting to access Wellington Park Drive from Wonga Road; add a blind corner, as is the case with all avenues; and add 38 residential properties potentially parking their cars on the kerb, as was the case with Ms Bridger’s son, and you can see why traffic jams have become the norm in the locale.

Ms Bridger suggests that the 364 bus needs to be rerouted away from Highfield Avenue and that as a safer alternative the route should take the roundabout at the intersection of Wonga Road and Wellington Park Drive instead of detouring along Highfield Avenue, given the current congestion in the residential area and the risk to the local community. Ms Bridger adds that Highfield Avenue residents would not be inconvenienced, as they would have easy access to the bus route via several walking paths between Highfield Avenue and Wonga Road were the route to be diverted. I would also

add that Wonga Road, being a main thoroughfare, is a far better place to accommodate large buses than a narrow, at times highly congested, residential rat run. To quote Ms Bridger:

It's only a matter of time before a pedestrian is going to be hit with the bus making it all the more difficult.

I implore the Minister for Public and Active Transport to conduct a thorough safety review of 364 Warrandyte–Ringwood station public bus route, taking note of Ms Bridger's concerns around the use of Highfield Avenue in Warranwood as part of the route, given the associated risks imposed on local residents and the local school community. I trust that the minister will consider this matter seriously and take swift action to ensure that the 364 Warrandyte–Ringwood station public bus route through Warranwood's residential streets, particularly Highfield Avenue, is fit for purpose and safe for local residents and the wider community.

### Wild dog control

**Bev McARTHUR** (Western Victoria) (22:23): (966) My adjournment matter is for the Minister for Agriculture and concerns the recent decision by the Australasian Mammal Taxonomy Consortium, AMTC, to consider the dingo not as a subspecies of wolf, *Canis lupus dingo*, but instead an ancient breed of dog, *Canis familiaris*. The AMTC's position reflects the view of 20 of the nation's foremost evolutionary biologists from universities and museums across Australia. The decision is in line with the conclusion of the International Union for Conservation of Nature, which in 2019 determined that the dingo is a breed of dog, hence removing it from the red list of threatened species.

There should be little surprise this matter is still arguable – and not just because of politics. The essential problem is that domestic dogs and dingoes evolved relatively recently and have not had enough generations to evolve into distinct and separate species. Their common ancestor, the grey wolf, evolved 1 million to 2 million years ago, but estimates for the first domestication of dogs range from 20,000 to 40,000 years ago. Dingoes in Australia evolved from a population of domestic dogs that became feral after arriving in Australia around 4000 to 5000 years ago. The oldest fossil evidence points to their presence 4000 years ago, while genetic evidence could stretch this to 8000 years. It is thought they arrived either with the help of humans or by themselves, crossing the Australia–Papua New Guinea land bridge before it was submerged approximately 8000 years ago.

Indigenous oral tradition too and the distinct terms used in different Indigenous languages point to dingoes being introduced many tens of thousands of years more recently than the arrival of the earliest Aboriginal settlers. This should not be controversial, and it really should have very little impact on the debate. I only offer it as a corrective to the bizarrely ideological fantasists who appear in some regrettable circumstances to elevate the dingo to the status of an untouchable deity. These developments do not mean that all dingoes should be culled – far from it. Like any other species, they should be managed appropriately.

The action I seek from the minister is confirmation that the Victorian government accepts the AMTC's view and a commitment that appropriate control and management of dingoes as wild dogs will remain in place across Victoria indefinitely.

### Responses

**Ingrid STITT** (Western Metropolitan – Minister for Mental Health, Minister for Ageing, Minister for Multicultural Affairs) (22:26): There were 17 adjournment matters to 11 separate ministers, and those will be forwarded to the relevant ministers for written responses in accordance with the standing orders.

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

**House adjourned 10:26 pm.**